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## CITY of NOVI CITY COUNCIL

Agenda Item 1  
April 20, 2015

**SUBJECT:** Consideration of requests relating to the transfer of a liquor license from Hamakatsu Corporation to Riki Sushi Japanese Restaurant, an existing business located at 42165 W. 14 Mile Road, Novi, MI 48377:

- A) Consideration of a request for Special Land Use approval for service of alcoholic beverages.
- B) Consideration of request to transfer ownership of escrowed 2014 Class C License with Sunday Sales Permit (PM).

**SUBMITTING DEPARTMENT:** City Clerk *CM*

**CITY MANAGER APPROVAL:** *✓*

### **BACKGROUND INFORMATION:**

The applicant, Shytendra Das, is the sole owner of Riki Sushi, which is located on the south east corner of 14 Mile and Novi Road. The restaurant has been in operation since March 2014 and is now seeking a liquor license. Das has 33 years of experience in the industry, including owning two other restaurants within the past ten years.

Liquor licenses are subject to both a special land use approval under the zoning ordinance and approval of a license under the City Code. ***Under both ordinance provisions, the Council is required to make findings to support the grant or denial of the request.***

### **Special Land Use Approval**

The approval of a Special Land Use by the City Council requires findings in support of the City Council's decision. The standards for review under the zoning ordinance for special land use are:

- (1) The proposed establishment will promote the city's economic development goals and objectives, and will be consistent with the city's master plan and zoning ordinance;
- (2) Given the character, location, development trends and other aspects of the area in which the proposed use or change in use is requested, it is demonstrated that the use will provide a service, product, or function that is not presently available within the city or that would be unique to the city or to an identifiable area within the city and that the addition of the use or proposed change in use will be an asset to the area.
- (3) The use or change in use as constructed and operated by the applicant is compatible with the area in which it will be located, and will not have any appreciable negative secondary effects on the area, such as:
  - (a) Vehicular and pedestrian traffic, particularly during late night or early morning hours that might disturb area residents.

- (b) Noise, odors, or lights that emanate beyond the site's boundaries onto property in the area on which there are residential dwellings.
- (c) Excessive numbers of persons gathering outside the establishment.
- (d) Peak hours of use that add to congestion or other negative effects in the neighborhood.
- (e) Fighting, brawling, outside urination, or other behavior that can accompany intoxication.

A public hearing was held on April 10, 2015 in the Novi Civic Center for consideration of the Special Land Use (SLU) request for approval for service of alcoholic beverages at Riki Sushi in accordance with Ordinance No. 18-266 which added Section 2525 to the Novi Zoning Ordinance. The Planning staff had previously reviewed the required application and Site Plan and found the documents to be complete. Kay Shafii, Deputy Assessor, Tom Walsh, Building Official, and Rob Hayes, Public Services Director, considered the request in accordance with the standards for review specified in Section 2525.d of the Zoning Ordinance and determined to forward a **recommendation to City Council for approval of the Special Land Use**.

### **City Code License Approval**

The approval of a liquor license by the City Council requires findings in support of the City Council's decision. The general licensing policy as stated in Chapter 3 of the City Code states, at Section 3-13, that an applicant must demonstrate in particular that the proposed facility:

- (a) Will provide a service, product, or function that is not presently available within the city or that would be unique to the city or to an identifiable area within the city.
- (b) Is of a character that will foster or generate economic development or growth within the city, or an identifiable area of the city, in a manner consistent with the city's policies.
- (c) Represents an added financial investment on the part of a long-term business or resident with recognized ties to the city and the local community.

More specific review criteria are set forth at subsection 3-15(g), and in addition to the general information regarding the applicant and the facility or building at issue, they require a review of the benefits to the community of the proposed use:

#### **(3) *Benefits to community:***

- a. The effects that the issuance of a license would have upon the economic development of the city or the surrounding area.
- b. The effects that the issuance of a license would have on the health, welfare, and safety of the general public.
- c. Whether the applicant has demonstrated a public need or convenience for the issuance of the liquor license for the business facility at the location proposed, taking into consideration the following, together with other factors deemed relevant by the council:
  - 1. The total number of licenses for similar establishments and/or operations in the city, considered both in terms of whether such number of similar establishments is needed and whether there may be a need for other types of establishments that could go unmet if the requested license were granted.

2. The proximity of the establishment to other licensed liquor establishments, the type of such establishments, whether such other establishments are similar to that proposed, and the anticipated impact of all such determinations.
3. Whether the proposed location is in an area characterized as developed, redeveloping, or undeveloped, and the anticipated impact of approving the newly proposed establishment in light of such character, taking into consideration the need for any type of additional licensed establishment in the area, and the need the particular type of establishment proposed.
- d. The uniqueness of the proposed facility when contrasted against other existing or proposed facilities, and the compatibility of the proposed facility to surrounding architecture and land use.
- e. The permanence of the establishment in the community, as evidenced by the prior or proposed contributions to the city or community by the applicant or business, and the extent to which the issuance of the license will assist in the further investment of the applicant or business in the city or the community.
- f. The character and extent of investment in improvements to the building, premises, and general area.

Both the Police Department and the Fire Department have no objections to the request.

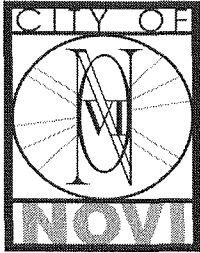
**RECOMMENDED ACTION:** Consideration of requests relating to the transfer of a liquor license from Hamakatsu Corporation to Riki Sushi Japanese Restaurant, an existing business located at 42165 W. 14 Mile Road, Novi, MI 48377:

- A) Approval of a request for Special Land Use approval for service of alcoholic beverages, for the reasons stated in the Special land use approval.
- B) Approval of request to transfer ownership of escrowed 2014 Class C License with Sunday Sales Permit (PM), because it will assist an existing business within the City and would have a beneficial impact upon the area, which does not currently have a significant number of licensed establishments.

	1	2	Y	N
<b>Mayor Gatt</b>				
<b>Mayor Pro Tem Staudt</b>				
<b>Council Member Casey</b>				
<b>Council Member Markham</b>				

	1	2	Y	N
<b>Council Member Mutch</b>				
<b>Council Member Poupard</b>				
<b>Council Member Wrobel</b>				

**LIQUOR LICENSE SPECIAL LAND USE APPROVAL**



cityofnovi.org

**ACTION SUMMARY**  
**CITY OF NOVI**  
**Special Land Use for Service of Alcoholic Beverages**  
**April 10, 2015 3:00 PM**  
**Mayors Conference Room**

**Present:** Thomas Walsh, Building Official; Rob Hayes, Director of Public Services; Kay Shafil, Deputy Assessor; Stephanie Ramsay, Recording Secretary; Shytendra Das, Applicant; Joseph Nahra, Broker.

**Applicant:** Shytendra Das of Riki Sushu

**Meeting called to order at 3:00 p.m.**

**Correspondence Received:** None

**Public Participation:** No public participation.

**1. PSLU15-0004, 42165 FOURTEEN MILE ROAD, RIKI SUSHI**

The applicant is requesting approval for use of a portion of the parcel service for alcoholic beverages in accordance with Section 2525 of the Novi Zoning Ordinance.

Thomas Walsh asked for an outline of the request.

Joseph Nahra stated that Mr. Das owns the building and has been there for one year as a Sushi Restaurant. He has experience with sushi at other restaurants located in Novi and has obtained a Liquor License for other businesses. He will not be changing the building, only improving it. Mr. Das intends to carry a minimum amount of wine and beer to enhance the dining experience. He will not be serving any alcohol before noon on Sundays, there will not be any late nights and he will not have any outdoor seating. He is closed on Wednesdays and his hours of operation are from 11:30 a.m. to 2:30 p.m. for lunch and from 5:00 p.m. to 10:00 p.m. for dinner; he is closed during the in-between hours. There will not be a sit down bar, only a service bar.

Thomas Walsh asked how the alcohol will be delivered to the business.

Mr. Das stated it will be delivered to the back door but they will not be stocking very much so they will not be expecting any substantially larger deliveries.

Rob Hayes asked the applicant what the biggest problem was he has come across related to serving alcohol while working at his current and previous locations and how he addressed it.

Mr. Das stated that he has never had any issues. He prepares the sushi up front and can keep an eye on customers at the same time. He has not had any problems with customers getting drunk or out of control. People enjoy being able to have a drink along with their meal.

Joseph Nahra stated that when you serve alcohol, people tend to sit and stay longer which means more business. Also, after 180 days, Mr. Das will have to go through some training as required by the Liquor Commission.

**IN CASE NO. PSLU15-0004, Motion to recommend approval to City Council based on the**

findings that the qualities and features of the business referenced in the application, narrative and as described by the applicant, satisfy the following criteria:

1. The proposed establishment will promote the City's economic development goals and objectives, and will be consistent with the City's master plan and zoning ordinance.
2. Given the character, location, development trends and other aspects of the area in which the proposed use or change in use is requested, it is demonstrated that the use will provide a service, product, or function that is not presently available within the City or that would be unique to the City or to an identifiable area within the City and that the addition of the use or proposed change in use will be an asset to the area.
3. The use or change in use as constructed and operated by the applicant is compatible with the area in which it will be located, and will not have any appreciable negative secondary effects on the area, such as:
  - a. Vehicular and pedestrian traffic, particularly during late night or early morning hours that might disturb area residents;
  - b. Noise, odors, or lights that emanate beyond the site's boundaries onto property in the area on which there are residential dwellings;
  - c. Excessive numbers of persons gathering outside the establishment;
  - d. Peak hours of use that add to the congestion or other negative effects in the neighborhood;
  - e. Fighting, brawling, outside urination or other behavior that can accompany intoxication.

Motion made by Rob Hayes, supported by Kay Shafil.

Approved: 3-0

Meeting was adjourned at 3:18 p.m.

**DEPARTMENTAL REVIEWS**

# MEMORANDUM



**TO:** MARYANNE CORNELIUS, CITY CLERK  
**FROM:** DAVID E. MOLLOY, CHIEF OF POLICE *Dem*  
**INITIATED BY:** JEFF BROWN, DETECTIVE *JB*  
**SUBJECT:** TRANSFER OF CLASS C LIQUOR LICENSE TO  
HAMAKATSU CORP. (D/B/A RIKI SUSHI)  
**DATE:** FEBRUARY 26, 2015

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## Liquor License Request:

Riki SUSHI requests to transfer ownership of Class C license from The Melting Pot, located in escrow at 26425 Novi Road, Novi, MI 48377. Riki Sushi will be located at 42165 W. 14 Mile, Novi, MI 48377. This is a current operating business since March, 2014.

## Applicant/Background Information:

The owner of Riki Sushi is Shytendra Das of 720 Woods Court, Walled Lake, MI 48390. Das has been the sole owner of Riki Sushi since it opened. Das has 33 years of experience on serving alcohol and liquor while operating restaurants in Japan and the United States of America. This is the third restaurant that Das has owned in the last ten years.

## Criminal History/Police Contacts:

Shytendra Das has no criminal history or negative police contacts.

## Civil History:

Das filed for Bankruptcy in 2008, and was discharged from \$76,011.00 in debt.

## Michigan Liquor Control Commission (MLCC):

There is no history of violation or licenses for Das.

## Financial Review by the City of Novi Finance Department:

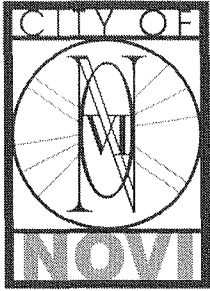
Based upon the financial data provided by the applicants, no issues were found to prevent the liquor license application process from proceeding.



Summary:

Based on the information provided and the subsequent liquor investigation I find no reason to deny the applicant's request. This request requires the approval of the Novi City Council.

C: Pete Auger, City Manager



February 9, 2015

**CITY COUNCIL**

**Mayor**  
Bob Gatt

**Mayor Pro Tem**  
Dave Staudt

Gwen Markham

Andrew Mutch

Justin Fischer

Wayne Wrobel

Laura Marie Casey

Doreen Poupard

**City Manager**  
Pete Auger

**Director of Public Safety**  
**Chief of Police**  
David E. Molloy

**Director of EMS/Fire Operations**  
Jeffery R. Johnson

**Assistant Chief of Police**  
Victor C.M. Lauria

**Assistant Chief of Police**  
Jerrod S. Hart

TO: Cortney Hanson, Deputy City Clerk

FROM: Joseph Shelton, Fire Marshal

SUBJECT: Liquor Licence-42165 Fourteen Mile, Novi Mi.  
Riki Sushi

The Novi Fire Department has no objections at this time, to the applicant for this request, of a Class C – Liquor License Transfer. The application has been reviewed and is APPROVED,