

**AGENDA
CITY OF PLYMOUTH
LIQUOR LICENSE
REVIEW COMMITTEE (LLRC)
March 21, 2016
6:00 p.m.
Plymouth City Hall
201 S. Main
Plymouth, MI 48170**

- 1) Roll Call – Dan Dwyer, Joe Valenti, Colleen Pobur
- 2) Approve LLRC Meeting Minutes from 02-29-16
- 3) Presentation from Sean O’Callaghan’s requesting outdoor patio using on-street parking spaces
- 4) Review of potential criteria for expansion of allowable number of liquor licenses
- 5) TABELLED ITEM – *For up to 76 more days*: Request for Class C License Transfer Into City for Westborn Market
- 6) Other Reports and Business for the LLRC
- 7) Adjournment



**CITY OF PLYMOUTH
MEETING MINUTES**

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MEETING MINUTES

Local Liquor License Review Committee (LLRC)

Monday, February 29, 2016

City Hall – 4:00 p.m.

CALL TO ORDER: Members Present- Dan Dwyer, Joe Valenti, Colleen Pobur

APPROVAL OF MEETING MINUTES of March 16, 2015 - It was moved by Member Dwyer and seconded by Member Valenti to approve the Meeting Minutes of October 6, 2014.

MOTION PASSED

ANNUAL REVIEW OF LIQUOR LICENSES & RECOMMENDATION – Chairperson Pobur indicated that there were no violations filed with the State of Michigan Liquor Control Commission this past year. There was discussion between the Committee members indicating that the limited amount of amount of complaints and issues coming before the LLRC shows that the licensed establishments are working hard to keep complaints down and the Police Department is also working hard with the establishments in an effort to address issues, before they become larger and end up before the LLRC.

It was noted that based on recent information to the City Administration that the Administration was recommending renewal of all licenses except the Plymouth Crossings, due to outstanding issues with the City in accordance with the Liquor Management Ordinance.

The following Resolution was offered by Member Dwyer and seconded by Member Valenti.

WHEREAS The City of Plymouth has a Liquor Management Ordinance related to the operation All Class C Type Liquor Licenses in the City, and

WHEREAS On February 29, 2016, the City Administration presented the Liquor License Review Committee with information about the various Liquor licensed establishments in the City, and

WHEREAS A Public Hearing Notice was posted and mailed to Liquor License Holders indicating A Public Hearing would be held before the City Commission on March 7, 2016 and that

A meeting of the Liquor License Review Committee (LLRC) would be held on February 29, 2016 to make a recommendation to the City Commission related to the renewal, revocation or non-renewal of Liquor Licenses in The City, and

WHEREAS The LLRC Meeting and the Public Hearing before the City Commission allows the Ownership of the liquor licensed establishments an opportunity to provide input to The Local Liquor License Review Committee and the City Commission prior to any Recommendation or decision being rendered.

NOW THEREFORE BE IT RESOLVED THAT the Local Liquor License Review Committee does hereby recommend to the City Commission that the following licenses be renewed:

- Buon Vino Winery, LLC * 336 Main
- Compari's/Fiamma/Sardine Room (3 locations one license)
- City of Plymouth Recreation * Barrio – 555 Forest
- Hermanns Olde Town Grill * Ironwood Grill
- Mayflower Meeting House * Mayflower – Lt. Gamble Post
6695 VFW
- Nico & Vali * Plymouth Knights of Columbus #3292
- Box Bar * Penn Grill
- Plymouth ROC – 1020 W. Ann Arbor Road * Station 885
- Sean O'Callaghan's * Post Local Bistro
- E.G. Nicks * Stella Dog Brewery
- Aqua * Liberty Street Brewing
- Norton X Brewing * Panache/Bamboo

MOTION PASSED

After the above motion passed there was a discussion related to the one outstanding license for Plymouth Crossings and the over \$80,000 that the building has due to the City. Attorney Mike Sutherland was on hand representing the Plymouth Crossings. He indicated to the LLRC that the historic building has a cash flow problem as a result of a flood of biblical proportions. There was discussion of the building owner's issues with their insurance company and the resulting change in insurance adjusters. Attorney Sutherland indicated that there is currently litigation on-going between the owner of the building and their insurance company.

Mayor Dwyer indicated that we hear you and understand the issues that your client is facing as a result of the flood which occurred in the building in the winter of 2015. The Mayor continued indicating that the City has a fair ordinance and that we have uniformly applied the rules over several years. The Mayor also stated that he did not know how to not apply the Ordinance to this situation.

Member Valenti indicated that other vendors are expecting payment and that if the building owner failed to pay utility bills the utility would be cut off.

After the discussion the following Resolution was offered by Member Dwyer and seconded by Member Valenti:

- WHEREAS The City of Plymouth has a Liquor Management Ordinance related to the operation All Class C Type Liquor Licenses in the City, and
- WHEREAS On February 29, 2016, the City Administration presented the Liquor License Review Committee with information about the various Liquor licensed establishments in the City, and
- WHEREAS A Public Hearing Notice was posted and mailed to Liquor License Holders indicating A Public Hearing would be held before the City Commission on March 7, 2016 and that A meeting of the Liquor License Review Committee (LLRC) would be held on February 29, 2016 to make a recommendation to the City Commission related to the renewal, revocation or non-renewal of Liquor Licenses in the City, and
- WHEREAS The LLRC Meeting and the Public Hearing before the City Commission allows the Ownership of the liquor licensed establishments an opportunity to provide input to The Local Liquor License Review Committee and the City Commission prior to any Recommendation or decision being rendered.

NOW THEREFORE BE IT RESOLVED THAT the Local Liquor License Review Committee does hereby recommend to the Plymouth City Commission that the following license be given until the end of business on Monday, March 7, 2016 to come into compliance with City Ordinances, to include the payment of all monies due/past due to the City of Plymouth or the recommendation to the City Commission shall be to non-renew or revoke the license

- Plymouth Crossings

MOTION PASSED

There was then discussion of the two licenses that are currently in Escrow with the State of Michigan including the licenses for Panache/Bamboo and the Plymouth Crossing. City Ordinance Section 6.41 allows the LLRC and City Commission to make a recommendation to the State Liquor Control Commission terminate a license that has been in Escrow for more than one year.

The following Resolution was moved by Member Dwyer and Seconded by Member Valenti:

NOW THEREFORE BE IT RESOLVED to notify the ownership of Panache/Bamboo and the Plymouth Crossing that it is the intent of the Local Liquor License Review Committee to recommend to the City Commission that they should request that the State Liquor Control Commission terminate their licenses should they still be in Escrow at the start of 2017.

MOTION PASSED

ANNUAL REVIEW TO MAINTAIN, EXPAND OR DELETE TOTAL NUMBER OF ALLOWABLE ON-PREMISES LICENSES IN ACCORDANCE WITH SECTION 6-37d OF THE CITY CODE - On this topic there was considerable discussion. Chairperson Pobur had City Manager Sincock give a brief overview of the Ordinance and the annual requirement to review the number of licenses in the City.

Member Valenti stated that he was concerned about the possible dilution of what we have with regards to the stresses that additional licenses may place on the current businesses and the community.

Member Pobur stated that liquor licenses are hard to come by in Wayne County. We are at a good level now. Police issues are down. Parking and the character of the community are considerations as well.

Member Dwyer stated that he is typically a hard NO walking into the room and he has concerns related to the mix of retail as well as parking issues. He indicated that he is struggling with his decision this year and would love to hear more from the public.

A representative of Westborn Market at 860 Penniman stepped forward to make a presentation to expand the number of licenses in the DDA District and to allow them to have the license.

Laura Stevens of 855 Penniman spoke and indicated that there are four bars on her block now and enough is enough. She did not want to see the number of licenses expanded in the City.

Stefan one of the owners of the Greek Islands wants to see the City expand the number of licenses in the DDA District to allow them to have a Tavern License to sell Beer and Wine. This would be in order to meet the demands of their customers and to keep up with the competition. He suggested expanding the number of licenses in the DDA District by two.

The presentations from both Westborn Market and Greek Islands indicated that they wanted to obtain liquor licenses should they become available.

The Following Resolution was offered by Member Valenti and Seconded by Member Pobur:

- WHEREAS The City Commission established the Local Liquor License Review Committee (LLRC) As a part of its Liquor Management Ordinance, and
- WHEREAS City Ordinance Section 6-37(d) requires that the Local Liquor License Review Committee annually review and report to the City Commission its recommendations to Maintain, expand or delete the total number of allowable on-premises retail Licenses for establishments that serve alcohol by the glass under a variety of State of Michigan Liquor Licenses, and
- WHEREAS The LLRC did make a review of the current liquor licenses and the City's potential For maintaining, expanding or deleting the number of Liquor Licenses in the City.

NOW THEREFORE BE IT RESOLVED THAT the Local Liquor License Review Committee does hereby recommend to the City Commission that they EXPAND the current number of liquor licenses in the City. The Local Liquor License Review Committee recommends to the City Commission that 15 licenses (increase of 1) within the B-2 Zoning District (DDA) and that 10 Licenses (no increase) be allowed within the B-1, B-3 and ARC Zoning Districts and that the total number of liquor licenses shall NOT EXCEED 25 Licenses (increase of 1) City wide in accordance with the current Zoning and Liquor Management Ordinances.

MOTION PASSED 2 – 1

Pobur – Yes

Valenti – Yes

Dwyer - No

REQUEST FOR SMALL DISTILLER LICENSE FOR VOKIN, LLC – The City has received an application from Vokin Vodka for a Small Distiller License to be located at 710 Junction. The members of the LLRC have received a communication from the City Attorney related to this matter.

The Following Resolution was offered by Member Dwyer and seconded by Member Valenti:

NOW THEREFORE BE IT RESOLVED THAT the Local Liquor License Review Committee has received a letter from the City Attorney related to this matter and they would like to go into closed session to review the letter that is subject to Attorney – Client Privilege and that the LLRC now move to Closed Session for discussion with the City Attorney.

MOTION PASSED – ROLL CALL VOTE

Dwyer – Yes

Valenti – Yes

Pobur – Yes

After the Closed Session of the LLRC they returned to open session. There was a brief discussion related to the operation and the lack of a “tasting room or space” at the location on Junction. The owner of the business indicated that he was aware of that and that he had no intentions of running a “tasting room or space” as a part of his operations and license. Member Dwyer indicated that City Ordinance would prohibit a “tasting room or space” and if one opened under his license he would be in violation of City Ordinance. The owner stated that he was aware of those restrictions and was only interested in the distilling operations.

The following Resolution was offered by Member Dwyer and Seconded by Member Valenti:

WHEREAS The City Commission established the Local Liquor License Review Committee (LLRC) As a part of its Liquor Management Ordinance, and

WHEREAS There was an application for a Small Distiller License to be located at 710 Junction And distilling is an allowed use in that Zoning District, and

WHEREAS The owner acknowledged and is aware that no tasting of product is allowed in that Zoning District or elsewhere in the City as it would violate Zoning Ordinances and the Liquor Management Ordinance.

NOW THEREFORE BE IT RESOLVED THAT the Local Liquor License Review Committee does hereby recommend to the City Commission that they approve the Application for Small Distiller License for Vokin Vodka, LLC.

MOTION PASSED

REQUEST FOR CLASS C LICENSE TRANSFER INTO THE CITY FOR WESTBORN MARKET – The City has Received an application from Westborn Plymouth for a Class C License for their location at 860 Penniman as well as additional permits to include Sunday Sales AM/PM and permits for Outdoor Service Area.

The Following Resolution was offered by Member Dwyer and seconded by Member Valenti:

A motion to Table this matter for a period of up to 90 Days.

MOTION PASSED

ADJOURNMENT- There being no further business to come before the LLRC it was moved by Member Valenti and seconded by Member Dwyer to adjourn the meeting.

MOTION PASSED

Respectfully submitted:

Paul Sincock
City Manager

CITY OF PLYMOUTH
201 S. MAIN
PLYMOUTH, MI 48170
www.ci.plymouth.mi.us

ADMINISTRATIVE RECOMMENDATION

To: Local Liquor License Review Committee
From: Paul J. Sincock – City Manager
CC: S:\MANAGER\Sincock Files\Memorandum - O'Callaghan's Request for Bump Out 03-21-16.doc
Date: 3/18/2016
Re: O'Callaghan's Patio Area

BACKGROUND:

The members of the Local Liquor License Review Committee may be aware that there have been requests in the past related to allowing outdoor patios on the street using parking spaces for the additional space. This topic has had significant previous discussion at the Downtown Development Authority level.

Some of the issues related to this topic include issues related to patios taking up available parking, potential liability issues related to patrons being in the direct flow of traffic, if one location is allowed to have a street patio, then many others will want it as well.

There is no proposed plan that has been presented to the City Administration for review that would allow us to provide any input to this topic. No recent plan has been reviewed by the DDA, so there is no input from that organization.

It is anticipated that a representative of Sean O'Callaghan's will be on hand to make a presentation to the LLRC.

RECOMMENDATION:

We have never had a presentation come directly to the LLRC without any review or comment from the City Administration and/or DDA. As such, there is no Administrative Recommendation related to this issue.

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ADMINISTRATIVE RECOMMENDATION

To: Liquor License Review Committee (LLRC)
From: Paul J. Sincock – City Manager
CC: *S:\MANAGER\Sincock Files\Memorandum - Potential Criteria for Expansion of Liquor Licenses LLRC - 03-21-16.doc*
Date: 3/18/2016
Re: Potential Criteria for Expansion of Allowable Liquor Number of Liquor Licenses

BACKGROUND:

The LLRC has recently voted to recommend an increase in the number of Liquor Licenses. The LLRC indicated that they wanted to develop some new criteria for evaluation of new applications. In order to assist in the process we have attached a copy of the current Liquor Management Ordinance.

Should you have any questions in advance of the meeting please feel free to contact me.

Sec. 6-32. - Statement of purpose.

- (a) The purpose of this article is to allow the city to establish and administer a policy for the issuance and transfer of liquor licenses and permits which allow the service by the glass of any alcohol (beer, wine, spirits) to be consumed on the premises, to provide for the enforcement of liquor laws, regulations and ordinances, and to manage the number of on-premises retail liquor licenses in the city.
- (b) This article shall also create the liquor license review committee (LLRC), which shall be composed of at least three members of the city commission. The purpose of the LLRC is to review applications and make recommendations to the city commission as required by this article.
- (c) It shall be the policy of the city to notify all known existing service by the glass also known as on-premises retail type liquor license holders of proposed changes in this article via first class mail at least ten business days in advance of the city commission acting on a change.

(Ord. No. 2010-01, 4-5-10)

Sec. 6-33. - Licensing policy.

- (a) New licenses or liquor license permits, transfer of ownership of existing licenses, transfers into the city of new licenses, will be approved at the sole discretion of the city commission. This shall include liquor license permits proposed within the B-1, B-2, B-3, and ARC zoning districts within the city.
- (b) Within the B-2, central business district, as indicated on the City of Plymouth Zoning Map, the city shall have a cap or a total of not more than 14 State of Michigan Liquor Licenses of any type of on-premises retail licenses that would allow for the service of any alcohol (beer, wine, spirits) by the glass or for consumption on premises of any establishment. This would include but not limited to State of Michigan Class C, Club, B Hotel, A Hotel, Tavern, Bistro, Brewpub, Micro-Brewer, Resort, DDA, and Economic Development, winery and/or other type of state license allowing the regular serving of alcohol at a licensed establishment.
- (c) Within the B-1, B-3, and ARC zoning districts within the city, as indicated on the City of Plymouth Zoning Map, the city shall have a cap or a total of not more than ten State of Michigan Liquor Licenses of any type of on-premises retail licenses that would allow for the service of any alcohol (beer, wine, spirits) by the glass or for consumption on premises of any establishment. This would include but not limited to State of Michigan Class C, Club, B Hotel, A Hotel, Tavern, Brewpub, Micro-Brewer, Resort, DDA, and Economic Development, winery and/or other type of state license allowing the regular serving of alcohol at a licensed establishment.
- (c) The city commission shall not recommend to the State of Michigan Liquor Control Commission the approval of any on-premises retail liquor license in excess of 14 within the B-2 district as outlined here.
- (d) The city commission shall not recommend to the State of Michigan Liquor Control Commission the approval of any on-premises retail liquor license in excess of ten within the B-1, B-3, and ARC districts as outlined here.
- (e) The city commission shall give first consideration for a new or transfer in of a liquor license in the B-1, B-3 and ARC Districts to restaurant businesses currently operating in the city that want to expand their restaurants to include the sale of alcohol by the glass for a period that shall end on November 1, 2011 after this date no such preference shall be given. If no currently operating city located restaurant

applies to the city and the State of Michigan Liquor Control Commission in the preference period the city shall consider all applications equally based on the criteria outlined in the Liquor Management Ordinance on a first completed application, first reviewed process.

- (f) The city shall conduct an annual review of all 24 on premises retail liquor licenses within B-1, B-2, B-3, and ARC Zoning Districts in accordance with the liquor management ordinance. This review shall be conducted by the local liquor license review committee and a recommendation shall be forward to the city commission.

(Ord. No. 2003-4, 5-19-03; Ord. No. 2011-05, §§ 1, 2, 6-26-11)

Sec. 6-34. - Plan of operation required.

- (a) *Business operation.* All new requests for permits, requests for transfers of ownership of existing licenses or requests for transfers of licenses into the city of on-premises licensees shall operate in accordance with a plan of operation approved by the city commission.
- (b) *Plan of operation.* A plan of operation shall contain an operational statement outlining the proposed manner in which the establishment will be operated, including, but not limited to, the format, schedule of the hours of operation, crowd control, security, alcohol management, use of the facilities, parking provisions, plan for interior use and layout, and any other pertinent information as requested by the city or city's liquor license review committee (LLRC).
- (c) *Compliance.* Licensees shall comply with all applicable state and city regulations, this general policy, and a plan of operation as approved by the city commission. Any change to a plan of operation shall be approved by the city commission prior to implementation of the change by the licensee. Failure of such compliance or variance from an approved plan is a violation of this ordinance and may result in the city commission recommending to the Michigan Liquor Control Commission that the license be revoked or not renewed.

(Ord. No. 2010-01, 4-5-10)

Sec. 6-35. - Review procedures.

Each applicant for a new license, the establishment of a new permit, the transfer into the city of a new license, or the transfer of an existing license shall make a request to the city in accordance with the following procedures:

- (1) *Application.* Each applicant must submit to the city clerk an application (on a form provided by the city), a plan of operation, plot plan of the site, a plan for interior use and exterior design, and the layout of any ancillary facilities. As part of the application, each applicant shall submit a written statement explaining in detail how their proposal meets the factors as listed in subsection 6-35(4).
- (2) *City departmental review.* Upon receipt of an application and plans, the city manager will refer same to the chief of police, fire chief, planning department, building department and other city officers or employees, who shall cause a thorough review and investigation, including, but not limited to a complete history of past business experience and liquor law violations, if any, to be made of the persons and/or premises which must meet or exceed codes. The applicant shall provide all requested information to, and fully cooperate with, all city departments requesting any and all additional relevant information. The findings resulting from such review and investigation shall be reported to the city manager, who then will report same to the LLRC and the city commission.
- (3) *Public hearing/review.*

- a. *Hearing.* The city commission shall hold a public hearing upon a request for a new license, the establishment of a new permit, transfer of an existing license to new owners, or for the transfer of a new license into the city.
 - b. *Notice.* Notice of all hearings shall be provided to all property owners, residents and voters, within 300 feet of the proposed establishment, all LCC Service by the Glass-On Premises retail license holders, the Chamber of Commerce, all neighborhood associations and the Plymouth-Canton Community Schools. The applicant shall pay the cost of such notice.
 - c. *Appearance.* The applicant will be required to appear at the hearing before the LLRC committee or the city commission, and make a written and/or oral presentation concerning the request.
 - d. *Recommendation.* The LLRC shall review and may recommend approval or disapproval of all requests to the city commission.
- (4) *Review factors.* In reviewing a request for a new license or permits or transfers of ownership of existing licenses or transfers into the city of new on-premises licensees, the city commission or LLRC may consider and/or weigh the following factors:
- a. Conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and property.
 - b. Total number of similar licenses in the city.
 - c. Input from residents and surrounding business owners.
 - d. Impact of the establishment on surrounding businesses and neighborhoods.
 - e. Whether a proposed licensed premise is part of a multi-use project with substantial new retail, office, or residential components. The size of the licensed premise relative to the overall project or development.
 - f. Crowd control.
 - g. Parking availability.
 - h. Preservation or restoration of historic buildings.
 - i. Locating in an underdeveloped area.
 - j. Concentration of drinking establishments and impact on policing requirements.
 - k. Policing requirements.
 - l. Business history.
 - m. Business experience.
 - n. LCC violation history.
 - o. Will facility be a sit down full service restaurant serving alcohol or other "bar only" type establishment.
 - p. Will restaurant have a 70-percent—30-percent sales of food over alcohol
 - q. Percent of floor area devoted to dining versus bar area.
 - r. Size of bar area.
 - s. Size of dance floor, if any.
 - t. Type or character of the establishment, e.g. dining, nightclub, hotel, dance club.
 - u. Overall benefit of the plan to the city.
 - v. Non-payment of taxes or other payment due to the city.
 - w.

Any other factor(s) that may effect the health, safety and welfare or the best interests of the community.

- (5) *Approval.* If after a review by the LLRC, and/or a public hearing, the city commission is satisfied that the establishment or operation will provide a benefit to the city and constitute an asset to the community, it will adopt a resolution granting approval, subject to the satisfaction of any conditions stated in the resolution.
- a. *Building—Remodeling.* If the request involves a change to the physical size or layout of the establishment, when the applicant's building or remodeling is completed, it must meet all state and local regulations, and must comply with the representations made to the city commission and LLRC committee by the applicant. If such physical alteration is approved by the city commission and it is subsequently determined that the project was not substantially completed as required by the plans and specifications presented to the city, or in substantial compliance with representations made to the city, the city may recommend that the license be revoked or not be renewed for the following year.

(Ord. No. 2010-01, 4-5-10)

Sec. 6-36. - Permits and transfer of ownership.

- (a) *Permits.* New requests for permits for dance, entertainment, or dance and entertainment shall be reviewed by the lire and approved in the sole discretion of the city commission after an evaluation of the factors listed in subsection 6-35(4). The city will not consider requests for topless entertainment permits.
- (b) *Transfer of ownership.* Requests for transfer of ownership of existing licensed establishments shall be reviewed by the LLRC and approved or disapproved by the city commission. The city commission may hold a public hearing. If the continuation of an existing operation is contemplated, the applicant must present a plan that indicates that it will continue the existing operation as established. If there are proposed changes in the operations then the request for transfer of ownership shall be subject to the reviews outlined in subsection 6-35(4).
- (c) Any change in existing operations from a full service sit down restaurant that serves alcohol to an establishment that features primarily alcohol would be subject to a new review as outlined in subsection 6-35(4).

(Ord. No. 2003-4, §6, 5-19-03)

Sec. 6-37. - Annual license and permit review.

- (a) The city commission will undertake a review of any license or permit for the purpose of making a recommendation to the Michigan Liquor Control Commission regarding renewal of said license or permit. The commission shall consider whether a licensed establishment has been operated in a manner consistent with the provisions of this article and all other applicable laws, and regulations of the city and the State of Michigan.
- (b) Each year, the city manager shall cause an investigation to be made relative to each existing on-premises licensed establishment. The investigation shall include, but not be limited to, the following:
- (1) Licensee shall submit copies of current valid licenses from appropriate county, state or federal governments to insure authorization to serve food at the establishment.
 - (2) An inspection of the premises to determine whether the licensee is in compliance with the license itself, its approved site plan and if applicable its plan of operation, as well as any conditions imposed by the city or the Michigan Liquor Control Commission or representations

made by the licensee at the time of issuance or transfer of the license.

- (3) An inspection of city records to determine whether all taxes and other monies due the city are timely paid.
 - (4) An inspection of police files or other sources of information to determine whether any activity in connection with the licensed premise is in violation of the law, disturbs the public peace and tranquility, constitutes a nuisance, or contributes to the disruption of the normal activities of those in the neighborhood of the licensed premise.
 - (5) A review to determine the existence of any of the criteria as described in section 6-39.
 - (6) A review of the operation of the licensed establishment to determine whether the business is being operated in compliance with any and all representations that may have been made by the licensee to the city or the city commission.
- (c) *Recommendations from city departments.* Following receipt of a fully completed application, fees, and such other information as may be requested by the city, the city clerk shall forward the application to the police department, fire department, building department, treasurer's office, and such other departments as required by the city manager, which departments shall make their reviews and recommendations prior to consideration by the city commission. In conducting its review, the city may request other pertinent information from the licensee. The completed report shall be reviewed by the city manager prior to being considered by the city commission.
- (d) The local liquor license review committee shall annually review and report to the city commission its recommendations to maintain, expand or delete the total number of allowable on-premises retail licenses for establishments that serve alcohol by the glass under a variety of State of Michigan Licenses, including but not limited to; Class C, Club, B Hotel, A Hotel, Tavern, Brewpub, Micro-brewer, Resort, DDA, Economic Development, winery or other type license.

(Ord. No. 2010-01, 4-5-10)

Sec. 6-38. - Revocation and non-renewal.

- (a) Each establishment within the city for which a liquor license or permit is granted shall be operated and maintained in accordance with all applicable laws and regulations of the City of Plymouth and the State of Michigan. Upon any violation of this article, the commission may, after notice and hearing, request the Michigan Liquor Control Commission to revoke such license and/or permit. Upon any violation(s) of this article, the city will notify the licensee of the specific violation(s) and afford the licensee an opportunity to come into compliance with this article. Licensee must reach compliance in that time established by the city manager, but in no event more than ten days after notification to licensee by city of such violation. Absent compliance within that time established by the city manager, the city may hold the above mentioned hearing and request that the Michigan Liquor Control Commission not renew and/or revoke such license and/or permit.
- (b) Before filing any objection to renewal or request for revocation of a license or permit with the Michigan Liquor Control Commission, the city shall serve the licensee with notice and proceed in accordance with this article, as amended. The city shall serve the licensee by first class mail mailed at least ten days prior to the hearing with notice of hearing, which notice shall contain, the following:
 - (1) Date, time and place of hearing.
 - (2) Notice of the proposed action.
 - (3) Reasons for the proposed action.
 - (4) Names of witnesses known at the time who will testify.

- (5) A statement that the licensee may present evidence or any testimony that may refute or respond to the claims of adverse witnesses.
 - (6) A statement requiring the licensee to notify the city attorney's office at least three days prior to the hearing date if they intend to contest the proposed action, and to provide the names of witnesses known at the time who will testify on their behalf.
- (c) Upon completion of the hearing, the city commission shall submit to the licensee and the Michigan Liquor Control Commission a written statement of its findings and determination.
- (Ord. No. 2010-01, 4-5-10)

Sec. 6-39. - Criteria for non-renewal or revocation.

- (a) The city commission may recommend non-renewal or revocation of a license or permit originally authorized on or after July 1, 2003 to the liquor control commission upon a determination based upon a preponderance of the evidence presented at the hearing that any of the following exists:
 - (1) Failure to comply with all standards, plans or agreements entered into in consideration for the issuance, transfer or continuance of the license or permit, or failure to comply with all agreements or consent judgments entered into subsequent to the issuance of the license or permit.
 - (2) Failure to comply with an approved plan of operation and other plans, specifications, or representations made or submitted to the city by the licensee.
 - (3) Violations of the state liquor laws or regulations of the liquor control commission.
 - (4) Violations of state laws or local ordinances including, but not limited to those laws or ordinances concerning the public health, safety or public welfare.
 - (5) Maintenance of a nuisance upon or in connection with the licensed premises including, but not limited to, any of the following:
 - a. Failure to correct violations of building, electrical, mechanical, plumbing, zoning, health, fire or other applicable regulatory codes, to include the history thereof;
 - b. A pattern of patron conduct in the neighborhood of the licensed premises, which is a violation of the law and/or disturbs the peace, order and tranquility of the neighborhood; Including types of police, fire or medical services related to this operation.
 - c. Failure to maintain the grounds and exterior of the licensed premises, including litter, debris or refuse blowing or being deposited upon adjoining properties;
 - d. Entertainment on the premises or activity in connection with the licensed premises which by its nature causes, creates or contributes to disorder, disobedience to rules, ordinance or laws, or contributes to the disruption of normal activity of those in the neighborhood of the licensed premises.
 - (6) Failure by the licensee to permit the inspection of the licensed premises by the city's agents or employees in connection with the enforcement of this article.
 - (7) Failure to pay taxes or make other payments due to the city in a timely manner.
- (b) The city commission may recommend non-renewal or revocation of a license or permit originally authorized to operate in the city on or before June 30, 2003 to the liquor control commission upon a determination based upon a preponderance of the evidence presented at the hearing that any of the following exists:
 - (1) Violations of the state liquor laws or regulations of the liquor control commission.

- (2) Violations of state laws or local ordinances including, but not limited to those laws or ordinances concerning the public health, safety or public welfare.
- (3) Maintenance of a nuisance upon or in connection with the licensed premises including, but not limited to, any of the following:
 - a. Failure to correct violations of building, electrical, mechanical, plumbing, zoning, health, fire, property maintenance or other applicable regulatory codes, to include the history thereof;
 - b. A pattern of patron conduct in the neighborhood of the licensed premises, which is a violation of the law and/or disturbs the peace, order and tranquility of the neighborhood;
 - c. Failure to maintain the grounds and exterior of the licensed premises, including litter, debris or refuse blowing or being deposited upon adjoining properties;
 - d. Entertainment on the premises or activity in connection with the licensed premises which by its nature causes, creates or contributes to disorder, disobedience to rules, ordinance or laws, or contributes to the disruption of normal activity of those in the neighborhood of the licensed premises.
- (4) Failure by the licensee to permit the inspection of the licensed premises by the city's agents or employees in connection with the enforcement of this article.
- (5) Failure to pay taxes or make other payments due to the city in a timely manner.

(Ord. No. 2010-01, 4-5-10)

Sec. 6-40. - Capacity limits.

The total capacity of each room of a licensed establishment shall be established and determined by the appropriate fire and building safety codes.

(Ord. No. 2010-01, 4-5-10)

Sec. 6-41. - Termination of escrowed licenses.

The city commission may, through resolution, request that the Michigan Liquor Control Commission terminate an on-premises license that has been placed in escrow for more than one (1) year after its expiration.

(Ord. No. 2010-01, 4-5-10)

Sec. 6-42. - Fees.

Each applicant for a new license or permit, for transfer of an existing license or permit, for expansion of an existing establishment, and for renewal of an existing license or permit shall pay a non-refundable application investigation fee. Each applicant for renewal of a license that was originally established on or before June 30, 2003 shall be exempt from annual renewal fees; all others shall pay an annual review fee. Such fees will be in addition to any fee required by the liquor control commission and shall be set by a city commission resolution.

(Ord. No. 2010-01, 4-5-10)

CITY OF PLYMOUTH
201 S. MAIN
PLYMOUTH, MI 48170
www.ci.plymouth.mi.us

ADMINISTRATIVE RECOMMENDATION

To: Liquor License Review Committee (LLRC)
From: Paul J. Sincock – City Manager
CC: S:\MANAGER\Sincock Files\Memorandum - Tabled Item Westborn Market LLRC - 03-21-16.doc
Date: 3/18/2016
Re: Tabled Item – Request for Transfer of Class C License - Westborn

BACKGROUND:

The members of the LLRC will recall that they table any action on this item pending further action on development of criteria for additional licenses. Since this item is "on the table" it is required to appear on future agenda and as such we are providing the information from the last LLRC Agenda Packet again.

The LLRC can simply table this matter again or take action. Should you have any questions in advance of the meeting please feel free to contact me.

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CITY OF PLYMOUTH
201 S. MAIN
PLYMOUTH, MI 48170
www.ci.plymouth.mi.us

ADMINISTRATIVE RECOMMENDATION

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To: Liquor License Review Committee
From: Paul J. Sincock – City Manager
CC: S:\MANAGER\Sincock Files\Memorandum - Liquor License Transfer Westborn Market LLRC 02-29-16.doc
Date: 2/19/2016
Re: Liquor License Transfer INTO the City – Westborn Market

BACKGROUND:

The City has received an application from Westborn Market. They are requesting the transfer of an ADDITIONAL Liquor License INTO the City of Plymouth for their location at 860 Penniman. They are also requesting additional permits to include Sunday Sales AM/PM and permits for Outdoor Service Area.

The plan for this establishment is to be primarily to be operated as a full service specialty grocery store. There will be a dining area inside with 25 seats and outdoor seating on their property during appropriate weather conditions. They are projecting the ratio of food sales to alcohol sales to be 90% food and 10% alcohol. The entire plan is attached.

It should be noted that the State of Michigan Liquor Control Commission is already processing the transfer of the license and approval of the local unit of government IS NOT REQUIRED under the relatively new interpretations of the law. The transfer of the Liquor License into the City would violate local Ordinances unless the LLRC and City Commission change the Ordinances to allow for an expansion of the allowed number of liquor licenses in the City.

It should be noted that the new leadership of the State of Michigan Liquor Control Commission issued a bulletin or new interpretation of the State Liquor Code and the Michigan Liquor Control Commission as of June 21, 2012 clearly indicating that the State transfer of a liquor license DOES NOT REQUIRE local approval. Prior to that date any new or transfer of license into a community required local government approval for the State to approve the transfer. There was no change in the law, just a new interpretation.

The City's local Liquor Management Ordinance does require local approval and the new owners have submitted an application to approve a new liquor serving establishment in our City.

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Since we have had an application submitted in accordance with the Liquor Management Ordinance we are required to have a meeting of the Local Liquor License Review Committee (LLRC) and a public hearing before the City Commission. The LLRC was scheduled to meet on February 29, 2016 at 4:00 p.m. The City Commission has a Public Hearing on this matter scheduled for Monday, March 7, 2016. The application is to operate an establishment in the B-2 or Central Business District Zoning area. This establishment would exceed the City current established cap of 14 liquor serving establishments or the number of liquor licenses allowed in the B-2 Zoning District or Downtown area.

Both the LLRC and the City Commission recently began the annual review of the number of liquor licenses in the City. After that review the LLRC and City Commission may authorize a change in the number of allowed licenses. A change in the number authorized licenses would take two actions by the City Commission, plus an additional Public Hearing as both the Zoning Ordinance and the Liquor Management Ordinance will need to be changed.

The establishment has submitted a business operation plan in accordance with Section 6.34(a) of the City Ordinance.

Due to the applicant's inability to comply with current City Ordinances the City Administration cannot recommend further review of the application or approval. Unless there is a change in Ordinances we cannot recommend approval and we have prepared a proposed Resolution indicating a denial of the transfer. Further, the City Commission is aware that the City has already sent a letter to the State of Michigan objecting to this transfer.

Should the LLRC and City Commission authorize a change in the number of allowed licenses, action on this item could be delayed until a future meeting of the LLRC and City Commission. Another option would be to approve the transfer pending an Ordinance Change that may be authorized by the City Commission.

Should you have any questions in advance of the meeting please feel free to contact me.

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NOTICE OF PUBLIC HEARING

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**CITY OF PLYMOUTH CITY COMMISSION WILL
HOLD A PUBLIC HEARING IN ACCORDANCE WITH
LIQUOR MANAGEMENT ORDINANCE**

PLEASE TAKE NOTICE THAT a public hearing shall be held before the City Commission of the City of Plymouth on **Monday, March 7, 2016 at 7:00 p.m.** at the regular meeting of the Plymouth City Commission the meeting will be held at **Plymouth City Hall, 201 S. Main, Plymouth, Michigan.** The Public Hearing will consider the following:

- 1) **Application for Transfer of Liquor License into the City of Plymouth from Westborn, Livonia to Westborn Market Plymouth at 860 Penniman, Plymouth.**
- 2) **Application for Small Distiller License for Vokin Vodka at 710 Junction.**

This is a public meeting and any interested person is invited to attend at the place and time stated.

THERE WILL BE A MEETING OF THE LOCAL LIQUOR LICENSE REVIEW COMMITTEE (LLRC) PRIOR TO THE PUBLIC HEARING TO MAKE A RECOMMENDATION TO THE CITY COMMISSION. The LLRC meeting will take place at the PLYMOUTH CITY HALL, 201 S. Main, Plymouth, MI 48170 at 4:00 p.m. on Monday, February 29, 2016.

Linda J. Langmesser, CMC
City Clerk

Posted: City Hall
Cultural Center
Public Library

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LLRC Agenda Packet 02/29/16



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION
ANDREW J. DELONEY
CHAIRPERSON

MIKE ZIMMER
DIRECTOR

COPY

December 30, 2015

City Clerk
Plymouth City
llanqmesser@ci.plymouth.mi.us

The purpose of this letter is to notify this local legislative body that the Michigan Liquor Control Commission has received an application for a license, as follows:

Request ID#: 816628

Transfer ownership and location of 2015 Class C & SDM License

Name of applicant(s): Westborn of Plymouth, LLC

Business address and phone: 860-, 870 Penniman, Plymouth, MI 48170

Home address and phone number of partner(s)/subordinates:

1. Westborn, Inc.: 14925 Middlebelt Rd. Livonia, MI 48154 C-(248) 981-8810

Under administrative rule R 436.1105, the Commission shall consider the opinions of the local residents, local legislative body, or local law enforcement agency with regard to the proposed business when determining whether an applicant may be issued a license or permit. Since this request is a transfer under MCL 436.1529(1), approval of the local unit of government is not required.

Under administrative rule R 436.1003, the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. The licensee must obtain all other required state and local licenses, permits, and approvals before using this license for the sale of alcoholic liquor.

Approval of this license by the Michigan Liquor Control Commission does not waive any of these requirements.

MICHIGAN LIQUOR CONTROL COMMISSION
Retail Licensing Division
(866) 813-0011

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CITY OF PLYMOUTH
LIQUOR LICENSE REVIEW COMMITTEE
APPLICATION

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Name of Applicant: Westborn Market/Anthony Anusbigian
Address of Applicant: 860 Penniman
Plymouth Mich 48170 Anusbigian
Phone Number of Applicant: 248 981 8810
Fax Number of Applicant: _____
Email Address of Applicant: aanusbigian@comcast.net

Please List Name, Address and type of license as it appears on current Liquor License:

Howell's Bar Class C
1035 Mason St.
Dearborn, MI 48124

COPY

List All Persons Listed on Liquor License (Partners):

Please list type of license that you are requesting (new, permit, transfer of ownership, transfer into the City, etc.):

SDM, Class C

Please list Name, Address and type of license as it is proposed (If change approved)

Westborn Market, 860 Penniman Plymouth

Please list all persons listed on proposed Liquor License (Partners):

Anthony Anusbigian Jeffrey Anusbigian
Sarkis Mark Anusbigian

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Fee Schedule:

Liquor License Investigations	
Class C or Private Club License:	
New license or transfer of ownership	\$600.00
Amend stockholders	\$300.00
Relocation of existing license (per person named on request)	\$300.00
Dance or entertainment permit	\$200.00
SDD/SDM:	
New license or transfer of ownership	\$400.00
Relocation of existing license (per person named on request)	\$300.00
Add or drop space on license	\$100.00
Special license and one-day permits	\$100.00

Please submit plan of operation (if required, see Section #4 of Ordinance):

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Signature of Applicant: Angela Date: 2/8/16

Attach.

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City of Plymouth

Class C Liquor License or Tavern Licensed Business Plan of Operation

Business Name: Westborn Market

Doing Business as: Westborn Market

Address: 860 Penniman Ave., Plymouth, MI 48170

- 1) **Hours Of Operation:** At present our planned hours of operation will be Monday-Saturday, from 8:00am-9:00pm. Sundays hours of operation will be 8:00am-7:00pm.
- 2) **Format:** The premises will primarily be operated as a full-service specialty grocery store. There will be additional full-service floral services available on location. There is a dining area, which is temporary (outside-patio seating) dining during appropriate weather conditions and approximately 25 seats inside year round. We project that the ratio of food sales to alcohol sales to be 90% food and 10% alcohol.
- 3) **Code Compliance:** The premises is being fully remodeled, when completed it will comply with all applicable health, safety, building, sanitation, electrical, plumbing and fire codes as well as all zoning requirements. Our contractor, landlord, as well as our internal leadership team is taking all appropriate steps to follow all appropriate procedures to ensure all regulations are met and meet inspections.
- 4) **Plan Of Operation:** Westborn Market has acknowledged that under Ordinance 2003-04, that Westborn Market will operate with an approved plan of operation. We recognize that operation of this premise in any manner inconsistent with the approved plan of operation is a violation of the ordinance and the rules of the Liquor Control Commission. Westborn acknowledges that any change to the plan of operation must be approved buy the City Commission prior to it being placed into effect on the business premises.
- 5) **Security:** Security for the customer, team members, building and community is the first priority for Westborn Market. We take whatever measures necessary to maintain and supervise the expected level of security. Our properties include sophisticated security cameras, alarm systems and security doors in addition to a trained manager on premise at all hours of operation.
- 6) **Parking:** Parking will be provided as follows:
 - 43-49 spaces on site
 - Up to 30 public street parking spots along Penniman Ave.
 - Employees will be directed to park in a variety of municipal parking areas.

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- 7) **Alcohol Management:** Westborn Market will strictly obey all rules and regulations promulgated by the City of Plymouth and the State of Michigan Liquor Control Commission as it has since its inception back in 1963. There will be neither service to nor consumption of alcoholic beverage by minors at any time. No alcohol will be sold or permitted to be sold, on a commission basis by any person.

The following policies will be enforced at the establishment:

1. No alcoholic beverages will be allowed on the premises, other than what Westborn Market is to dispense.
2. All Team Members will pay attention and be alerted to observable clues displayed by an intoxicated individual such as: impaired reflexes, impaired coordination, reduced judgment and inhibitions, impaired vision, etc.
3. All staff will be alert to potential problems at their respective area at the facility.
4. All team members will be required to read and sign Westborn's internal handbook acknowledging proper procedures as it pertains to selling and monitoring guests consuming alcohol.
5. Westborn team members will be properly trained to be polite and courteous to the intoxicated individual(s). They will also be knowledgeable as to when to request assistance from additional facility staff.
6. Patrons who appear to be "30 years of age or younger" will be asked to show proper Michigan identification. Signage will be properly displayed at all serving locations. Patrons MUST produce proper identification prior to the selling of any alcohol.
 - 6.1 All patrons under 21 years of age, service will be refused.
 - 6.2 Check "State Seal" and other markings on identification. Team members will be trained to check for damage or alterations to identification cards.
 - 6.3 Team members will be trained to NOT return falsified identification cards. Team members will notify on premise managers immediately.
7. Westborn Team Members will be trained that if a patron shows signs of intoxication, then refuse service, politely explain policy, suggest non-alcohol purchase, and/or call for on premise management if necessary.
8. If patron is purchasing on behalf of someone else who appears "less than 30 years of age", then request to see identification of recipient or contact supervisory personnel whom will seek patron(s) out. Refuse service to minors. Inform all parties involved that policy allows for ejection off of premises if illegal activity has occurred.

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- 9. Alcohol dispensing may be restricted to one of the following practices or any combination thereof:
 - No sales to intoxicated persons
 - No sales without proper identification
 - Limited alcoholic choices if necessary
 - When in doubt, do NOT serve call a supervisor
- 10. Westborn Team Members will observe all patrons leaving the property. No alcoholic beverages are allowed to leave the facility or property.
- 11. Westborn Team Members will be trained to approach any patron appearing to be impaired and determine if they are driving. If so, team members will attempt to persuade them not to drive and request a non-impaired companion to drive. If unable, refer patron(s) to public transportation or a cab service.
- 12. All Westborn Market supervisors and management personnel will complete documentation of any alcoholic related incidents at close of business daily. Information will be disseminated accordingly.
- 13. Westborn Market will provide free and/or non-alcoholic beverages to all identified designated drivers.

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- 8) **Refuse Disposal:** Westborn Market will dispose of refuse in an enclosed dumpster with locked lids. Pickup will be a minimum of once a week. A water line with a spigot will be provided to clean dumpster enclosure as necessary.
 - 9) **General:** Every effort will be made to maintain positive relationships with adjacent and nearby businesses as well as cooperation with all city departments. Westborn Market will make every effort to actively solve any problems that may arise and will be a great ambassador for the city of Plymouth and the entire Plymouth business community.
 - 10) **Emergency Contacts:**
 Austin Anusbigian: / - - - -
 Bryan Bandyk: - - - -
 - 11) **Reference To Valet Service:** N/A

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Date: 1/25/16

Corporate Name/Doing Business As: Westborn Market

By: Anthony Anusbigian: Owner/Corporate Secretary

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CITY OF PLYMOUTH
201 S MAIN
PLYMOUTH, MI 48170
Phone : 734-453-1234
WWW.CI.PLYMOUTH.MI.US

Received From:
Date: 02/10/2016 Time: 1:21:54 PM
Receipt: 269150
Cashier: SAC

ITEM REFERENCE	AMOUNT
PDREV POLICE DEPARTMENT REVENUE	
WESTBORN LIQ FEES	\$1,000.00
TOTAL	\$1,000.00
CHECK 121253	\$1,000.00
Total Tendered:	\$1,000.00
Change:	\$0.00

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LLRC
RESOLUTION

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The following Resolution was offered by Member _____ and seconded by Member _____.

WHEREAS The City of Plymouth has established the Liquor Management Ordinance
And other Ordinances related to liquor serving establishments in order to help
Maintain the public health, safety and welfare as well as to conserve
City resources for the good of the entire community, and

WHEREAS The Liquor License Review Committee (LLRC) is required to
Review and make recommendations to the City Commission
Related to liquor serving establishments, and

WHEREAS The City LLRC has received and reviewed an application to transfer a liquor
License into the City to operate a new liquor serving establishment
Known as Westborn Market at 860 Penniman, and

WHEREAS The proposed liquor serving establishment would exceed the number the
Of liquor serving establishments allowed in the B-2 Zoning District and
As such this establishment would not be able to comply with City
Ordinances in violation of State Liquor Law.

NOW THEREFORE BE IT RESOLVED THAT the City Commission of the City of Plymouth does hereby recommend to State of Michigan Liquor Control Commission that they cease the transfer of a license for Westborn - Plymouth to operate a liquor serving establishment in City of Plymouth's B-2 Zoning (Downtown) District. This denial is based on the fact that the proposed establishment would exceed the current cap on liquor licenses in the locally established B-2 Zoning District and the proposed plan exceeds the requirements of the Zoning District and as a result the proposed establishment would not be able to comply with the State of Michigan Liquor Laws which requires compliance with all local Codes and Ordinances.

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