

**AGENDA
CITY OF PLYMOUTH
LIQUOR LICENSE
REVIEW COMMITTEE (LLRC)
Monday, May 2, 2016
6:00 p.m. – 7:00 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 04-11-16
- 3) OLD BUSINESS - Review of potential criteria and Ordinance draft for expansion of allowable number of liquor licenses
- 4) TABELLED ITEM – Request for Class C License Transfer Into City for Westborn Market *Tabled for up to 34 more days*
- 5) Other Reports and Business for the LLRC
- 6) Adjournment

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MEETING MINUTES

Local Liquor License Review Committee (LLRC)

Monday, April 11, 2016

City Hall – 5:00 p.m.

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

APPROVAL OF MEETING MINUTES of April 4, 2016 - It was moved by Member Dwyer and seconded by Member Valenti to approve the Meeting Minutes of April 4, 2016.

MOTION PASSED

REVIEW OF POTENTIAL CRITERIA FOR EXPANSION OF ALLOWABLE NUMBER OF LIQUOR LICENSES –

Chairperson Pobur opened the discussion on this issue and suggested that perhaps we could work towards what each member of the LLRC felt were the most significant impacts of a liquor license review.

Member Valenti indicated that his top review items would be the impact on the community and City Services. Member Dwyer stated that his review would be the Business Plan and Parking, but his top review items could be different outside of the DDA. Member Dwyer also indicated that his least concern related to the review would be the resume of the licensee. Chairperson Pobur indicated that her top review would be impact on the community and the business plan.

There was then a discussion related to providing a weight or percentage of review score to each major category of review. After discussion the Members of the Committee came to the consensus that the following “weights” should be applied to review criteria, inside and outside the DDA:

DDA	Non-DDA	Review Category
30%	30%	Business Plan of Operation and Concept
20%	25%	Impact on the Community
20%	10%	Parking
20%	25%	Impact on City Services, including Public Safety
10%	10%	Proposed Licensee’s Resume

There was additional discussion related to Section 6-33, sub-sections E & F related to an earlier amendment to the Liquor Management Ordinance, but that section is outdated as it dealt with an issue that was only in effect until November 1, 2011. The consensus of the Members was to delete this section in future amendments of the Ordinance.

There was also a brief discussion related to typographical error in Section 6-36, Sub-Section A. The consensus of the Members was to change the word “lire” with LLRC in future amendments to the Ordinance.

There was also public comment; in which Vince representing the Penn Grill asked the Members of the LLRC about the scoring and what is the lowest score that the LLRC and City would approve? There was general discussion of this point, but no consensus came forward.

The Members of the LLRC continued discussion related to the various major categories of a potential review. The discussion resulted in the following:

- **Business Plan of Operation and Concept** – Applicant should describe in detail the plan of operation of the proposed establishment, by providing renderings, a business plan and any other information that can provide a clear idea of the proposed project, as well as a complete description of the proposed establishment’s concept. Further, the applicant shall explain how the proposed establishment will differ from current licensed establishments in Plymouth and how the applicant believes this establishment would enhance the quality of life in Plymouth. In addition, the applicant shall answer and provide a clear response to the following questions or statements:
 - Is this proposed establishment a “Sit Down Full Service Restaurant”?
 - What is the proposed establishment’s anticipated Food to Alcohol sales volume?
 - Provide a Floor Plan that clearly identifies dining area versus bar area.
 - What is the size of bar and bar area?
 - What is the proposed size of Dance Floor, if any?
 - Describe in detail what the character or concept of establishment is?
 - Provide a self evaluation to describe the number of similar licenses/concepts – including the diversity of concepts.

- **Impact on the community** – Applicant should describe in detail how the proposed establishment will fit into its surrounding neighborhood and exist with the community. Further, the applicant shall provide a detailed description of how they will handle noise, refuse, patrons, and alcohol management. If applicable, describe how the applicant’s proposed establishment would be a part of a multi-use development, and/or historic redevelopment. In addition, the applicant shall answer and provide a clear response to the following questions or statements:
 - Describe how will the establishment’s operation limit the expenditure of public funds through the use of private parking, private clean up of trash, debris and grease, as well limited use of public safety and municipal services?
 - Did the applicant seek any input from residents and businesses or business groups?
 - What is the anticipated impact on surrounding businesses and neighborhoods?
 - Is the proposed establishment part of a larger facility and/or development?
 - How will this proposed concept be of benefit to the City and broader community?
 - Is the proposed establishment a part of a preservation or restoration of a historic building?
 - Is the establishment locating in an underdeveloped or underserved area?

- **Parking** – Applicant shall describe in detail the parking plan to handle the proposed establishment’s customers. Include a drawing of the plan. Include any information about payment in lieu of parking and/or any anticipated use of public parking. In addition, the applicant shall answer and provide a clear response to the following questions or statements:
 - What is the current parking availability for the proposed establishment?
 - Does the proposed establishment have private parking?

- Is the proposed establishment dependant on the availability of public parking?
 - What is the number of required parking spaces for the proposed establishment?
- **Impact on City Services, including Public Safety** – Explain how the applicant envisions the impact of its establishment opening in the city on Plymouth’s Public Safety Department. Discuss plan for crowd control and how the establishment would handle overcrowding. Discuss the establishment’s plan for adhering to state and local laws governing the sale of liquor. Further, the applicant shall describe in detail how they will handle debris (cigarette butts & trash) clean up of their site as well as their neighbors and street area. Applicant will describe in detail their plans for trash removal, grease pick up and grease trap cleaning. The applicant shall answer and provide a clear response to the following questions or statements:
 - Applicant shall provide a detailed plan for crowd control.
 - Applicant shall indicate if they anticipate any special policing requirements.
 - **Proposed Licensee’s resume** – Applicant shall provide a detailed history of the applicant’s/partnership’s business history and business experience, especially in similar licensed establishments. List all Michigan Liquor Control Commission violation attributed to all members of the proposed licensee team. The applicant shall state if the proposed licensee owes the city any taxes or other municipal payments at the time of the application. The applicant shall answer and provide a clear response to the following questions or statements:
 - Shall provide a business history for the applicant(s).
 - Shall provide

There was once again discussion related to any revisions in the Liquor Application Packet should send potential applicants over to the Zoning Code – Special Land Use Permits. This section deals with specific requirement of liquor serving establishments and the requirement to obtain a Special Land Use Permit from the Planning Commission.

TABLED ITEM – REQUEST FOR CLASS C LICENSE TRANSFER INTO THE CITY FOR WESTBORN MARKET
 – No action was taken and this item remains on the table.

OTHER REPORTS AND BUSINESS FOR THE LLRC – The members determined that the next meeting of the LLRC should be on Monday, May 2, 2016 at 6:00 p.m. at the Plymouth City Hall.

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

ADMINISTRATIVE UPDATE

To: Liquor License Review Committee
CC: *S:\MANAGER\Sincock Files\Memorandum - LLRC Review of Potential Ordinance Draft - 05-02-16.doc*
From: Paul J. Sincock -City Manager
Date: 4/29/2016
Re: Review of Potential Criteria & Ordinance Draft

Attached for the reference of the Liquor License Review Committee (LLRC) is a possible Draft Ordinance for revisions to the Liquor Management Ordinance. There are some differences between this draft and the recent LLRC Meeting Minutes (4/11/16). The LLRC will need to confirm that the Ordinance revisions have all of the information that they want to have in the Ordinance.

It should be noted that this draft of the Ordinance has NOT been reviewed by the City Attorney's Office as of the time that we put this agenda together. We would suggest that once the LLRC has decided on the final wording of the Ordinance that would be the time for legal review.

It should be noted that it will also be required to have the Planning Commission act on the Zoning Changes, which are directly related to the increase in the number of licenses available in the B-2 Zoning District. That will also require a posted Public Hearing by the Planning Commission.

The changes are noted in the Track Changes format of the attached document. Should you have any questions in advance of the meeting please feel free to contact me.

PJS

CITY OF PLYMOUTH
ORDINANCE NO. 2016 - _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, PART II, CHAPTER 6, SECTIONS 33, 35 & 36 OF THE CITY OF PLYMOUTH FOR THE PURPOSE OF MODIFYING THE LIQUOR MANAGEMENT ORDINANCE.

Section 1 The City of Plymouth Ordains:

Part II, Section 6-33, Sub-Section B & C In the Code of Ordinances of the City of Plymouth is hereby modified to increase the number of Liquor Licenses allowed in this Zoning Classification.

Part II, Section 6-33, Sub-Sections E & F in the Code of Ordinances of the City of Plymouth is hereby DELETED.

Part II, Section 6-33, INSERT New Sub-Sections a - f

Part II, Section 6-35, Sub-Sections A - W in the Code of Ordinances of the City of Plymouth is hereby amended by adding the following described text revisions. Permits. New requests for permits for dance, entertainment, or dance and entertainment shall be reviewed by the (lire) LLRC 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.

~~Section 2~~ ~~Modify Section 6-36~~

~~Part II, Section 6-36, Sub-Section A in the Code of Ordinances of the City of Plymouth is hereby amended by revising the following described text revisions.~~

• **Sec. 6-31. - Short title.**

This article shall be known and may be cited as the "Liquor Management Ordinance."

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

• **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~~ 15 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.

Field Code Changed

(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~~ 15 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.

a. Business Plan and Concept - 30%

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- Describe in detail the plan of operation of the proposed establishment including how the applicant will comply with the City Zoning Ordinances related to Special Land Use Permits. Use Section 6-34 of the City's Code of Ordinances as a guideline.
- Provide renderings of the establishment and a business plan
- Will facility be a sit down full service restaurant serving alcohol or other "bar only" type of establishment?
- Define the projected food sales / alcohol sales ratio (the city recommends at least 70 / 30).
- Define the percent of floor area devoted to dining versus bar area.
- Provide the size of the bar area
- Provide the size of any dance floor, if that is permitted in the proposed establishment.
- Describe the type of establishment being proposed; for example, restaurant, nightclub, hotel, dance club.
- Clearly define the proposed establishments' concept.
- Explain how the proposed establishment will differ from current licensed establishments in Plymouth.

b. Impact on the Community - 20%

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- Input from residents and surrounding business owners
- Explain how the proposed establishment will fit into its surrounding neighborhood and deal with noise and refuse. Describe the impact of the establishment on surrounding businesses and neighborhoods.
- Is the proposed establishment part of a multi-use project with substantial new retail, office, or residential components? Define the size of the licensed premises relative to the overall project or development.
- Describe any relevant preservation or restoration of historic buildings.
- If applicable, detail the location of the project in an underdeveloped area of the city.
- Outline the overall benefit of the plan to the city and any other factors that may affect the public health, safety and welfare.

c. Parking - 20%

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- Detail the parking plan including drawings and any information about payment in lieu of parking.

e. City Service Requirements - 20%

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- Explain how the applicant envisions the impact of its establishment opening in the city on Plymouth's Public Safety Department.
- Provide your plan for crowd control and handling overcrowding.
- Explain your plan for adhering to state and local liquor laws.
- Describe the staffing and supervision plan for the service of alcohol.
- Discuss the concentration of drinking establishments in the surrounding area and the associated impact on policing requirements.

f. Proposed Licensee's Resume - 10%

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- Detail the proposed licensee's business history.
- Provide a detailed account of the proposed licensee's business experience, especially in similar licensed businesses.
- Provide a complete list of all Michigan Liquor Control Commission violations for all members of the proposed licensee team.
- Advise the Commission if the proposed licensee owes the city any taxes or other municipal payments at the time of the application.

(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 ~~fire~~ LLRC 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 lire 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 ~~Hiquoreontrol~~Hiquor 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)

Section 2 Rights and Duties.

Rights and Duties which have matured, penalties which have incurred, proceedings which have begun and prosecution for violations of law occurring before the effective date of this ordinance are not affected or abated by this ordinance.

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Section 3 Validity.

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Should any section, clause or paragraph of this ordinance be declared by a Court of competent jurisdiction to be invalid, the same will not affect the validity of the ordinance as a whole or part therefore, other than the part declared invalid.

Section 4 Ordinances Repealed.

All other ordinances inconsistent with the provisions of this ordinance are to the extent of such inconsistencies hereby repealed.

Section 5 Effective Date.

This ordinance shall become effective one day after publication.

Introduced: _____ 2016

Enacted: _____ 2016

Published: _____ 2016

Effective: _____ 2016

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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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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

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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:  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 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 and 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 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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