



## Legislation Text

---

**File #:** 08-0795, **Version:** 1

---

Resolution to Amend Resolution R-08-297 and Restating Approval of Issuance of a Downtown Development District Liquor License to HBSP Holdings Corp. d/b/a Salsarita's Fresh Cantina at 401 E. Liberty, Suite #2, in the City of Ann Arbor

The City Council of Ann Arbor adopted Resolution R-08-297 on July 7, 2008 recommending approval of the issuance of a Downtown Development District Liquor License to HBSP Holdings Corp d/b/a Salsarita's Fresh Cantina.

Subsequent to the Council action, the City Clerk received a copy of the Michigan Liquor Control Commission's "Notice of Deficiency" regarding the HBSP Holdings Corp.'s application. The MLCC has requested that the "resolve" clause of City Council's resolution recommending issuance of the liquor license be restated for processing purposes in a specific form.

The attached resolution complies with the MLCC's request.

Prepared by: Mary Joan Fales, Senior Assistant City Attorney

Sponsored by: Council Liquor Committee

Whereas, In 2006 in an effort to promote economic development in qualifying communities, the Michigan Legislature passed Act 501 of the Public Acts of 2006 ("Act") which Act established the criteria for development area liquor licenses;

Whereas, Pursuant to the Act, the City of Ann Arbor may authorize the approval of certain on-premises liquor licenses, irrespective of the availability of on-premises licenses from quota to applicants within a designated development project area meeting certain established criteria;

Whereas, The Act requires a resolution from the governing body of the community that establishes and certifies certain criteria, including a certification that the community has created a qualifying development area, and approving an applicant at a location within a development area before that applicant may apply to the Michigan Liquor Control Commission for a development area liquor license;

Whereas, The City Council of Ann Arbor adopted Resolution R-08-024 on February 4, 2008 establishing the Ann Arbor Downtown Development District as a development district for liquor licensing in accordance with the requirements of Public Act 501 of 2006 and the Michigan Liquor Control Commission ("MLCC");

Whereas, HBSP Holdings Corp. has submitted an application to the City requesting City approval and recommendation to the MLCC of issuance of a downtown development district liquor license;

Whereas, HBSP Holdings Corp. meets the statutory requirements for a development area liquor license as it is engaged in the business of dining, entertainment or recreation, is open to the general public and has a seating capacity of not less than 50 persons;

Whereas, HBSP Holdings Corp. has provided evidence with its application that it can document the expenditure to the Michigan Liquor Control Commission, of not less than \$75,000.00 in the rehabilitation or restoration of the building that houses the licensed premises over the preceding 5 years as required by the Act;

Whereas, The designated premises, 401 E. Liberty Street, Suite #2 is within the established boundaries of the development district and the type and character of the dining establishment and the service it provides to the downtown community and the general public qualify it as appropriate for designation "above all others" at that specific location;

Whereas, The Council Liquor Committee having been fully advised of the application of HBSP Holdings Corp. and having made the following finding

- That HBSP Holdings Corp. is an existing restaurant businesses within the development area which meets the criteria for issuance of a license as of the effective date of the Act
- That HBSP Holdings Corp. as an existing restaurant business has made a proven and measurable contribution to the community
- That HBSP Holdings Corp. has and continues to provide a contribution to the mix of establishments within the development area and the Liberty Corridor
- That the designated premises, 401 E. Liberty Street, Suite # 2, Ann Arbor, Michigan 48104 is an appropriate location for a liquor license under applicable planning and development plans of the City
- That, based on the applicant's statement as to how the issuance of a license will benefit the development district and the City, including its anticipated business plan, it is appropriate on the facts presented and for this location and this business only, to recommend the issuance of a license for beer, wine and liquor (consistent with the MLCC terminology "Class C" license) and to make no specific restriction on the hours of operation based on the specific hours of operation stated in their application.

does recommend to City Council the application of HBSP Holdings Corp. for recommendation to the MLCC for approval "above all others"; and

Whereas, HBSP Holdings Corp. has been informed that final approval of a license at 401 E. Liberty Street will be subject to approval by the Michigan Liquor Control Commission and a background investigation and approval by this body;

RESOLVED, That City Council, pursuant to the development area licensing provisions of the Act, being MCL 436.1521a, and for the reasons stated above, find that HBSP Holdings Corp. d/b/a Salsarita's Fresh Cantina at 401 E. Liberty Street, Suite # 2, in the City of Ann Arbor is within the Downtown Development District and approve HBSP Holdings Corp. d/b/a Salsarita's Fresh Cantina for a liquor license authorizing the sale of beer, wine and spirits for consumption on its premises (consistent with a MLCC "Class C" license designation) "Above All Others" at 401 E. Liberty Street, Suite # 2, Ann Arbor, Michigan 48104; and

RESOLVED, That the City Clerk forward a copy of this resolution to HBSP Holding Corp and the Michigan Liquor Control Commission.