

City of Ann Arbor

301 E. Huron St.
Ann Arbor, MI 48104
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Action Minutes

Friday, September 4, 2015

3:00 PM

Special Meeting

Larcom City Hall, 301 E Huron St, Second floor, City Council
chambers

Council Liquor License Review Committee

CALL TO ORDER

The City Council Liquor License Review Committee was called to order by the Chair, Jane Lumm, at 3:10 p.m. in the City Council Chamber, Larcom Municipal Building, 2nd Floor, 301 E. Huron Street.

City Clerk Jacqueline Beaudry, Assistant City Attorney Mary Fales and Lt. Renee Bush of the Ann Arbor Police Department, were also in attendance.

Present: 3 - Mike Anglin, Jane Lumm and Sumi Kailasapathy

APPROVAL OF AGENDA

A motion was made by Councilmember Kailasapathy, seconded by Councilmember Anglin, that the Agenda be approved as presented. On a voice vote, the Chair declared the motion carried.

APPROVAL OF MINUTES

15-1114 Council Liquor License Review Committee Meeting Minutes of July 31, 2015

Attachments: 2015-07-31 liquor committee minutes

A motion was made by Councilmember Kailasapathy, seconded by Councilmember Anglin, that the Minutes of July 31, 2015 meeting be approved by the Commission and forwarded to City Council on 10/5/15. On a voice vote, the Chair declared the motion carried.

UNFINISHED BUSINESS

15-0929

Resolution to Approve a Request from Lucky's Market of Ann Arbor, LLC for a New Resort Class C Liquor License and a New SDD/SDM Liquor License to be Located at 1919 S. Industrial Highway, d/b/a Lucky's Market

City Clerk Jacqueline Beaudry stated that a representative of Lucky's Market, Rick Lewellyan, requested an opportunity to speak to the Commission regarding his application for a New Resort Class C License, which had been denied by the Commission at the previous meeting on July 31.

Mr. Lewellyan introduced several team members from the local Lucky's Market store and spoke about the Lucky's Market concept, including featuring fresh locally produced foods at their stores. Each Lucky's store is a unique experience, he stated, due to the focus on the local market and on the sale of local products. Mr. Lewellyan stated Lucky's is a destination market and will attract customers from the entire region.

Assistant City Attorney Mary Fales questioned whether the proposed seating plan would meet the qualifications required for a Resort designation. Mr. Lewellyan replied that he has confirmed with the MLCC that the minimum seating identified is not a requirement. He stated the only requirement by the State for Resort license approval is the investment; the other factors listed are considered favorably when comparing one application versus another.

Councilmembers discussed the issue and noted that there are some questions regarding the State's position on Resort license qualifications; however, Councilmember Lumm noted that the State's position doesn't necessarily change that of the City. She stated the Committee is not prepared to overturn their decision today, but that staff would continue to review the issue.

Mr. Lewellyan also noted that he would consider increasing the proposed number of seats in his plan, if that would improve his application with the City, noting that he still understood the State Commission did not require the minimum seating.

Returned Without Recommendation

NEW BUSINESS

15-1105

Resolution to Approve a Request from Homes Brewery, LLC for a New Micro-Brewer, Small Wine-Maker, Small Distiller Liquor License, Dance/Entertainment Permit, Outdoor Service Area, and New Sunday Sales (AM & PM), to be Located at 2321 Jackson Road - d/b/a Homes Brewery

Tommy Kennedy, the owner of Homes Brewery, introduced his application to the Committee. He stated the project is currently under construction and they have plans to have a 600 square feet retail space, plus 1200 square feet of space for on-premise brewing and consumption. Mr. Kennedy stated that in order to move forward with the next steps in the renovation and construction, the bank is requiring that he provide proof that he can obtain the liquor license, noting that the liquor approval process would happen concurrent with the construction.

Mr. Kennedy stated he plans to hold a public meeting with the neighbors in the area so they are all informed and aware of his project and his plans moving forward.

Councilmember Anglin expressed concerns about the required amount of parking and the site plan process. (It was noted that site plan questions would be addressed by the Planning Commission as part of the site plan approval process, not the liquor license review process.)

A motion was made by Councilmember Kailasapathy, seconded by Councilmember Anglin, that the Resolution be recommended for adoption by the City Council on 9/8/2015. On a voice vote, the Chair declared the motion carried.

Enactment No: R-15-296

15-1096

Resolution to Recommend Approval of Issuance of a Downtown Development District Liquor License to Central Provisions

Attachments: 113 E Liberty - Development Dist. Liq. Lic..pdf

Steven Hall and Abby Oltzky of Central Provisions were present to speak about their application for a new Redevelopment District License at 113 E. Liberty. Ms. Oltzky stated they have been operating as "pop-up" restaurant for three years and are now seeking to acquire a permanent space and open up their business under the name of Spencer.

Assistant City Attorney Mary Fales asked if the applicant had submitted a seating plan. (City Clerk Beaudry confirmed that a plan had been submitted and met the minimum requirement for this license.)

A motion was made by Councilmember Kailasapathy, seconded by Councilmember Anglin, that the Resolution be recommended for adoption by the City Council on 9/8/2015. On a voice vote, the Chair declared the motion carried.

Enactment No: R-15-295

15-1104

Resolution to Approve a Request from SVP Corporation for a New Resort Class C Liquor License to be Located at 2721 Plymouth Road - d/b/a The Wine Seller

The applicant, the Patel Brothers, and Mr. G. Christopher Bernard of Bodman Law, were available to discuss the application with the Committee. They stated they plan to remodel the existing space and add 10-15 employees as part of the expansion.

Councilmember Lumm noted that financial investment details were missing from the submitted application.

Assistant City Attorney Fales questioned whether the applicant could qualify for a Resort License due to the limited proposed seating layout. Mr. Bernard replied that he understood from the MLCC that the applicant only needed to serve 100 patrons throughout the day, not that 100 seats needed to be included on the plan.

Committee members concurred that the application should be postponed pending the submission of the additional requested information.

A motion was made by Councilmember Kailaspathy, seconded by Councilmember Anglin, that the Resolution be postponed until 10/16/2015 to allow the applicant additional time to provide more clarity regarding the proposed seating plan and to provide additional financial details. On a voice vote, the Chair declared the motion carried.

INFORMATION/UPCOMING BUSINESS

Pedal Pubs Legislation

The Committee discussed a proposed ordinance that would regulate commercial quadricycles within the City.

Mr. David Cicotte from High Five Pedal Tours LLC was present. He stated it is not his intention to sell or allow the consumption of alcoholic beverages on his bike. He stated he plans to operate a 15-person bicycle in the city offering tours and pub crawl options.

Assistant City Attorney Fales spoke about a proposed ordinance, noting other Michigan cities, including Traverse City, Bay City, Grand Rapids and Marquette already regulate pedicabs and/or commercial quadricycles. Ms. Fales noted that without a City ordinance regulating the operation of commercial quadricycles, the new State law would allow for BYOB. Ms. Fales noted that she had spoken to Colin Smith, Parks Manager, and he has stated that he would like the ordinance to prohibit the use of commercial quadricycles on park pathways. She stated she will bring a proposed draft ordinance to the committee for review at the next meeting. Committee members also requested that Ms. Fales seek input from the DDA, University of Michigan, and the Police Department.

PUBLIC COMMENT

None.

ADJOURNMENT

Seeing no further business before the Committee, the Chair declared the meeting adjourned at 4:48 p.m.