



## Legislation Text

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**File #:** 21-0353, **Version:** 1

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### Resolution to Recommend Approval of Issuance of a Downtown Development District Liquor License to Up From the Skies, LLC

The attached resolution will approve the recommendation of Up From the Skies, LLC to the MLCC for issuance of a downtown development district liquor license to be sited at 210 S. Main St., in Ann Arbor.

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 (MCL 436.1521A(1)B of 2006 and the Michigan Liquor Control Commission ("MLCC"). To receive a Development District Liquor License an applicant must be approved by the City and the MLCC. An application for a license will not be authorized for investigation until the MLCC has received a City resolution which approves the applicant at a specific location "above all others."

Up From the Skies, LLC has submitted the City license application with all requested supplemental documentation to the City Clerk. The restaurant is currently under construction, with inspections scheduled prior to its opening. All taxes are current. The Council Liquor License Review Committee has recommended approval on February 18, 2021.

A determination that the applicant is approved "above all others" at the designed premises is recommended on the basis of the unique character of the restaurant, historic preservation, and the services it offers to the downtown community and the general public.

If approved by City Council, the applicant will still be required to demonstrate to the MLCC that it meets all statutory licensing requirements to be issued a downtown development district liquor license.

Prepared by: Rachel Weinberg, Administrative Assistant

Reviewed by: Jacqueline Beaudry, City Clerk

Sponsored by: Council Liquor License Review Committee

Whereas, In 2006 in an effort to promote economic development in qualifying communities, the Michigan Legislature passed Act 501 (MCL 436.152A(1)B) 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 (MCL 436.1521A(1)B) of 2006 and the Michigan Liquor Control Commission (“MLCC”);

Whereas, Up From the Skies, LLC 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, Up From the Skies, LLC 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 25 persons;

Whereas, Up From the Skies, LLC 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, 210 S. Main St. 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 Up From the Skies, LLC and having made the following finding:

- That Up From the Skies, LLC will offer a tavern-style business and record shop within the development area which meets the criteria for issuance of a license as of the effective date of the Act.
- That Up From the Skies, LLC will celebrate the history of the building, showcasing a Civil War era mural and returning the building use to its original purpose as a tavern;
- That the designated premises, 210 S. Main St., 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.

does recommend to City Council the application of Up From the Skies, LLC for recommendation to the MLCC for approval “above all others”; and

Whereas, Up From the Skies, LLC has been informed that final approval of a license at 210 S. Main St. will be subject to approval by the Michigan Liquor Control Commission and a background investigation and approval by this body;

RESOLVED, That City Council recommend for the reasons stated above that the Michigan Liquor Control Commission consider the request from Up From the Skies, LLC, 210 S. Main St., Ann Arbor, MI 48104, for Approval for the issuance of a license for beer, wine and liquor (consistent with the MLCC terminology "Class C" license) "**Above All Others**" and that the application be recommended for issuance of a Development District Liquor License under MCL 436.1521A(1)B;

RESOLVED, That City Council affirms that Up From the Skies, LLC, 210 S. Main St., Ann Arbor, MI 48104, is within the established boundaries of the development district (City of Ann Arbor Downtown Development District boundary) 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; and

RESOLVED, That the City Clerk forward a copy of this resolution to Up From the Skies, LLC and the Michigan Liquor Control Commission.

Sponsored by: City Council Liquor Review Committee