Legislation Details (With Text)

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Type:	Resolution			**Status:**	Passed
File created:	7/16/2010			**In control:**	City Council
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Title: Resolution to Recommend Approval of Issuance of a Downtown Development District Liquor License to LBV, LLC (@Burger), 505 E. Liberty St., Suite 100A & 100B

Sponsors: Council Liquor License Review Committee

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
7/19/2010	1	City Council	Approved	Pass
7/16/2010	1	Council Liquor License Review Committee	Recommended for Adoption	Pass

Resolution to Recommend Approval of Issuance of a Downtown Development District Liquor License to LBV, LLC (@Burger), 505 E. Liberty St., Suite 100A & 100B
The attached resolution will approve the recommendation of LBV, LLC to the MLCC for issuance of a downtown development district liquor license to be sited at 505 E. Liberty St., Suite 100A & 100B, 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.”

LBV, LLC has submitted the City license application with all requested supplemental documentation to the City Clerk. The restaurant has been inspected by the City Service Units and its taxes are current.

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 proposed restaurant, the employment opportunities and investment in the community by the applicant.

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: Anissa R. Bowden, Council Coordinator

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, LBV, 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, LBV, 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 will have a seating capacity of not less than 50 persons;

Whereas, LBV, 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, 505 E. Liberty St., Suite 100A & 100B 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 LBV, LLC and having made the following finding

- ❑ That LBV, LLC (d/b/a @Burger) has proposed a restaurant business within the development area which meets the criteria for issuance of a license as of the effective date of the Act
- ❑ That LBV, LLC has demonstrated its ability to provide a new/unique contribution to the mix of establishments within the development area
- ❑ That the designated premises, 505 E. Liberty St., Suite 100A & 100B, 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 LBV, LLC for recommendation to the MLCC for approval “above all others”; and

Whereas, LBV, LLC has been informed that final approval of a license at 505 E. Liberty St., Suite 100A & 100B 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 LBV, LLC (d/b/a @Burger), 505 E. Liberty St., Suite 100A & 100B, Ann Arbor, MI 48104, for Approval **“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 LBV, LLC, 505 E. Liberty St., Suite 100A & 100B, 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 LBV, LLC and the Michigan Liquor Control Commission.

Sponsored by: City Council Liquor Review Committee