City of Birmingham
A Walkable Community

MEMORANDUM

Police Department

DATE: **June 11, 2015**

TO: **Joseph A. Valentine, City Manager**

FROM: **Donald A. Studt, Chief of Police**

SUBJECT: **Request to Transfer Ownership of Class C Liquor License with Official Permit (Food), Dance Permit, Entertainment Permit and Outdoor Service Area Permit from The Palladium of Birmingham, LLC (Business Id. No 238855) to allow the operation of Au Cochon and Arthur Ave. Restaurants at 260 N. Old Woodward, Birmingham, Michigan, operating under one Class C Liquor License with a Direct Connect Endorsement, to be held by Bellar Birmingham Ventures, LLC; Request for a New Sunday Sales (AM and PM) Permit, a New Additional Bar Permit and (1) Outdoor Service Area on the City Sidewalk and Request to Cancel the Dance/Entertainment Permit and Official Permit (Food).**

The Police Department has received a request from the law firm of Adkison, Need & Allen, PLLC to examine the liquor license request referenced above. Bellar Birmingham Ventures, LLC has paid the initial fee of $1,500.00 for a business that serves alcoholic beverages for consumption on premises per section 7.33 of the Birmingham City Code.

Chapter 126, Zoning, Article 6, Section 6.02 of the Birmingham City Code requires that existing and new establishments with alcoholic beverage sales (on premise consumption) shall obtain a Special Land Use Permit upon change in ownership or name of establishment, or upon application for a Site Plan Review. On February 11, 2015, the Birmingham Planning Board approved the final site plan review for the SLUP. On May 11, 2015, the Birmingham City Commission approved the Special Land Use Permit and final site plan review for 260 N. Old Woodward (minutes pending).

Bellar Birmingham Ventures, LLC's sole member is Peas and Carrots Hospitality, LLC (formerly known as Riverstone Hospitality, LLC). Peas and Carrots Hospitality, LLC is owned by the following members:

1. James Bellinson Trust – 46%
2. Zachary Sklar – 49%
3. Gary Dabkowski Trust – 2%
4. Scott Segal Trust – 3%

Peas and Carrots Hospitality, LLC, is the member of three other liquor establishments in Oakland County; Social Kitchen and Bar in Birmingham as well as Mex and Beau's in Bloomfield Township. Social Kitchen and Bar has received one Michigan Liquor Control Commission (MLCC) violation for selling to a minor in November of 2014. Neither Mex nor Beau's have received any MLCC violations.

The two majority stockholders for Peas and Carrots Hospitality, LLC are James Bellinson and Zachary Sklar. As stated earlier, both Mr. Bellinson and Mr. Sklar have been before the City Commission in the past (March of 2012) as the owners/operators of Social Kitchen and Bar. Since that time, they have opened up the other two restaurants together in Bloomfield Township (Mex and Beau's). James Bellinson owns and manages several real estate development companies that operate approximately sixty-eight mobile home parks throughout the Southeastern United States, primarily in the State of Florida. Mr. Bellinson is married with three children and lives in Bloomfield Hills. Mr. Sklar is a chef and owner of Bloomfield Hills based Cutting Edge Cuisine, a catering company. Mr. Sklar is single and resides in Birmingham.

Bellar Birmingham Ventures, LLC will be leasing the property from The Palladium of Birmingham, LLC. The cost for the renovations, furniture, equipment and inventory will be $800,000.00 and will be financed by a capital contribution by member James Bellinson. Mr. Bellinson's funds are in a Level One Bank account and sufficient funds were verified.

Background checks were conducted on both James Bellinson and Zachary Sklar utilizing the various resources contained in the Law Enforcement Information Network (LEIN), the Court's Law Enforcement Management Information System (CLEMIS) and the Middle Atlantic-Great lakes Organized Crime Law Enforcement Network (MAGLOCLEN). As a result of these queries, no negative information was obtained.

As a result of this investigation, no information was developed or uncovered that would give cause to deny the applicant's request. A representative from the law firm of Adkison, Need & Allen, PLLC will be present to answer any questions.

Under revised MLCC rules, an applicant no longer has to request the completion of a Police Investigation Report or a Local Approval Notice. However, pursuant to the City Code, Chapter 10, Alcoholic Liquors, Article II Licenses, Division II Consumption on Premises, Section 10-42, any and all transfers of a license for consumption of intoxicating liquor on premises require the approval of the City Commission.

SUGGESTED RESOLUTION:
To approve the Request to Transfer Ownership of Class C Liquor License with Official Permit (Food), Dance Permit, Entertainment Permit and Outdoor Service Area Permit from The Palladium of Birmingham, LLC (Business Id. No 238855) to allow the operation of Au Cochon and Arthur Ave. Restaurants at 260 N. Old Woodward, Birmingham, Michigan, operating under one Class C Liquor License with a Direct Connect Endorsement, to be held by Bellar Birmingham Ventures, LLC; Request for a New Sunday Sales (AM and PM) Permit, a New Additional Bar Permit and (1) Outdoor Service Area on the City Sidewalk and Request to Cancel the Dance/Entertainment Permit and Official Permit (Food).

Furthermore, pursuant to Birmingham City Ordinance, to authorize the City Clerk to complete the Local Approval Notice at the request of Bellar Birmingham Ventures, LLC approving the Transfer Ownership of Class C Liquor License with Official Permit (Food), Dance Permit, Entertainment Permit and Outdoor Service Area Permit from The Palladium of Birmingham, LLC (Business Id. No 238855) to allow the operation of Au Cochon and Arthur Ave. Restaurants at 260 N. Old Woodward, Birmingham, Michigan, operating under one Class C Liquor License with a Direct Connect Endorsement, to be held by Bellar Birmingham Ventures, LLC; Request for a New Sunday Sales (AM and PM) Permit, a New Additional Bar Permit and (1) Outdoor Service

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