City of Birmingham
A Walkable Community

MEMORANDUM

Community Development Department

DATE: **August 17, 2015**

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

FROM: **Jana L. Ecker, Planning Director**

SUBJECT: **Public Hearing for Final Site Plan & Special Land Use Permit at 117 Willits – Mitchell's Fish Market**

Under Article 6, section 6.02 (5) of the Zoning Ordinance, all existing establishments with alcoholic beverage sales (on-premise consumption) require the approval of a Special Land Use Permit if none was previously approved, upon a change in ownership.

On August 13, 2015, the owners of Willits Co-License, LLC, DBA Mitchell's Fish Market, submitted an application for a Final Site Plan and Special Land Use Permit to transfer ownership of the existing liquor license from the current owners, Palladium Restaurant III, LLC and RHG Fish Market Inc. to Willits Co-License LLC and Mitchell's Entertainment, Inc. Two separate applications have been filed with the Michigan Liquor Control Commission to essentially create two separate licenses for 117 Willits, DBA Mitchell's Fish Market and 117 Willits, DBA Mitchells' Fish Market. This SLUP application is to allow the transfer of the liquor license for use at 117 Willits at Mitchell's Fish Market. No changes are proposed to the layout, design, name or operation of the existing Mitchell's Fish Market restaurant. As there are no changes to the layout or operation of the establishment, the City Attorney has directed that this request for the transfer of ownership only proceed directly to the City Commission for review.

Thus, the Planning Division requests that the City Commission set a public hearing date for September 21, 2015 to consider approval of the Final Site Plan and Special Land Use Permit for Mitchell's Fish Market at 117 Willits to allow the transfer in ownership of the liquor license.

SUGGESTED ACTION:

To set a public hearing date of September 21, 2015 to consider approval of the Final Site Plan and Special Land Use Permit for Mitchell's Fish Market at 115 Willits to approve the transfer in ownership of the existing liquor license from the current owners, Palladium Restaurant III, LLC and RHG Fish Market Inc. to Willits Co-License LLC and Mitchell's Entertainment, Inc.

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MITCHELL'S FISH MARKET
117 WILLITS
SPECIAL LAND USE PERMIT AMENDMENT
2015

WHEREAS, Mitchell's Fish Market filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to operate a restaurant with alcoholic beverage sales for on-premise consumption under Chapter 126, Zoning, of the City Code;

WHEREAS, The land for which the Special Land Use Permit is sought is located on the south side of Willits between N. Old Woodward and Bates Street;

WHEREAS, The land is zoned B-4 and D-4, and is located within the Downtown Birmingham Overlay District, which permits restaurants with alcoholic beverage sales for on-premise consumption with a Special Land Use Permit;

WHEREAS, Article 7, section 7.34 of Chapter 126, Zoning requires a Special Land Use Permit to be considered and acted upon by the Birmingham City Commission, after receiving recommendations on the site plan and design from the Planning Board for the proposed Special Land Use;

WHEREAS, The owner of Mitchell's Fish Market, Palladium Restaurant III, LLC and RHG Fish Market Inc. is now requesting approval of the Birmingham City Commission to allow the transfer in ownership of the liquor license from Palladium Restaurant III, LLC and RHG Fish Market Inc. to Willits Co-License LLC and Mitchell's Entertainment, Inc.;

WHEREAS, The Birmingham City Commission has reviewed Mitchell's Fish Market Special Land Use Permit application and the standards for such review as set forth in Article 7, section 7.36 of Chapter 126, Zoning, of the City Code;

NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met, subject to the conditions below, and that Mitchell's Fish Market application for a Special Land Use Permit authorizing the operation of a establishment with alcoholic beverage sales (on-premise consumption) at 117 Willits Avenue in accordance with Chapter 10, Alcoholic Liquors, is hereby approved;

BE IT FURTHER RESOLVED, That the City Commission determines that to assure continued compliance with Code standards and to protect public health, safety, and welfare, this Special Land Use Permit is granted subject to the following conditions:

1. Mitchell's Fish Market shall abide by all provisions of the Birmingham City Code;

2. The Special Land Use Permit may be cancelled by the City Commission upon finding that the continued use is not in the public interest; and

3. Mitchell's Fish Market enter into a contract with the City outlining the details of the proposed restaurant.

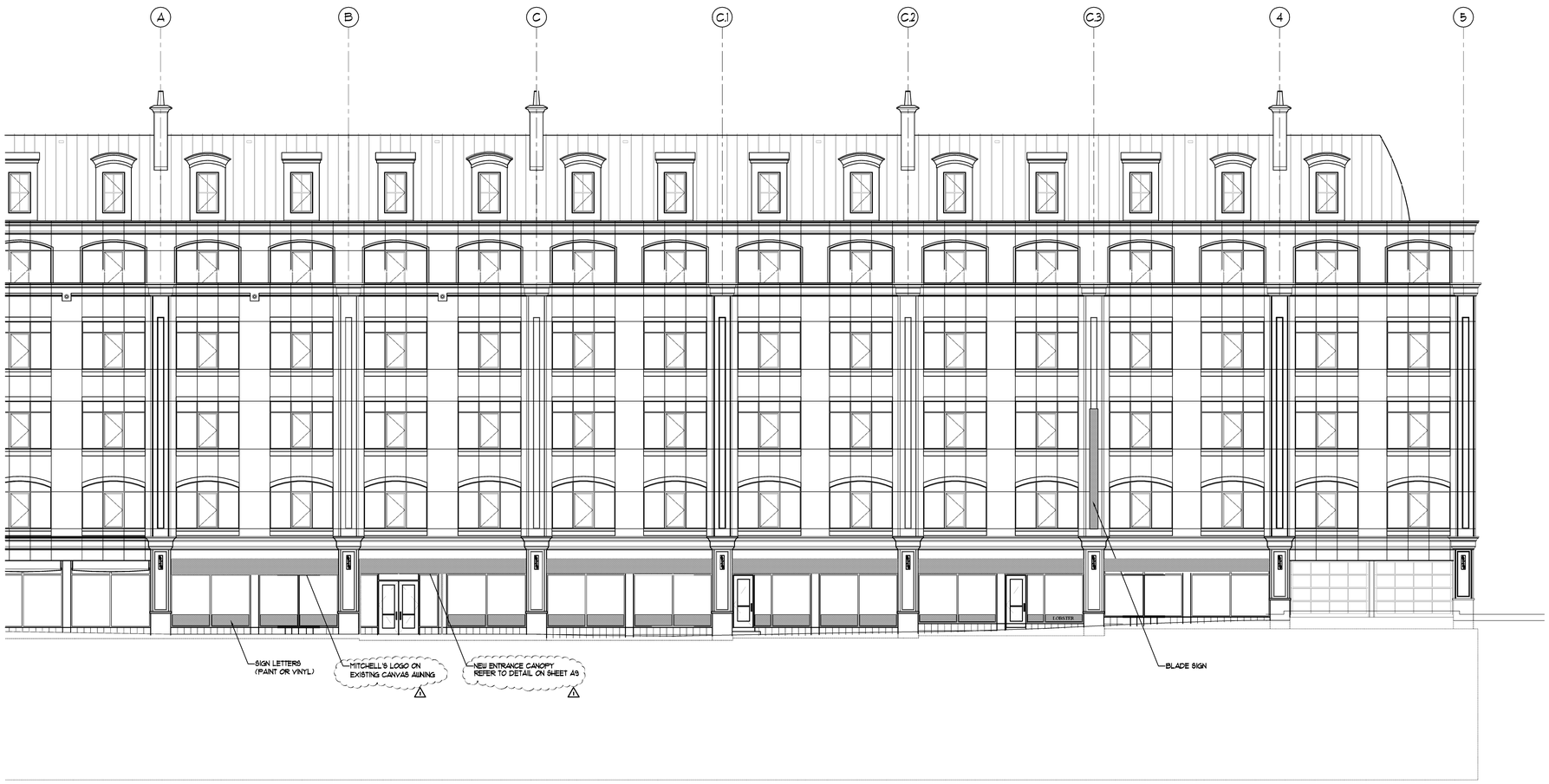
BE IT FURTHER RESOLVED, That failure to comply with any of the above conditions shall result in termination of the Special Land Use Permit.

BE IT FURTHER RESOLVED, Except as herein specifically provided, Mitchell's Fish Market and its heirs, successors, and assigns shall be bound by all ordinances of the City of Birmingham in effect at the time of the issuance of this permit, and as they may be subsequently amended. Failure of Mitchell's Fish Market to comply with all the ordinances of the city may result in the Commission revoking this Special Land Use Permit.

I, Laura Pierce, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on September 21, 2015.

_____

Laura Pierce, City Clerk



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NO.	DESCRIPTION	DATE
1	ISSUED FOR BID	11-15-02
	ISSUED FOR BUILDING PERMIT	10-4-02
	ISSUED FOR REVIEW AND COORD.	9-3-02

REVISIONS

MITCHELL'S FISH MARKET

111 WILLITS
BIRMINGHAM, MICHIGAN

PROJECT

BUILDING ELEVATION

SCALE: XX = XX

SHEET TITLE

DRAWN	SHEET NO.
CHECKED MCM	A4
APPROVED	
DATE 06-24-02	
JOB NO. 2220	

FIXTURE AND FURNITURE

CASE GOODS

101	24 x 30 DINING TABLE (BAR)
102	51 x 30 TABLE (BOOTH IN BAR)
103	30" ϕ HI-TOP TABLE (BAR)
104	96 x 30 DINING TABLE
105	NOT USED
106	36 x 36 DINING TABLE
107	48" ϕ DINING TABLE
108	60" ϕ DINING TABLE
109	24 x 30 DINING TABLE
110	NOT USED
111	TABLE @ U-BOOTH
112	84 x 36 DINING TABLE (PDR)
113	NOT USED
114	36 x 36 OUTDOOR DINING TABLE
115	30 x 24 OUTDOOR DINING TABLE

SEATING

201	BENCHES @ WAITING
202	BAR STOOL
203	DINING CHAIR
204	DINING CHAIR @ PDR
205	OUTDOOR DINING CGAIR

SOFT GOODS

301	WOOD BLINDS
302	ROLLER SHADES

LIGHTING

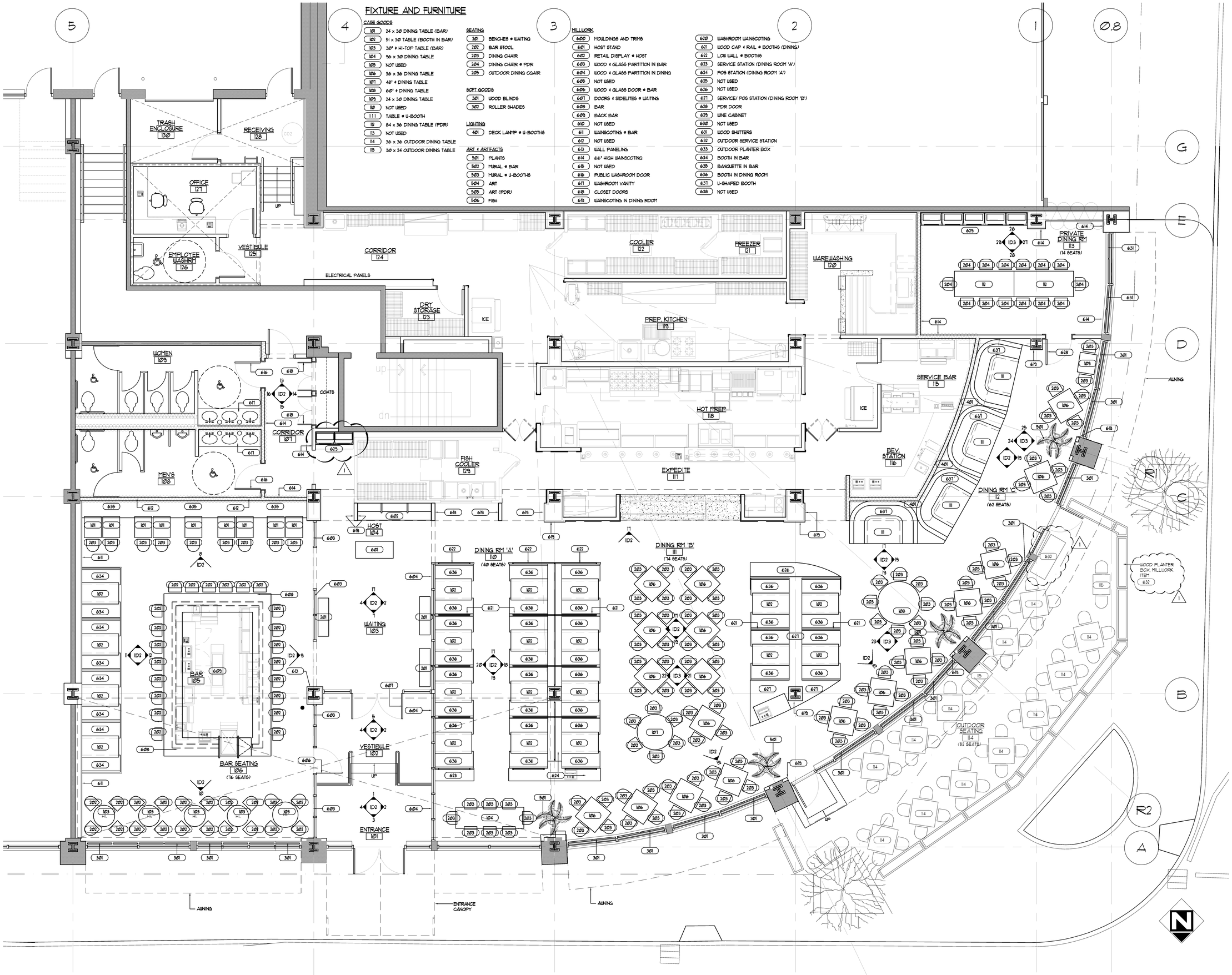
401	DECK LAMP @ U-BOOTHS

ART & ARTIFACTS

501	PLANTS
502	MURAL @ BAR
503	MURAL @ U-BOOTHS
504	ART
505	ART (PDR)
506	FISH

MILLWORK

600	MOULDINGS AND TRIMS
601	HOST STAND
602	RETAIL DISPLAY @ HOST
603	WOOD & GLASS PARTITION IN BAR
604	WOOD & GLASS PARTITION IN DINING
605	NOT USED
606	WOOD & GLASS DOOR @ BAR
607	DOORS & SIDELITES @ WAITING
608	BAR
609	BACK BAR
610	NOT USED
611	WAINSCOTING @ BAR
612	NOT USED
613	WALL PANELING
614	66" HIGH WAINSCOTING
615	NOT USED
616	PUBLIC WASHROOM DOOR
617	WASHROOM VANITY
618	CLOSET DOORS
619	WAINSCOTING IN DINING ROOM
620	WASHROOM WAINSCOTING
621	WOOD CAP & RAIL @ BOOTHS (DINING)
622	LOW WALL @ BOOTHS
623	SERVICE STATION (DINING ROOM 'A')
624	POS STATION (DINING ROOM 'A')
625	NOT USED
626	NOT USED
627	SERVICE/ POS STATION (DINING ROOM 'B')
628	PDR DOOR
629	WINE CABINET
630	NOT USED
631	WOOD SHUTTERS
632	OUTDOOR SERVICE STATION
633	OUTDOOR PLANTER BOX
634	BOOTH IN BAR
635	BANQUETTE IN BAR
636	BOOTH IN DINING ROOM
637	U-SHAPED BOOTH
638	NOT USED



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REVISIONS

MITCHELL'S FISH MARKET

111 WILLITS
BIRMINGHAM, MICHIGAN

PROJECT

FIXTURE AND FURNITURE PLAN

SCALE: ¼" = 1'-0"

SHEET TITLE

DRAWN	SHEET NO.
CHECKED MCM	ID1
APPROVED	
DATE 06-24-02	
JOB NO. 2220	