NOTICE OF PUBLIC HEARING

BIRMINGHAM CITY COMMISSION
SPECIAL LAND USE PERMIT AMENDMENT

Meeting Date, Time, Location:	Monday, September 21, 2015, 7:30 PM Municipal Building, 151 Martin Birmingham, MI
Location of Request:	Mitchell's Fish Market 117 Willits
Nature of Hearing:	To consider a Special Land Use Permit amendment and Final Site Plan 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. No changes are proposed to the layout, design, name, or operation of the existing restaurant.
City Staff Contact:	Jana Ecker 248.530.1841 jecker@bhamgov.org
Notice Requirements:	Mailed to all property owners and occupants within 300 feet of subject address. Publish September 6, 2015
Approved minutes may be reviewed at:	City Clerk's Office

Persons wishing to express their views may do so in person at the hearing or in writing addressed to City Clerk, City of Birmingham, 151 Martin, Birmingham, MI 48009.
Persons with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk's Office at 248.530.1880 (voice) or 248.644.5115 (TDD) at least one day in advance to request mobility, visual, hearing or other assistance.

MEMORANDUM

Community Development Department

DATE: **September 14, 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 115 Willits, DBA Cameron's Steakhouse and 117 Willits, DBA Mitchells' Fish Market. This SLUP application is to allow the transfer of the liquor license for use at 117 Willits, 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 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 adopt a resolution to approve the Final Site Plan and Special Land Use Permit for Mitchell's Fish Market at 117 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.

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, No site plan or design changes are proposed to the existing Mitchell's Fish Market at 117 Willits;

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

LAW OFFICES

ADKISON, NEED & ALLEN

PROFESSIONAL LIMITED LIABILITY COMPANY

PHILLIP G. ADKISON
KELLY A. ALLEN
SALAM F. ELIA
LINDA S. MAYER
GREGORY K. NEED
G. HANS RENTROP

OF COUNSEL:
KEVIN M. CHUDLER

39572 Woodward, Suite 222
Bloomfield Hills, Michigan 48304
Telephone (248) 540-7400
Facsimile (248) 540-7401
www.ANAfirm.com

August 13, 2015

Via Overnight Mail-2nd Day

Jana L. Ecker, Planning Director
City of Birmingham
151 Martin Street,
P.O. Box 3001
Birmingham, Michigan 48012

Re: Willits Co-License, LLC and Mitchell's Entertainment, Inc.

Dear Ms. Ecker:

The ownership entity of the Mitchell's Fish Market and Cameron's Steak House is being transferred from the current owners, Palladium Restaurant III, LLC and RHG Fish Market Inc. to Willits Co-License LLC and Mitchell's Entertainment, Inc. We represent Willits Co-License, LLC.

The original application with the Michigan Liquor Control Commission ("MLCC") is to transfer ownership from Palladium Restaurant III, LLC and RHG Fish Market Inc. to Willits Co-License LLC and Mitchell's Entertainment, Inc. located at 115-117 Willits, Birmingham. A second application is pending with the MLCC to transfer ownership of an escrowed licensed from RHG Fish Market, Inc. to Willits Co-License, LLC and Mitchell's Entertainment, Inc. to be located at 115 Willits. Birmingham. Upon completion of both applications, there will be separate licenses operated in each of the spaces, one attached to 115 Willits, which will do business as Cameron's Steakhouse, and one attached to 117 Willits which will do business as Mitchells' Fish Market.

There will be no changes to the floor plan/layout of the establishment, the operation of business or the name.

We have filed applications with Deputy Chief Mark Clemence to have the change in ownership considered by the Birmingham City Commission as required by its ordinance. We are also filing with you two Special Land Use Applications, one for 115 Willits and one for 117 Willits. The Applications are enclosed. Enclosed is a check payable to the City of Birmingham for $200.00 fee. Please notify my office if you will require additional fees for the applications.

Please call me to discuss at your earliest convenience.

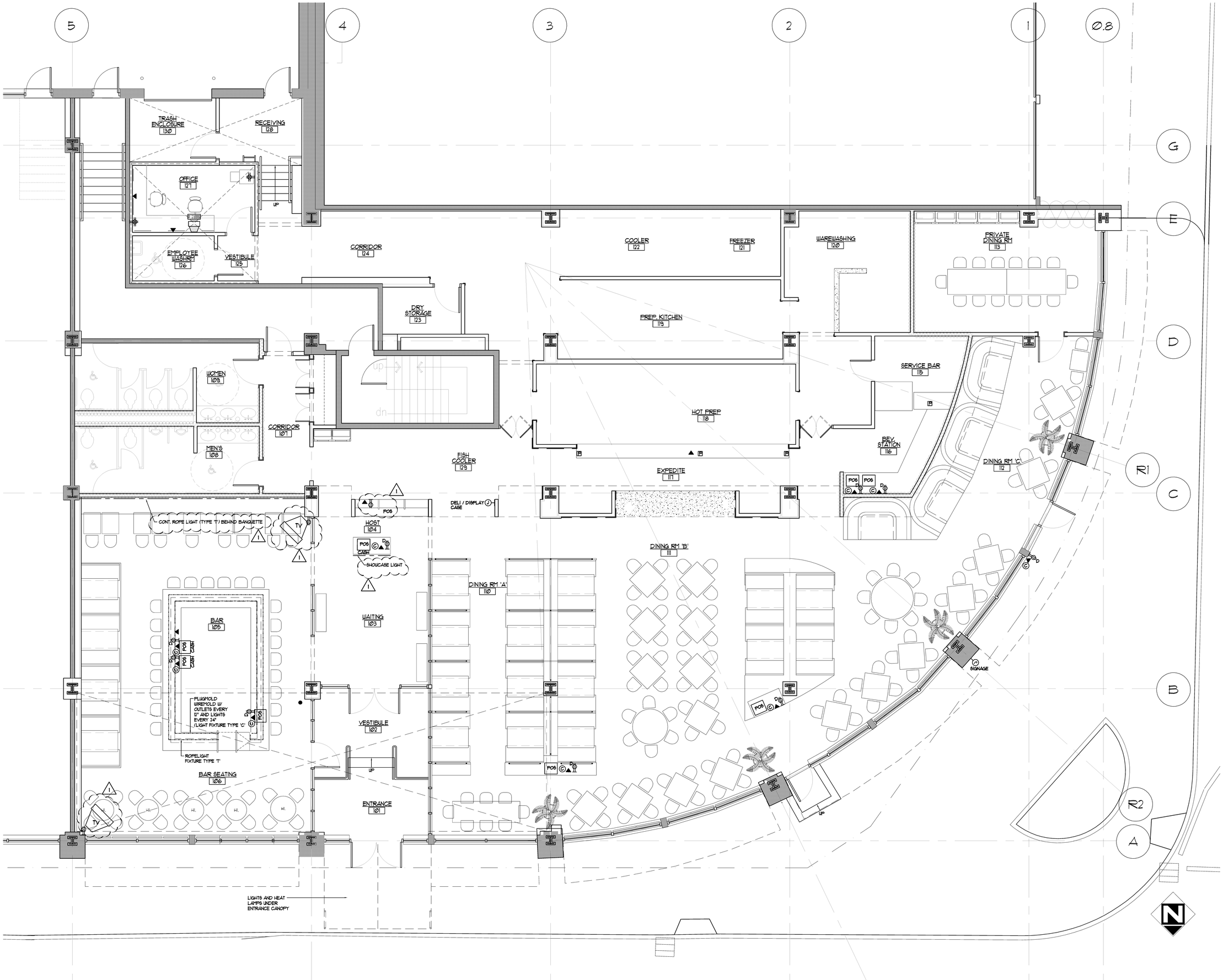
Very truly yours,

ADKISON, NEED & ALLEN, P.L.L.C.

Kelly A. Allen

/lbp
Enclosures
CC: Deputy Chief Mark Clemence

m:\seligman group\purchase of escrowed license\corres\2015-08-13 to jecker re slup.docx



KNAUER

KNAUER INCORPORATED
720 N. WAUKEGAN ROAD, SUITE 200
DEERFIELD, ILLINOIS 60015
TEL: 847.948.9500 FAX: 847.948.9599
WEB: www.knauerinc.com

STATE OF ILLINOIS
PROFESSIONAL DESIGN FIRM
ARCHITECT CORPORATION
LICENSE No. 184-00248 (I-010670)

© KNAUER INCORPORATED

NOTES

LEGEND NOTES:

- WALL DCO
- FLOOR DCO
- DEDICATED DCO (ORANGE)
- WEATHER PROOF DCO
- WALL QUAD CO
- FLOOR QUAD CO
- DEDICATED QUAD CO (ORANGE)
- GROUNDED FAULT INTERRUPTER
- COMPUTER/TELEPHONE COMBINATION
- TELEPHONE WALL OUTLET
- TELEPHONE FLOOR OUTLET
- WALL MOUNTED J-BOX
- T.V. CABLE
- BUZZER
- COMPUTER PULL BOX

NOTES:

- ALL COMPUTER/CASH REGISTER OUTLETS ARE TO BE DEDICATED CIRCUIT WITH ISOLATED GROUND. USE ORANGE OUTLET.

- ELECTRICAL CONTRACTOR IS TO RUN CONDUIT TO COMPUTER PULL BOX IN OFFICE AND PULL LOGIC CABLE EACH RUN TO BE A HOME RUN. DO NOT 'DAISY CHAIN'. LOGIC CABLE FURNISHED BY COMPUTER VENDOR.

- ELECTRICAL CONTRACTOR IS TO PROVIDE ADDITIONAL DUPLEX CONVENIENCE OUTLETS FOR CLEANING AS PER CODE (24'-0" CORD.)

- ELECTRICAL CONTRACTOR IS TO PROVIDE CONDUIT FOR CABLE, TV, TELEPHONES, MUSIC SYSTEM.

- VENDORS WILL FURNISH AND INSTALL CABLES AND EQUIPMENT.

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE THE ORIGINAL AND UNPUBLISHED WORK OF KNAUER INCORPORATED AND THE SAME MAY NOT BE DUPLICATED, USED, OR DISCLOSED WITHOUT THE WRITTEN CONSENT OF KNAUER INCORPORATED.

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

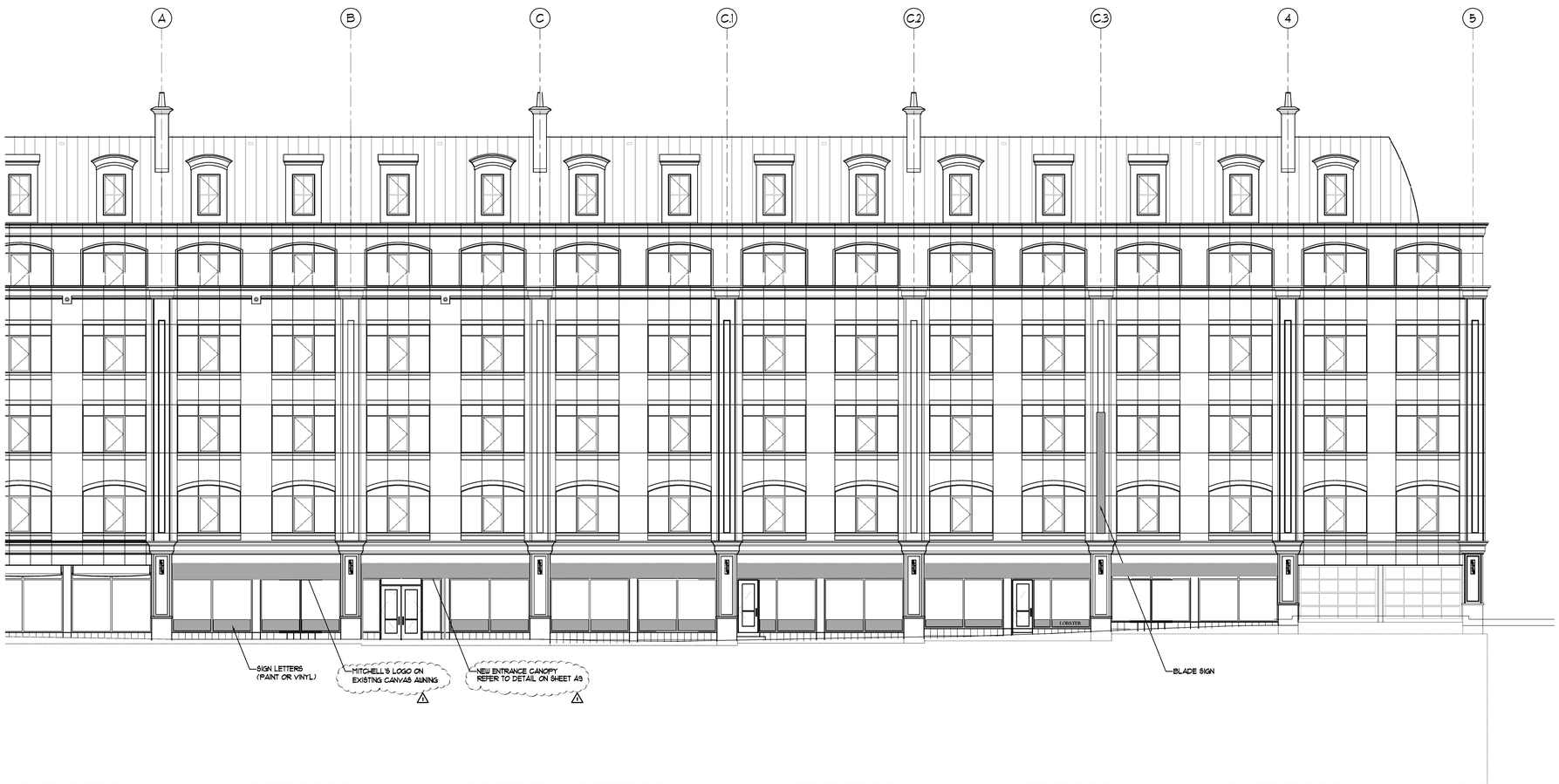
MISCELLANEOUS POWER PLAN

SCALE: ¼" = 1'-0"

SHEET TITLE

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

SHEET NO. A1.2



KNAUER

KNAUER INCORPORATED
720 N. WAUKEGAN ROAD, SUITE 200
DEERFIELD, ILLINOIS 60015
TEL: 847.948.9500 FAX: 847.948.9599
WEB: www.knauerinc.com

STATE OF ILLINOIS
PROFESSIONAL DESIGN FIRM
ARCHITECT CORPORATION
LICENSE No. 184-00248 (I-010670)

© KNAUER INCORPORATED

NOTES

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE THE ORIGINAL AND UNPUBLISHED WORK OF KNAUER INCORPORATED AND THE SAME MAY NOT BE DUPLICATED, USED, OR DISCLOSED WITHOUT THE WRITTEN CONSENT OF KNAUER INCORPORATED.

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	