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:	Cameron's Steakhouse 115 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 115 Willits – Cameron's Steakhouse**

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 Cameron's Steakhouse, 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 115 Willits, Cameron's Steakhouse. No changes are proposed to the layout, design, name or operation of the existing Cameron's Steakhouse 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 Cameron's Steakhouse at 115 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 Cameron's Steakhouse 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.

CAMERON'S STEAKHOUSE
115 WILLITS
SPECIAL LAND USE PERMIT AMENDMENT
2015

WHEREAS, Cameron's Steakhouse 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 Cameron's Steakhouse at 115 Willits;

WHEREAS, The owner of Cameron's Steakhouse, 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 Cameron's Steakhouse 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 Cameron's Steakhouse application for a Special Land Use Permit authorizing the operation of a establishment with alcoholic beverage sales (on-premise consumption) at 115 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. Cameron's Steakhouse 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. Cameron's Steakhouse 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, Cameron's Steakhouse 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 Cameron's Steakhouse 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
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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

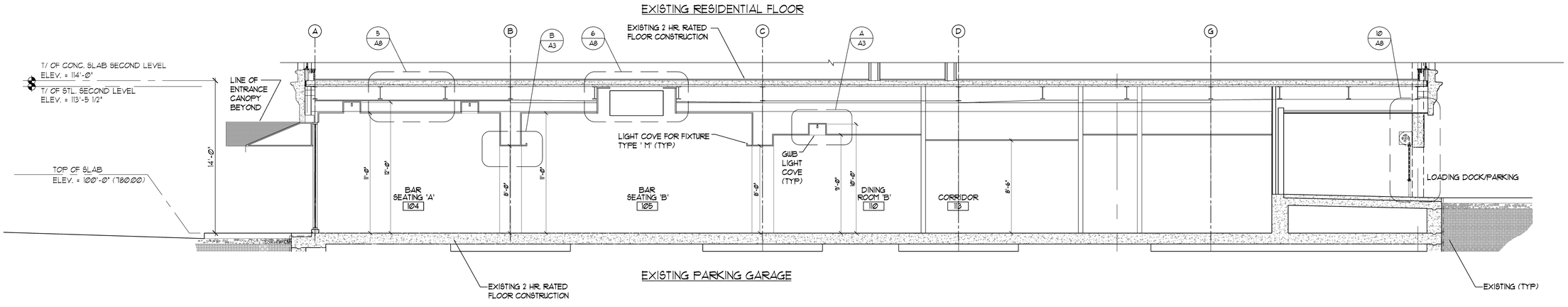
m:\seligman group\purchase of escrowed license\corres\2015-08-13 to jecker re slup.docx

A NORTH ELEVATION

SCALE: 1/8"=1'-0"

B SOUTH ELEVATION

SCALE: 1/8"=1'-0"



AA- BUILDING SECTION

SCALE: 1/4"=1'-0"

KNAUER

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LICENSE No. 184-00248 (1-010670)

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NO.	DESCRIPTION	DATE
	ISSUED FOR BID/CONSTRUCTION	04-22-04
	ISSUED FOR BUILDING PERMIT	03-25-04
	ISSUED FOR MEP COORDINATION	02-23-04

REVISIONS

CAMERON'S STEAK HOUSE

THE WILLITS BUILDING
115 WILLITS STREET
BIRMINGHAM, MI

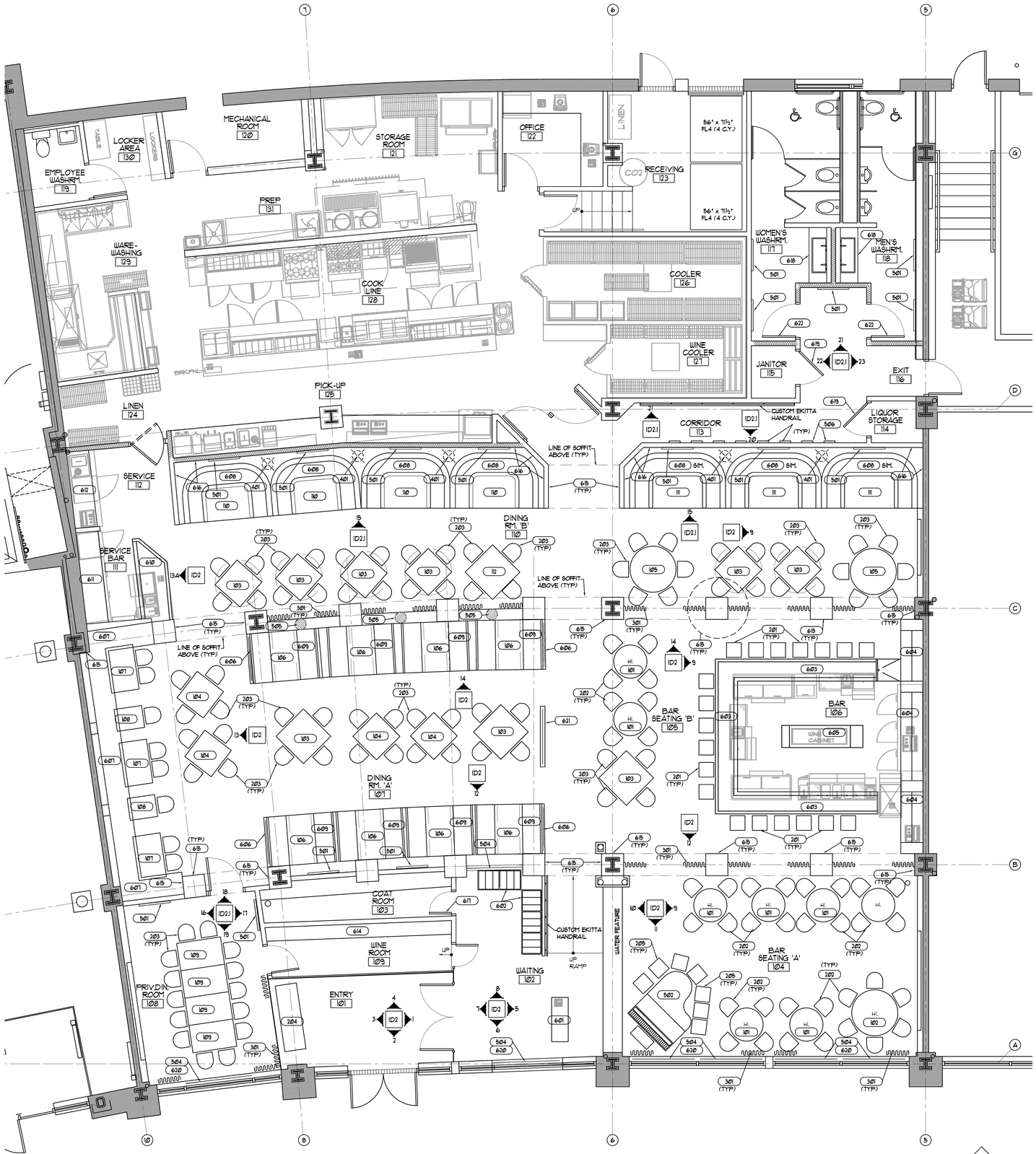
PROJECT

EXTERIOR ELEVATIONS & BUILDING SECTION

SCALE: AS NOTED

SHEET TITLE

DRAWN SS	SHEET NO. A4
CHECKED MM	
APPROVED	
DATE 03-25-04	
JOB NO. 2406	



FF&E SCHEDULE

101	36" DIA. HIGH TOP TABLE
102	50" DIA. HIGH TOP TABLE
103	36" SQ. FLIP TOP DIN. TABLE
104	36" SQ. DIN. TABLE
105	50" DIA. DIN. TABLE
106	30"x84" FULLMAN BOOTH TABLE
107	30"x48" BANQUETTE DIN. TABLE
108	30"x24" BANQUETTE DIN. TABLE
109	30"x48" PRIVATE DIN. TABLE
110	39"x54" U-SHAPED BOOTH TABLE
111	39"x62" U-SHAPED BOOTH TABLE
112	42"x42" DIN. TABLE
201	BAR STOOL
202	HIGH TOP BAR CHAIR
203	DINING CHAIR
204	HALL TABLE
205	PIANO BAR STOOL
301	DRAPERY
401	DECK LAMP (REFER TO SHT. A3)
501	FRAMED ART
502	PIANO
503	DECORATIVE MTL. GRILL (SEE SHT. ID2)
504	DECORATIVE LOGO ART
505	ART OBJECT
506	FRAMED PHOTOS
601	HOST STAND
602	WAITING BENCH
603	BAR FRONT
604	BACK BAR
605	LIQUOR DISPLAY
606	BOOTH END WALLS
607	BANQUETTE SEATING
608	U-SHAPED BOOTH W/DECK
609	PULLMAN BOOTH W/DECK
610	SERVICE BAR FRONT
611	SERVICE BACK BAR
612	SERVICE STATION
613	NOT USED
614	WINE DISPLAY
615	WOOD PANELING (TYP)
616	DECORATIVE WOOD PANEL (TYP)
617	DUTCH DOOR
618	VANITY DETAIL
619	DOOR
620	DECORATIVE LOGO FRAME
621	DECORATIVE DIVIDER WALL
622	WASHROOM DOOR

KNAUER

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REVISIONS

CAMERON'S STEAK HOUSE

THE WILLITS BUILDING
115 WILLITS STREET
BIRMINGHAM, MI

PROJECT

FIXTURE FLOOR PLAN

SCALE: 1/4" = 1'-0"

SHEET TITLE

DRAWN SS	SHEET NO. ID1
CHECKED MM	
APPROVED	
DATE 03-25-04	
JOB NO. 2406	