



CITY OF NOVI CITY COUNCIL
JULY 8, 2024

SUBJECT: Consideration of requests from E&S Global Inc (DBA: Yori Sushi):

- A. Consideration of a request for Special Land Use approval for service of alcoholic beverages.
- B. Consideration of request for a new Class C quota license to be used in an existing business located at 30650 Beck Rd, Novi, MI 48377 and Agreement on the Prohibition on Profiteering by Class C Liquor License Holders.

SUBMITTING DEPARTMENT: City Clerk

BACKGROUND INFORMATION:

Yori Sushi's theme is "Elevating Japanese Culinary Artistry". Their mission is to bring the artistry of Japanese cuisine to life, elevating it to new heights of flavor and experience. With a strong foundation in the traditional techniques and recipes of Japan, Haejin Ju the sole owner and chef has been passionately crafting delectable dishes since 2020.

Ms. Ju aspires to become a distinctive asset to Novi's culinary diversity by complementing the restaurant's sushi and Japanese delicacies with a curated selection of premium beverages.

Liquor licenses are subject to both a special land use approval under the zoning ordinance and approval of a license under the City Code. ***Under both ordinance provisions, the Council is required to make findings to support the grant or denial of the request.***

Special Land Use Approval

The approval of a Special Land Use by the City Council requires findings in support of the City Council's decision. The standards for review under the zoning ordinance for special land use are:

1. The proposed establishment will promote the city's economic development goals and objectives and will be consistent with the city's master plan and zoning ordinance.

2. Given the character, location, development trends and other aspects of the area in which the proposed use or change in use is requested, it is demonstrated that the use will provide a service, product, or function that is not presently available within the city or that would be unique to the city or to an identifiable area within the city and that the addition of the use or proposed change in use will be an asset to the area.
3. The use or change in use as constructed and operated by the applicant is compatible with the area in which it will be located, and will not have any appreciable negative secondary effects on the area, such as:
 - I. Vehicular and pedestrian traffic, particularly during late night or early morning hours that might disturb area residents.
 - II. Noise, odors, or lights that emanate beyond the site's boundaries onto property in the area on which there are residential dwellings.
 - III. Excessive numbers of persons gathering outside the establishment.
 - IV. Peak hours of use that add to congestion or other negative effects in the neighborhood.
 - V. Fighting, brawling, outside urination, or other behavior that can accompany intoxication.

A public hearing was held on March 1, 2024 in the Novi Civic Center for consideration of the Special Land Use (SLU) request for approval for service of alcoholic beverages at Yori Sushi in accordance with Ordinance No. 18-266 which added Section 2525 to the Novi Zoning Ordinance. The Planning staff had previously reviewed the required application and Site Plan and found the documents to be complete. Charles Boulard, Community Development Director, Jeff Herczeg, Director of Public Works, and Jan Ziozios, Deputy Assessor, considered the request in accordance with the standards for review specified in Section 2525.d of the Zoning Ordinance and determined to forward a **recommendation to City Council for approval of the Special Land Use.**

Quota Liquor License Approval

The City currently has four new Class C quota liquor licenses available. Chapter 3 of the City Code contains the review criteria for considering a new license. Section 3-13 establishes the city's general licensing policy, which considers whether the facility:

- a) Will provide a service, product, or function that is not presently available within the city or that would be unique to the city or to an identifiable area within the city.
- b) Is of a character that will foster or generate economic development or growth within the city, or an identifiable area of the city, in a manner consistent with the city's policies.
- c) Represents an added financial investment on the part of a long-term business or resident with recognized ties to the city and the local community.

In addition, Section 3-15 (g) establishes specific criteria, evaluating the application with regard to:

The applicant (subsection [g][1]), such as:

- The applicant's management experience in the alcohol/liquor business

The facility (subsection [g][2]), such as:

- compliance with building, zoning, and other code requirements

- effects on traffic
- effects on surrounding businesses and neighborhood
- proximity of the proposed business facility to other similarly situated licensed liquor facilities

Benefits to the community (subsection [g][3])

- effects upon the economic development of the city
- effects on the health, welfare and safety of the general public
- whether the applicant has demonstrated a public need or convenience for the issuance of the liquor license for the business facility at the location proposed, taking into consideration, among other things:
 1. total number of licenses for similar establishments and/or operations in the city; and
 2. proximity of the establishment to other licensed liquor establishments
- The uniqueness of the facility contrasted with other existing or proposed facilities
- The permanence of the proposed facility in the community.

Section 3-17 of the City Code allows for an agreement on the prohibition on profiteering by Class C liquor license holders. Under the terms of the agreement, the City Council shall not approve the transfer of a Class C liquor license within three (3) years of the date of the original issuance of the license. A draft agreement is included in this packet.

The Police Department, Fire Department and Community Development do not object to the approval.

RECOMMENDED ACTION:

1. Approval of the request by E & S Global, Inc., (dba: Yori Sushi) for Special Land Use for service of alcoholic beverages because (a) the issuance of the liquor license to the existing establishment will promote the city's economic development goals and objectives by providing for increased services by an existing business, and will be consistent with the city's master plan and zoning ordinance because the additional service will promote long-term viability of an existing business by expanding its menu; and, (b) given the character, location, development trends and other aspects of the area in which the proposed use or change in use is requested, the applicant has demonstrated that the use will provide a service, product, or function that is not presently available within the city or that would be unique to the city or to an identifiable area within the city and that the addition of the use or proposed change in use will be an asset to the area because the applicant's Japanese cuisine offerings are unique to that part of the City, and its proposed offering of Sake and Soju are not currently available in that area within the City; and, (c) the use or change in use as constructed and operated by the applicant is compatible with the area in which it will be located, and will not have any appreciable negative secondary effects on the area, such as:
 - I. There will be no additional vehicular and pedestrian traffic added, particularly during late night or early morning hours that might disturb area residents because the applicant does not operate in the early morning or late evening hours with current hours being 11:30 am to 9:30 pm, with proposal to remain open no later than 10:00 pm.
 - II. Noise, odors, or lights do not emanate beyond the site's boundaries onto property in the area on which there are residential dwellings, because the

business is part of an existing shopping center that has been operating in a harmonious manner with adjacent residential areas and, additionally applicant has installed both ventilation to contain odor and also sound proofing improvements to eliminate external noise from the establishment.

- III. Excessive numbers of persons will not gather outside the establishment, as alcohol service will be provided at the indoor service area, and a full bar will not be available.
 - IV. Peak hours of use for the applicant's business will not change from the existing hours and are not expected to change existing congestion or other negative effects in the neighborhood.
 - V. Fighting, brawling, outside urination, or other behavior that can accompany intoxication is not expected to occur as the restaurant is predominantly geared toward food service.
2. Approval of the request for a new Class C quota license to be used in an existing business located at 30650 Beck Rd, Novi, MI 48377 and Agreement on the Prohibition on Profiteering by Class C Liquor License Holders, because the addition of the license to this business will improve the diners' experience by allowing them to offer a curated selection of premium beverages consistent with the Japanese theme of the restaurant. No other businesses in the same shopping center operate with a liquor license or serve Sake or Soju. The use will not adversely affect surrounding uses, because the use is existing and the additional offerings are expected to enhance and strengthen the applicant's current base of customers by providing for a unique dining experience, and because the applicant otherwise appears to qualify for a license under the City's ordinance, based on the recommendations of the City's Department Heads.