



CITY of NOVI CITY COUNCIL

Agenda Item 2
July 23, 2018

SUBJECT: Consideration of requests from BATL MI, LLC d/b/a BATL (Backyard Axe Throwing League):

- A) Consideration of a request for Special Land Use approval for service of alcoholic beverages.
- B) Consideration of request to transfer ownership of escrowed 2018 Class C & SDM license with Sunday Sales Permit (PM), from Furama Restaurant, INC., 1340 S. Milford Road, Highland Township, MI 48357 along with new Sunday Sales Permit (AM), new Dance-Entertainment Permit, and Specific Purpose Permit (food) to BATL MI, LLC d/b/a BATL (or Backyard Axe Throwing League), an existing business located at 44715 E. 12 Mile Road #F141-F142, Novi, MI 48377.

SUBMITTING DEPARTMENT: City Clerk

CITY MANAGER APPROVAL:

BACKGROUND INFORMATION:

BATL is a limited liability company based out of Toronto, ON. The CEO of BATL is Matthew Wilson, who is a resident of Toronto. BATL is the industry pioneer in axe throwing entertainment venues in the United States and Canada.

BATL will be an entertainment venue serving a small assortment of food and beverages, including alcohol. BATL is the founding member of the National Axe Throwing Federation, which upholds the highest standards in safety for axe throwing establishments.

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:
 - (a) Vehicular and pedestrian traffic, particularly during late night or early morning hours that might disturb area residents.
 - (b) Noise, odors, or lights that emanate beyond the site's boundaries onto property in the area on which there are residential dwellings.
 - (c) Excessive numbers of persons gathering outside the establishment.
 - (d) Peak hours of use that add to congestion or other negative effects in the neighborhood.
 - (e) Fighting, brawling, outside urination, or other behavior that can accompany intoxication.

A public hearing was held on July 12, 2018 in the Novi Civic Center for consideration of the Special Land Use (SLU) request for approval for service of alcoholic beverages at BATL 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, and Aaron Staup, Construction Engineering Coordinator, 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.**

City Code License Approval

The approval of a liquor license by the City Council requires findings in support of the City Council's decision. The general licensing policy as stated in Chapter 3 of the City Code states, at Section 3-13, that an applicant must demonstrate in particular that the proposed 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.

More specific review criteria are set forth at subsection 3-15(g), and in addition to the general information regarding the applicant and the facility or building at issue, they require a review of the benefits to the community of the proposed use:

(3) Benefits to community:

- a. The effects that the issuance of a license would have upon the economic development of the city or the surrounding area.
- b. The effects that the issuance of a license would have on the health, welfare, and safety of the general public.
- c. 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 the following, together with other factors deemed relevant by the council:
 1. The total number of licenses for similar establishments and/or operations in the city, considered both in terms of whether such number of similar

establishments is needed and whether there may be a need for other types of establishments that could go unmet if the requested license were granted.

2. The proximity of the establishment to other licensed liquor establishments, the type of such establishments, whether such other establishments are similar to that proposed, and the anticipated impact of all such determinations.
3. Whether the proposed location is in an area characterized as developed, redeveloping, or undeveloped, and the anticipated impact of approving the newly proposed establishment in light of such character, taking into consideration the need for any type of additional licensed establishment in the area, and the need the particular type of establishment proposed.
 - d. The uniqueness of the proposed facility when contrasted against other existing or proposed facilities, and the compatibility of the proposed facility to surrounding architecture and land use.
 - e. The permanence of the establishment in the community, as evidenced by the prior or proposed contributions to the city or community by the applicant or business, and the extent to which the issuance of the license will assist in the further investment of the applicant or business in the city or the community.
 - f. The character and extent of investment in improvements to the building, premises, and general area.

Both the Police Department and the Fire Department have no objections to the request.

RECOMMENDED ACTION: Consideration of requests from BATL MI, LLC:

- A) Approval of a request for Special Land Use approval for service of alcoholic beverages, for the reasons stated in the Special Land Use approval.
- B) Approval of request to transfer ownership of escrowed 2018 Class C & SDM license with Sunday Sales Permit (PM), from Furama Restaurant, INC., 1340 S. Milford Road, Highland Township, MI 48357 along with new Sunday Sales Permit (AM), new Dance-Entertainment Permit, and Specific Purpose Permit (food) to BATL MI, LLC d/b/a BATL (or Backyard Axe Throwing League), an existing business located at 44715 E. 12 Mile Road #F141-F142, Novi, MI 48377, because the proposed licensee is in fact unique as compared to other venues in the area, because the proposed use is in an area focused on entertainment and the proposed licensee will positively add to the mix of tenants, and because the use is not inconsistent with or detrimental to other existing uses in the area.

MEMORANDUM



TO: CORTNEY HANSON, CITY CLERK
FROM: DAVID E. MOLLOY, *DEM*
DIRECTOR OF PUBLIC SAFETY / CHIEF OF POLICE
INITIATED BY: JEFF BROWN, DETECTIVE
SUBJECT: TRANSFER OF CLASS C LIQUOR LICENSE TO
BATL (BACKYARD AXE THROWING LEAGUE)
DATE: JULY 5, 2018

Liquor License Request:

BATL requests to transfer ownership of Class C license, obtain a new Sunday AM Sales Permit, Sunday PM Sales Permit, and Entertainment Permit. BATL will be located at 44715 E 12 Mile #F141-F142, Novi, MI 48377 inside of the Fountain Walk Shopping Center. It is located in the southeast corner of the center round about.

Applicant/Background Information:

BATL is a limited liability company based out of Toronto, ON. The CEO of BATL is Matthew Wilson. Wilson is also a resident of Toronto, ON. BATL is the industry pioneer in axe throwing entertainment venues for the United States and Canada. They currently operate 13 establishments throughout Canada and the United States. Wilson has been the CEO for the company for the past 10 years.

BATL will be an entertainment venue with a small assortment of food and beverages, including alcoholic beverages. BATL is also the founding member of the National Axe Throwing Federation, which upholds the highest standards in safety for axe throwing establishments. BATL is still awaiting a Special Land Use Permit from the city.

Criminal History/Police Contacts:

Wilson has no known criminal history and there are no police contacts in CLEMIS.

Civil History:

Wilson has no known civil history or bankruptcies.

Michigan Liquor Control Commission (MLCC):

There are no contacts with the MLCC for Matthew Wilson.

Better Business Bureau

The Better Business Bureau had no contacts or reports for BATL in the United States or Canada.

Financial Review by the City of Novi Finance Department:

Based upon the financial data provided by the applicants, no issues were found to prevent the liquor license application process from proceeding.

Summary:

Based on the information provided and the subsequent liquor investigation I find no reason to deny the applicant's request. This request requires the approval of the Novi City Council.

C: Pete Auger, City Manager



July 18, 2018

CITY COUNCIL

Mayor
Bob Gatt

Mayor Pro Tem
Dave Staudt

Andrew Mutch

Wayne Wrobel

Laura Marie Casey

Gwen Markham

Kelly Breen

City Manager
Peter E. Auger

City Clerk
Cortney Hanson

TO: Cortney Hanson, City Clerk

FROM: Fire Marshal – Kevin Pierce

SUBJECT: Renewal of Liquor Business License –
BATL 44175 Twelve Mile Ste. F141 & F142, Novi MI 48377

A fire inspection has been conducted at the above business located at and the business has been found to be in compliance with the adopted fire prevention code. Renewal of the Liquor License for 2018 is recommended for APPROVAL.

Novi Public Safety Administration
45125 Ten Mile Road
Novi, Michigan 48375
248.348.7100
248.347.0590 fax

cityofnovi.org



MEMORANDUM

TO: DAWN SPAULDING, DEPUTY CITY CLERK
FROM: CHARLES BOULARD, BUILDING DIRECTOR *CB*
SUBJECT: BATL LIQUOR LICENSE
DATE: 07/17/2018

The property located at **44175 TWELVE MILE RD F141** with the business name of **BATL** has received Special Inspection permit **PS118-0054** for the purpose of:

- Auctions
- Liquor License**
- Arcade License
- Massage License
- Outdoor Gathering
- Outdoor Seating
- Other:

From building safety standpoint, the Building Division does not object to the proposed license. Should you have any further questions with regards to this matter please feel free to contact me at (248) 347-0423.



ACTION SUMMARY
CITY OF NOVI
Liquor License Special Land Use Approval
July 12, 2018
Mayors Conference Room

Present: Charles Boulard, Community Development Director
Aaron Staup, Construction Engineering Coordinator
Katherine Oppermann, Recording Secretary

Applicant: Brian Simmons, BATL Chief Operating Officer
Aaron Ducharme, BATL Novi General Manager
J. Patrick Howe, Attorney & Counselor for BATL

Public participation: None
Correspondence Received: 123 letters mailed
10 letters returned
0 objections
0 approvals

Meeting called to order at 10:05am

1. PSLU18-0005, BATL, 44175 West Twelve Mile Road, F141, PARCEL # 50-22-15-200-112.

The applicant is requesting approval to use a portion of the parcel for service of alcoholic beverages in accordance with Section 4.89 of the Zoning Ordinance.

The applicant was present and provided a summary and basis for the request including the following:

The BATL location at Fountain Walk is an ax throwing venue with three arenas which will allow for leagues, corporate, and private events. The BATL experience is highly curated, primarily by appointment event space with limited walk-in times on weekends. BATL will offer its guest a limited menu of beer and wine along with light snacks and finger food, all refreshments are to be consumed in a designated spectator area. A liquor license/tavern license is required by the franchise. Guests are required to check in upon arrival and are given specific color coded wristbands to indicate age for both ax throwing and drinking restrictions. Guests who are suspected of being intoxicated are barred from throwing, it was noted this enforcement is infrequently required. The staff at BATL receives rigorous training including Michigan alcohol server certification, CPR, and first aid. In the future BATL would also look to provide Arcade games and other entertainments.

In CASE No. PSLU18-0005 Motion to recommend approval to City Council based on findings that:

The use or change in use as constructed and operated by the applicant is compatible with the area in which it will be located as it is primarily an entertainment and competition venue in line with the master plan. The business will be unique to the area and an asset to the community, compatible with traffic and surrounding area. The business, with peak hours between noon and 11pm, will not have any appreciable negative secondary effects on the area, such as:

- a) Vehicular and pedestrian traffic, particularly during late night or early morning hours that might disturb area residents.
- b) Noise, odors, or lights that emanate beyond the site's boundaries onto property in the area on which there are residential dwellings.
- c) Excessive numbers of persons gathering outside the establishment.
- d) Peak hours of use that add to congestion or other negative effects in the neighborhood.
- e) Fighting, brawling, outside urination or any other behavior that can accompany intoxication.

Motion made by Charles Boulard, seconded by Aaron Staup in support of motion.

Approve: 2-0

Meeting adjourned 10:40 AM



AXE BATTLE

BACKYARD AXE THROWING LEAGUE®

EVENT GUIDE

WELCOME TO OUR BACKYARD

BATL, The Backyard Axe Throwing League, was created in our founder, Matt Wilson's backyard in 2006. What began as a personal passion sparked by a camping trip soon spread through word of mouth in Toronto, and today over 1 million people have experienced the thrill of throwing axes at one of BATL's indoor venues.

In the past 12 years BATL has been covered extensively by local, regional and international press; growing from our backyard roots to operating across North America.

We're immensely proud to have been the first organization in the world to offer an urban venue to experience the thrill of indoor axe throwing in leagues, walk-ins and private events such as parties and team building.

JOIN THE #BATL





THE HOME OF AXE THROWING®

- BIRTHDAY PARTIES
- TEAM BUILDING
- CORPORATE PARTIES
- BACHELOR PARTIES
- BACHELORETTE PARTIES



ENJOY **FOOD & DRINKS**
WHILE YOU THROW

WE BELIEVE THAT
THROWING AN **EPIC**
PARTY SHOULD BE
FUN AND SIMPLE.

YOUR GROUP EXPERIENCE


- PART 1:** COACHING & PRACTICE
- PART 2:** ROUND ROBIN TOURNAMENT
- PART 3:** PLAYOFF CHAMPIONSHIP

Our event packages include 2 – 2.5 hours of throwing depending on your group size, and a private space to fit your party's needs.

OVER
20.7
MILLION
AXES THROWN

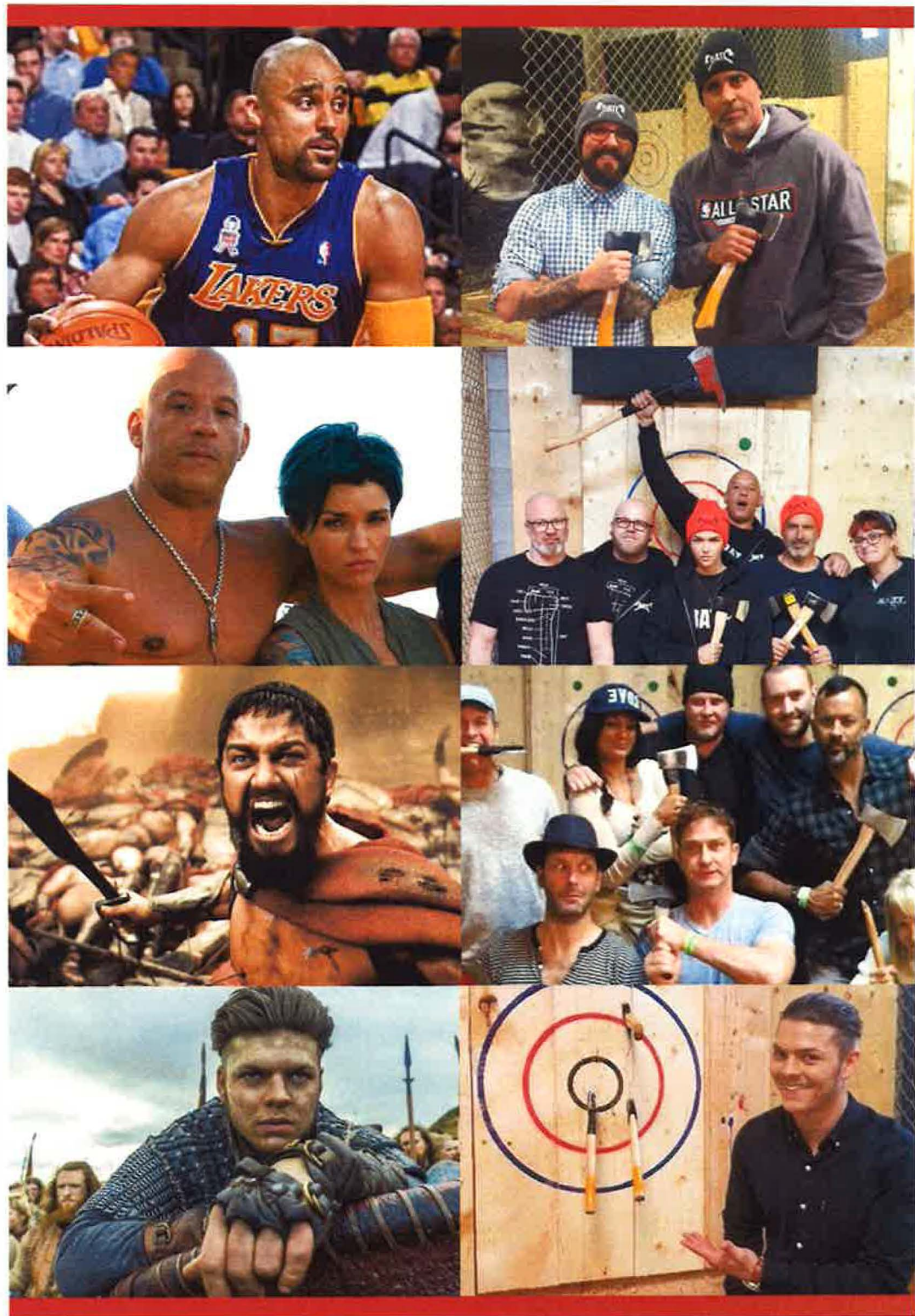


OUR CUSTOMERS

“ **AWESOME TEAM OUTING**  We heard about BATL, and decided to give it a try... Who knew throwing axes would be so fun... **We all had a blast and can't stop talking about it!** - Itsjenniwithani ”

“ **HOLIDAY PARTY SUCCESS**  If you want to have a **great time out, bit of competition and fun activity** that most people have not tried, go to BATL. - Surfveza ”

“ **AXE THROWING AT ITS BEST!**  Our coach was there the whole time keeping score & giving tips... The venue is licensed allowing for drinks... **Highly suggest giving it a try with a group!** - KentBT ”



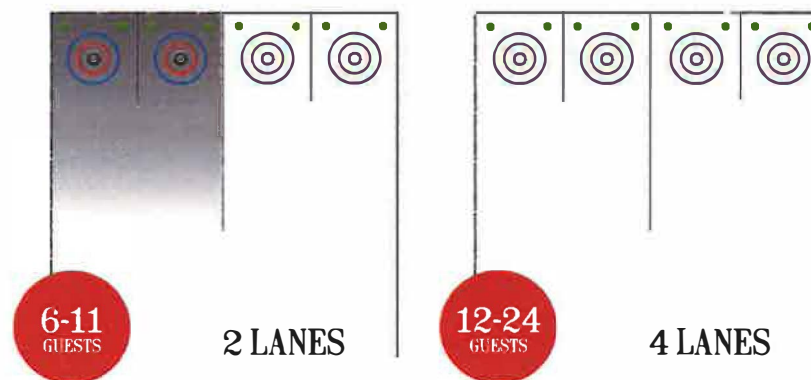
MAKE YOUR PARTY LEGENDARY



OUR VENUES ARE OPEN **7 DAYS A WEEK**, AND CAN HOST GROUPS FROM **2 TO OVER 200 PEOPLE**, WITH **FULL FACILITY RENTALS** AVAILABLE.

PRIVATE LANES

Enjoy your own hangout area, dedicated coaches and private targets while you throw.



Contact us about options for groups larger than 24 people.

BOOKING

Visit batlegrounds.com to view availability and book online, or call us at **844-228-5550**.

A \$100 deposit is required at time of booking*, which may be refunded or applied to the cost of your event. Event cost ranges from \$35 - \$42 per person.

*All bookings are subject to our 1-week cancellation policy.

THE BEST FACILITIES & COACHES

We're proud to be the world's first organization to pioneer the sport of urban axe throwing.



Nothing we do would be possible without our amazing team. We have the most talented, fun and friendly individuals that you'll ever meet. Over 300 coaches and support staff currently work with us across all BATL locations.

BATL is proud to be a founding member of the National Axe Throwing Federation, which upholds the highest standards in safety, sportsmanship and competitive protocol.



EVENT ADD-ONS

Trophies, clothing and other merchandise are available online and at all BATL locations for an even more personal touch.

CORPORATE EVENTS

In addition to axe throwing, we can also support your team building and client entertainment needs with other services.

Contact us to discuss any of the following options:

- **CORPORATE SPACE RENTALS**
- **AV REQUIREMENTS**
- **CATERING**

SOME OF OUR CUSTOMERS



Deloitte.



THE PERFECT WAY TO REMEMBER YOUR VISIT
AND CROWN YOUR CHAMPION



