



# Department of Planning and Economic Development

Staff Report to the Planning Commission

October 16, 2015

<b>MOD Pizza</b>	
<b>REQUEST</b>	Conditional Use Recommendation
<b>APPLICANT</b>	TSFR Pizza, LLC 17800 Laurel Park Drive Livonia, MI 48152
<b>AGENT</b>	Eric Eggan
<b>LOCATION</b>	Southwest Corner of Rochester and Auburn Roads
<b>FILE NO.</b>	15-015
<b>PARCEL NO.</b>	Part of 15-34-227-046
<b>ZONING</b>	B-3, Shopping Center Business with an FB-2 Overlay
<b>STAFF</b>	Ed Anzek, AICP, Director of Planning and Economic Development

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## **Summary**

The applicant is proposing to open a MOD Pizza restaurant into the Rochester and Auburn center at the southwest corner of Rochester and Auburn and would like to add sales of alcoholic beverages for consumption on site. The applicant has advised that the sales are for beer and wine only. A liquor license requires a Conditional Use from the City, per the recently adopted Ordinance amendment recommended and approved by the City in June 2015. The City amended the Zoning Ordinance to require CUP's for on site consumption as a means to learn of and monitor the movement of liquor licenses. The first request for this type of use was Wild Bill's Tobacco, for which a Conditional Use was recommended for approval by the Planning Commission and subsequently approved by City Council on August 10, 2015.

The business does not include any exterior façade changes to the shopping center, but it will have outdoor seating for 16 seats. With the outdoor seating the operator will be required to enclose the area with a fence that meets the State LCC requirements. This has been 42" fence.

### ***Adjacent Land Uses and Zoning***

Establishments proposing on site consumption are permitted in the B-3 district as conditional uses after Planning Commission recommendation and City Council approval. The shopping center is surrounded by commercial uses on all sides except for a portion of the southwest property line, not adjacent to the pizza restaurant, which is residential and buffered as required.

## General Requirements for Conditional Uses

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Per Section 138-2.302 of the Zoning Ordinance, there are five areas of consideration for the Planning Commission to regard in the discretionary decision of a conditional use. Each of the criterion are listed below in italics, followed by staff comments on the proposed conditional use's compliance with each.

1. *Will promote the intent and purpose of (the Ordinance).* Ordinance 175 was adopted by Council on June 1, 2015 which specifically allows for conditional use requests for new alcoholic beverage sales and on-site consumption.
2. *Will be designed, constructed, operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing or planned character of the general vicinity, adjacent uses of land, the natural environment, the capacity of public services and facilities affected by the land use and the community as a whole.* The physical appearance of the retail center will remain the same, and no structural changes will be made to outside of the building. The use of a pizza restaurant is permitted and will help bring a new dining establishment and jobs to the community.
3. *Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, refuse disposal, or that the persons or agencies responsible for the establishment of the land use or activity shall be able to provide adequately any such service.* The space will be served adequately by all City services, and the use has been planned for commercial activity and traffic and will not create additional level of services.
4. *Will not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.* There will be no detrimental, hazardous or disturbing activity to the existing or future neighboring uses, persons, property or to the public welfare.
5. *Will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.* There will be no additional requirements at a public cost for public facilities and services that would be detrimental to the economic welfare of the community.

Please refer to the applicant's letter dated August 28, 2015 regarding the request. The conditional use was noticed for a public hearing, and staff received no comments or concerns.

### Summary

As part of the review for this project, the plans and supplemental documentation have been reviewed by staff, which recommends approval. If the Planning Commission agrees that the addition of a new facility serving alcohol for on-site consumption will be harmonious and compatible with the existing development and a good accompaniment for the City's retail base, staff recommends approval of the following motion relative to City File No. 15-015 (MOD Pizza Conditional Use).

### Conditional Use Motion

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**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. 15-015 (MOD Pizza) the Planning Commission **recommends** to City Council **Approval** of the **Conditional Use** to allow alcoholic beverage consumption on site, based on documents dated received by the Planning Department on August 31, 2015, with the following findings.

### Findings

1. The expanded use will promote the intent and purpose of the Zoning Ordinance.
2. The proposed building has been designed and is proposed to be constructed, operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing and

planned character of the general vicinity, adjacent uses of land, and the capacity of public services and facilities affected by the use.

3. The proposal should have a positive impact on the community as a whole and the surrounding area by further offering jobs and another dining option.
4. The proposed development is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, water and sewer, drainage ways, and refuse disposal.
5. The proposed development should not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.
6. The proposal will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

### **Conditions**

1. That all State requirements be met for the outdoor seating area and that the fencing be decorative such as a wrought iron style.

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Attachments: Letter of Intent, dated 8/28/15; Site Plan and Floor Plans; PC Minutes dated 4/21/15; and Notice of Public Hearing.

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