

NEW BUSINESS

2016-0474 Public Hearing and request for Conditional Use Recommendation - City File No. 16-028 - 2941 Street Foods Troy, LLC, for the sale and service of alcoholic beverages for on site consumption, located at 87 W. Auburn Rd., at the southwest corner of Rochester and Auburn, zoned B-3 Shopping Center Business with an FB-2 Flex Business Overlay, part of Parcel No. 15-34-227-048, 2941 Street Foods Troy, LLC, Applicant

Attachments: [Agenda Summary CU.doc](#)
[Staff Report 12-20-16.pdf](#)
[Map aerial.pdf](#)
[Letter Marcus 11-30-16.pdf](#)
[Proposed Revised Flr Plan - 2.pdf](#)
[PHN CU.pdf](#)

(Reference: Staff Report prepared by Sara Roediger, dated December 16, 2016, Conditional Use Recommendation)

Present for the applicant were Nick Saad, Director of Operations and Mr. Doraid S. Markus, for 2941 Mediterranean Street Food, 363 Big Beaver Road, Suite 250, Troy, MI 48084.

Mr. Markus introduced himself as one of the principals for 2941 Mediterranean Street Food. He also introduced Nick Saad as well. He stated he had appeared before the Planning Commission when the plaza was in the development stages. He stated that they had opened a Mediterranean restaurant and that it is doing well. He continued that when the restaurant opened, they did have a liquor license but the plan was to sell beer and wine only. He further stated that in the future they may proceed to sell alcoholic beverages including liquor, mixers, cocktails and things of that sort. He noted that they have a second location in Midtown Detroit which currently serves such beverages and seems to be a very good fit. He stated that they had written a letter, outlined the five (5) criteria for approval and requested Commission's approval. He described the restaurant as a great asset to the community and stated that the food is great.

Ms. Roediger stated that as the Commission is aware, the Council established last year that the sale and service of alcoholic beverages is a conditional use and is standard across all the zoning districts as accessory to a permitted use in a district. As a conditional use, this is a recommendation to City Council; however the applicant is a little unique in that this is not a development of a site. The site plan was already approved as part of having this conditional use and there are no proposed changes physically to the site. The site does not have any

additional seating or anything of that nature as a result of the addition of the sale of alcoholic beverage. As such, staff has completed a review and recommends approval based on the review criteria for a conditional use.

Mr. Dettloff stated his understanding is that the restaurant had this liquor license prior to the start of the development, and he asked if the escrowed license was from an Oakland County business. He also asked if there were plans for outdoor seating. He commended them for the development being complete and filled.

Mr. Markus responded that Mr. Dettloff was correct, and stated that they had no plans for outdoor seating at this time. He further explained that it is an evolving process, but that they have not finalized their prototypes as they are opening five (5) of these locations. He stated that if that should be an idea in the future, they would come to the Commission to discuss such plans.

Mr. Dettloff explained that the reason for his question was that he thought the City may have some set criteria for alcohol being served outside the restaurant building.

Mr. Anzek responded that typically alcohol consumption outside of a restaurant is required by the LCC to have a forty-two (42) inch high fence that surrounds it. The City's Building Department furthermore requires the facility to have a five (5) foot clearance passage on the sidewalk.

Mr. Hooper questioned whether the restaurant had the Class C license but had not yet sold any alcoholic beverages to begin with, or just sold beer and wine.

Mr. Markus responded that they had been selling beer and wine.

Mr. Hooper stated that he had been to the restaurant and commented that the outdoor seating would become a challenge and that he was not sure how that would work.

Mr. Markus agreed and stated that there is no place to arrange outdoor seating unless an adjacent business might move in the future.

Mr. Hooper continued that if the location were similar to Firehouse Subs, outdoor seating might be possible. He concluded that he thought this would be a good addition to the site and had no objections.

Chairperson Brnabic stated that this item does require a public hearing and therefore opened the public hearing at 7:15 p.m. She stated that there were no comment cards or members of the public that wished to speak and closed the public hearing.

Motion by Hooper, seconded by Yukon, in the matter of City File No. 16-028 (2941 Street Foods Troy, LLC) 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 November 30, 2016, with the following findings.

Findings

- 1. The use will promote the intent and purpose of the Zoning Ordinance.*
- 2. The building has been designed and is proposed to be 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 is having 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.*

A motion was made by Hooper, seconded by Yukon, that this matter be Approved. The motion carried by the following vote:

- Aye** 8 - Brnabic, Dettloff, Hooper, Kaltsounis, Reece, Schroeder, Schultz and Yukon
- Excused** 1 - Morita