

2021-0474 Public Hearing and request for Conditional Use Recommendation - City File No. 21-040 - to allow for alcoholic beverage sales for onsite consumption at Shake Shack Restaurant, 66 N. Adams Rd., north of Walton Boulevard, east of Adams Rd. zoned B-3 Shopping Center Business District with an FB-3 Flexible Business Overlay, Parcel No. 15-08-351-005, Randall Garutti, Shake Shack Michigan, LLC, d/b/a Shake Shack, Applicant

Attachments: Staff report 111621.pdf  
Site plan 102521.pdf  
Color rendering 111621.pdf  
EIS.pdf  
Menu 102521.pdf  
Floor plan 102521.pdf  
PHN 111621.pdf

*Present for the applicant was J. Patrick Howe, attorney for Shake Shack.*

*Chairperson Brnabic presented the application to allow for alcoholic beverage sales for onsite consumption at Shake Shack restaurant at 66 N. Adams Rd., north of Walton Blvd., zoned B-3 Shopping Center Business District with a FB-3 Flexible Business overlay.*

*Mr. Howe introduced himself as the attorney for Shake Shack of Michigan.*

*Ms. Kapelanski said the applicant is requesting to add alcohol sales to the recently opened Shake Shack in the Village. She noted that the current zoning permits onsite alcohol sales as a conditional use. She noted that there are some minor site modifications and to the facade that were recently approved administratively and were completed prior to the grand opening. Ms. Kapelanski commented that the applicant is in compliance with ordinance requirements and is requesting a positive recommendation of the conditional use permit this evening.*

*Mr. Howe said that this is their fourth location in Michigan, and they would like to add beer and wine as they service across the country. He noted that this fits in their national concept and they are in the process of purchasing a license to transfer to this location. Mr. Howe said that they are performing a full remodel of existing building, and they are currently open to the public. Although there is an outdoor patio they don't intend to serve alcohol outside at this time. He said that they have restaurants with liquor licenses in Ann Arbor, Detroit, and Troy also.*

*Mr. Dettloff asked whether other Shake Shacks in Michigan have liquor licenses. He said that he was trying to do some research on the alcohol sales since they are more of a fast food type of restaurant. Mr. Dettloff commented that he was intrigued by incorporating alcohol which he is not opposed to. He thanked Mr. Howe for Shake Shack's presence in Rochester Hills. He asked Mr. Howe for confirmation that they will only be selling beer and wine at this time.*

*Mr. Howe said that they are applying for a Class C license and would like to keep it a Class C in case anything changes, and in the industry things like canned cocktails would push them into that category. The Class C allows for beer, wine, and spirits but the menu is just beer and wine at this time. Mr.*

*Dettloff asked jokingly whether he could order a cabernet shake. Mr. Howe said that they have a lot of unique offerings. Mr. Dettloff wished the applicant luck.*

*Dr. Bowyer asked whether the other Shake Shack locations have a Class C or a Tavern license, and whether they just sell beer and wine or if they sell spirits, and whether they serve the alcohol outside. Mr. Howe replied that they have the same menu they just do beer and wine also, and the other Michigan locations service alcohol outside. Dr. Bowyer asked how this location would stop people from taking the alcohol outside. Mr. Howe said there will be signage indicating there is no alcohol allowed beyond a certain point. If they serve outside, the LCC would require a much more secure fence/enclosure which may not be fitting with this location. Dr. Bowyer commented that Shake Shack has great food and they've done a great job.*

*Chairperson Brnabic opened the public hearing at 7:35 p.m.*

**Corey Rowe, 1556 Charter Oak Drive, Rochester Hills, MI 48309** *Mr. Rowe said he is located in District one and he wanted to thank the applicant for the walk up window. He said that this is one of the more walkable areas in the City, he lives about a mile southeast of this location, and noted that a lot of my friends that went to Oakland University and they like to walk or bike up there to meet. He said that it is nice to have a place to walk to without having to drive. He said that he hopes this moves thorough.*

*There being no further comments, Chairperson Brnabic closed the public hearing at 7:37 p.m.*

*Mr. Kaltsounis commented that this request checks all of the boxes that he's looking for, it's not too close to houses.*

**A motion was made by Kaltsounis, seconded by Hooper, that this matter be Recommended for Approval to the City Council Regular Meeting,. The motion carried by the following vote:**

**Aye 9 -** Brnabic, Dettloff, Gaber, Hooper, Kaltsounis, Bowyer, Weaver, Neubauer and Struzik

**Resolved,** in the matter of City File No. 21-040 (Shake Shack restaurant), the Planning Commission recommends to City Council Approval of the Conditional Use to allow sales for on premises alcoholic beverage consumption, based on documents dated received by the Planning Department on October 25, 2021 with the following findings.

**Findings:**

1. The proposed 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 should have a positive impact on the community as a whole and the surrounding area by further offering jobs.

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. City Council approval of the Conditional Use.
2. Public hours of operation for the restaurant will not exceed Monday through Friday 10:00 p.m. - 9:00 p.m. and Saturday and Sunday 11 a.m. - 9:00 p.m.