



Department of Planning and Economic Development

Staff Report to the Planning Commission November 10, 2021

Shake Shack Restaurant	
REQUEST	Conditional Use Recommendation
APPLICANT	Randall Garutti Shake Shack Michigan, LLC d/b/a Shake Shack 225 Varick Street, Suite 301 New York, NY 10014
LOCATION	66 N. Adams Rd., north of Walton Rd.
FILE NO.	21-040
PARCEL NO.	15-08-351-005
ZONING	B-3 Shopping Center Business District with an FB-3 Flex Business Overlay District
STAFF	Kristen Kapelanski, AICP, Manager of Planning

Summary

The applicant has filed for a Conditional Use Permit to allow for alcoholic beverage sales for onsite consumption at Shake Shack restaurant. Alcoholic beverage sales for on premises consumption, accessory to a permitted use, require a Conditional Use permit in the B-3 district. The existing building is located within the Village of Rochester Hills shopping center with other retail and restaurant uses. The applicant will also be conducting minor facade renovations including the installation of a walkup window for outdoor seating patrons. According to the applicant the hours of operation will be Monday through Friday 12:00 p.m. – 9:00 p.m. and Saturday and Sunday 11:00 a.m. – 9:00 p.m. and the applicant has provided a menu.



Alcoholic beverage sales for on premises consumption are permitted in the B-3 district as a conditional use after Planning Commission recommendation and City Council approval.

	Zoning	Existing Land Use	Future Land Use
Site	B-3 Shopping Center Business District with FB-3 Flexible Business Overlay	Shopping center	Commercial Residential Flex 3
North	B-3 Shopping Center Business District with FB-3 Flexible Business Overlay	PF Changs, The Jagged Fork, Retail	Commercial Residential Flex 3

South	B-2 General Business District with FB-3 Flexible Business Overlay	Bank of America	Commercial Residential Flex 2
East	B-3 Shopping Center Business District with FB-3 Flexible Business Overlay with R-3 One Family Residential beyond	Whole Foods Market, with One Family Residential beyond	Commercial Residential Flex 3 with Residential 3 beyond
West	B-2 General Business District with FB-3 Flexible Business Overlay	Citizens Bank	Commercial Residential Flex 3

General Requirements for Conditional Uses

Per Section 138-2.302 of the Zoning Ordinance, there are five areas of consideration for the Planning Commission for 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).* The B-3 and FB-3 districts do support and promote this type of use.
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 will be altered with the addition of an outdoor seating area, and with minor façade improvements which should be appropriate for the shopping center.
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 has been served adequately by all City services as it is not a new facility. Any demands placed on the public infrastructure are already accounted for by previous use of this facility.
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. The restaurant is located at a distance sufficient so as to not cause any disturbances to the residential properties to the east.
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.

The conditional use was noticed for a public hearing, and staff has not received any comments or concerns.

Summary

As part of the review for this project, the plans and supplemental documentation have been reviewed

by staff. If the Planning Commission agrees that allowing alcoholic beverage sales for on premises consumption will be harmonious and compatible with the surroundings, below is a motion for consideration:

Motion to Recommend Approval of a Conditional Use

MOTION by _____, seconded by _____, 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 12:00 p.m. - 9:00 p.m. and Saturday and Sunday 11:00 a.m. - 9:00 p.m.

Reference: Plans dated February 5, 2021 and received by the Planning October 25, 2021

Attachments: Conditional use request documentation and Notice of Public Hearing
