



City of Rochester Hills
AGENDA SUMMARY
NON-FINANCIAL ITEMS

1000 Rochester Hills Dr.
Rochester Hills, MI 48309
248.656.4630
www.rochesterhills.org

Legislative File No: 2021-0474 V2

TO: Mayor and City Council Members

FROM: Sara Roediger, Director of Planning and Economic Development, ext. 2573

DATE: November 24, 2021

SUBJECT: Request for conditional use approval for Shake Shack Restaurant to allow for on premises alcoholic beverage consumption at 66 N. Adams Rd., north of Walton Rd.

REQUEST:

Approval of a conditional use to allow for on premises alcoholic beverage consumption at Shake Shack, located at 66 N. Adams Rd. in the Village of Rochester Hills shopping center, zoned B-3 Shopping Center Business District with FB-3 Flexible Business District overlay.

BACKGROUND:

The applicant has filed for a Conditional Use Permit to serve alcohol for the Shake Shack restaurant. Alcoholic beverage sales for on premises consumption, accessory to a permitted use, requires a Conditional Use permit in the B-3 zone district.

The existing building is located within the Village of Rochester Hills shopping center with other retail and restaurant uses. The applicant has made minor facade renovations including the installation of a walkup window for outdoor seating patrons as part of the recent tenant upgrades. 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.

At the Planning Commission meeting the applicant mentioned that they plan to serve beer and wine only, but would like to retain the option of adding spirits in the future.

The issuance of the conditional use permit is a discretionary decision by the City Council based on five general criteria contained in Sec. 138-2.302 of the Zoning Ordinance as follows, which are included in the resolution:

- 1) *Will promote the intent and purpose of this chapter.*
- 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.*
- 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.*
- 4) *Will not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or 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.*

The Planning Commission recommended approval of the conditional use with several findings and conditions as reflected in the attached resolution, at its November 16, 2021 meeting. Please refer to the attached Planning Commission minutes for further details.

RECOMMENDATION:

Finding that the proposed request to allow sales for on premises alcoholic beverage consumption meets the criteria of the Zoning Ordinance, the Planning Commission recommends that City Council approves the conditional use for Shake Shack Restaurant to allow on premises alcoholic beverage consumption, located at 66 N. Adams Rd., City File No. 21-040, subject to the findings and conditions noted in the attached resolution.

APPROVALS:	SIGNATURE	DATE
Department Review		
Department Director		
Mayor		
Deputy City Clerk		

Contract Reviewed by City Attorney Yes N/A