



Department of Planning and Economic Development

Staff Report to the Planning Commission November 10, 2021

| Meshico Restaurant | |
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| REQUEST | Conditional Use Recommendation |
| APPLICANT | Michael Livanos Meshico Restaurant 2949 Crooks Rd. Rochester Hills, MI 48309 |
| LOCATION | 2949 Crooks Rd., north of Auburn Rd. |
| FILE NO. | 21-033 |
| PARCEL NO. | 15-28-353-002 |
| ZONING | B-2 General Business District with FB-2 Flexible Business District overlay |
| 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 Meshico Restaurant, the former Honey Tree restaurant located in the Auburn Crooks Commercial Center Condo shopping center at the northeast corner of Crooks and Auburn Rd. Alcoholic beverage sales for on premises consumption, accessory to a permitted use, require a Conditional Use permit in the B-2 district.

The applicant is also conducting renovations for the tenant space, mainly consist of the addition of two outdoor seating areas, minor façade work including painting and signage, and interior renovations. The outside patios will be climate controlled to offer year round seating, with temporary/material enclosures to be installed. The hours of operation for the restaurant will be 11:00 a.m. - 11:00 p.m. daily.



Alcoholic beverage sales for on premises consumption are permitted in the B-2 district as a conditional use after Planning Commission recommendation and City Council approval. The existing building is surrounded by REC zoning, business and residential uses.

| | Zoning | Existing Land Use | Future Land Use |
|-------|---|-------------------|-------------------------------|
| Site | B-2 General Business District with FB-2 Flexible Business Overlay | Shopping center | Commercial Residential Flex 3 |
| North | REC-W | Ravel USA | Workplace |

| | | | |
|--------------|--|-----------------------------------|--|
| South | B-2 General Business District with FB-2 Flexible Business Overlay/B-1 Local Business District with FB-2 Flexible Business Overlay | Walgreens, Antonio's Café & Grill | Commercial/Residential Flex 2 |
| East | R-4 One Family Residential | One family residential | Residential 4 |
| West | B-2 General Business District with FB-2 Flexible Business Overlay/O-1 Office | Honey Wings, Urbana Medical | Commercial/Residential Flex 2 and Office |

Staff Recommendations

All staff have recommended approval or approval with conditions. If the Planning Commission feels that the proposed use and development will be compatible with its surroundings, below are motions for consideration.

| Department | Comments & Waivers/Modifications | Recommendation |
|-------------|--|-----------------|
| Planning | Approved with conditions | Approval |
| Fire | Approved | Approval |
| Engineering | Comments to be handled at construction plan review | Approval |
| Building | Comments to be handled at Building permit review | Approval |

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-2 and FB-2 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 improvements including paint and signage 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. Outdoor seating areas will be added on the west and south sides of the building, with a decorative iron fence and enclosures to provide climate control. There are single family residential properties located further to the east, beyond another commercial building, which should be of a sufficient distance to not cause any disturbances.
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. 21-033 (Meshico 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 13 and 15, 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 be between 11:00 a.m. – 11:00 p.m. daily.

Reference: Plans dated October 8, 2021 and received by the Planning October 13 and 15, 2021

Attachments: Conditional use request documentation, EIS, and Notice of Public Hearing
