



Department of Planning and Economic Development

Staff Report to the Planning Commission

July 17, 2015

Wild Bill's Tobacco of RH	
REQUEST	Conditional Use Recommendation
APPLICANT	Smoker's Outlet of Rochester Hills, Inc. 1416 Walton Blvd., Unit B Rochester Hills, MI 48309
AGENT	Joe Qonja
LOCATION	Rochester Hills Plaza, North side of Walton, East of Rochdale
FILE NO.	15-010
PARCEL NO.	Part of 15-09-476-033
ZONING	B-3, Shopping Center Business
STAFF	Ed Anzek, AICP, Director of Planning and Economic Development

In this Report:

Summary 1

General Requirements for Conditional Uses 2

Conditional Use Motion..... 3

Summary

Wild Bill's Tobacco, formerly Smokers Outlet, which is currently located in the Rochester Hills Plaza at Walton and Rochdale, is proposing to expand into the adjacent, former Caribou Coffee location and add seating for alcoholic beverage sales and consumption on site. A liquor license requires a conditional use from the City, per the recently adopted Ordinance amendment recommended and approved by the City in June 2015. The State has recently eliminated the requirement for local control and approval, and in response, the City passed an Ordinance to be able to become aware when establishments were proposing to sell alcohol for on site consumption. Please refer to the Planning Commission minutes dated April 21, 2015.

The expansion does not include any exterior façade changes to the shopping center. The owner of the center supports the request which he feels may have a “synergistic” effect for future customers and tenants.

Adjacent Land Uses and Zoning

Liquor licenses are permitted in the B-3 district as conditional uses after Planning Commission recommendation and City Council approval. The shopping center has office zoning to the west; general business zoning and a small section of residential to the east; offices and residential zoning (the high school) across Walton Blvd. to the south; and cluster zoning (the recently approved Andover Woods site) to the north.

General Requirements for Conditional Uses

Per Section 138-2.302 of the Zoning Ordinance, there are five areas of consideration for the Planning Commission to regard in 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).* Ordinance 175 was adopted by Council on June 1, 2015 which specifically allows for conditional use requests for new alcoholic beverage sales and on-site consumption.
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 of the shopping center will remain the same, and no structural changes will be made to the face or the proposed space. The use of the tobacco shop is permitted and the expansion will help bring additional patrons and a new element for the center to "help create more activity."
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 is currently being served adequately by all City services, and the expanded use has been planned for commercial activity and traffic and will not create additional level of services.
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.
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.

Please refer to the applicant's letter dated June 19, 2015 regarding the request. The conditional use was noticed for a public hearing, and staff received no comments or concerns.

Summary

As part of the review for this project, the plans and supplemental documentation have been reviewed by staff, which recommends approval. If the Planning Commission agrees the addition of a new facility serving alcohol for on-site consumption will be harmonious and compatible with the existing development and a good accompaniment for the City's retail base, staff recommends approval of the following motion relative to City File No. 15-010 (Wild Bill's Tobacco Conditional Use).

Conditional Use Motion

MOTION by _____, seconded by _____, in the matter of City File No. 15-010 (Wild Bill's Tobacco) 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 June 19, 2015, with the following findings.

Findings

1. The expanded use will promote the intent and purpose of the Zoning Ordinance.
2. The proposed building has been designed and is proposed to be constructed, 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 and another entertainment 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.

Attachments: Letter of Intent, dated 6/19/15; Letter from L. Jonna dated 6/19/15; Letter from M/M Otto Rosenbusch, dated 6/26/15; Letter from M. Tahy, undated; Floor Plan; PC Minutes dated 4/21/15; and Notice of Public Hearing.