



Department of Planning and Economic Development

Staff Report to the Planning Commission November 15, 2022

Nu Asian Cuisine LLC, dba Little Tree Sushi Bar Rochester Hills Conditional Use

REQUEST	Conditional Use Recommendation
APPLICANT	Mr. Shephard Spencer Nu Asian Cuisine, LLC, dba Little Tree Sushi Bar Rochester Hills 1890 S. Rochester Hills Rochester Hills, MI 48307
LOCATION	1890 S. Rochester Road, northwest corner of Rochester and Hamlin Roads
FILE NO.	PCU2022-0008
PARCEL NO.	15-22-451-030
ZONING	B-3 Shopping Center Business District with an FB Flexible Business Overlay
STAFF	Sara Roediger, Planning and Economic Development Director Chris McLeod, AICP, Planning Manager

Summary

The applicant has filed for a Conditional Use Permit to allow for alcoholic beverage sales for onsite liquor consumption at the new location for Little Tree Sushi Bar Rochester Hills, at the northwest corner of Rochester Road and Hamlin Road. The tenant space was a part of the former Outback Steakhouse that recently closed. The applicant is moving this restaurant from downtown Royal Oak where the restaurant operated for approximately 27 years.

Alcoholic beverage sales for on premises consumption, accessory to a permitted use, requires a Conditional Use permit in the B-3 Shopping Center Business District, after the Planning Commission makes a recommendation and City Council approval.

The applicant has building and trade permits for interior alterations to the space formerly occupied in part by Outback Steakhouse. The hours of operation proposed by the applicant are as follows: Sunday – Thursday 11:30 a.m. – 2:30 p.m. and 5:00 p.m. – 9:00 p.m. and Friday – Saturday 11:30 a.m. – 2:30 p.m. and 5:00 p.m. – 10:00 p.m. Based on the site's location, the hours of operation should not be impactful to any neighboring properties.

Based on the application information provided, along with the building permit information previously submitted, the applicant intends to employ approximately 20-25 people and will have a seating capacity of approximately 110 persons between the bar, sushi and dining areas. Sales for the restaurant are anticipated to be 80 percent from food sales and 20 percent from alcohol sales.

	Zoning	Existing Land Use	Future Land Use
Site	B-3 Shopping Center Business District with an FB Flexible Business Overlay	Existing shopping center, Fit Body Boot Camp, Weight Watchers, Soccer World	Commercial Residential Flex 3
North	B-2 General Business District with an FB Flexible Business Overlay	Flooring Center and Childcare	Commercial Residential Flex 3
South	B-3 Shopping Center Business District with an FB Flexible Business Overlay	Shopping center – Staples, Subway, Hamlin Pub, Somerset Dog Grooming, Papa John’s Pizza, Hamlin Cleaners	Commercial Residential Flex 3
East	B-3 Shopping Center Business District with an FB Flexible Business Overlay (across Rochester Road)	Bordine’s of Rochester Hills (across Rochester Road)	Commercial Residential Flex 3 (across Rochester Road)
West	R-3 One Family Residential with an FB Flexible Business Overlay	Single family residential home	Commercial Residential Flex 3

General Requirements for Conditional Uses

Per *Section 138-2.302* of the Zoning Ordinance, there are five (5) 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.

- Will promote the intent and purpose of (the Ordinance).* The B-3 Shopping Center Business district does support and promote this type of use.
- 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 tenant space was previously occupied by Outback Steakhouse, and there are no structural changes planned for the exterior of the building.
- 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 the previous use.
- 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 given the nonresidential nature of the immediate surrounding land uses and their intensity of operation as compared to the limited intensity and hours of the scope of the proposed business. There is one residential property to the west. However, that property is extremely deep and the actual residence is located close to Hamlin, away from the proposed use.

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 File No. PCU2022-0008 (Nu Asian Cuisine LLC, dba Little Tree Sushi Bar Rochester Hills), the Planning Commission **recommends** to City Council **Approval** of the **Conditional Use** to allow sales for on premises alcoholic beverage consumption associated with a restaurant use, based on documents received by the Planning Department on October 17, 2022 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.