

2022-0419

Public Hearing and Request for Conditional Use Recommendation - File No. PCU2022-0006 - to allow alcoholic beverage sales for on-premises consumption at Oceania Inn, 37 S. Livernois Rd., located southeast of Livernois and Walton, zoned B-3 Shopping Center Business District with FB-3 Flex Business Overlay District, Parcel No. 15-15-101-026, Wai Po Leung, Oceania Inn Inc., Applicant

*(Staff Report dated 9/14/22, Floor Plan, EIS, Applicant's Letter and Public Hearing Notice had been placed on file and by reference became a part of the record thereof).*

*Chairperson Brnabic introduced this item, noting that it was a request for recommendation for approval of a conditional use to allow alcoholic beverage sales for on-premises consumption at Oceania Inn, 37 S. Livernois Road zoned B-3 Shopping Center with an FB-3 Flex Business Overlay. She noted that the applicant is not in attendance this evening.*

*Ms. Roediger noted that all on-site consumption of alcohol are conditional uses within the City of Rochester Hills. She explained that Oceania Inn has been a long-standing restaurant that exists at the shopping center at Walton and Adams and they are relocating to the former Panera Bread, which moved to the front of that shopping center along Livernois. She stated that she did not think there was much change to their plans for operation. Unfortunately they are not here this evening, but they are still going to be going forward with the Liquor Committee. She commented that from a land use standpoint, the question is whether this is an appropriate use of the land at the shopping center. She noted that a public hearing notice was mailed and nothing was received from the public. She stated that the Planning Commission has the opportunity to proceed without the applicant; however, if there are any questions, she could not answer them on their behalf other than zoning or land use questions.*

*Chairperson Brnabic opened the public hearing at 7:47 p.m. and noted that there were no speaker cards or hands raised. Seeing no public comment, she closed the public hearing.*

*Mr. Hooper stated that he had no issue with transferring the license from another location to the former Panera Bread. He commented that the location is appropriate for a restaurant and has been a restaurant before, they are transferring their license from their current location, and are not requesting a new license or quota license. He moved the motion in the packet to recommend approval of a conditional use. The motion was seconded by Ms. Neubauer.*

*After calling for a voice vote, Chairperson Brnabic announced that the motion passed unanimously.*

*Ms. Roediger noted that this item would also go to City Council on October 10, 2022.*

**A motion was made by Hooper, seconded by Neubauer, that this matter be Recommended for Approval to the City Council Regular Meeting. The motion carried by the following vote:**

**Aye** 9 - Bowyer, Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Neubauer, Struzik and Weaver

**Resolved**, in the matter of File No. PCU2022-0006 (Oceania Inn), the Planning Commission recommends to City Council Approval of the Conditional Use to allow sales for on premises alcoholic beverage consumption, based on documents received by the Planning Department on August 25, 2022 and September 2, 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.