

NEW BUSINESS

2023-0426

Public Hearing and Request for Conditional Use Recommendation for the Brunch Bar for alcoholic beverage sales for onsite consumption at 90 E. Tienken Rd., located on the south side of Tienken and east of Rochester Rd., Parcel 15-11-103-303, Thomas Christoff, TCA Group LLC, Applicant

(Staff report dated 9-6-23, Cover letter, Business Plan, Floor Plan, Site Plan, Application, Proof of Ownership and Public Hearing Notice had been placed on file and by reference became a part of the record hereof.)

Chairperson Brnabic introduced this item and invited the applicant forward.

Present for the applicant were Gregory Need, Adkison, Need, Allen, & Rentrop, PLLC, and Tom Christoff, Stacy Sathis, and Peter Christoff, TCA Group, LLC.

Mr. McLeod explained that this is a request for a conditional use recommendation for the sales and consumption of alcohol at 90 E. Tienken Rd., a former Big Boy restaurant. He noted that TCA Group, applicant, is looking to convert the location into a brunch bar. He reviewed the City Walk development, noting that it was approved as a Planned Unit Development, which does allow for eating and drinking establishments as a permissible use. He stated that upon reviewing the request with the City Attorney, it was felt best that this be brought forward to the Commission and ultimately to City Council as a part of the Conditional Use process to handle all of the consumption of alcohol premises in a similar manner.

He reviewed the existing dining room layout and noted that it would be finalized at a later date. He explained that the applicant is proposing more of a breakfast, brunch and early lunch menu, operating from 7 a.m. to 3 p.m., unlike what the Commission is used to seeing. He stated that indoor and outdoor seating is proposed, and noted that the previous restaurant had outdoor seating. He mentioned that the applicant's business plan indicated employment of 30 to 36 employees on the site overall. He noted the surrounding uses, and stated that there is industrial to the north, Neighborhood Business with Flex Business on the site itself, and one family residential to the east but that is blocked by CityWalk. He stated that he did not think that there was any noise or potential nuisance that would get through a multiple-story building and commented that this use is fairly well insulated in terms of the overall area. He noted that the Staff Report contained a review of the five specific standards the Commission would need to find for the positive in reviewing the use.

Mr. Need stated that they are excited to bring the brunch bar concept to Rochester Hills. He explained that this is the redevelopment of the Big Boy into an upscale brunch restaurant with a variety of specialty breakfast dishes and lunch options. He stated that the liquor service specializes in breakfast cocktails although there is a full bar as well. He mentioned that his clients have extensive experience in the restaurant business, with Tom and Stacy responsible for day-to-day operations having over 40 years of experience in all facets from food service and food preparation to staffing. He noted that they are

requesting recommendation for the conditional use and have filed their application for transfer of an existing liquor license into the city with the City Clerk. He stated that they believe they have met all of the standards of the ordinance for a favorable recommendation.

Chairperson Brnabic stated that she can appreciate their collective experience in operating a restaurant and believes the food and surroundings will be very nice. She expressed concern regarding bars serving alcohol at 7 a.m. in that vicinity, noting that North Hill Elementary is located in the subdivision behind the City Flat apartments directly to the south of City Walk plaza. She commented that school starts at 8:55 a.m. and the school can be reached by the first street after the plaza or off Rochester Road; and stated that there will be parents driving their kids to school, buses and students walking along with work traffic. She stated that it is probably safe to say that someone could come in and have more than one drink by 8:30 a.m., and like any other bar, some customers will come in just to consume alcohol and skip the food menu. She pointed out that the summary of operation states that the bar will be the focal point of the restaurant. She stated that to her knowledge they would be the first in the city to serve alcohol at 7 a.m. She mentioned there was another brunch restaurant across the street, RH Social, but they do not open until 11 a.m. She commented that she would not look forward to others joining in their competition across the city.

Mr. Dettloff stated that while this is a first and an up-and-coming concept, he would agree with Chairperson Brnabic's concerns about opening at 7 a.m. He asked if there was any consideration given to staying open later or adjusting hours.

Tom Christoff responded that the concept they want to operate in the city is that which has been presented. He explained that they currently operate a business in Woodhaven, Michigan, and at that location they open at 8 a.m. He stated that if that would make it better for the Commission's consideration, they would have no issues with that. He noted that this concept has been in place for about 2-1/2 years now. He stated that they used to operate for full breakfast, lunch and dinner, but moved into this concept going forward. He noted that they would be okay with operating from 8 a.m. to 3 p.m.

Mr. Dettloff questioned what type of crowd they would capture at 7 a.m., and stated that he would suggest they consider adjusting their hours a bit. He asked if the liquor license would be transferred in.

Mr. Need responded that it is a license that they would purchase and bring in from the outside.

Mr. Dettloff stated that this has been somewhat of a dead corner since COVID. He asked if there have been any issues with their other location in opening early.

Tom Christoff responded that they have been serving alcohol at the Woodhaven location since the early 90s, and explained that they used to operate from 6 a.m. until 10 p.m. He noted that they have not had a violation

with regard to serving alcohol the entire time at that location.

Peter Christoff noted that the location in Woodhaven is less than a half-mile from the Ford Stamping plant and is right on I-75. He explained that the plant runs three shifts and they have people getting off from the plant at early hours of the morning, and they have never had an issue like that.

Mr. Roediger mentioned that the City did give one of its quota licenses to the Jagged Fork, which is a very similar concept. She noted that they open at 8 a.m. and are in the Village of Rochester Hills. She added that there is at least one in downtown Rochester where the Rochester Brunch House is open from 8 a.m. to 3 p.m. She noted that both of those locations have continuous lines out the door.

Mr. Dettloff stated that in his opinion he would ask that they consider 8 a.m. versus 7 a.m.

Tom Christoff stated that this is something they could change before they leave here this evening if it would make it more accommodating.

Chairperson Brnabic stated that she personally would like to see 9 a.m.

Ms. Neubauer asked the name of the Woodhaven restaurant.

Tom Christoff responded that it is Christoff's Restaurant.

Ms. Neubauer asked if Jagged Fork has a full open bar.

Ms. Roediger responded that they have mimosas and specialty drinks based on the season, along with spiked coffees.

Ms. Neubauer commented that she thinks that breakfast cocktails are different than having a full open bar at 7 or 8 a.m.

Tom Christoff responded that the majority would be specialty cocktails, and in describing it as a full bar, they just do not want to say they're limiting it to five drinks. He commented that the breakfast cocktails would consist of 10 to 12 different drinks, a couple of different beers and a couple of different wines. He stated that he does not know that he would compare it to an absolute full-scale bar, such as a Hamlin Pub.

Ms. Neubauer stated that she knows there are girly drinks that are served with breakfast, but the presentation stating full bar confuses her. She commented that while she does not think anyone will go at 7 a.m. and get drunk off of mimosas, but it would be an attractive place for someone who is desiring that kind of environment. She stated that those are early hours for a full bar close to a school. She commented that while she doesn't think that anyone would skip breakfast and go for a drink, at 7 a.m. someone may not be hungry for food.

Chairperson Brnabic commented that the alcohol content in a breakfast drink would not be any different than if someone came in and ordered any other drink

like a rum and coke. She questioned the 12 drinks.

Tom Christoff responded that they have between 10 and 12 signature drinks.

Chairperson Brnabic asked if someone ordered a draft or bottle of beer or a rum and coke if they would be able to order one.

Tom Christoff responded yes that they could.

Mr. Gallina stated that he did not have a problem with the alcohol, but would definitely support starting at 8 a.m. He commented that while he does not partake in alcohol, there is another establishment he frequents for breakfast with clients. He stated that the concept is popular. He asked about the outdoor seating and questioned the loud noise if it fills up at 8 a.m.

Mr. Struzik stated that with alcohol, there are always concerns of responsible consumption, whether it is 7 a.m. or 1 a.m., and he commented that alcohol kills a lot of people in this state and in the country. He concurred with Chairperson Brnabic's concerns with the school being nearby, and stated that he would not want someone to start consuming at 7 a.m. and then perhaps hit Rochester Road under the influence. He concurred with pushing the opening to 8 a.m., they would never be able to alleviate all of the concerns, but it would help.

Dr. Bowyer commented that when she pulled up information on their current restaurant, it looked like they had five breakfast drinks with mimosas, and the price point was up there. She stated that she would not get drunk on their prices, and mentioned that it looked like there were variations of the mimosas.

Tom Christoff responded that there would not be 30 drinks and would be 10 to 12, more than the five currently served in the current location.

Dr. Bowyer pointed out that it looks like they only have Stella and Bud Light for beer choices.

Tom Christoff responded that the beer choices would be minimal.

Dr. Bowyer noted that there were only four wines to choose from. She commented that it looks like it is a breakfast place with a few specialty drinks. She noted that she doesn't see the difference between 7 a.m. and 8 a.m., and commented that if she were stopping to have breakfast before work, she would have it at 7 a.m. She noted that they have a really nice menu that looks to be a bit more upscale than Ram's Horn. She asked what time Hamlin Pub opens on weekdays, and noted a response that it was 11 a.m. She commented that it is a nice restaurant and looks forward to it.

Mr. Weaver stated that he would echo Dr. Bowyer and Mr. Struzik noting that there is a risk having a school nearby for an establishment selling alcohol; however, an upscale brunch house is not going to draw the type of clientele that would start pounding whiskey or beers at 7 a.m. He commented that he thought it would lean more toward a breakfast meeting, whether they have a beverage or not. He stated that his hunch is that they would sell more alcohol on the

weekends. He commented that he does not see a reason to deny the request based on his conversation, and believes that it would be a very successful business there.

Mr. Hooper stated that he currently works in Flat Rock and did not realize Christoff's was their place. He commented that it is a busy place and a good restaurant, and the menu looks good. He stated that it will be a hit in Rochester Hills, and looks to be more of an upscale brunch thing that is a current trend. He pointed out that in looking at the menu, the alcohol is a low-key item.

Tom Christoff stated that at their current location, there is not a sit-down bar. At this location, they will have one. He noted that at their current location, people will stop in after getting off their night shift; however, in his experience they have not come in and gotten drunk. He added that they are very hands-on operators and are not putting up a restaurant to leave for someone else to run. He stated that this probably has a lot to do with why they do not have any violations and they pride themselves on that going forward.

Mr. Hooper noted that they have an 8 a.m. time at Christoff's and asked for the applicants' confirmation that they would mimic that same time.

Tom Christoff responded that they would have no issues to change from 7 a.m. to 8 a.m.

Mr. Hooper stated that he supports the request.

Ms. Denstaedt asked if they knew their alcohol sales between 8 a.m. and 10 a.m.

Tom Christoff responded that he did not.

Ms. Denstaedt asked if it would be a bar or more of a place to sit down and have a quick breakfast.

Tom Christoff responded that there would be a person behind the bar, but they would also be making different kinds of coffees as well.

Ms. Neubauer asked if how similar the menu would be to Christoff's.

Tom Christoff responded that the food menu would be smaller but the drink menu would be larger. He commented that it has become difficult to maintain the execution of their current menu and they would never open another place with a menu of that size. He stressed that the menu would not be made smaller with the idea of selling more alcohol.

Ms. Neubauer stated that it would have been more helpful for her to make a decision if there was a menu provided for both drinks and food. She commented that she does not think that the alcohol focal point will drive the success of their business.

Ms. Sathis stated that she makes most of the drinks at Christoff's and noted

that between 8 and 10 a.m. they probably serve between six and eight, and on the weekend it's obviously higher. She noted that typically after 11 a.m. they start serving more mimosas.

Ms. Neubauer asked if the alcohol hours could be adjusted.

Tom Christoff responded that this is something they would not be interested in changing. He stressed that changing the opening hours from 7 and 8 a.m. would be acceptable; but they would not adjust the concept.

Ms. Neubauer stated that to her this means that this is really an alcohol-driven business.

Ms. Sathis asked if Ms. Neubauer had been to the Rochester Brunch House.

Ms. Neubauer responded yes.

Ms. Sathis pointed out that Rochester Brunch House has a bar right when first walking in their front door and they serve similar drinks; and she noted that this will be along the lines of that.

Ms. Neubauer stated that she would have to see a menu in writing to make that comparison. She stated that at this point she cannot see the apples-to-apples comparison and pointed out that their other restaurant does not have a bar manned by a bartender.

Chairperson Brnabic stated that while upscale is nice, status and income does not guide someone to not have one too many. She commented that a lot of people in upscale high status positions have an alcohol problem. She stated that she is not insinuating that anyone would come in there that has an alcohol problem, but to focus on it being upscale and saying that would not happen with that crowd, she does not believe that to be true.

Mr. Dettloff stated that he can see they used Atkinson Need, and in his opinion they are the best. He asked if liquor liability insurance premiums are impacted by serving early.

Tom Christoff responded that he does not know the answer to that, and commented that they have always paid the same premium and does not know if it incurs a higher cost. He stated that if they pay more, it is a minimal fee. He commented that he believes that on Sundays there is an added fee to the yearly license.

Mr. Dettloff asked what license they were purchasing and asked if it was an escrow license.

Tom Christoff responded that they were purchasing one from another business in Oakland County.

Mr. Dettloff stated that after hearing the discussion, he would support it because it would be brunch. He noted that based on the response to the Jagged Fork

and the place in downtown Rochester being tremendously successful, and their great track record based on their current operations, he does not have a problem with it. He thanked them for at least considering to adjust the hours.

Mr. Struzik stated that once they have satisfied the requirement for the public hearing, he would like to make a motion.

Chairperson Brnabic opened the public hearing, and noted that she did not have any cards, nor anyone expressing a desire to speak. She then closed the public hearing.

Mr. Struzik made the motion in the packet, including an additional condition that alcohol will not be served before 8 a.m. The motion was seconded by Mr. Hooper.

After calling for a roll call vote, Chairperson Brnabic announced that the motion passed 7-2, with Chairperson Brnabic and Ms. Neubauer voting nay. She congratulated the applicants and noted that they would move forward to City Council for final approval of the conditional use. She reiterated that they have agreed to not serve alcohol before 8 a.m.

Tom Christoff confirmed that was correct and they would make that change.

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

Aye 7 - Bowyer, Denstaedt, Dettloff, Gallina, Hooper, Struzik and Weaver

Nay 2 - Brnabic and Neubauer

Resolved, in the matter of File No. PCU2023-0008 (The Bruch Bar), 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 August 3, 2023 with the following findings:

Findings

1. The proposed use will promote the intent and purpose of the Zoning Ordinance.
2. The existing building and proposed conditional use have 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 proposed restaurant use should have a positive impact on the community as a whole and the surrounding area by providing additional eating and gathering opportunities within the Neighborhood Business District and Citywalk Development.
4. The existing building and proposed use 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 existing building and proposed use 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. Alcohol will not be served before 8:00 a.m.