



## Department of Planning and Economic Development

Staff Report to the Planning Commission

January 10, 2024

### The Brunch Bar Conditional Use

<b>REQUEST</b>	Conditional Use Recommendation
<b>APPLICANT</b>	Mitchell Freem, Five and Dime Hospitality Group, LLC 719 Griswold, Ste. 180, Detroit, MI 48226
<b>LOCATION</b>	6920 N. Rochester Road, located on the north side of Tienken Rd. and west of N. Rochester Rd.
<b>FILE NO.</b>	PCU2023-0013
<b>PARCEL NO.</b>	15-03-477-035
<b>ZONING</b>	NB Neighborhood Business with FB Flex Business Overlay and PUD Approval
<b>STAFF</b>	Chris McLeod, AICP, Planning Manager

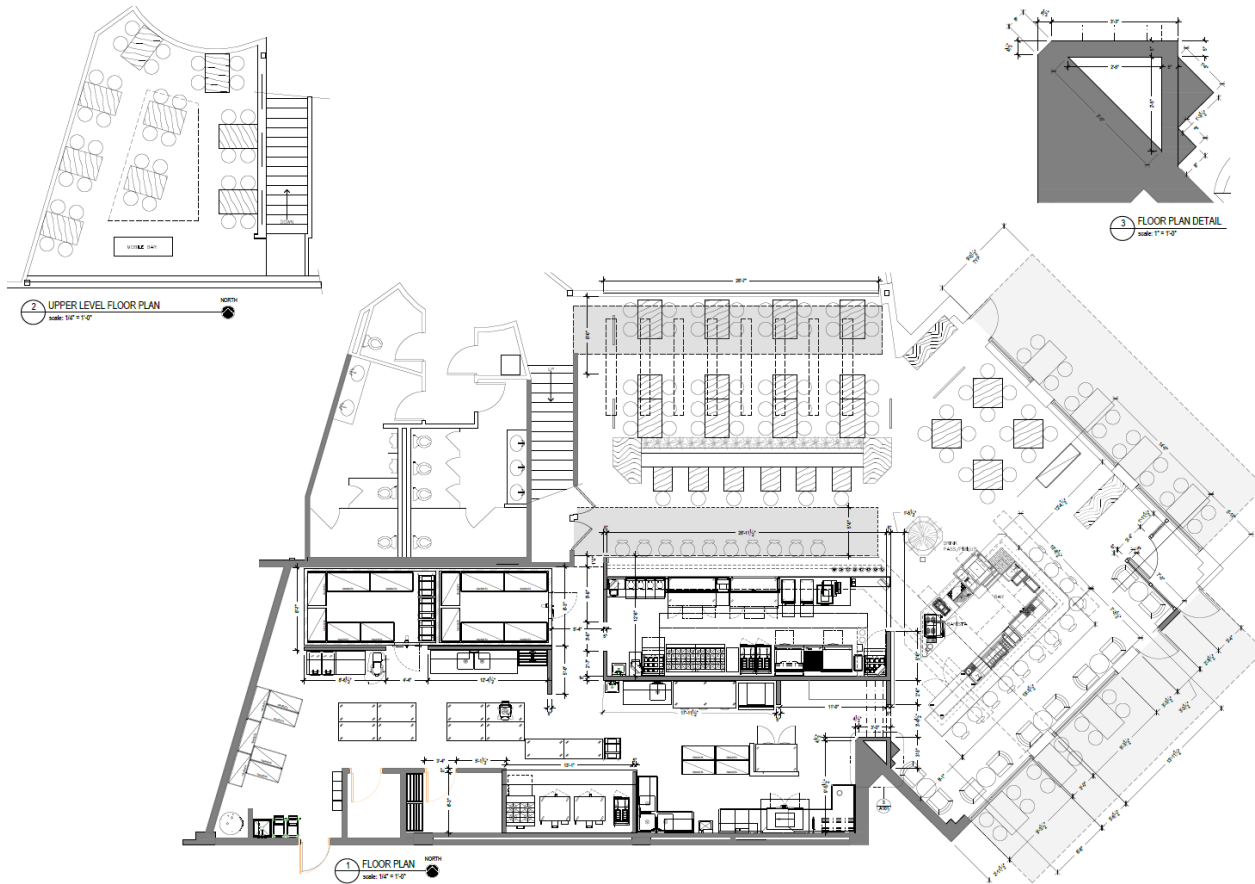
### Summary

The applicant has filed for a Conditional Use Permit to allow for alcoholic beverage sales for onsite liquor consumption as a part of a new restaurant at 6920 No. Rochester Road, located on the north side of Tienken, west of Rochester Road. The proposed restaurant will be located in the Papa Joe's development, specifically in the tenant space that was formerly the Grand Traverse Pie Co. The floor plan provided as a part of the building permit application indicates the restaurant will be 2 floors. The main floor will be utilized for food preparation, seating and other utility areas, and the second floor will provide some limited seating and the potential for a "mobile" bar. Total occupancy as shown on the submitted drawings is 123 persons. Outdoor seating for approximately 28 persons is shown along the exterior of the building.

The site is currently zoned NB Neighborhood Business with the Flex Business Overlay District. However, the overall Papa Joe's project, which this application is a part of, was originally approved as a Planned Unit Development (PUD). Within the approved PUD agreement, restaurants and other places serving food and beverage are a permissible use. The same is true for restaurants in the Neighborhood District, however, alcoholic beverage sales for on premises consumption that is accessory to a permitted use requires a Conditional Use permit, after the Planning Commission makes a recommendation and City Council approval. The applicant is not seeking a quota license from the City Council, but rather will be transferring an existing license into the City.

Based on the information submitted by the applicant, the Dime Store is a full service, all-day, award-winning brunch restaurant using high quality ingredients to make chef-driven dishes from scratch. There is an existing Dime Store restaurant in the City of Detroit (719 Griswold) that has been in operation for nine (9) years. The proposed hours of operation will be Monday through Sunday 8:00 a.m.-3:00 p.m. seven (7) days a week. In addition, the information provided by the applicant indicates that a total of approximately thirty-eight (38) staff members will be employed for daily operations of the restaurant. The application notes that the competing restaurants in the area are The Rochester Brunch House, George's Coney Island, and First Watch. It is assumed that the recently approved Brunch Bar, at the southeast corner of Tienken and Rochester Road in the City Walk Development and RH Social in the same center would also be competing restaurants.

## Floor Plan



	Zoning	Existing Land Use	Future Land Use
<b>Site</b>	NB Neighborhood Business District with FB Flex Business District (Planned Unit Development (PUD))	Papa Joes, RH Social, Cellular store, salon, fitness, etc.	Commercial Residential Flex 2
<b>North</b>	NB Neighborhood Business District and Office with FB Flex Business District	Beaumont Medical Center, Cellular Tower	Commercial Residential Flex 2
<b>South</b>	NB Neighborhood Business District with FB Flex Business District	Huntington Bank and Rochester Periodontics and Dental	Commercial Residential Flex 2
<b>East</b>	Office with FB Flex Business District	Starbucks and Rite Aid	Commercial Residential Flex 2 (across Orion Road) and Residential Office Flex (across Rochester Road)
<b>West</b>	NB Neighborhood Business District with FB Flex Business District	Avon North Hill Lanes	Residential Office Flex

## 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.

	Criterion:	Staff Comment:
1	<i>Will promote the intent and purpose of (the Ordinance).</i>	The NB Neighborhood Business District does support and promote this type of use when ancillary to a permissible use such as a restaurant.
2	<i>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.</i>	The immediately abutting land uses in each direction should not be impacted by the proposed use as they are nonresidential in nature. The closest residential properties are located to the north/northwest of the Papa Joes complex and the proposed location of the Dime Store is to the far southern end of the center. The restaurant as proposed will have outdoor seating along the south side of the building. It is noted that given the proposed hours of operation (8:00 a.m. - 3:00 p.m.) the conditional use for alcohol consumption onsite or outdoor operations should not have a significant impact on surrounding properties as they are all nonresidential in nature.
3	<i>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.</i>	The tenant space has traditionally been utilized for restaurant purposes, albeit not for a restaurant use with alcohol sales, and has been served adequately by all City services. Any demands placed on the public infrastructure are already accounted for by the current use of the site.
4	<i>Will not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.</i>	In regard to the proposed use, there should be no detrimental, hazardous or disturbing activity to the existing or future neighboring uses, persons, surrounding properties, or to the public welfare given the similar density and development nature of the immediate surrounding land uses.
5	<i>Will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.</i>	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.

## Staff Recommendations

The conditional use was noticed for a public hearing. Staff has not received any comments regarding the proposed use. Based on the application provided, staff recommends approval of the proposed conditional use request. If the Planning Commission agrees that allowing alcoholic beverage sales for on premises consumption will be harmonious and compatible with the surroundings, below are motions for consideration:

## Motion to Recommend Approval of a Conditional Use

**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of File No. PCU2023-0013 (The Dime Store), 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 November 30, 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 Papa Joe's Development.
4. The existing building and proposed use are 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.