



City of Rochester Hills
AGENDA SUMMARY
NON-FINANCIAL ITEMS

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Legislative File No: 2023-0426 V2

TO: Mayor and City Council Members

FROM: Chris McLeod, Planning Manager, ext. 2572

DATE: October 9, 2023

SUBJECT: Request for conditional use approval for The Brunch Bar (TCA Group, LLC) to allow for on premises alcoholic beverage consumption at 90 E. Tienken Road, located on the south side of E. Tienken Road.

REQUEST:

Approval of a conditional use to allow for on premises alcoholic beverage consumption at The Brunch Bar (TCA Group, LLC), located at 90 E. Tienken Road, approved Planned Unit Development, zoned NB Neighborhood Business District with an FB Flexible Business Overlay District.

BACKGROUND:

The applicant has filed for a Conditional Use Permit, to serve and consume alcohol, for a new restaurant establishment, The Brunch Bar. The Brunch Bar is a dine in restaurant, specializing in Breakfast, Brunch and Lunch. The intent of the liquor license is to provide patrons the opportunity to order breakfast cocktails as a part of their meals. Alcoholic beverage sales for on premises consumption, accessory to a permitted use, requires a conditional use permit in the NB Neighborhood Business District. The approved PUD agreement for the site allows eating and drinking establishments as a permitted use, however, after consultation with the City Attorney, the Planning Department determined a conditional use would be required for the site. The applicant is not seeking a quota license, they are proposing to transfer a liquor license into the City.

The proposed tenant space is located within the former Big Boy Restaurant, within the Citywalk Development, on the south side of E. Tienken, east of Rochester Road. The tenant space, when operated as a Big Boy restaurant, however the Big Boy did not have a liquor license. The applicant has noted that no significant changes are planned to the exterior of the building. The proposed restaurant use does include both indoor and outdoor seating in the same configuration as the previous user. The outdoor seating is somewhat limited and would not be proximate to any residential properties outside of the Citywalk Development. The hours of operation proposed by the applicant were originally 7:00 a.m. to 3:00 p.m., seven (7) days a week. However, after a considerable amount of discussion with the Planning Commission, the Planning Commission in their recommendation of approval, conditioned their motion that there would be no alcohol sales prior to 8:00 a.m. The applicants were in agreement with the proposed condition. Based on the site's location and overall intensity of the surrounding development, the revised hours of operation should not be impactful to any neighboring properties.

The applicants, the TCA Group, LLC includes three members with a total combined experience of 100 years. The group currently operates a similar type restaurant in a downriver community. The Brunch Bar restaurant is anticipated to employ 30-36 employees when full staffed. The applicants, in their submittal provided a full business plan outlining the proposed operational characteristics.

The issuance of the conditional use permit is a discretionary decision by the City Council based on five general criteria contained in Sec. 138-2.302 of the Zoning Ordinance as follows, which are included in the resolution:

- 1) *Will promote the intent and purpose of this chapter.*
- 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.*
- 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.*
- 4) *Will not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or 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.*

The Planning Commission recommended by a 7-2 vote in favor of approval of the conditional use with several findings and conditions as reflected in the attached resolution, at its September 19, 2023 meeting. Please refer to the attached Planning Commission minutes for further details.

RECOMMENDATION:

Finding that the proposed request to allow sales for on premises alcoholic beverage consumption meets the criteria of the Zoning Ordinance, the Planning Commission recommends that City Council approves the conditional use for The Brunch Bar, to allow on premises alcoholic beverage consumption, located at 90 E. Tienken Road, File No. PCU2023-0008, subject to the findings and conditions noted in the attached resolution.

APPROVALS:	SIGNATURE	DATE
Department Review		
Department Director		
Mayor		
Deputy City Clerk		

Contract Reviewed by City Attorney Yes N/A