



## Department of Planning and Economic Development

Staff Report to the Planning Commission February 14, 2024

PCU2024-0001

### The Jackson Conditional Use

<b>REQUEST</b>	Conditional Use Recommendation
<b>APPLICANT</b>	Justin Vaiciunas 213 Low Meadow Ct. Oakland, MI 48363
<b>LOCATION</b>	184 N. Adams Rd., located within the Village shopping center, on the east side of Adams and north of Walton
<b>FILE NO.</b>	PCU2024-0001
<b>PARCEL NO.</b>	15-08-351-005
<b>ZONING</b>	CB Community Business and Consent Judgment
<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 alcoholic beverage consumption as a part of a new restaurant at 184 N. Adams, located on the east side of N. Adams Road, north of Walton Blvd. The proposed restaurant will be located in the Village of Rochester Hills development, specifically in the tenant space that was formerly Noodles Co. A floor plan was provided as a part of the conditional use application and it indicates the restaurant will be utilized for food preparation, seating, restroom facilities and other utility areas. Total occupancy as shown on the submitted drawings is approximately 87 people. At this time no outdoor seating is shown on the floor plan drawings submitted, but the Environmental Impact Statement does indicate that seasonal patio seating is anticipated. Outdoor seating, pursuant to Ordinance, is a permissible use.

The site is currently zoned CB Community Business District. However, the overall Village project, which this application is a part of, was originally approved under a Consent Judgment. Within the approved Consent Judgment agreement, restaurants and other places serving food and beverage are a permissible use. The same is true for restaurants in the Community Business 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.

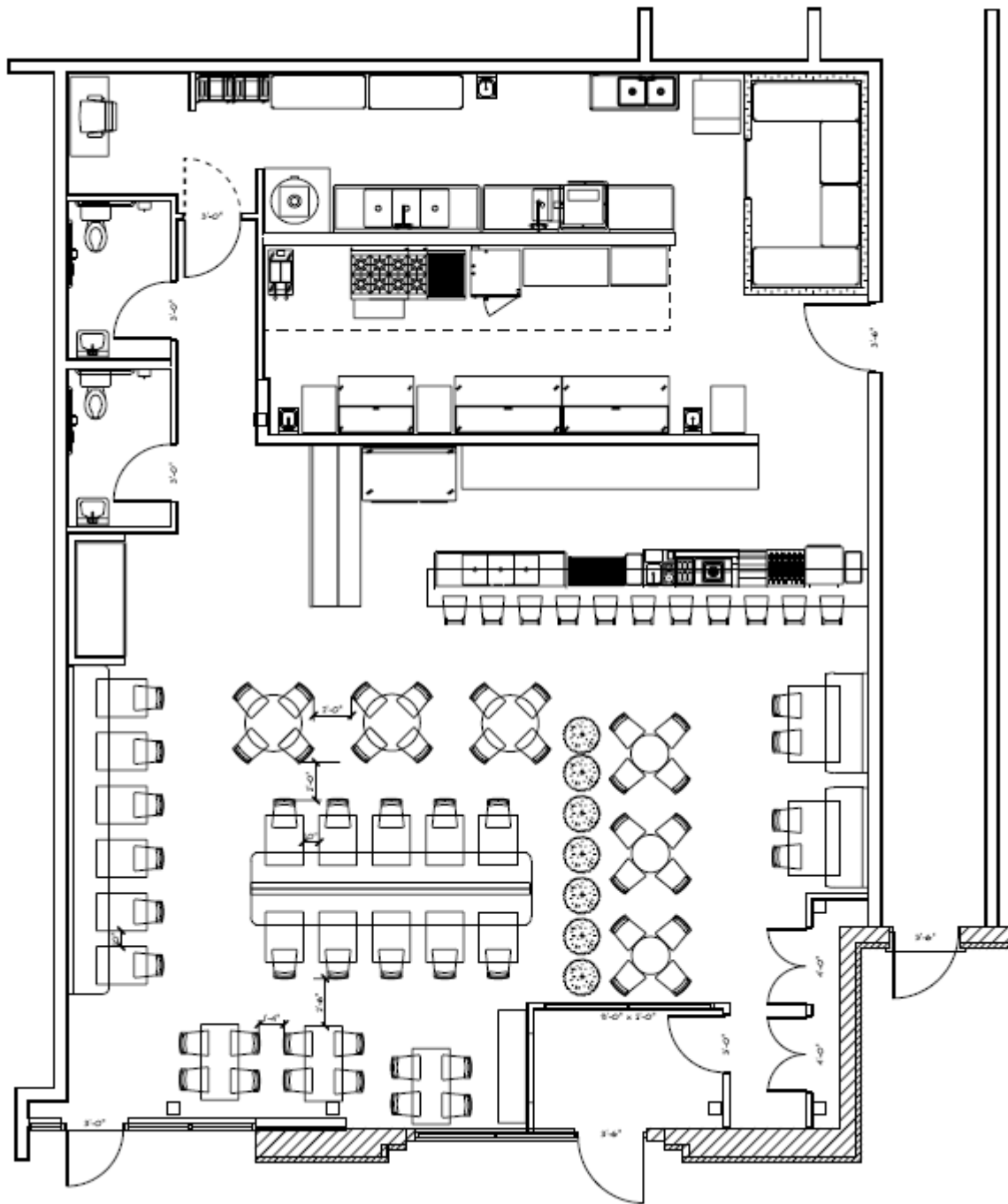
Based on the information submitted by the applicant, the Jackson is proposed to be a full-service restaurant using high quality ingredients to make chef-driven dishes from scratch. The Jackson will be co-owned, one owner being experienced as a chef, the other, experienced as a sommelier. The application includes a brief description of each co-owner's experience and accomplishments. The proposed hours of operation will be Tuesday – Thursday 11:00 a.m. – 9:00 p.m., Friday – Saturday 11:00 a.m. – 10:00 p.m. and Sunday 11:00 a.m. – 4:00 p.m. seven (7) days a week. In addition, the information provided by the applicant indicates that a total of approximately twenty-four (24) staff members will be employed for daily operations of the restaurant. The application notes that there are no other “chef forward” restaurants in the area, however, there are other casual restaurants located in the area. Within the Village Mall itself there is Kruse and Muer in the Village, Mitchell's Fish Market, Bravo! Italian Market, Jagged Fork, etc.



## Tenant Space



## Floor Plan



	Zoning	Existing Land Use	Future Land Use
<b>Site</b>	CB Community Business District	Village of RH: The Jagged Fork, Bravo restaurant, various retail stores and restaurants	Commercial Residential Flex 3
<b>North</b>	CB Community Business District	Village of RH: Von Maur (and new Starbucks to be constructed)	Commercial Residential Flex 3
<b>South</b>	CB Community Business District and NB Neighborhood Business District	Citizens Bank, Michigan Schools and Government Credit Union, Shell service station, with other commercial properties across Walton	Commercial Residential Flex 3, with Commercial Residential Flex 2 and Multiple Family across Walton
<b>East</b>	R-3 One Family Residential	Single family residential	Residential 3 and Private Recreation/Open Space
<b>West</b>	CB Community Business District and R-3 One Family Residential (across Adams Road)	University Square shopping center with Trader Joe's	Commercial Residential Flex 2, Residential 3 and Private Recreation/Open Space

## 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 CB Community Business District does support and promote this type of use when ancillary to a permissible use such as a restaurant. The same is true of the consent judgment.
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>	<p>The immediately abutting land uses in each direction should not be impacted by the proposed use as they are nonresidential in nature and generally a part of the overall mall. The closest residential properties are located to the north and northwest (across N. Adams) of the west side of the Village Mall and the proposed location of the Jackson is central to the Village Mall and is over 300 feet from the nearest resident which is on west side of N. Adams.</p> <p>The restaurant as proposed will have outdoor seating along the west side of the building. The sidewalk in this location is limited in terms of width and may limit the outdoor seating capabilities/capacities. It is noted that no drawing of an outdoor seating area has been provided at this time.</p> <p>Given the proposed hours of operation (generally opening at 11:00 a.m. and closing between 9:00 a.m. and 10:00 p.m. on most nights), 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; the nearest resident being over 300 feet away, across N. Adams Road</p>

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 that there are existing restaurants within the Village, a number of which already have liquor licenses (including the Jagged Fork immediately next door), the tenant space was previously a restaurant use and that the nearest residential use is over 300 feet away, across N. Adams Road.
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. PCU2024-0001 (The Jackson), 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 January 19, 2024 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 Community Business District and the Village of Rochester Hills.
4. The existing development 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 development and proposed use should not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare as there are a number of existing restaurants within the Village, the tenant space was previously a restaurant and the nearest residential land use is over 300 feet away, across N. Adams Road.
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.