



City of Rochester Hills
AGENDA SUMMARY
NON-FINANCIAL ITEMS

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Legislative File No: 2022-0419 V2

TO: Mayor and City Council Members

FROM: Sara Roediger, Planning and Economic Development Director, ext. 2573

DATE: September 30, 2022

SUBJECT: Request for conditional use approval for Oceania Restaurant to allow for on premises alcoholic beverage consumption at 37 S. Livernois, located southeast of Walton and Livernois in the Campus Corners Shopping Center.

REQUEST:

Approval of a conditional use to allow for on premises alcoholic beverage consumption at Oceania Inn, located at 37 S. Livernois Rd. in the Campus Corners Shopping Center, zoned B-3 Shopping Center 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 Oceania Inn. Oceania Inn is a dine in and carry out restaurant, specializing in Chinese cuisine. Alcoholic beverage sales for on premises consumption, accessory to a permitted use, requires a conditional use permit in the B-3 Shopping Center Business District. The applicant is proposing to transfer their own Class C liquor license from their current location at 3176 Walton Blvd., to their proposed address of 37 S. Livernois. The applicant is moving locations due to their lease expiring at the current location.

The proposed tenant space is located within the Campus Corners Shopping Center with other retail and restaurant uses. The applicant has noted that no changes are planned to the exterior of the building but renovations are planned for the interior as the space was previously utilized for Panera Bread. The hours of operation currently proposed by the applicant are 11:00 a.m. – 10:00 p.m. daily, however, based on the site's location, hours of operation should not be impactful to any neighboring properties.

As a part of their application materials, the applicant has indicated that they have been in business in the Rochester community for approximately fifty years (since 1972) and plan on being in business at least another twenty as they have a twenty year lease in the new tenant space.

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 approval of the conditional use with several findings and conditions as reflected in the attached resolution, at its September 20, 2022 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 Oceania Inn to allow on premises alcoholic beverage consumption, located at 37 S. Livernois Rd., File No. PCU2022-0006, 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