



Department of Planning and Economic Development

Staff Report to the Planning Commission September 6, 2023

The Brunch Bar Conditional Use

REQUEST	Conditional Use Recommendation
APPLICANT	TCA Group LLC 22900 Allen Road Woodhaven, MI 48183
LOCATION	90 E. Tienken Rd., located on the south side of Tienken Rd. and east of Rochester Rd.
FILE NO.	PCU2023-0008
PARCEL NO.	15-11-103-003
ZONING	NB Neighborhood Business with FB Flex Business Overlay
STAFF	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 90 E. Tienken, located on the south side of E. Tienken, east of Rochester Road. The proposed 5,500 square foot restaurant will be located in the City Walk development, specifically in the building that was formerly the Big Boy restaurant.

The site is currently zoned NB Neighborhood Business with the Flex Business Overlay District. However, the overall Citywalk 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. After consulting with the City Attorney, it was determined that a conditional use would be necessary to comply with the requirements of the approved PUD Agreement and the City's current Zoning regulations. 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 Brunch Bar will be an upscale, primarily brunch restaurant, which will offer a variety of breakfast dishes, entrée salads, and sandwiches. It will feature a bar that specializes in breakfast cocktails. The proposed hours of operation will be Monday through Sunday 7:00 a.m.-3:00 p.m. In addition, the information provided by the applicant indicates that a total of approximately thirty (30) to thirty six (36) staff members will be employed for daily operations of the restaurant and that the ownership of the restaurant has nearly 100 years of collective experience in operating, at some level, restaurant uses. The experience of the ownership is further detailed in the information contained in the Planning Commission packet.

	Zoning	Existing Land Use	Future Land Use
Site	NB Neighborhood Business District with FB Flex Business District (Planned Unit Development (PUD))	Beth's Imagination Station, Walgreens, Sherwin Williams, KSI Kitchen, MassageLuxe, Orangetheory	Commercial Residential Flex 3
North	I Industrial (across E. Tienken)	Uhaul Moving and Storage or Rochester Hills (across E. Tienken)	Residential Office Flex (across E. Tienken)
South	R-4 One Family Residential	North Hill Elementary	Residential 4
East	R-4 One Family Residential	Single Family Residential	Residential 4
West	NB Neighborhood Business District with FB Flex Business District (across Rochester Road)	Marathon Gas, Hollywood Market (across Rochester Road)	Commercial Residential Flex 2 (across Rochester Road)

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.

1. *Will promote the intent and purpose of (the Ordinance).* The NB Neighborhood Business District does support and promote this type of use when ancillary to a permissible use such as a restaurant.
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.* The immediately abutting land uses in each direction should not be impacted by the proposed use as they are nonresidential in nature. To the southeast (approximately 180 feet) are the apartments of Citywalk, but the uses are separated by the parking lots of each use and the Citywalk development was originally planned as a mixed use development. Further to the south is North Hill Elementary, however, there are a number of other nonresidential uses and parking areas between the proposed use and elementary school (approximately 400 feet from building to property line). The restaurant as proposed will have outdoor seating along the south side of the building. This area was also utilized by the previous restaurant use. It is noted that given the proposed hours of operation (7:00 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.
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.* The tenant space has traditionally been utilized for restaurant purposes 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. *Will not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.* 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. *Will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.* 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. PCU2023-0008 (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.