



Department of Planning and Economic Development

Staff Report to the Planning Commission

July 10, 2024

PCU2024-0005

Churchill's of Rochester Hills, LLC Conditional Use

REQUEST	Conditional Use Recommendation
APPLICANT	Churchill's of Rochester Hills, LLC 1100 W. Maple Road Troy, MI 48084
LOCATION	2596 S. Rochester Rd., located on the west side of Rochester Rd. and south of Wabash in the Hawthorne Plaza
FILE NO.	PCU2024-0005
PARCEL NO.	15-27-477-060
ZONING	NB Neighborhood Business with the 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 alcoholic beverage consumption as a part of a proposed cigar establishment within an existing tenant space in the Hawthorne Plaza, at 2596 S. Rochester Road, located on the west side of Rochester Road, south of Wabash Road.

Alcoholic beverage sales for on premises consumption that is accessory to a permitted use requires a Conditional Use permit in the NB Neighborhood Business District, 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.

The proposed use would occupy the northernmost tenant space of the Hawthorne Plaza. The tenant space is approximately 4,500 square feet based on the lease information provided. The proposed floor plan shows seating areas located throughout the front 2/3 of the tenant space. and will also include a bar, a humidor, retail display area, and ancillary utility, storage and restrooms.

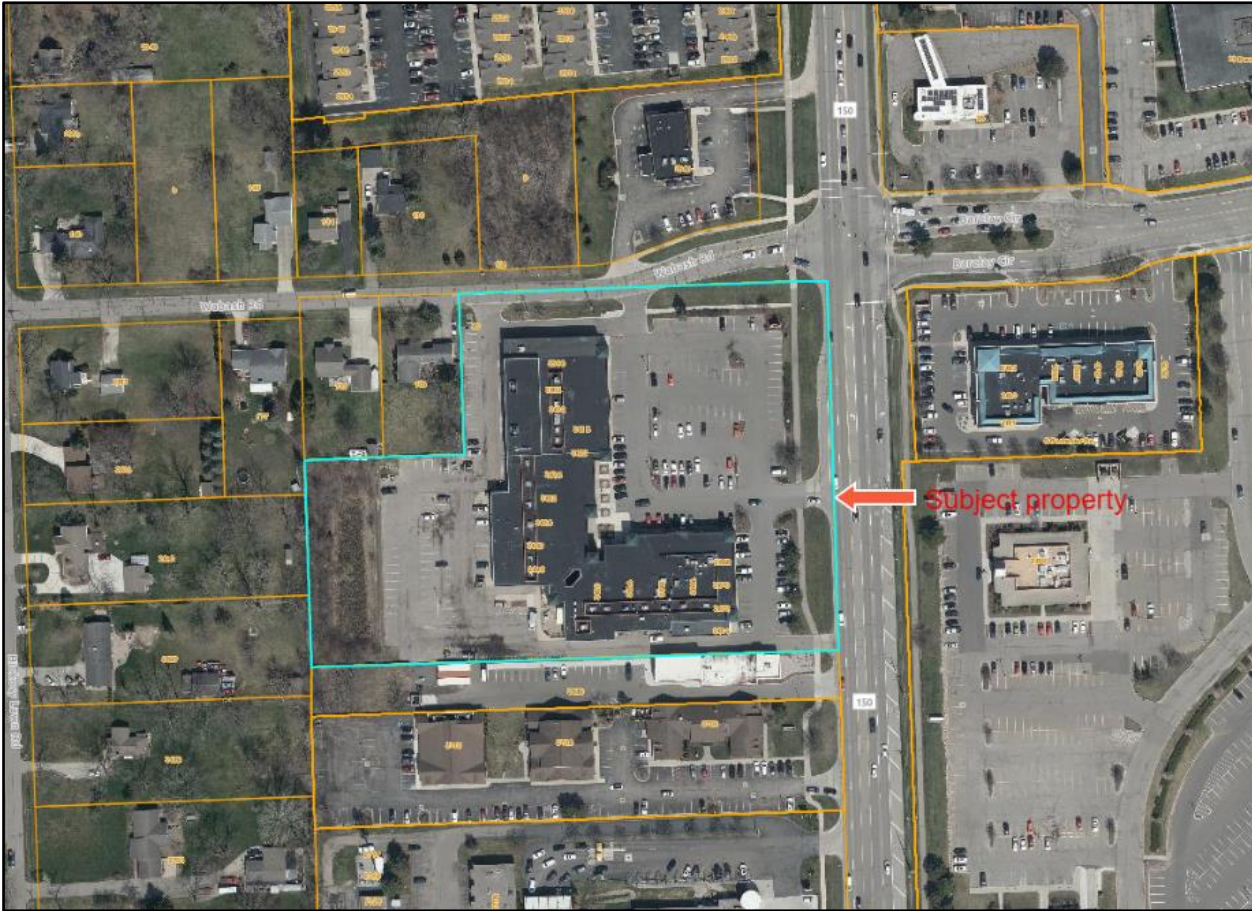
The overall shopping center is slightly less than 59,000 square feet in area. Based on parking requirements of one space for each 300 square feet, a total of 196 spaces would be required. The center has approximately 250 parking spaces. Therefore, the retail use with associated alcohol sales and the overall center should have sufficient parking.

At this time, the applicant is not proposing any outdoor operations or storage as a part of the application. Therefore, all operations will be conducted fully within the building. This should help limit any impacts to abutting residential uses to the west. In addition, the applicant has indicated that the HVAC system is designed to ensure that no adverse impacts are felt by the neighboring properties to the west.

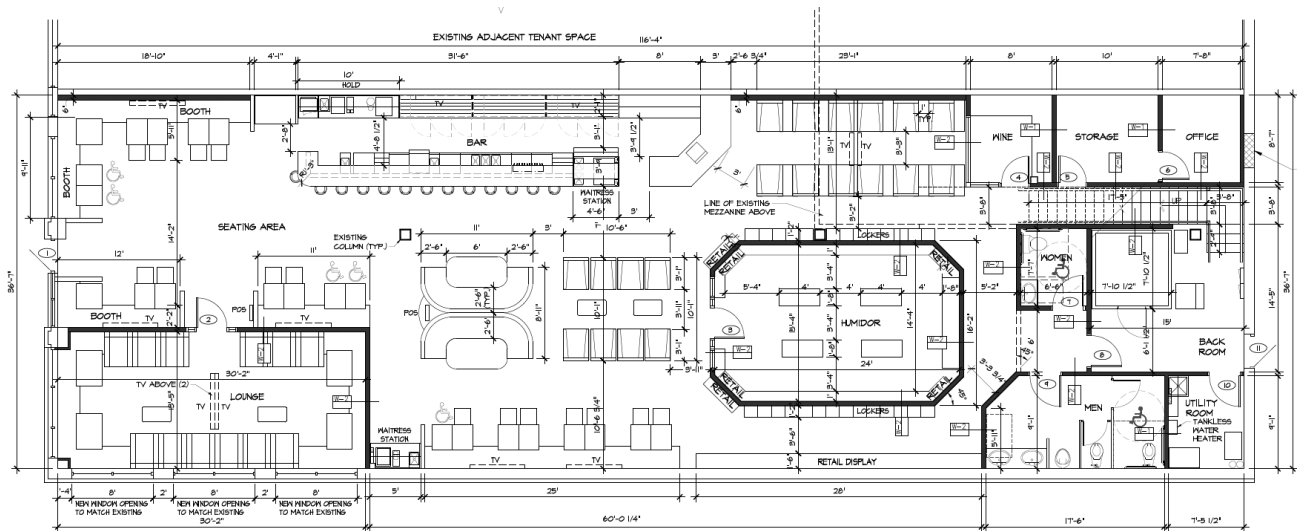
The proposed use will be operated seven (7) days a week, from 9:00 a.m. to 11:30 p.m. Based on the information provided by the applicant, a total of 10-12 staff members will be employed by the proposed use.

The applicant has provided a breakdown of existing sales (sales percentages) from another Churchills operation in West Bloomfield and has indicated that approximately 2/3 of their revenue comes from retail sales of cigars and associated retail goods and that alcohol sales make up slightly over 20 percent of total revenues. The applicant has indicated that similar sales percentages are anticipated for the Rochester Hills location. It is noted that a sample menu was provided with the application material but the applicant has also stated that a "full" kitchen is not proposed at this time and the floor plan provided does not indicate any areas dedicated for food preparation. The applicant

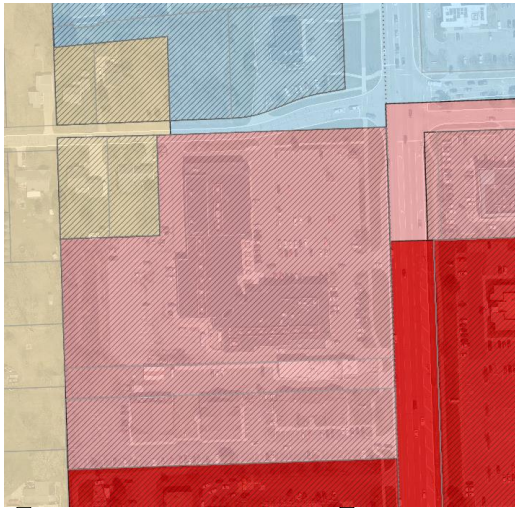
has indicated that prepackaged foods would be available for patrons and that all state regulations regarding food would be adhered to.



Floor Plan



Zoning Map **Master Land Use Plan**



- RE One-Family Residential District
- R-1 One-Family Residential District
- R-2 One-Family Residential District
- R-3 One-Family Residential District
- R-4 One-Family Residential District
- RCD One-Family Residential Cluster District
- RM-1 Multiple-Family Residential District
- RMH Manufactured Housing Park District
- NB Neighborhood Business District
- CB Community Business District
- HB Highway Business District
- BD Brooklands District
- O Office District
- I Industrial District
- SP Special Purpose District
- EC Employment Center District
- FB Flex Business Overlay District
- MR Mixed Residential Overlay District
- PUD Overlay



- Estate Residential
- Residential 2
- Residential 2.5
- Residential 3
- Residential 4
- Residential 5
- Mixed Residential Overlay
- Multiple Family
- Residential Office Flex
- Auburn Road Corridor
- Commercial Residential Flex - 2
- Commercial Residential Flex - 3
- Office
- REC Workplace
- REC Technology and Office Image Corridor
- REC Interchange
- Regional Commercial
- Industrial
- Special Purpose
- Park/Public Open Space
- Private Recreation/Open Space

	Zoning	Existing Land Use	Future Land Use
Site	NB Neighborhood Business District with the FB Flex Business Overlay	Existing Hawthorne Plaza	Commercial Residential Flex 3
North	O Office District with the FB Overlay	Citizen's Bank	Residential Office Flex
South	NB Neighborhood Business District with the FB Overlay	KLM Bike and Fitness	Commercial Residential Flex 3
East	NB Neighborhood Business District with the FB Overlay	Chipolte, Vitamin Shoppe, Omaha Steaks, etc.	Commercial Residential Flex 3
West	R-3 One Family Residential District with the FB Overlay	Single Family Residential Homes	Commercial Residential Flex 3

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:
<p>1 <i>Will promote the intent and purpose of (the Ordinance).</i></p>	<p>The NB Neighborhood Business District does support this type of use when ancillary to a permissible use such as retail sales of cigars.</p>
<p>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>	<p>The immediately abutting land uses to the south, east and north should not be impacted by the proposed use as they are nonresidential in nature. The uses to the west are single family residential homes. There are no general openings to the west side of the building other than the existing service door for the tenant space. The building itself is separated from the residential homes by the maneuvering lane, one row of parking and the required masonry separation wall.</p> <p>Given the proposed hours of operation for alcohol sales, Monday through Sunday 9:00 a.m. to 11:30 p.m., the conditional use for alcohol consumption onsite should not have a significant impact on surrounding properties given the size, nature and intensity of the site and the specific tenant space and the fact that at all operations are proposed to be conducted within the building. In addition, the properties to the west are currently zoned for residential purposes but also include the Flex Business Overlay and are planned Commercial Residential Flex 3 which suggests these properties could ultimately be converted to nonresidential use. Any outdoor use should be re-evaluated by the Planning Commission and City Council as it may have impacts to the properties to residential properties to the west.</p>
<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></p>	<p>The overall building has been utilized for a variety of retail, entertainment and fitness uses and the addition of alcoholic beverage sales should not increase traffic to the site given the size of the tenant being proposed for the use. Also, the subject site has been developed for a significant number of years as the Hawthorne Plaza and the addition in which the use is proposed was permitted in 2013 and the building has been served adequately by all City services. Therefore it is Staff's opinion that any demands placed on the public infrastructure are already accounted for by the current use of the site.</p>
<p>4 <i>Will not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.</i></p>	<p>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 for indoor alcohol consumption. Again, any proposed outdoor activity should be re-evaluated by the Planning Commission at the time it may be proposed.</p>

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.
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Staff Recommendations

The conditional use was noticed for a public hearing. Staff has not received any comments from abutting residents. Based on the application provided, Planning staff generally has no issues with 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 is a motion for approval for your consideration. If there are concerns with the hours of sales/consumption, particularly the outdoor sales/consumption it may be appropriate to limit the hours of those times alcoholic beverages can be sold/consumed in the outdoor areas.

Motion to Recommend Approval of a Conditional Use

MOTION by _____, seconded by _____, in the matter of File No. PCU2024-0005 (Churchills of Rochester Hills, LLC), the Planning Commission **recommends** to City Council **Approval** of the **Conditional Use** to allow sales for on premises alcoholic beverage consumption associated with retail cigar sales and smoking lounge use, based on documents received by the Planning Department on June 20, 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 addition of alcohol sales to the proposed sales of cigars and smoking lounge should provide additional services being sought.
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 the overall plaza already includes a variety of retail, entertainment and fitness uses, has no proposed outdoor use area, only minor physical improvements/modifications are being planned to the exterior of the building and the sales of alcoholic beverages is planned to end at 11:30 p.m. daily.
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.
2. If outdoor use areas are proposed, City staff may require and order the conditional use approval to be remanded to the Planning Commission and City Council as necessary for re-examination of the conditional use approval.