



Rochester Hills

Minutes - Draft

Planning Commission

1000 Rochester Hills Dr
Rochester Hills, MI
48309
(248) 656-4600
Home Page:
www.rochesterhills.org

Chairperson William Boswell, Vice Chairperson Deborah Brnabic
Members: Gerard Dettloff, Julie Granthen, Greg Hooper, Nicholas O. Kaltsounis,
David A. Reece, C. Neall Schroeder, Emmet Yukon

Tuesday, October 20, 2015

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

ROLL CALL

Present 7 - William Boswell, Deborah Brnabic, Gerard Dettloff, Julie Granthen, Greg Hooper, Nicholas Kaltsounis and C. Neall Schroeder

Absent 2 - David Reece and Emmet Yukon

APPROVAL OF MINUTES

2015-0391 September 15, 2015 Regular Meeting

COMMUNICATIONS

NEW BUSINESS

- 2010-0106 Public Hearing and request for consideration of the Second Amendment to the Planned Unit Development (PUD) Agreement - City File No. 04-037.3 - to add an in-ground pool, pool house and cement deck in place of the playset at Harvard Place PUD, a 168-unit apartment complex development on approximately 26 acres, located east of John R, north of School Rd., zoned PUD overlay, Parcel Nos. 15-24-100-009, -010, -018, -019, -028, -029, -037, -038 and -040, based on documentation dated received by the Planning and Economic Development on September 21, 2015, MJC Harvard Place, LLC, Applicant
- 2004-0868 Request for Amended Site Plan Approval - City File No. 02-013.2 - Ahmadiyya Muslim Community Center, to allow the height of the Minaret to go up to 54.8 feet (originally approved at 50 feet), located at 1730 W. Auburn, east of Crooks, zoned R-4, One Family Residential, Parcel No. 15-28-300-026, Aamir M. Butt, Applicant
- 2015-0388 Public Hearing and request for Conditional Use Recommendation - City File No. 15-015 - to be allowed to sell alcoholic beverages for on-site consumption accessory to a permitted use at MOD Pizza, located at 3058 S. Rochester Rd., Rochester Hills, MI 48307, zoned B-3, Shopping Center Business, part of Parcel

No. 15-34-227-046, TSFR Pizza, LLC, Applicant

(Reference: Staff Report prepared by Ed Anzek, dated October 16, 2015 and associated application documents had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Eric Eggan, Honigman, Miller, Schwartz and Cohn, LLP, 222 North Washington Square, Suite 400, Lansing, MI 48933 and Jake Schostak and Ryan Jones, Schostak Brothers, which was involved in the construction.

Mr. Anzek noted that in August, the applicants had filed for a Conditional Use permit with the intent of having beer and wine for consumption on premise. He advised that there would be no sales of hard liquor. Mr. Eggan agreed, and said that they were asking for a Class C Liquor License which would permit beer, wine and liquor, but they were only intending to serve beer and wine.

Mr. Anzek said that with new businesses coming to town with a liquor license, there was a recently adopted Ordinance for a Conditional Use process. The Planning Commission would hold a Public Hearing to see if there were any objections in the neighborhood and make a recommendation to City Council. Mr. Anzek believed that this was the last space to be leased in the center.

Mr. Anzek advised that all property owners within 300 feet of the subject location were notified, and Staff did not receive any comments, and no cards were turned in to speak. He added that it was a fairly straight forward request.

Chairperson Boswell asked the applicants if there was anything they wished to add. Mr. Eggan said that they supported Staff's recommendation and hoped it would be approved. They looked forward to opening and being a respected member of the business community.

Mr. Dettloff asked if they were obtaining an escrowed license. Mr. Eggan agreed. They were buying a license that came from Lyon Township, which had been held by a gentleman who had the license primarily for catering but never used it.

Mr. Anzek said that he heard that MOD meant "Made on Demand." Mr. Schostak said that was correct.

Mr. Kaltsounis asked if the team had owned a liquor license in the past.

Mr. Eggan agreed that they had. TSFR had a related entity called TSFR Apple Venture, LLC, which owned most of the Applebees in the State of Michigan. They had been operating for the last three years. Mr. Kaltsounis presumed that MOD was a franchise of Applebees, which Mr. Eggan confirmed. Mr. Eggan added that they had two additional MOD locations which had already been licensed and were operating - one in Livonia and one in Northville Township. They felt that they were experienced, and they trained people well to handle the sales of alcohol.

Mr. Kaltsounis asked if a background check was done on the applicant when applying for a liquor license. He did not necessarily mean a criminal check, but just to see if the applicant had held liquor licenses in the past and if so, how they were handled. Mr. Anzek advised that it was all handled at the State level by the Liquor Control Commission.

Mr. Eggan agreed that there was a detailed process. Not only the applicant, but the owner and individual members were subjected to a background investigation to make sure they were suitable to hold a license in Michigan. They had gone through it, and the Liquor Control Commission had already approved a license for this location, subject to the community's approval. Mr. Kaltsounis noted that it happened before it came to the City.

Chairperson Boswell opened the Public Hearing at 7:29 p.m. Seeing no one come forward, he closed the Public Hearing.

Hearing no further discussion, Mr. Kaltsounis moved the following. He asked if they should add a condition about not allowing liquor. Mr. Anzek did not believe that was necessary. He reminded that the license they had allowed it, but they did not wish to do so.

MOTION by Kaltsounis, seconded by Schroeder, in the matter of City File No. 15-015 (MOD Pizza) the Planning Commission **recommends** to City Council **Approval** of the **Conditional Use** to allow alcoholic beverage consumption on site, based on documents dated received by the Planning Department on August 31, 2015, with the following six (6) findings and subject to the following one (1) condition:.

Findings

1. The expanded use will promote the intent and purpose of the Zoning Ordinance.

2. *The proposed building has been designed and is proposed to be constructed, 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 proposal should have a positive impact on the community as a whole and the surrounding area by further offering jobs and another dining option.*
4. *The proposed development 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 proposed development 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. *That all State requirements be met for the outdoor seating area and that the fencing be decorative such as a wrought iron style.*

A motion was made by Kaltsounis, seconded by Schroeder, that this matter be Recommended for Approval to the City Council Regular Meeting,. The motion carried by the following vote:

Aye 7 - Boswell, Brnabic, Dettloff, Granthen, Hooper, Kaltsounis and Schroeder

Absent 2 - Reece and Yukon

Chairperson Boswell stated for the record that the motion had passed unanimously.

2015-0392

Public Hearing and request for Preliminary Planned Unit Development and Concept Plan Recommendation - City File No. 15-001 - Brampton Parc Condominiums PUD, a proposed 12-unit residential development on 2.96 acres, located on the east side of John R between Hamlin and School Rds., zoned R-4, One Family Residential, Parcel No. 15-24-301-052, 1459 John R, LLC, Applicant