



Department of Planning and Economic Development

Staff Report to the Planning Commission

April 14, 2017

The Jagged Fork

REQUEST	Conditional Use Recommendation
APPLICANT	Thomas Teknos 1241 Woodward Ave. Detroit, MI 48226
LOCATION	188 N. Adams at the Village of Rochester Hills, Adams and Walton Blvd.
FILE NO.	17-006
PARCEL NO.	Part of 15-08-351-005
ZONING	B-3, Shopping Center Business with an FB-3 Flex Business Overlay
STAFF	Sara Roediger, Director of Planning

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Summary

The applicant plans to open an “upscale brunch” restaurant at the Village of Rochester Hills at the northeast corner of Adams and Walton Blvd. and would like approval for the sales of alcoholic beverages for consumption on site. A liquor license requires a Conditional Use Permit (CUP) from the City, per the recently adopted Ordinance amendment recommended and approved by the City in June 2015. The City amended the Zoning Ordinance to require CUP’s for on site consumption as a means to learn of and monitor the movement of liquor licenses. The business does not plan any exterior façade changes to the shopping center. This is the third restaurant under the same ownership in the metro Detroit area.

Adjacent Land Uses and Zoning

Establishments proposing on site consumption are permitted in the B-3 district as conditional uses after Planning Commission recommendation and City Council approval. The restaurant is located within the Village of Rochester Hills and is surrounded by commercial uses on site and to the properties to the south and west of the Village. The Village is surrounded by R3 One-Family Residential neighborhoods to the north, northwest, and east.

General Requirements for Conditional Uses

Per *Section 138-2.302* of the Zoning Ordinance, there are five areas of consideration for the Planning Commission to regard in 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).* Ordinance 175 was adopted by Council on June 1, 2015 which specifically allows for conditional use requests for new alcoholic beverage sales and on-site consumption.

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 physical appearance of the restaurant will remain the same, and no structural changes will be made to outside of the building. The use of a restaurant is permitted and will bring a new dining establishment and jobs to the community.
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 space will be served adequately by all City services, and the use has been planned for commercial activity and traffic and will not create additional level of services.
4. Will not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare. There will be no detrimental, hazardous or disturbing activity to the existing or future neighboring uses, persons, property or to 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. 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.

Please refer to the applicant's letter dated February 28, 2017 regarding the request. The conditional use was noticed for a public hearing, and staff has not received any comments or concerns.

Summary

As part of the review for this project, the plans and supplemental documentation have been reviewed by staff, which recommends approval. If the Planning Commission agrees that the addition of a new restaurant serving alcohol for on-site consumption will be harmonious and compatible with the existing development and a good accompaniment for the City's retail base, staff recommends approval of the following motion relative to City File No. 17-006 (The Jagged Fork Conditional Use).

Motion to Recommend Approval of Conditional Use

MOTION by _____, seconded by _____, in the matter of City File No. 17-006 (The Jagged Fork) 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 March 7, 2017, with the following findings.

Findings

1. The use will promote the intent and purpose of the Zoning Ordinance.
2. The building has 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 proposal is having 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.