



Department of Planning and Economic Development

Staff Report to the Planning Commission

June 8, 2022

Baldwin's Brasserie	
REQUEST	Conditional Use Recommendation
APPLICANT	Emily D'Agostini Kunath 38700 Van Dyke, Suite 200 Sterling Heights, MI 48312
LOCATION	3784 S. Rochester Rd. in the Gateway of Rochester Hills, between South Blvd. and M-59
FILE NO.	PCU2022-0004
PARCEL NO.	15-34-477-018
ZONING	B-3 Shopping Center Business District with an FB-3 Flexible Business Overlay
STAFF	Kristen Kapelanski, AICP, Manager of Planning

Summary

The applicant has filed for a Conditional Use Permit to allow for alcoholic beverage sales for onsite consumption at Baldwin's Brasserie, a proposed tenant at the Gateway of Rochester Hills building which is currently under construction between South Blvd. and M-59.

Alcoholic beverage sales for on premises consumption, accessory to a permitted use, require a Conditional Use permit in the B-3 Shopping Center Business District, after the Planning Commission makes a recommendation and City Council approval.

The tenant will be completing an interior-build out for the space. The hours of operation will be 3:00 p.m. – 11:00 p.m. Tuesday - Thursday, 3:00 p.m. – 12:00 a.m. Saturday, 11:00 a.m. – 9:00 p.m. Sunday, and closed Mondays. No other individual tenants have applied for permits for the new multi-tenant building to date. The site is surrounded by other commercial businesses, offices and a hotel.



	Zoning	Existing Land Use	Future Land Use
Site	B-3 Shopping Center Business District with an FB-3 Flexible Business Overlay	Shopping center	Commercial Residential Flex 3
North	B-3 Shopping Center Business District with an FB-3 Flexible Business Overlay	Bolyard Lumber	Commercial Residential Flex 3
South	B-3 Shopping Center Business District with an FB-3 Flexible Business Overlay	Michigan Healthcare Professionals office building	Commercial Residential Flex 3
East	B-5 Automotive Service Business District and B-2 General Business, with an FB-2 Flexible Business Overlay	BP service station, a lawn care service, Haley Stone Supply	Commercial Residential Flex 2
West	B-3 Shopping Center Business District with an FB-3 Flexible Business Overlay	Fairfield Inn & Suites	Commercial Residential Flex 3

General Requirements for Conditional Uses

Per Section 138-2.302 of the Zoning Ordinance, there are five 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 B-3 Shopping Center Business district does support and promote this type of use.
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 multi-tenant building is currently under construction. There are no exterior changes proposed as part of the proposed conditional use.
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 new building was determined to be adequately served by all City services during site plan review. There will not be any additional demands placed on the public infrastructure as part of the current conditional use request.
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.

The conditional use was noticed for a public hearing, and staff has received one public comment which is attached.

Summary

As part of the review for this project, the plans and supplemental documentation have been reviewed by staff. 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 consideration:

Motion to Recommend Approval of a Conditional Use

MOTION by _____, seconded by _____, in the matter of City File No. PCU2022-0004 (Baldwin's Brasserie), the Planning Commission **recommends** to City Council **Approval of the Conditional Use** to allow sales for on premises alcoholic beverage consumption, based on documents received by the Planning Department on May 24 and 25, 2022 with the following findings:

Findings

1. The proposed 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 should have a positive impact on the community as a whole and the surrounding area by further offering jobs.
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. City Council approval of the Conditional Use.
2. Public hours of operation for the restaurant will be 3:00 p.m. – 11:00 p.m. Tuesday - Thursday, 3:00 p.m. – 12:00 a.m. Saturday, 11:00 a.m. – 9:00 p.m. Sunday, and closed Mondays.

Reference: Floor Plan dated April 5, 2022 and Elevation dated April 7, 2022, received by the Planning department on May 24, 2022

Attachments: Conditional use request documentation, EIS, Marketing Materials, and Notice of Public Hearing
