



Department of Planning and Economic Development

Staff Report to the Planning Commission

June 20, 2023

Juan Blanco's Conditional Use and Site Plan

REQUEST	Conditional Use Recommendation and Site Plan Approval
APPLICANT	Mrs. Alisha Robinson, Architectural Planners Inc. 5101 Williams Lake Road Waterford, MI 48329
LOCATION	1655 E. Auburn Road, located on the north side of E. Auburn Road, west of Dequindre Road
FILE NO.	PCU2023-0004 and PSP2022-0009
PARCEL NO.	15-25-457-025
ZONING	BD Brooklands
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 1655 E. Auburn, located on the north side of Auburn Road, west of Dequindre Road. The applicant is also seeking site plan approval for proposed additions to the building and other ancillary site improvements.

Alcoholic beverage sales for on premises consumption, accessory to a permitted use, requires a Conditional Use permit in the BD Brooklands District, after the Planning Commission makes a recommendation and City Council approval. As a part of the process, the applicant is seeking a quota license from the City Council.

Restaurants are a permissible use in the Brooklands District. The BD Brooklands district is intended to apply to certain business properties in the city which require relaxation of site improvement requirements in order to allow and encourage the upgrading and improvement of those properties. The irregularities of the parcels, the closeness of existing buildings to the roadway and adjacent buildings, and the lack of space for on-site parking hamper investment in the properties. Improvement and growth of such areas is determined to be of importance to the city and the general welfare of the area.

The hours of operation for the proposed use are 11:00 a.m. to 2:00 a.m. daily. The restaurant will provide a wide variety of tacos, burritos, fajitas, quesadillas, etc., in addition to the serving and consumption of alcohol. The proposed restaurant will provide an additional 30-40 food service jobs when fully staffed based on information provided by the applicant. The majority of the use will be located within the existing (including proposed additions) building. However two (2) outdoor areas are also proposed. An outdoor seating area is proposed along the front of the building, abutting Auburn Road. In addition, an outdoor area for events and games is proposed at the rear of the building, adjacent to the alley. The site is separated from the abutting residence to the north by the alley and an existing six (6) foot tall privacy fence.

The Planning staff has recently recommended approval of the proposed site plan for the minor building additions after revised information has been provided showing the removal of the existing curb cut

along Longview Ave. and a satisfactory flow test being provided to the Fire Department. The additions total approximately 730 square feet and are located along the north side of the building. New parking is proposed at the rear (north side) of the site and the site also will utilize on street parking, compliant with the Brooklands District parking requirements.

	Zoning	Existing Land Use	Future Land Use
Site	Brooklands District	Vacant Building	Commercial Residential Flex 2
North	R-4 One Family Residential	Single Family Residential	Residential 4
South	BD Brooklands District (across Auburn Road)	Brandon Electric	Commercial Residential Flex 2
East	BD Brooklands District	American Grill and Patio	Commercial Residential Flex 2
West	BD Brooklands District (across Longview Ave.)	Vacant Property	Commercial Residential Flex 2

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.

- Will promote the intent and purpose of (the Ordinance).* The BD Brooklands District does support and promote this type of use when ancillary to a permissible use such as a restaurant.
- 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 abutting land uses to the west, east and south should not be impacted by the proposed use as they are nonresidential in nature. To the north, across the alley that runs along the back of the proposed site, is a single family residence. The proposed use includes an outdoor area that is intended to be utilized for events and games as noted on the site plan. The proposed outdoor area is separated from the residence by the alley, a six (6) foot tall privacy fence, a dedicated parking area and a sidewalk. Given the close proximity of the residence, the Commission may wish to review with the applicant the intended hours of operation of the outdoor area and whether amplified sound will be present during those times. Dependent on the nature and intended hours of operation of the outdoor area, additional screening/buffering or a limitation on hours of operation may be appropriate.
- 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 property has traditionally been utilized for nonresidential purposes and have 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.
- 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, property to the west, south, and east, or to the public welfare given the similar density and development nature of the immediate surrounding land uses. However, as noted above, the outdoor area should be reviewed with the applicant for potential impacts to the neighboring

property to the north. It is noted that the intent of the Brooklands District is to encourage reinvestment and create a more vibrant retail atmosphere and streetscape and this development appears to support this intent.

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

Department	Comments & Waivers/Modifications	Recommendation
Planning	That the existing curb cut be removed (applicant has indicated that it will be removed).	Approval
Fire		Approval
Building		Approval
Assessing		Approval
Engineering (Utilities)		Approval
Engineering (Legal)		Approval
Engineering (Traffic)	Site line to be kept clear of tables and chairs	Approval
Parks & NR		Approval

The conditional use was noticed for a public hearing. Staff has received several comments verbally from the abutting neighbors indicating their concerns regarding the proposed use.

Summary

As part of the review for this project, the plans and supplemental documentation have been reviewed by staff. Revised information has been provided addressing the remaining concerns of staff including the removal of the curb cut along Longview Ave. along with a satisfactory flow test for the Fire Department. 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. PCU2023-0004 (Juan Blanco's), 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 May 10, 2023 (*along with the ancillary updated drawings and flow test*) 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 proposal should have a positive impact on the community as a whole and the surrounding area by providing additional eating and gathering opportunities within the Brooklands District.
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.
2. That (additional landscape screening along the northern property line that is deemed to be sufficient by City Staff and/or a limitation on the hours of operation for the northern outdoor activity area, as determined to be appropriate by the Planning Commission) be provided to buffer the residential property to the north.

Motion to Approve Site Plan

MOTION by _____, seconded by _____, in the matter of City File No. PSP2022-0009 (Juan Blanco's), the Planning Commission **approves** the **Site Plan**, based on plans dated received by the Planning Department on May 10, 2023, *with the ancillary updated drawings and flow test information*, with the following findings and subject to the following conditions.

Findings

1. The site plan and supporting documents demonstrate that all applicable requirements of the Zoning Ordinance, as well as other City Ordinances, standards, and requirements, can be met subject to the conditions noted below.
2. The proposed project will be accessed from Auburn Road, Longview Ave. and the abutting rear alley, thereby promoting safety and convenience of vehicular traffic both within the site and on adjoining streets.
3. Off-street and on-street parking areas have been designed to avoid common traffic problems and promote customer safety.
4. The proposed building and site improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.
5. The proposed development will not have an unreasonably detrimental or injurious effect upon the natural characteristics and features of the site or those of the surrounding area.

Conditions

1. Address all applicable comments from other City departments and outside agency review letters, prior to final approval by staff including all comments noted on the site plans contained within the Planning Commission packets and any additional comments from the Planning Commission to provide buffering for the northern adjacent residential property.
2. Provide a landscaping bond in an appropriate amount as approved by the Planning Department, based on a cost estimate for landscaping and irrigation, plus inspection fees, as adjusted as necessary by staff prior to temporary grade certification being issued by Engineering.