

NEW BUSINESS

2024-0461

Public Hearing and Request for Conditional Use Recommendation for alcoholic beverage sales for onsite consumption that is ancillary to an otherwise permissible use within the CB Community Business District for Taziki's Mediterranean Cafe located at 3792 S. Rochester Rd., located on the west side of Rochester Rd. and north of South Blvd. in the Gateway shopping center, zoned CB Community Business with the FB Flex Business Overlay, Parcel No. 15-34-477-018, STG Partners, LLC, Applicant

(Staff Report dated 10-9-24, Business Plan-Introduction, Site and Floor Plan, Menu, Development Application, Environmental Impact Statement, Executed Lease, Market Study, Photo, and Public Hearing Notice had been placed on file and by reference became a part of the record thereof.)

Present for the applicant were Mike and Becky Kostowny, Taziki's Mediterranean Cafe.

Chairperson Brnabic noted that this item is a request for recommendation for conditional use approval for alcoholic beverage sales for onsite consumption ancillary to an otherwise permissible use within the CB Community Business District for Taziki's Mediterranean Cafe, 3792 South Rochester Road, located on the west side of Rochester Road, north of South Boulevard in the Gateway Shopping Center, zoned CB Community Business with the FB Flex Business Overlay. She requested the applicants come to the presenter's table and asked for the Staff Report.

Mr. McLeod described the location in the Gateway Center for the proposed Conditional Use, and explained that it sits in front of the hotel just north of South Boulevard on the west side of Rochester Road. He pointed out the adjacent uses, noting that Bolyard Lumber and Design Center is just to the north and the M-59 interchange is north of that. He stated that the nearest residential properties are located further to the west behind the hotel and are several hundred feet away, separated by the hotel building as well as the parking lot for both the hotel and shopping center. The tenant space in question is on the very north end of the shopping center, and he noted that the overall shopping center was built to the FB specifications. He mentioned that they are building out the tenant space and the location can operate as a permissible use as a restaurant. He stressed that the liquor license is a separate item. He reviewed the proposed hours of operation, and noted that occupancy is 88 persons with an additional 18 person capacity in outdoor seating on the front/east location with the area located away from the residential houses to the west behind the hotel. This particular use would generate the need for about 20 employees, with eight to 10 being full-time. He pointed out that the application also noted that the employee count could go up to 25 depending on how much traffic the restaurant would generate. He stated that it is a national franchise and would be their first location in the state. He noted that all other locations have alcohol service and alcohol sales are point-of-sale with no bar service, and customers would get their drink and sit down. He reviewed the proposed site plan and pointed out the fenced-in outdoor seating. He reviewed the Planning Commission

considerations for the recommendation, and commented that staff generally feels that these conditions have been met.

Chairperson Brnabic asked if there is one large or two retail spaces still unleased.

Mr. McLeod responded that he believes that there are still two tenant spaces on the first floor that are unleased.

Chairperson Brnabic asked whether there were any parking concerns with the addition of 88 plus 18 people, noting that it is a low intensity use right now.

Mr. Kostowny responded that the back parking lot is available as well, and commented that the hotel shares parking.

Chairperson Brnabic asked if most people dine in or carry out at their other locations.

Mr. Kostowny responded that before COVID, it was approximately 90 to 95 percent dine-in; and since COVID and delivery services, it is about 55 to 60 percent dine-in and the rest are off-premise and third party delivery service.

Mr. Dettloff asked if the liquor license is coming from escrow.

Mr. Kostowny responded it is not, and explained that they are applying for one of the quota licenses.

Mr. Dettloff noted the proposed hours of operation, Monday through Thursday from 11 a.m. to 8 p.m., Friday and Saturday from 11 a.m. to 9 p.m. He pointed out that Sundays are not listed.

Mr. Kostowny responded that it must be a misprint, as they are open Sundays 11 a.m. to 8 p.m.

Mr. Dettloff commented that he personally did not have a problem with that, and asked if the other locations have outdoor dining.

Mr. Kostowny responded that they all do.

Mr. Dettloff commented that they need to work closely with the Liquor License Committee, and stated that he thought that they were bringing in a license.

Mr. Kostowny replied that he thought that there are three licenses available and they are applying for one.

Chairperson Brnabic noted that no speakers cards were turned in on this item. She opened the public hearing, and then closed it as she saw no one wishing to speak.

Mr. Hooper stated that the liquor license is a separate issue, and asked if they understood that they may not get a quota license. Seeing the applicant respond

yes, he stated that he would move the motion in the packet to recommend conditional use approval with the preprinted six findings and two conditions.

Mr. Struzik seconded the motion.

After calling for a roll call vote, Chairperson Brnabic announced that the motion passed unanimously.

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

Aye 7 - Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Struzik and Weaver

Excused 2 - Neubauer and Hetrick

Resolved, in the matter of File No. PCU2024-0010 (Taziki's Mediterranean Café), 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 September 3, 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 are 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 restaurant use should have a positive impact on the community as a whole and the surrounding area by providing additional eating and gathering opportunities within the Community Business District and within the S. Rochester Road corridor.
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 there are several existing restaurants within the Gateway II shopping center; the overall shopping center has been developed to current city standards for development; and the nearest residential land use is approximately 400 feet away, behind the Fairfield hotel.
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, in the determination of City staff, the intensity of the restaurant use changes or increases, in terms of traffic, noise, hours, lighting, odor, or other aspects that may cause

adverse off-site impact, 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 and conditions for possible revocation, modification or supplementation.