

February 22, 2024

City Council
City of Lathrup Village
27400 Southfield Road
Lathrup Village, MI 48076

Site Plan Review and Special Land Use

Site: 27411 Southfield Road
Applicant: Jay Brown
Plan Date: January 26, 2024
Zoning: VC Village Center District
Parcel ID: 24-14-481-034
Proposal: Restaurant with alcohol sales: Special Land Use Class C Quota License

Dear City Council members,

We have reviewed the site plan and Special Land Use application, and a summary of our findings is below. As with all proposed Special Land Uses, this Special Land Use application was reviewed by the Planning Commission, who held the required public hearing on February 20, 2024 and recommended that City Council approve the application as provided below.



REVIEW SUMMARY

1. Current minimum parking standards require more off-street parking spaces than the site provides. Therefore, because there is no change of use, the continued use as a bar and restaurant is legally nonconforming pertaining to the off-street parking requirements of the zoning ordinance. The current code requires 41 parking spaces, and the existing site consists of 26 parking spaces, resulting in a parking shortage of 15 spaces.
2. A public hearing was held at the February 20, 2024, Planning Commission meeting with one resident expressing concern regarding the extent of lighting of the outdoor patio and another resident expressing support for the proposed use. The Planning Commission moved to approve the site plan and to recommend the City Council approval of the Special Land Use request.

DETAILED REVIEW

Project Summary

The 0.38-acre site is located at the northwest corner of Southfield Road and California Drive SW and is zoned VC, Village Center. Properties to the north, east and west are zoned VC (Village Center). South of the site, the property is zoned MX (Mixed Use). The subject site is currently vacant and was previously used as a barbecue restaurant. The site plan for this property was approved in May 2010, and while ownership has changed a few times since then, the uses have remained the same.

The existing building consists of one floor and a total of 1,948 square feet gross floor area. An outdoor patio seating area abuts the building on its southeast side and is an additional 890 square feet. Combined, the restaurant, bar, and patio amount to 2,838 square feet. The existing surface parking lot consists of 26 parking spaces, two of which are designated handicap, and is accessible from both Southfield Road and California Drive SW. A 20' alley abuts the west property line but no access to the alley currently exists nor is alley accessed proposed. No additional building square footage or alterations to the existing parking lot are proposed with this Special Land Use request.

Proposed

1. **Use.** The applicant will occupy the existing site and continue its use as a bar and restaurant, which are principal permitted uses within the Village Center District; the proposed sale of alcoholic beverages is a use that requires special land use approval from the Planning Commission and City Council. The hours of operation will be 11:00 am to 11:00 pm Sunday and Monday, 11:00 am to 12:00 am Wednesday through Friday, and 11:00 am through 1:00 am Saturday. The bar and restaurant will be closed on Tuesdays.

Following the public hearing at the February 20, 2024 meeting, the Planning Commission recommended the site plan and Special Land Use request be forwarded to City Council for final approval. **In accordance with Section 4.7, which prohibits business transactions after 11:00 pm, we note the applicant will be required to submit an application for a variance request to the Zoning Board of Appeals to consider allowing the hours of operation to be extended on the following days of the week:**

Wednesday through Friday: until 12:00 am, midnight

Saturday: until 1:00 am

Due to noticing requirements, we anticipate the variance request to be on the ZBA meeting agenda for March 2024.

2. **Off-Street Parking (Section 5.13.3)** The original site plan was approved under different parking standards. The current parking standard requires 1 parking space for every 70 square feet of gross floor area, resulting in 15 additional parking spaces needed to meet the 41 spaces required under current provisions. While the site is legally nonconforming with respect to the number of parking spaces, **the applicant may wish to consider future options for additional parking in the event the need exceeds the supply.** We note the proximity of existing parking lots where a shared parking agreement may be pursued or the possible implementation of on-street parking, with City approval, may be constructed.

Standards for Special Land Use Approval (Section 6.2.10)

1. *Reasonable Use.* The proposed use is considered “reasonable” when it would be harmonious, compatible, and appropriate for the use along with not impinging unreasonably on the value or use of nearby properties.

The proposed use as a sit-down bar and restaurant are principally permitted uses within the Village Center District. The site had been used as such since 2010.

2. *Conformity with other regulations of the City.*

The site is existing and the future tenant proposes no physical changes to the property. This standard appears to be met.

3. *Location, intensity, and periods of operation. The location, intensity, and periods of operation of the use must be such as to eliminate any reasonable likelihood that it will be, cause, or create a public or private nuisance in fact.*

The proposed use is reasonable within the context of location, intensity, and periods of operation of the City of Lathrup Village. The applicant states the hours of operation will be as follows (**closing times, shown in bold require approval from the Zoning Board of Appeals, per Section 4.7**):

Monday: 11:00 am – 11:00 pm.

Tuesday: Closed.

Wednesday through Friday: 11:00 am – **12:00 am.**

Saturday: 11:00 am – **1:00 am.**

Sunday: 11:00 am – 11:00 pm.

Peak hours weekdays: 6:00 pm – 10:00 pm. (approximately 50 persons)

Peak hours weekends: 6:00 pm – 11:00 pm (approximately 50 persons).

4. *The use, as and where proposed, must not be inconsistent with the spirit and purpose of this ordinance nor contrary to the principles of sound community planning.*

The proposed reuse as a restaurant and bar space in the VC – Village Center District is consistent with the spirit of the ordinance and is in line with sound community planning.

5. *The character of the use must not have adverse effects on neighbors or the community.*

The proposed use is the same as all previous uses over the past 13-14 years. As noted above, the number of parking spaces on the site is a legally nonconforming condition, but because this is a special land use, the Planning Commission may wish to discuss with the applicant how they will address overflow parking and whether any conditions related to parking may be appropriate. **One condition the City Council could consider is that if significant parking overflow occurs beyond the boundaries of the Village Center district on a regular basis, that the applicant pursue a shared parking agreement with adjacent businesses.**

6. *The use must not diminish the fair market value of neighboring lands or buildings to any substantial or significant degree.*

The bar and restaurant use will remain the same without any significant modification nor expansion. This standard is likely met.

7. *Site Design. The site and manner of operation provide for the maximum reasonable and feasible enhancement of the environment of the surrounding area.*

The exterior of the existing facilities is proposed to remain unchanged. If any exterior improvements are pursued, additional enhancements may be required.

8. *Demonstrated Need. Establishments involving the sale of alcoholic beverages must demonstrate a quantifiable need for the proposed use within either the City or surrounding area.*

The applicant states the restaurant building had Class C licenses previously for many years without incident. It is designed as a restaurant and alcohol sales will be incidental. All managers and servers will be trained concerning alcohol sales and service management.

We will look forward to discussing the special land use application with the City Council on February 26, 2024.

Regards,

Giffels Webster

Jill Bahm, AICP
Partner

Eric Pietsch
Senior Planner

