

**City of Rochester Hills
Department of Planning**

**STAFF REPORT TO THE PLANNING COMMISSION
August 1, 2006**

Conditional Land Use Recommendation	
APPLICANT	Outback Steakhouse 1880 S. Rochester Road Rochester Hills, MI 48307
AGENT	Alicia Klouse
LOCATION	West side of Rochester Road, North of Hamlin (in the Hamlin Square Retail Center)
PARCEL NO.	15-22-451-030
FILE NO.	85-543.2
ZONING	B-3 (Shopping Center Business)
STAFF	Derek L. Delacourt, Deputy Director
REQUEST	Conditional Land Use Recommendation

SUMMARY

The applicant is proposing to add seasonal outdoor seating (8 tables) for the sale and service of food and beverages at their existing location. The site is located within a retail plaza at the northwest corner of Rochester Road and Hamlin. Section 138-568(12) of the City's Ordinance requires that the outdoor sale and service of food receive Conditional Land Use approval from City Council.

The subject use is a restaurant within the existing building. The applicant proposes to add temporary railing and seating, located on a patio on the southeast corner in front of the building, to allow for outdoor dining. Access to the patio would be from inside the restaurant. The proposed use would not require any modification to the existing site plan based on its seasonal use. The site plan conforms to the current City Code and all previous approvals.

The applicant has submitted a proposed plan for the location of the seating. The plan has been reviewed by the City's Fire and Building Departments and has been recommended for approval. The applicant will, if approved, be required to submit plans to the City's Building Department prior to issuance of a permit, and tables and chairs must be made of non-combustible materials.

The parking lot for the center was improved in 2003 and Staff did a parking analysis of the center; the parking provided was twelve spaces over what was required at that time.

Conditional Land Use Approval

Sec. 138-1306, Special and conditional land uses, discretionary decisions of the City's Ordinance, identifies the process and review criteria for CLU approval. Identified below are the review criteria for CLU approval as listed:

For decisions on special land uses referred to in subsection (a) of this section and in all other instances in this chapter where discretionary decisions must be made by a board, commission or official, including decisions on site plans, the requirements and standards as particularly set forth in this chapter concerning the matter for decision shall be followed, and such discretionary decision shall also be based upon the findings that the special land use will:

- (1) Promote the intent and purpose of this chapter.
- (2) 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.
- (3) Be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainageways, 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.
- (4) Not be detrimental, hazardous, or disturbing to existing or future neighboring uses, persons, property or the public welfare.
- (5) Not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

The City Council shall grant the requested approval only upon determination of compliance with the standards in this subsection. In granting the requested approval, the City Council shall impose such requirements or conditions, as it deems necessary to protect the public interest of the city and the surrounding property and to achieve the objectives of this chapter.

RECOMMENDATION

Staff recommends that the proposed use either meets or has no impact on the above stated criteria. Therefore, Staff recommends the following motion.

MOTION by _____, seconded by _____, in the matter of City File No. 85-543.2 the Planning Commission Recommends City Council Approve the Conditional Land Use for outdoor sales and service of food for Outback Steakhouse, located at 1880 Rochester Road, based on the site plans dated received by the Planning Department on June 20, 2006 with the following findings and subject to the following condition:

Findings:

1. The existing development does promote the intent and purpose of this chapter.
2. The subject site has been 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.
3. The subject site is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainageways, 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.
4. The subject site is not detrimental, hazardous, or disturbing to existing or future neighboring uses, persons, property or the public welfare.
5. The subject site does not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

Condition:

1. Dates of operation shall be from May 15 through October 1st.
2. Tables and chairs must be made of non-combustible materials.

References: Sheet FS-1 (Site Plan), prepared by Outback Steakhouse, received by the Planning and Development Department June 20, 2006; Fire Dept. memo dated 07/03/2006; Building Dept. memo dated 06/29/2006; Section 138-568 of Rochester Hills Zoning Ordinance; Notice of Public Hearing.
