

**City of Rochester Hills  
Department of Planning**

**STAFF REPORT TO THE PLANNING COMMISSION  
June 21, 2005**

<b>Conditional Land Use Recommendation</b>	
<b>APPLICANT</b>	Tapper's Pub 877 E. Auburn Rd. Rochester Hills, MI 48307
<b>AGENT</b>	Shane LaRocca
<b>LOCATION</b>	877 E. Auburn Rd.
<b>PARCEL NO.</b>	<b>15-26-478-007</b>
<b>FILE NO.</b>	<b>87-882</b>
<b>ZONING</b>	B-3 (Shopping Center Business)
<b>STAFF</b>	Derek L. Delacourt, Planner
<b>REQUESTS</b>	<b>Conditional Land Use Recommendation</b>

**SUMMARY**

The applicant is proposing adding seasonal outdoor seating for the sale and service of food and beverages at their existing location. The site is located within an in-line retail building located at the northwest corner of John R and Hamlin roads. Section 138-568(12) of the 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 bar/restaurant within in the existing building. The applicant proposes to add temporary railing and seating, located on the existing sidewalk in front of the building, to allow for outdoor dinning. The proposed use would not require any modification to the existing site plan based on its seasonal use. The most recent site plan approval for the subject site is included for review.

The applicant has submitted a proposed plan for the location of the seating. The proposed plan has been reviewed by the City's Fire and Building Departments and has been recommended for approval.

### Conditional Land Use Approval

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

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. 87-772 (Tapper's Pub), the Planning Commission RECOMMENDS CITY COUNCIL APPROVE THE CONDITIONAL LAND USE** for outdoor sales and service of food for Tapper's Pub, located at 877 E. Auburn Rd., based on the site plans dated received by the Planning Department May 5, 2005 with the following findings:

**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.

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References: Plans dated received by the Planning Department May 5, 2005; Section 138-568 of Rochester Hills Zoning Ordinance; Notice of Public Hearing

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