



Department of Planning and Economic Development

Staff Report to the Planning Commission

August 11, 2017

Silver Spoon Ristorante Italiano

REQUEST	Conditional Use Recommendation Natural Features Setback Modification Site Plan Approval
APPLICANT	Rito Lisi, Owner The Silver Spoon Ristorante Italiano, LLC 6840 Rochester Rd. Rochester Hills, MI 48306
LOCATION	6780 Old Orion Ct., west of Rochester Rd., north of Tienken Rd.
FILE NO.	14-016
PARCEL NO.	15-03-476-013
ZONING	R-1 One Family Residential with FB-1 Flex Business Overlay on a portion
STAFF	Kristen Kapelanski, AICP, Manager of Planning

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Summary

The applicant is proposing to demolish the existing 4,023 square-foot building on 3.3 acres located on the west side of Old Orion Court and replace it with a 3,986 square-foot restaurant with patio areas totaling another 1,400 square feet. The site will be developed under the FB-1 regulations which permits restaurants as Conditional Uses after a Public Hearing by the Planning Commission and recommendation to City Council.

In January 2015, approximately 1.8 acres of the site was rezoned by City Council to add an FB-1 overlay, and it was the applicant's intent to put a restaurant on that portion of the site. The rear portion remains residential with wetlands and will not be disturbed.

Adjacent Land Uses and Zoning

The areas to the north, south and west are zoned residential and developed with homes. The property to the east across Old Orion Ct., is zoned O-1 with an FB-2 Overlay and developed with a medical office and to the northeast, it is zoned RCD One Family Cluster with the Quail Ridge Subdivision. The site is master planned for Residential 2 and Business/Flexible Use 1.

General Requirements for Conditional Uses

Per Section 138-2.302 of the zoning ordinance, there are five areas of consideration for the Planning Commission to regard in the discretionary decision of a conditional use. The Planning Commission shall find that the conditional land use will:

1. *Will promote the intent and purpose of (the ordinance).* Uses permitted on issuance of a conditional use permit using the FB Overlay District are intended to encourage dynamic and sustainable development. The addition of the proposed restaurant will take a presently underutilized parcel and use it to create a vibrant restaurant site with a distinctive identity that will enhance the development of this area of the City.
2. *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 applicant has designed the building and site with high quality materials blend in with the character of the surrounding community. Impacts to on-site natural features are fairly minimal and regulated trees will be replaced on site or the appropriate funds will be paid into the City's tree fund.
3. *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 space is currently served adequately by all City services, and the establishment of a restaurant will not create the need for an additional level of services beyond what is currently available and provided to the area.
4. *Will not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.* There will be no detrimental, hazardous or disturbing activity to the existing or future neighboring uses, persons, property or to the public welfare.
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.

Site Plan Review Considerations

1. **Site Layout.** As proposed, the site will need modifications from the Planning Commission from the FB-1 regulations relating to the front yard setback along the arterial (Old Orion Ct.), the minimum building frontage build-to area and the minimum façade transparency. Please refer to the Planning memo for the specific criteria, compliance and recommendations under paragraph 2a. b. and c. As required in the FB district, an outdoor amenity space, including seating patios and landscaped open space of 3,500 s.f., and benches will be added near the pathway on Old Orion Ct.
2. **Parking.** The proposed parking exceeds the maximum number of spaces for a restaurant of this size, based on the FB parking requirements which is one space per 400 sq. ft. for all non-residential uses (15 required, 30 maximum, 64 proposed). Parking standards may be modified by the Planning Commission if the applicant provides evidence that additional parking is required based on demand on a typical day. Staff recommends approval of the additional parking as a restaurant of this size in any other district would require over 100 spaces based on 1 space per 2 occupants.
3. **Access.** The site will be accessed from two drives in and out of Old Orion Ct. A sidewalk connecting the site to Old Orion Ct. is proposed.
4. **Landscaping.** The plans comply with the landscaping and tree replacement requirements applicable to the site with the exception of the front yard FB requirements, where additional ornamental trees and shrubs are required. For the Buffer D along the south property line, the retaining wall must be masonry rather than the proposed vinyl or wood fence shown for four feet on the top of the wall. For the Buffer D along the west property line, no landscaping is proposed. The applicant feels that the existing vegetation meets the intent of the buffer and the Planning Commission must agree to this finding.

5. **Tree Removal.** The site is not subject to the city's tree conservation ordinance; however, any healthy tree 6" or greater must be replaced on a one-for-one basis. 31 regulated trees are proposed to be removed; 8 will be replaced on site and the applicant will pay into the City's Tree Fund at \$205.50 per tree for the remaining 23.
6. **Wetlands/Natural Features.** The site contains wetlands which will not be impacted. There are minor impacts to the natural features setback areas, which are considered low quality, for which the applicant is requesting a modification. Please refer to the July 17, 2017 ASTI Environmental letter for details.
7. **Exterior Lighting.** The proposed lighting is in compliance with all requirements, including shielding for fixtures, footcandle intensity, wattage and height of light poles. Please refer to Section 138-10.200-204 for requirements.
8. **Building Design.** The proposed building is intended to have a European feel with stone veneer, flat lock copper, cast block, canvas awnings and trellises, which meet the intent of the Architectural Design Standards. Please see the attached colored renderings.
9. **Other Reviews.** The plans have received a conditional recommendation of approval from the City's engineering, fire and building departments subject to conditions identified in their applicable review letters which will not impact the site layout, and which may be handled prior to final plan and construction plan approval. Please refer to the appropriate attached reviews.

Site Plan Summary

As part of the technical review for this project, the plans and supplemental documentation have been reviewed by all applicable city departments and consultants. Based on the review comments included in this report or contained within the enclosed information, and if the Planning Commission agrees the new restaurant will be harmonious and compatible in appearance with the existing development, staff recommends approval of the following motions relative to City File No. 14-016 (Silver Spoon Ristorante Italiano).

Motion to Recommend Conditional Use Approval

MOTION by _____, seconded by _____, in the matter of City File No. 14-016 (Silver Spoon Ristorante Italiano) the Planning Commission **recommends** to City Council **Approval** of the **Conditional Use** to allow a restaurant in the FB-1 district, based on plans dated received by the Planning Department on July 6, 2017, with the following findings.

Findings

1. The proposed building and other necessary site improvements meet or exceed the standards of the zoning ordinance.
2. The expanded use will promote the intent and purpose of the zoning ordinance.
3. The proposed building has been designed and is proposed to be constructed, 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.
4. The proposal should have a positive impact on the community as a whole and the surrounding area by further offering jobs and another dining option.
5. The proposed development is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, and refuse disposal.
6. The proposed development should not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.
7. 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.

Motion to Approve Natural Features Setback Modification

MOTION by _____, seconded by _____, in the matter of City File No. 14-016 (Silver Spoon Ristorante Italiano), the Planning Commission **grants Natural Features Setback Modifications** for the permanent impacts to as much as 245 linear feet of natural features setbacks associated with the construction of the proposed parking lot and concrete walk west of the building, based on plans dated received by the Planning Department on July 6, 2017, with the following findings and condition.

Findings

1. Natural Features Setback Modifications are needed to construct the parking lot and walkway.
2. Because the Natural Features Setback areas are of extremely low quality, the City's Wetland consultant, ASTI, recommends approval of the modification.

Condition

1. Any temporary impacts must be restored to original grade with original soils and seeded with a City approved seed mix, where possible, prior to final approval by staff.

Motion to Approve Site Plan

MOTION by _____, seconded by _____, in the matter of City File No. 14-016 (Silver Spoon Ristorante Italiano), the Planning Commission **approves the Site Plan**, based on plans dated received by the Planning Department on July 6, 2017, 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 requested front yard setback is modified based upon the Planning Commission's determination that the requested option is consistent with the intent of the form-based district as established in Section 138-8.100.
3. The minimum building frontage build-to area and minimum façade transparency requirements are modified based upon the Planning Commission's determination that they meet the intent of the FB district; that they will not make future adjacent development impractical; that they will permit innovative design; and that the two patio areas provide transparency and activity into the site.
4. The proposed project will be accessed by two existing driveways, thereby promoting safety and convenience of vehicular traffic both within the site and on adjoining streets. Walkways have been incorporated to promote safety and convenience of pedestrian traffic.
5. Additional parking is necessary based on demand for a restaurant use and in other zoning districts, more parking would be required than proposed for a restaurant of this size, and the Planning Commission has agreed to modify the requirements based on this criterion.
6. Off-street parking areas have been designed to avoid common traffic problems and promote safety.
7. The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.
8. 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. City Council approval of the Conditional Use.

2. Provide a landscape bond in the amount of \$56,470.00, as adjusted as necessary, plus inspection fees, and a cost estimate for additional ornamental trees and shrubs required, prior to temporary grade certification being issued by Engineering.
3. Provide an irrigation plan, prior to final approval by staff.
4. Address all applicable comments from other City departments and outside agency review letters, prior to final approval by staff.

Reference: Plans dated received by the Planning Department July 6, 2017, prepared by D'Anna Associates.

Attachments: Assessing Department memo dated 5/16/17; Building Department memo dated 5/24/16; Fire Department memo dated 7/17/17; Parks and Forestry memo dated 7/20/17; DPS/Engineering memo dated 7/11/17; Legal memo dated 5/24/17; Planning Memo dated 7/21/17; ASTI Environmental Letter dated 7/17/17; EIS dated received 7/6/17; PC Minutes dated 12/16/14; and Notice of Public Hearing

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