

**City of Rochester Hills  
Department of Planning and Development**

**STAFF REPORT TO THE PLANNING COMMISSION  
May 6, 2008**

<b>Conditional Land Use Recommendation</b>	
<b>APPLICANT</b>	Crust Pizza & Wine Bar 2595 Rochester Rd. Rochester Hills, MI 48307
<b>AGENT</b>	Paul Weisberger
<b>LOCATION</b>	Barclay Square at the southeast corner of Barclay and Rochester
<b>PARCEL NO.</b>	15-26-351-019
<b>FILE NO.</b>	86-745.3
<b>ZONING</b>	B-2 (General Business)
<b>STAFF</b>	Derek L. Delacourt, Deputy Director
<b>REQUEST</b>	Conditional Land Use Recommendation for Outdoor Seating

**SUMMARY**

The applicant is proposing to add seasonal outdoor seating for the sale and service of food and beverages at the north side of the existing Crust Pizza restaurant. The restaurant is located within the Barclay Square retail center at Barclay and Rochester Roads, and the center was approved by the Planning Commission in January 2005. Section 138-568(11) of the City's Ordinance requires that the outdoor sale and service of food receive Conditional Land Use Recommendation from the Planning Commission and approval from City Council.

The applicant proposes to add seating for 18, including one accessible seat close to the restaurant door. The use as proposed will require the seasonal elimination of one parking stall. The plans propose to extend a wood deck from the sidewalk, matching grade, into the parking area. The deck is temporary in nature and would be removed after the season. The patio will be framed with a metal guardrail and there will be no effect on the existing landscaping. The applicant is also proposing concrete planters to provide protection from vehicular traffic.

The required parking for the retail center is 91 spaces, 93 spaces were provided on site when constructed. Staff suggests that the seating area be centered on two spaces, leaving at least three feet between each side of the proposed seating area and adjacent parking areas. This will allow

more room for the seating area internally and externally, and will move the guardrail away from the handicap space next to the seating.

The applicant has submitted a proposed plan for the location and construction of the seating and guardrail. The site plan conforms to the current City Code and all previous approvals. The plan has been reviewed by the City's Fire, Building and Engineering Departments and has been recommended for approval. Engineering reports that underground utilities are not in conflict with the proposed outdoor seating area, and that there should be no adverse effects to the site storm water drainage. The above-mentioned departments have no objection to the plans. The applicant will, if approved, be required to submit plans to the City's Building Department prior to issuance of a permit.

### Conditional Land Use Approval

Sec. 138-1306(d). 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. Please refer to the applicant's letter of April 8, 2008, responding to the above criteria.

## **RECOMMENDATION**

**Staff recommends that the proposed use either meets or has no impact on the above stated criteria, and that it is consistent with surrounding properties. However, it is recommended that the seating area utilizes two parking spaces for safety and room. A motion for your consideration is included:**

**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. 86-745.3 (Crust Pizza and Wine Bar), the Planning Commission **Recommends** City Council **Approve** the **Conditional Land Use** for outdoor sales and service of food and beverages for Crust Pizza and Wine Bar, located at 2595 Rochester Rd., based on the plans dated received by the Planning Department on April 24, 2008 with the following findings and conditions:

### Findings:

1. The subject site will utilize parking space(s) for the seating, retaining the required number of parking spaces, and does not appear that it will be detrimental, hazardous, or disturbing to existing or future neighboring uses, persons, property or the public welfare.
2. The existing development promotes the intent and purpose of this chapter.
3. 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.
4. The subject site is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainageways, refuse disposal, or the persons or agencies responsible for the establishment of the land use or activity shall be able to provide adequately any such service.
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.

### Conditions:

1. Correct Parcel Number under Legal Description on Sheets C-01 and SPA-2 to 15-26-351-019, prior to Final Approval by Staff.
2. Dates of operation for outdoor seating will be from April 15th until October 31<sup>st</sup>.

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Attachments: Sheet SPA-2, Site Plan, prepared by Rogvov Architects; Sheet C-01, Layout and Paving Plan, prepared by Alpine Engineering, Inc.; and Sheets A-1thru A-3, prepared by GAV Associates, received by the Planning and Development Department on April 24, 2008; Letter from Barclay Square, LLC, dated 04/08/08; Fire Department memo dated 04/11/2008; Building Department memo dated 04/25/2008; Public Services memo dated 04/30/08; Notice of Public Hearing; and Development Application dated 03/06/08.

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