

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

**STAFF REPORT TO THE PLANNING COMMISSION  
May 20, 2008**

<b>Conditional Land Use Recommendation</b>	
<b>APPLICANT</b>	A.F. Jonna Development 4036 Telegraph Rd., Suite 201 Bloomfield, MI 48302
<b>AGENT</b>	Arkan Jonna
<b>LOCATION</b>	At the Boulevard Shoppes on Walton Blvd., East of Livernois
<b>PARCEL NO.</b>	15-10-351-086
<b>FILE NO.</b>	77-505.4
<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 new Buffalo Wild Wings restaurant. The site is located within the Boulevard Shoppes retail and office plaza on Walton Blvd., east of Livernois. Section 138-568(12) 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 subject use is a bar/restaurant within the existing building. The applicant proposes to add outdoor seating for 50± patrons, located on the west end of the complex, adjacent to the restaurant. The seating will be on the sidewalk next to the building and eight parking spaces will be eliminated, leaving a 24-foot drive lane, to which the City Engineer has no objection. The seating area will be surrounded by a four-foot high metal railing, two feet deep for planters across the top and a five-foot sidewalk. The proposed use will require slight modifications to the existing Site Plan – eliminating parking spaces and moving the sidewalk - based on its seasonal use. Since the site has areas for banked parking, the Site Plan still conforms to the Parking Ordinance, as well as 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.

### 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. The packet includes a letter from the applicant in response to the above criteria.

### **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. 77-505.4, the Planning Commission **Recommends City Council Approve the Conditional**

**Land Use** for outdoor sales and service of food for Buffalo Wild Wings, located at the Boulevard Shoppes on Walton Blvd., east of Livernois, based on the site plan dated received by the Planning Department on April 22, 2008 with the following findings and conditions:

Findings:

1. The subject seating area will be surrounded by a railing and then a sidewalk adjacent to the driveway, 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 does promote 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, and 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.

Condition:

1. Address comments in Building Department memo dated April 30, 2008, prior to Building Plan Approval.
2. Dates of operation shall be from April 15 to October 31<sup>st</sup>.

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References: Sheet SP (Site Plan) and Sheet A-1 (Patio Addition Plan), prepared by Serra & Associates; received by the Planning and Development Department on April 22, 2008; Letter from A. Jonna, dated 04/22/08; Fire Department memo dated 04/28/08; Building Department memo dated 04/30/08; Public Services memo dated 04/30/08; Notice of Public Hearing; and Development Application dated 04/22/08.

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