



Rochester Hills Master Report

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File Number: 2005-0427

File Number: 2005-0427 **File Type:** Project **Status:** To Council
Version: 2 **Reference:** 87-882 **Controlling Body:** City Council
Requester: Planning/Development **Cost:** **Introduced:** 06/15/2005
File Name: Tapper's Pub **Final Action:**

Title: Request for Conditional Land Use - City File No. 87-882 - Request for seating area for outdoor sales and service of food and beverages for Tapper's Pub, located in the existing shopping center at the northwest corner of Auburn and John R, zoned B-2, General Business, known as Parcel No. 15-26-478-007, Shane LaRocca, applicant.

Notes: Shane LaRocca
Tapper's Pub
877 E. Auburn
Rochester Hills, MI 48307
(248) 852-1983
(248) 852-2149 fax

Code Sections: **Agenda Date:**
Indexes: Conditional Land Use **Agenda Number:**
Sponsors: **Enactment Date:**
Attachments: Agenda Summary.pdf, Mapaerial.pdf, Report Staff **Enactment Number:**
060705.pdf, Site Plan.pdf

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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1	Planning Commission	06/21/2005	Recommended for Approval	City Council			Pass
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Notes: *(Reference: Staff Report prepared by Derek Delacourt, dated June 21, 2005, had been placed on file and by reference became part of the record thereof).*

Present for the applicant was Shane LaRocca, co-owner of Tapper's Pub.

Mr. LaRocca mentioned an additional request by the Building Department, which was to show a seating layout with dimensions, which he had provided.

Mr. Delacourt stated that Tapper's Pub was located in the strip center at the northwest corner of Auburn and John R. He noted that an approved Site Plan for the entire site was included in the packet, showing that CVS had

moved out of the center to the corner. He advised that Mr. LaRocca had approached the City about adding seasonal seating by the front sidewalk in front of the existing restaurant. He noted that outdoor sale and service of food required a Conditional Land Use (CLU) recommendation by the Planning Commission and approval from City Council. Staff asked for a detailed plan which showed where the wrought iron tables and rail would be located. The Plan had been reviewed by the Building Department, the Fire Department and Planning Department, and no one had any issues. Because the request was for a seasonal period, and no temporary structures were being added, Staff recommended that a revised Site Plan was not necessary, and requested an Engineering Plan. Staff's review showed no negative impact based on the standards for CLU in the Ordinance and recommended approval.

After a request to review the plan on the overhead projector, Mr. LaRocca pointed to the existing building and front door. He said that there would not be outside access to the patio. He showed the seating area and table locations, two fire exits, wheelchair access, and large planter area and tree.

Mr. Hooper opened the Public Hearing at 7:37 p.m. Seeing no one come forward, he closed the Public Hearing at 7:38 p.m. He asked if there were any thoughts regarding the CLU request.

Ms. Hardenburg referred to Condition 4 of the motion regarding the site not being detrimental, hazardous or disturbing to existing or future neighboring uses. She said it appeared that on the western side, where the fencing was, Subway's window would be blocked.

Mr. LaRocca replied that it would not block the window. The fence would stop before that. He acknowledged that the drawing might have been slightly skewed, and he explained that what appeared to be a window was concrete and he showed where there was brick before the Subway window. He agreed there was an error in the plan, and he stated that he would not infringe on Subway's windows.

Ms. Hardenburg asked if the patio would be taken down if it rained. Mr. LaRocca said it would be taken down in the winter. Ms. Hardenburg asked if there was enough of an overhang for traffic to go around yet still be covered in the rain. Mr. LaRocca replied that the overhang would end before the patio ended and that two of the tables would not be covered.

Mr. Kaltsounis asked if Mr. LaRocca owned the pub. Mr. LaRocca advised that he leased his building and did not own the center. Mr. Kaltsounis asked if the people that owned the property had to agree to the proposal, and Mr. LaRocca said they did, and he had provided a copy of the lease to the Building Department, which showed the intended patio.

Mr. Reece was concerned that pedestrians wishing to access a business on

either side of the pub would have to walk around the covered patio in inclement weather if they could not park close. He asked if the neighboring businesses recognized and understood that.

Mr. LaRocca said they talked with Subway and the Chinese restaurant on either side of the pub and they mentioned no concerns. He also talked with the smokeshop a few doors down and they were excited about the patio, which they hoped would promote their cigar business. He said he had not received any negative feedback.

MOTION by Kaltsounis, seconded by Hardenburg, 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.

Ms. Hill questioned the height of the fence and asked if it had to be four feet tall and. She asked if it was in the Building Code.

Mr. Delacourt said it was not in the Zoning Ordinance and he was not sure it was a requirement. Mr. LaRocca said it was a recommendation from MLCC - Building Code. Ms. Hill referred to the other outdoor eating spaces in the City and said she could not recall if the fencing was four feet high. She thought it seemed a little obtrusive. Mr. Delacourt said they could inquire about lowering it and if so, the plan could be revised prior to review by Council. Ms. Hill thought that visually it would have a more open feel

without a high fence and people walking by would not come upon a barricaded area in the middle of the walk. She recalled Bravo at the Village of Rochester Hills and said she was sure they did not have a four-foot high fence.

Mr. Delacourt suggested that the recommendation could be conditioned upon Staff looking into that to see if it was possible to lower it to a desirable height. Ms. Hill said she would like something visually appealing and more inviting. Mr. LaRocca said it was their goal to make it very visually appealing and architecturally interesting.

Mr. Hooper asked if the detail Mr. LaRocca showed was the same as in the plans. Mr. LaRocca said it should be. Mr. Hooper asked what material he was proposing. Mr. LaRocca said the fence would be aluminum. Mr. Hooper thought it would be coupled with Plexiglas, but Mr. LaRocca said it would not. Mr. Hooper read from the details, "Plexiglas Treated plywood can be installed in a shaded area to meet ½" minimum requirement." Mr. LaRocca advised that the release mechanism would be the Plexiglas referred to - it was a kick plate to sound the alarm.

Mr. Kaltsounis pointed out that the address on the Plan showed Auburn Hills rather than Auburn Road.

Aye: Boswell, Hardenburg, Hill, Hooper, Kaltsounis, Reece and Rosen
Excused: Brnabic and Schroeder

Text of Legislative File 2005-0427

..Title

Request for Conditional Land Use - City File No. 87-882 - Request for seating area for outdoor sales and service of food and beverages for Tapper's Pub, located in the existing shopping center at the northwest corner of Auburn and John R, zoned B-2, General Business, known as Parcel No. 15-26-478-007, Shane LaRocca, applicant.

..Body

Resolved, the Rochester Hills City Council hereby approves the Conditional Land Use request for the outdoor sale and service of food for Tapper's Pub, City file No. 87-882, 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.
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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.