

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

**STAFF REPORT TO THE PLANNING COMMISSION
March 18, 2008**

Conditional Land Use Recommendation	
APPLICANT	Pei Wei Asian Diner 2916 Agave Loop Round Rock, TX 78681
AGENT	Matt Clark
LOCATION	At the Boulevard Shoppes on Walton Blvd., East of Livernois
PARCEL NO.	15-10-351-079
FILE NO.	77-505.2
ZONING	B-2 (General Business)
STAFF	Derek L. Delacourt, Deputy Director
REQUEST	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 their new restaurant, Pei Wei Asian Diner. 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 restaurant within the existing building. The applicant proposes to add seating for 16 for outdoor dining, located on the east side of the restaurant. The proposed use would not require any modification to the existing site plan based on its seasonal use. The site plan conforms to the current City Code and 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.

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. 77-505.2, the Planning Commission Recommends City Council Approve the Conditional Land Use for outdoor sales and service of food for Pei Wei Asian Diner, located at 1206 Walton Blvd. in the Boulevard Shoppes, based on the site plan dated received by the Planning Department on February 8, 2008 with the following findings and condition:

Findings:

1. The subject site will be internal between two buildings, 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, 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.
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. All tables and chairs must be of a non-combustible material; no umbrellas are to be used in the area, and signage shall be placed, indicating that combustibles are not to be stored in the outdoor seating area, per Building Department memo of February 20, 2008.

References: Sheet A2.2 (Patio Seating Plan) and Sheet SP (Site Plan), prepared by D.A.U. David A. Udkow, Architect, received by the Planning and Development Department on February 8, 2008; Fire Department memo dated 02/21/2008; Building Department memo dated 02/20/08; Notice of Public Hearing; and Development Application dated 02/05/08.
