



Planning and Economic Development  
Sara Roediger, AICP, Director

From: Kristen Kapelanski, AICP  
 Date: 7/21/2017  
 Re: **Silver Spoon Ristorante (City File #14-016)**  
**Preliminary/Final Site Plan - Planning Review #3**

The applicant is proposing to demolish the existing 4,023 sq. ft. building on 3.03 acres on the west side of Old Orion Court, and replace it with a 3,986 sq. ft. restaurant with patio areas totaling another 1,400 sq. ft. The project was reviewed for conformance with the City of Rochester Hills Zoning Ordinance. The comments below and in other review letters are minor in nature and can be incorporated into a final site plan submittal for review by staff after review by the Planning Commission.

- Zoning and Use (Section 138-4.300 and 138-8.100).** The site is zoned R-1 One Family Residential with the FB-1 Flex Business Overlay District on the eastern 1.87 acres. As the Planning Commission may recall, in late 2014 the applicant requested, and the city approved, a rezoning of this site to allow for the FB-1 Overlay District with the intent of converting the existing building into a restaurant. As such, the applicant has opted to develop this site under the FB-1 zoning regulations, as restaurants are conditional uses in the FB-1 District and will require a Planning Commission public hearing and recommendation to City Council. Refer to the table below for the zoning and existing and future land use designations for the proposed site and surrounding parcels.

	Existing Zoning	Existing Land Use	Future Land Use
<b>Proposed Site</b>	<b>R-1 One Family Residential w/ FB-1 Flexible Business Overlay</b>	<b>Vacant</b>	<b>Business/Flexible Use 1 &amp; Residential 2</b>
North	R-1 One Family Residential	Single family homes	Residential 2
South	R-1 One Family Residential	Single family homes	Business/Flexible Use 1 & Residential 2
East	O-1 Office Business w/ FB-2 Flexible Business Overlay & RCD One Family Cluster	Beaumont medical facility & Quail Crest Subdivision	Business/Flexible Use 2 & Private Recreation/Open Space
West	R-1 One Family Residential	Single family homes	Residential 2

- Dimension, Design and Building Standards (Section 138-8.400-402 and 138-8.500-502).** Refer to the table below as it relates to the area, setback, and building requirements of this project in the FB overlay district.

Requirement	Proposed	Staff Comments
<b>Front Yard Setback (Old Orion Ct.)</b> 15 ft. Min./25 ft. Max. Optional 70 ft. Min	69.9 ft.	See a. below
<b>Side Yard Setback (Maplehill Rd.)</b> 25 ft. Min.	200+ ft.	In compliance
<b>Side Yard Setback (south)</b> 25 ft. Min.	64+ ft.	In compliance
<b>Rear Yard Setback (west)</b> 50 ft. Min.	240+ ft.	In compliance
<b>Min. Bldg. Frontage Build-To Area (Old Orion Ct.)</b> 40%	0%	See a. below, staff recommends PC approval, which is required to permit the proposed setback
<b>Max. Height</b> 30 ft./ 2 stories	23 ft./1 story	In compliance
<b>Min. Facade Transparency</b> Ground floor, non-residential use: 70%	Front: 44% Left: 26% Right: 25% Rear: 0%	See c. below, staff recommends PC approval due to the presence of the outside patios

Requirement	Proposed	Staff Comments
<b>Building Materials</b> Primary Materials: 60% min. Accent Materials: 40% max.	100% Primary Materials consisting of brick, block & stone	All facades consist of natural building materials

- a. The intent of the Flexible Business Overlay is to foster vital, lively and sustainable development, partly through the reduction of front yard setbacks and parking in the front yard. As such, the proposed setback of 69.9 ft. can be approved the Planning Commission if it is consistent with the following criteria:
- 1) The requested option is consistent with the intent of the form-based district as established in Section 138-8.100.
  - 2) The requested option is consistent with existing or planned development on adjacent or nearby parcels.
  - 3) The requested option will not negatively impact the potential of adjacent parcels to develop in accordance with the standards of this Article.
  - 4) The requested option will, in the opinion of the reviewing authority, result in a superior site design or layout than would a permitted improvement or layout.
- It is staffs recommendation that the proposed project meets the above criteria and the non-compliance is extremely minor, the proposed setback is appropriate.
- b. The proposed project is designed with a "Lawn Frontage" as defined in the above referenced sections. The building meets the regulations set forth for this type of frontage, with the exception of the parking requirements, which states that parking can only be located in the front of the building when the building is set back more than 70 feet. It is staff's recommendation that the proposed improvements are appropriate at this location and generally meet the intent of the FB District.
- c. The proposed facades do not meet the 70% minimum requirement, however since the site has two patio areas that provide transparency and activity into the site, it is staffs recommendation that the proposed plans generally meet the intent of the regulations.
- d. The Planning Commission has the ability to modify the parking and facade regulations upon a determination that the requested modifications:
- 1) Meets the intent of the FB district.
  - 2) That evidence has been submitted demonstrating that compliance with the standard makes development impractical.
  - 3) Will not make future adjacent development impractical.
  - 4) Is the smallest modification necessary.
  - 5) Will permit innovative design.

3. **Parking and Loading (Section 138-8.600 and 138-11.100-308).** Refer to the table below as it relates to the parking and loading requirements of this project in the FB overlay district.

Requirement	Proposed	Staff Comments
<b>Min. # Parking Spaces</b> Nonresidential: 1 space per 400 sq. ft. = 15 spaces	64 spaces	See a. below, staff recommends PC approval, which is required to permit the proposed parking
<b>Max. # Parking Spaces</b> 200% of Min. = 30 spaces		
<b>Min. Parking Space Dimensions</b> 75° to 90° = 10 ft. x 18 ft. w/ 24 ft. aisle, width may be reduced to 9 ft. for employee parking	10 ft. x 18 ft. w/ 24 ft. aisle	In compliance
<b>Min. Barrier Free Spaces</b> 4 BF spaces 11 ft. in width w/ 5 ft. aisle for 51-75 parking spaces	4 BF spaces 11 ft. in width w/ 5 ft. aisle	In compliance
<b>Loading Space</b> No requirements in the FB districts; however, sites shall be designed such that trucks & delivery vehicles may be accommodated on the site	10 X 50 loading area south of the building	In compliance

- a. The maximum parking requirement may be modified by the Planning Commission if the applicant can submit evidence that additional parking will be required to accommodate maximum parking demand on a typical day. Staff recommends approval of the requested modification as a restaurant of this size in any other district in the City would require over 100 spaces based on 1 space per 2 occupants.
4. **Outdoor Amenity Space** (*Section 138-8.601*). All developments in the FB districts shall provide outdoor amenity spaces with a minimum area of 2% of the gross land area of the development, which needs to be clearly indicated on the plans. The emphasis of the amenity space requirement is on quality and should focus on creating a designated attractive usable space that is available and accessible to the public. Approximately 3,500 sq. ft. of outdoor amenity space in the form of seating patios and landscaped open space has been provided, in addition to the western portion of the site which will remain natural, exceeding the required 2,643 sq. ft.
5. **Exterior Lighting** (*Section 138-10.200-204*). A photometric plan showing the location and intensity of exterior lighting has been provided. Refer to the table below as it relates to the lighting requirements for this project.

Requirement	Proposed	Staff Comments
<b>Shielding/Glare</b> Lighting shall be fully shielded & directed downward at a 90° angle  Fixtures shall incorporate full cutoff housings, louvers, glare shields, optics, reflectors or other measures to prevent off-site glare & minimize light pollution  Only flat lenses are permitted on light fixtures; sag or protruding lenses are prohibited	16 pole mounted & 5 wall mounted fixtures	In compliance
<b>Max. Intensity</b> (measured in footcandles fc.) 10 fc. anywhere on-site, 1 fc. at ROW, & 0.5 fc. at any other property line	4.3 on-site, 0.2 along ROW, 0.4 along other property lines	In compliance
<b>Lamps</b> Max. wattage of 250 watts per fixture  LED or low pressure sodium for low traffic areas, LED, high pressure sodium or metal halide for parking lots	50 watt, LED fixtures	In compliance
<b>Max. Height</b> 20 ft., 15 ft. when within 50 ft. of residential	15 ft.	In compliance

6. **Dumpster Enclosure** (*Section 138-10.311*). A dumpster enclosure is proposed in the side yard, to be screened with a wooden gate and decorative concrete wall. The proposed plan meets ordinance requirements for the dumpster enclosure.
7. **Landscaping** (*Section 138-8.602 and 132-12.100-308*). A landscape plan, signed and sealed by a registered landscape architect, has been provided. Refer to the table below as it relates to the landscape requirements for this project.

Requirement	Proposed	Staff Comments
<b>Right of Way</b> (Old Orion Ct.: 460 ft.) 1 deciduous per 35 ft. + 1 ornamental per 60 ft. = 13 deciduous + 8 ornamental	7 deciduous 6 deciduous (existing) 8 ornamental	In compliance
<b>Front Yard in FB District</b> (Old Orion Ct.: 460 ft.) 10 ft. width + 2 deciduous + 4 ornamental + 12 shrubs per 100 ft. = 9 deciduous + 18 ornamental + 55 shrubs	7 deciduous 6 deciduous (existing) 8 ornamental 0 shrubs	<b>Additional landscaping needed to meet this requirement</b>
<b>Parking Lot: Perimeter</b> 1 deciduous per 25 ft. + 1 ornamental per 35 ft. + continuous shrub hedge = 23 deciduous + 17 ornamentals + 98 shrubs	18 deciduous 6 deciduous (existing) 17 ornamental 123 shrubs	In compliance
<b>Parking Lot: Interior</b> 5% of parking lot + 1 deciduous per 150 sq. ft. landscape area = 585 sq. ft. + 4 deciduous	585+ sq. ft. 4 deciduous	In compliance

Requirement	Proposed	Staff Comments
<b>Buffer D</b> (along south property line: eastern 200 ft.) 8 ft. with screening wall + 2.5 deciduous + 1.5 ornamental+ 5 evergreen + 8 shrubs per 100 ft. = screening wall + 5 deciduous + 3 ornamental + 10 evergreen + 16 shrubs <b>OR</b> 10 deciduous + 3 ornamental + 36 shrubs	8 ft. width w/3 ft. retaining wall topped with 4 ft. vinyl or wood fence 9 deciduous 3 ornamental 8 evergreen 24 shrubs	<b>Screening wall must be masonry</b>  2 evergreens substituted with 1 deciduous and 4 shrubs as permitted by ordinance
<b>Buffer D</b> (along west property line: 325 ft.) 25 ft. width OR 8 ft. with screening wall + 2.5 deciduous + 1.5 ornamental+ 5 evergreen + 8 shrubs per 100 ft. = 8 deciduous + 15 evergreen + 5 ornamental + 24 shrubs	None, see note 'A' on LS-1	<b>Staff recommends that the PC find that the existing vegetation meets the intent of the buffer</b>

- a. A landscape unit cost estimate and total landscaping cost summary, including irrigation costs, for landscape bond purposes has been included on the plan.
  - b. A note has been included on the plans stating that all landscape areas must be irrigated and specify that watering will only occur between the hours of 12am and 5am.
8. **Natural Features.** In addition to the comments below, refer to the review letters from the Engineering and Forestry Departments and the City's Wetland Consultant that pertain to natural features protection.
- a. **Environmental Impact Statement (EIS)** (*Section 138-2.204.G*) An EIS consistent with ordinance regulations has been submitted.
  - b. **Tree Removal** (*Section 126 Natural Resources, Article III Tree Conservation*). Any healthy tree greater than 6" in caliper that will be removed must be replaced; trees that are dead or in poor condition need not be replaced. A tree survey indicating the removal of 31 trees larger than 6" in caliper will be removed. 8 trees will be replaced on site. The applicant has elected to pay into the tree fund at a rate of \$205.50 per tree for the remaining 23 required replacements.
  - c. **Wetlands** (*Section 126 Natural Resources, Article IV Wetland and Watercourse Protection*). The site contains one wetland and one watercourse regulated by the MEDQ and City, however the plans do not propose any impacts to the wetlands, and therefore a wetland use permit is not required, refer to the ASTI review letter dated July 17, 2017.
  - d. **Natural Features Setback** (*Section 138-9 Chapter 1*). A waiver of approximately 245 linear feet from this requirement is being requested to construct the parking lot along the south property line and sidewalk west of the building. As noted in the ASTI review letter dated July 17, 2017, the setback area is of an extremely low quality.
  - e. **Steep Slopes** (*Section 138-9 Chapter 2*). The site does not contain any regulated steep slopes.
9. **Architectural Design** (*Architectural Design Standards*). 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. Details and elevations for the garden patio shall be submitted.
10. **Signs.** (*Section 138-10.302*). Monument and wall signage is indicated on the plans, and signs will be approved under a separate permit issued by the Building Department.



ASSESSING DEPARTMENT  
Kurt Dawson, Director

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From: Nancy McLaughlin  
To: Sara Roediger  
Date: 5-16-17  
Re: File No.: 14-016  
Project: Silver Spoon Ristorante Italiano, REVIEW #2  
Parcel No: 70-15-03-476-013  
Applicant: City of Rochester Hills

No comment.



BUILDING DEPARTMENT  
Scott Cope

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From: Craig McEwen, Building Inspector/Plan Reviewer *CDM*  
To: Sara Roediger, Planning Department  
Date: May 24, 2017  
Re: Silver Spoon Ristorante Italiano – Review #2  
Sidwell: 15-03-476-013  
City File: 14-016

The site plan review for the above reference project was based on the following drawings and information submitted:

Sheets: Cover, Sheets 2 thru 12.

Approval recommended.

1. The code analysis on the Sheet 3 will be fully reviewed during the building permit process.
  - a. The Michigan Building Codes were recently updated. Please see attached list of current applicable codes.

If there are any questions, please call the Building Department at 248-656-4615. Office hours are 8 a.m. to 4:30 p.m. Monday through Friday.



FIRE DEPARTMENT

Sean Canto

Chief of Fire and Emergency Services

From: James L. Bradford, Lieutenant/Inspector  
To: Planning Department  
Date: July 17, 2017  
Re: Silver Spoon Ristorante Italiano

SITE PLAN REVIEW

FILE NO: 14-016

REVIEW NO: 3

APPROVED   X  

DISAPPROVED \_\_\_\_\_

The Rochester Hills Fire Department recommends approval of the above referenced site plan contingent upon the following condition being met.

1. Provide documentation, including calculations that a flow of 1750 GPM can be provided. *IFC 2006 508.4*
  - A flow test will be required and can be obtained by contacting the Rochester Hills Engineering Department at (248) 656-4640. This information is required to determine if adequate fire flows are available for this project. *IFC 2006 508.4*

Lt. James L. Bradford  
Fire Inspector



PARKS & FORESTRY DEPARTMENT  
Ken Elwert, CPRP, Director

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To: Sara Roediger, Planning Director  
From: Gerald Lee, Forestry Operations Manager  
Date: July 20, 2017  
Re: Silver Spoon Ristorante Italiano  
Review #3  
File #14-016

Forestry review pertains to public right-of-way (r/w) tree issues only.

Landscape Planting Detail, Sheet LS-1

Note: The corner clearance triangle extends from curb to curb.

Please delete or adjust the location of the Greenspire linden nearest to the Maplehill/Orion Rd. intersection shown within the corner clearance triangle.

Please delete or adjust the location of the Snowdrift crabapple shown less than 5' from the existing sidewalk south of Maplehill.

Please delete or adjust the location of the Tams junipers shown less than 5' from the existing sidewalk.

Please indicate the removal of two existing trees on the r/w south of Maplehill. No replacement required.

Please add the following under City of Rochester Hills notes:

***These requirements are incorporated into the plan.***

GL/cf

cc: Sandi DiSipio, Planning Assistant  
Maureen Gentry, Planning Assistant





ARB

DPS/Engineering  
Allan E. Schneck, P.E., Director

From: Jason Boughton, AC, Engineering Utilities Coordinator  
To: Sara Roediger, AICP, Planning and Development Director  
Date: July 11, 2017  
Re: Silver Spoon, City File #14-016, Section 3  
Site Plan Review #3

Engineering Services has reviewed the site plan received by the Department of Public Services on July 7, 2017, for the above referenced project. Engineering Services **does** recommend site plan approval with no comments needing to be addressed. The ultimate design of the storm sewer management system will be resolved during the construction plan phase.

The applicant will need to submit a Land Improvement Permit (LIP) application with engineer's estimate, fee and construction plans to get the construction plan review process started.

JB/bd

c: Allan E. Schneck, P.E., Director; DPS  
Paul Davis, P.E., Deputy Director/City Engineer; DPS  
Tracey Balint, P.E., Public Utilities Engineer; DPS  
Paul Shumejko, P.E., PTOE, Transportation Engineer; DPS

Sheryl McIsaac, Office Coordinator; DPS  
Sandi DiSipio; Planning & Development Dept.  
File

**CODES CURRENTLY IN EFFECT**

City of Rochester Hills

April 20, 2017

**Building:**

Commercial: MBC 2015 (Michigan Building Code 2015)  
Effective April 20, 2017  
Accessibility – ICC ANSI A117.1-2009  
Residential: MRC 2015 (Michigan Residential Code 2015)  
Effective February 8, 2016

**Plumbing:**

Commercial: MPC 2015 (Michigan Plumbing Code 2015)  
Effective April 20, 2017  
Residential: MRC 2015 (Michigan Residential Code 2015)  
Effective February 8, 2016

**Mechanical:**

Commercial: MMC 2015 (Michigan Mechanical Code 2015)  
Effective April 12, 2017  
Fuel gas: IFGC 2015 (International Fuel Gas Code 2015)  
Effective April 20, 2017  
Residential: MRC 2015 (Michigan Residential Code 2015)  
Effective February 8, 2016

**Electrical:**

Commercial: NEC 2014 (State of Michigan Electrical Code)  
2014 National Electrical Code with Part 8 Amendments  
Effective June 18, 2015  
Residential: MRC 2015 (Michigan Residential Code 2015)  
Effective February 8, 2016

**Rehab:**

MRCEB 2015 (Michigan Rehabilitation Code for Existing Buildings 2015)  
Effective December 13, 2016

**Fire Code:**

IFC 2015 (International Fire Code 2012), as referenced in the 2015 Michigan Building Code

**Fire Suppression:**

Commercial: NFPA 13 (2010) Multiple Family: NFPA 13R (2010)  
Residential: NFPA 13D (2013)

**Fire Alarm**

Commercial: NFPA 72 (2010) Paint Booths: NFPA 17 (2009)  
Kitchen Hoods: NFPA 17A (2009) Residential: NFPA 72 (2013)

**Energy Code**


Commercial: MBC 2015 (Michigan Building Code 2015) – Chapter 13 &  
MUEC 2009 (Michigan Uniform Energy Code 2009) – Chapter 5 &  
Michigan Uniform Energy Code, Part 10a. Rules (ANSI/ASHRAE 90.1-2007)  
Effective March 9, 2011  
Residential: MRC 2015 (Michigan Residential Code 2015) - Chapter 11  
Effective February 8, 2016

Codes can be purchased by going to the Michigan Department of Labor & Economic Growth, Bureau of Construction Codes & Fire Safety, Lansing, MI 48909, or their website at: [www.michigan.gov/bcc](http://www.michigan.gov/bcc) - Codes and Standards

The codes noted above are adopted by the City of Rochester Hills Codified Ordinance Section 18-41 and 18-136.



DPS/Engineering  
Allan E. Schneck, P.E., Director

From: Michael Taunt, Survey Technician   
To: Sara Roediger, AICP, Director of Planning & Development  
Date: May 24, 2017  
Re: Silver Spoon Ristorante, City File #14-016, Section 3

**RE: Review Comments for Plans Received May 15, 2017**

In due course, recordable agreements and exhibits for water main, natural features setback and storm system maintenance will be required.

Add a bench mark to engineering and survey sheets.

Please specify source of BM elevations, e.g.:

"Elevation derived from GPS observations"

"Level loop from RR spike @..... , "

"BM provided by City Engineering Division."

Add the D. E. Company easement shown on the plat of Avon Hills subdivision.

MT/bd

c: Allan E. Schneck, P.E., Director; DPS  
Tracey Balint, P.E., Public Utilities Engineer; DPS  
Paul Shumejko, P.E., PTOE, Transportation Engineer; DPS  
File

Paul Davis, P.E., Deputy Director/City Engineer; DPS  
Sandi DiSipio; Planning & Development Dept.  
Sheryl McIsaac, Office Coordinator; DPS  
Jason Boughton, AC, Engineering Utilities Coordinator; DPS

Mailing Address:  
P.O. Box 2160  
Brighton, MI 48116-2160800 395-ASTI  
Fax: 810.225.3800[www.asti-env.com](http://www.asti-env.com)

July 17, 2017

Ms. Sara Roediger, Director  
Department of Planning and  
Economic Development  
**City of Rochester Hills**  
1000 Rochester Hills Drive  
Rochester Hills, MI 48309-3033

**Subject: File No. 14-016-Silver Spoon Ristorante Italiano  
Sidwell Number 70-15-03-476-013  
Wetland Use Permit Review #3;  
Plans received by the City of Rochester Hills on  
July 6, 2017**

**Applicant: City of Rochester Hills**

Dear Ms. Roediger:

The above-referenced project proposes to renovate an existing commercial structure and construct additional parking for a commercial redevelopment as a restaurant, the Silver Spoon Ristorante Italiano, on the above-referenced parcel with the address of 6780 Old Orion Court in the City of Rochester Hills, Michigan. The subject site includes one wetland and one water course regulated by the Michigan Department of Environmental Quality (DEQ) and City of Rochester Hills.

ASTI has reviewed the site plans received by the City on July 6, 2017 (Current Plans) for conformance to the Wetland and Watercourse Protection Ordinance and the Natural Features Setback Ordinance and offers the following comments for your consideration.

**COMMENTS**

1. **Applicability of Chapter (§126-500).** The Wetland and Watercourse Protection Ordinance is applicable to the subject site because the subject site is not included within a site plan which has received final approval, or a preliminary subdivision plat which received approval prior to January 17, 1990, which approval remains in effect and in good standing and the proposed activity has not been previously authorized.

2. **Wetland and Watercourse Determinations (§126-531).** This Section lists specific requirements for completion of a Wetland and Watercourse Boundary Determination.
  - a. This review has been undertaken in the context of a Wetland and Watercourse Boundary Determination completed by ASTI for the subject property on June 17, 2014 and from a wetland verification inspection of the wetland boundaries on May 26, 2017. The Current Plans show this wetland delineation to ASTI's satisfaction.
3. **Use Permit Required (§126-561).** This Section establishes general parameters for activity requiring permits, as well as limitations on nonconforming activity. This review of the Current Plans has been undertaken in the context of those general parameters, as well as the specific requirements listed below.
  - a. No wetland or watercourse impacts are proposed on the Current Plans. ASTI has no further comments for this section.
4. **Use Permit Approval Criteria (§126-565).** This Section lists criteria that shall govern the approval or denial of an application for a Wetland Use Permit.
  - a. A DEQ Part 303 Permit and a Wetland Use Permit from the City are *not* required for this project as proposed on the Current Plans. ASTI has no further comments for this section.
5. **Natural Features Setback (§21.23).** This Section establishes the general requirements for Natural Features Setbacks and the review criteria for setback reductions and modifications.
  - a. All Natural Features Setback areas and all impacts to Natural Features Setback areas are shown and stated in linear feet on the Current Plans to ASTI's satisfaction.
  - b. Approximately 155 linear feet of Natural Features Setback will be permanently impacted from the construction of a proposed parking lot area along the southern portion of the site. These impacts are shown on the Current Plans to ASTI's satisfaction. The Natural Features Setback is of extremely low quality in this area and ASTI recommends the City grant a Natural Features Setback modification to allow for this proposed activity.
  - c. Approximately 90 linear feet of Natural Features Setback will be permanently impacted from the construction of a proposed concrete walk west of the on-site

building proposed for renovation. These impacts are shown on the Current Plans to ASTI's satisfaction. The Natural Features Setback is of extremely low quality in this area and ASTI recommends the City grant a Natural Features Setback modification to allow for this proposed activity.

**RECOMMENDATIONS**

ASTI recommends the City approve the Current Plans for the above-referenced project.

Respectfully submitted,

**ASTI ENVIRONMENTAL**



Kyle Hottinger  
Wetland Ecologist



Dianne Martin  
Director, Resource Assessment & Mgmt.  
Professional Wetland Scientist #1313