



**City of Rochester Hills
AGENDA SUMMARY
NON-FINANCIAL ITEMS**

**1000 Rochester Hills Dr.
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Legislative File No: 2014-0497 V5

TO: Mayor and City Council Members

FROM: Sara Roediger, Director of Planning and Economic Development, ext. 2573

DATE: September 1, 2017

SUBJECT: Request for approval of a Conditional Use Permit to construct a restaurant on Old Orion Ct., north of Tienken, west of Rochester Road in the FB-1 District.

REQUEST:

Approval of a Conditional Use to demolish the vacant place of worship and construct a 3,984 sq. ft. restaurant for Silver Spoon Ristorante Italiano, LLC located on Old Orion Ct. north of Tienken, west of Rochester Rd. The site is being developed using the FB-1 Flex Business Overlay district standards. Restaurants are a Conditional Use in the FB-1 district requiring recommendation from the Planning Commission and approval from City Council.

BACKGROUND:

Approximately one-half of the site was rezoned in January 2015 to add the FB-1 overly to the R-1 underlying zoning. The portion of the site that remains R-1 will not be disturbed for this project and remains wetland area. The site will be accessed from two existing drives onto Old Orion Ct. In addition to the restaurant space, there will be another approximately 1,700 s.f. of patio areas. Hours of operation will be Monday through Thursday 5-10:00 p.m. and Saturdays 5-11:00 p.m. It will be closed Sundays. The proposed building is intended to have a European feel with stone veneer, copper, block, canvas awnings and trellises, which meet the intent of the Architectural Design Standards. A sidewalk into the site is proposed from Old Orion Ct. Landscaping will be enhanced as outlined in the attached Planning memo.

The applicants appeared before the Planning Commission on August 15, 2017. After much discussion, the matter was postponed so the applicants could provide details and clarification about the south screen wall and drainage patterns and to meet with the neighbors to present their plan. There was also a suggestion about looking at parking lot alternatives and moving some of the parking away from the south property line. Per those requests drawings were submitted showing how the drainage around the screen wall would be handled, including details of the screen wall and its materials, as well as a slightly revised parking lot layout. See the attached Planning memo dated August 25, 2017. The City's Engineering Department submitted a memo as well (attached) in agreement with the improvements. In addition, the applicants mailed a letter and drawings of the revised plan to the neighbors within 300 feet.

The applicants appeared again before the Planning Commission at a Special Meeting on August 29, 2017, at which the Conditional Use was unanimously recommended, and the Natural Features Setback Modifications and Site Plan were approved. Please refer to the attached Minutes for both

meetings.

The issuance of a Conditional Use is a discretionary decision by the City Council and based on 5 general criteria contained in Sec. 138-2.302 of the Zoning Ordinance as follows:

- 1) *Will promote the intent and purpose of this chapter.*
- 2) *Will 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) *Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, 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) *Will not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.*
- 5) *Will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.*

RECOMMENDATION:

Staff and the Planning Commission recommend that City Council approves the Conditional Use to construct a proposed restaurant at 6780 Old Orion Ct., north of Tienken, based on plans dated received by the Planning and Economic Development Department on July 6 and plans dated August 1, 2017.

APPROVALS:	SIGNATURE	DATE
Department Review		
Department Director		
Mayor		
Deputy Clerk		