

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

**STAFF REPORT TO THE PLANNING COMMISSION
September 2, 2008**

Conditional Land Use Recommendation	
APPLICANT	Tom Moss & Associates, Inc. 1893 Birchwood Dr. Troy, MI 48083-2211
AGENT	Thomas M. Moss
LOCATION	2086 Crooks Road at Crooks Corner; Crooks, South of Hamlin
PARCEL NO.	15-29-228-004
FILE NO.	75-341
ZONING	B-3 (Shopping Center Business)
STAFF	Ed Anzek, AICP, 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 Chapman’s Mill (formerly Taco Loco) restaurant. The site is located at the northeast end of the Crooks Corner retail plaza on Crooks Rd., south of Hamlin (commonly known as “Secretary of State” center). 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 28 patrons, and the number of handicap spaces and all ADA requirements will be determined by the Building Department during Building Plan submittal. The seating will be on a stamped concrete patio surrounded by a wrought iron fence with decorative stone piers to match the building. A 6-foot wide concrete walkway with curbing will surround the seating area. A 25-foot fire lane will remain to the east of the seating, which has been reviewed and approved by the Fire Department.

The proposed outdoor seating area will be located close to the existing Clinton River Trail public walking and bike path – a distance of about 165 to 180 feet. The applicants are planning to put a pathway from the patio to the Trail and signage to inform people about the restaurant. The

restaurant owner will also provide bike racks, benches and a drinking fountain in the hope that this will become a popular destination for people on the Trail.

As a side note: This Plan has been shared during a recent “Friends of the Clinton River Trail” meeting held on August 26. The linkage to the trail that the applicant is proposing was met with tremendous enthusiasm by those in attendance. This type of linkage is also what the City has been working toward with the 2nd generation of the City’s Pathway Plan as part of the Master Thoroughfare Plan.

The proposed use will require only a slight modification to the existing Site Plan by eliminating seven parking spaces. Since the site has room at the north and west sides of the building to stripe more than seven additional spaces, the Site Plan will still conform to the Parking Ordinance, as well as all previous approvals. (206 spaces provided less 7 for outdoor seating = 199. Code required 152 spaces total)

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. 75-341, the Planning Commission **Recommends City Council Approve the Conditional Land Use** for outdoor sales and service of food for Chapman's Mill, located at Crooks Corner on Crooks Rd., south of Hamlin, zoned B-3, Shopping Center Business, Parcel No. 15-29-228-004, based on the site plan dated received by the Planning Department on July 25, 2008 with the following findings and conditions:

Findings:

1. The subject seating area will be surrounded by a railing and 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 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.
6. The subject site will be connected to the Clinton River Trail by a pathway and signage as a destination option.

Conditions:

1. Address comments in the Building Department memo dated August 8, 2008, prior to Building Plan Approval.

2. Dates of operation shall be from April 15 to October 31st.

References: Sheet A1 (Site Plan), prepared by Tom Moss & Associates, Inc., received by the Planning and Development Department on July 25, 2008; Letter from A. Santia, dated 08/04/08; Fire Department memo dated 08/11/08; Building Department memo dated 08/08/08; 04/30/08; Notice of Public Hearing; and Development Application dated 08/04/08.

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