

DATE: November 30, 2005

TO: John Szerlag, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services
Mark Stimac, Director of Building and Zoning

SUBJECT: Agenda Item – Announcement of Public Hearing
Request for Outdoor Seating in excess of 20 seats
in Conjunction with a Restaurant in O-M Zoning
911 Wilshire Drive – Kruse and Muer Restaurant

We have received a request from Thomas May, representing Kruse and Muer Restaurant, to install an outdoor dining area for 32 seats at their restaurant opening at 911 Wilshire Drive. The seating is proposed to be located in an area on the north side of the building that will be enclosed by landscape screening and fencing elements.

This location was the site of the former T.G.I.Friday's restaurant that also had outside seating in this area. That dining area was approved based upon a 1982 Board of Zoning Appeals interpretation that outdoor dining was considered a "normal accessory use" to a restaurant. Since that time the ordinance has been revised to establish specific review and approval procedures for outdoor dining.

Section 25.30.03 of the Zoning Ordinance establishes outdoor seating areas in excess of 20 seats for restaurants to be a Use Subject to Special Use Approval in the O-M (Mid-Rise Office) Zoning District. This Section further states that City Council (in place of the Planning Commission) shall hold a Public Hearing in consideration of the request.

The restaurant is proposed to have a seating capacity for 173 persons inside. With the addition of 32 seats outside their total seating capacity will be 205. Section 40.21.31 requires a minimum of 123 parking spaces for a restaurant with 205 seats. The site has a minimum of 124 parking spaces available for the restaurant use as part of the overall office development.

A Public Hearing has been scheduled for your meeting of December 19, 2005.

We will be happy to provide any additional information that you may require regarding this request.

OUTDOOR DINING APPLICATION

RECEIVED

NOV 23 2005

BUILDING DEPT.

Applications shall be accompanied by fully dimensioned plans indicating the location of the proposed seating area within the subject site, the layout of the proposed outside seating, and information as to any proposed building or site alterations, seating area enclosure elements, etc.

Setbacks for outside seating area involving the construction of "structures" as defined by the Building Code shall be at least equal to those required for conventional buildings within the applicable zoning district.

Outside seating areas shall not occupy required sidewalk areas or required landscape areas.

In their consideration for outside seating, the City Council, when involved, may require modification or rearrangement of inside and outside seating areas in order to assure that adequate parking is available.

Restaurants and food service establishments selling or serving alcoholic beverages shall further be subject to the requirements of the Michigan Liquor Control Commission.

NAME OF BUSINESS: KRUSE & MILLER ON WILSHIRE

ADDRESS OF BUSINESS: 911 WILSHIRE

NAME OF APPLICANT: WILLIAM C. KRUSE JR.

ADDRESS: 1775 WASHINGTON

ROCHESTER HILLS, MI PHONE: 248 652-3996

NUMBER OF SEATS: Existing Inside 170

Proposed Outside: 32 <EXISTING AREA / SAME>

NUMBER OF AVILABLE PARKING SPACES: 155

WILL INSIDE SEATS BE ASSIGNED FOR OUTDOORS? Yes No

OUTDOOR DINING APPLICATION

OWNER AFFIDAVIT

I BECKY BELFRY, AS AGENT Rep as owner/representative
(name)

of the property located at 911 WILSHIRE DRIVE

do approve of KRUSE & MURPHY ON WILSHIRE
(business)

providing 32 seats for outdoor dining.

Signature: Becky Belfry as agent

Date: 11-23-05

DO NOT FILL IN - FOR USE BY BUILDING DEPARTMENT

**OUTDOOR DINING
CERTIFICATE OF APPROVAL**

NAME OF BUSINESS: _____

ADDRESS: _____

OWNER/MANAGER: _____

NUMBER OF SEATS _____

