



CITY COUNCIL REPORT

August 25, 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Announcement of Public Hearing, Outdoor Seating Request in Excess of 20 Seats
CJ Mahoney's, 2511 Livernois

Background:

- We have received an application from Joseph Everson, manager of CJ Mahoney's located at 2511 Livernois Road, for outdoor dining for 42 seats in conjunction with the new restaurant.
- The use of property in question is controlled by the terms of a consent judgment which allows uses in accordance with the O-M (Office Mid-rise) Zoning District.
- Section 25.30.03 of the Troy Zoning Ordinance allows outside seating areas in excess of 20 seats as a use permitted subject to Special Use Approval by City Council (in lieu of the Planning Commission) in the O-M Zoning District.
- The previous tenant at this location, Spectadium, obtained approval from City Council for up to 44 seats in 1996.
- In accordance with the provisions of Paragraph A of Section 25.30.03, any change in management terminates that approval.
- The procedure for Special Use Approval requires that a public hearing be held on the matter.
- A public hearing is scheduled for your meeting of September 22, 2008.

Financial Considerations:

- There are no financial considerations.

Legal Considerations:

- A public hearing on the matter is required per Sections 3.30.00 and 251.30.03.

Policy Considerations:

- Effectively and professionally communicate internally and externally. (Goal IV)

Options:

- There are no options at this time.

AUG 20 2008

BUILDING DEPT.

OUTDOOR DINING APPLICATION

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: C.I. Mahoney's Troy L.L.C.

ADDRESS OF BUSINESS: 2511 Livernois, Troy, MI. 48063

NAME OF APPLICANT: Thomas Everson

ADDRESS: 1850 Bromley Ln. Rochester Hills, MI. 48306

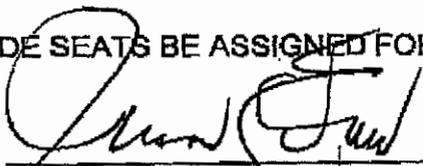
PHONE: 248 425 8531

NUMBER OF SEATS: Existing Inside 241

Proposed Outside: 42

NUMBER OF AVILABLE PARKING SPACES: 810

WILL INSIDE SEATS BE ASSIGNED FOR OUTDOORS? Yes No

Signature: 

Date: 8/19/08

RECEIVED
AUG 20 2008
BUILDING DEPT.

OUTDOOR DINING APPLICATION OWNER AFFIDAVIT

I Stanley Stachowicz as owner/representative
As Agent for FirstLyn (name) Associates LLC

of the property located at 2511 Liveryois Troy, MI. 48083

do approve of C.J. Mahoney's Troy L.L.C.
(business)

providing 42 seats for outdoor dining.

Signature: [Handwritten Signature]

Date: August 19, 2008

Lynn M. Miller-Penegor
LYNN M. MILLER-PENEGOR
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES Jun 25, 2012
ACTING IN COUNTY OF Oakland

DO NOT FILL IN - FOR USE BY BUILDING DEPARTMENT

OUTDOOR DINING CERTIFICATE OF APPROVAL

NAME OF BUSINESS: _____

ADDRESS: _____

OWNER/MANAGER: _____

NUMBER OF SEATS _____

DATE APPROVED: _____

BY: _____
City of Troy, Building Department