CITY COUNCIL ACTION REPORT

September 9, 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: 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 (minutes enclosed).
- 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.
- Public hearing notices have been published for a hearing at your meeting of September 22, 2008.
- We have enclosed copies of the responses that have been received to date from the public hearing notices.

Financial Considerations:

- There are no financial considerations.

Legal Considerations:

- A public hearing on the matter is required per Sections 3.30.00 and 25.30.03.
- City Council has the authority to consider the approval of the outdoor seating after the public hearing per Section 25.30.03.

Policy Considerations:

- Troy adds value to properties through maintenance or upgrades of infrastructure and quality of life venues (Outcome II)
- Troy is rebuilding for a healthy economy reflecting the values of a unique community in a changing and interconnected world (Outcome III)

Options:

- City Council can Approve the request
- City Council can deny the request.
- City Council can approve a lesser request or place reasonable restrictions on the approval.

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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.J. Mahoney's Troy L.L.C.

ADDRESS OF BUSINESS: 2511 Livernois, Troy, MI. 48083

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

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OUTDOOR DINING APPLICATION

OWNER AFFIDAVIT

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

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

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

providing 42 seats for outdoor dining.

Signature: [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

Seconded by Allemon

RESOLV'ED, that the name of the Troy Arts Committee, formerly the Troy Advisory Committee on the Arts, is hereby changed to Troy Committee on the Arts.

Yeas: All-7

Request from Smith Middle School, 5835 Donaldson, for Waiver of Parking Restrictions on Donaldson - On September 24, 1996 from 6:00-10:00 p.m., and on November 25 and 26, 1996 from 1:00-4:00 p.m. and 6:00-9:00 p.m. C-15

Resolution #96-865
Moved by Pallotta
seconded by Allemon

RESOLVED, that the request- from Smith Middle School, 5835 Donaldson, for suspension of street parking restrictions on the non-fire hydrant side of Donaldson, on September 24, 1996 from 6:00 to 10:00 p.m., in conjunction with their open house, and on November 25 and 26, 1996 from 1:00 to 4:00 p.m. and from 6:00 to 9:00 p.m., in conjunction with parent-teacher conferences, is hereby approved.

Yeas: All-7

Request for outdoor Seating Area in Excess of 44 Persons Spectadium C-16

Resolution #96-866
Moved by Pallotta
Seconded by Allemon

RESOLVED, that pursuant to chapter 39, Zoning, Section 25.30.03 A, of the Code of the City of Troy, the request from Spectadium, 2511 Livernois, for outdoor seating for 44 persons, is hereby approved.

Yeas: All-7

Resolution Approving Fee Increases for Troy Museum Education Program C-17

Resolution #96-867
Moved by Pallotta
Seconded by Allemon

RESOLVED, that increases in fees for the Troy Museum education program are hereby approved as follows:

Troy Student fee be increased from $1 to $2.50;
Non-Troy Student fee be increased from $1.50 to $4;.
Scout fee be increased from $2 to $4.

Yeas: All-7

Approval of Agreement for Municipal Street Lighting Between Detroit Edison and City of Troy - Installation of Street Light at Back Entrance of Boulan Park C-20

EXISTING CORRIDOR

EXISTING D.F.

EXISTING DOOR

INSTALL TACTILE EXIT SIGN @ 60" A.F.F. ON WALL ADJ. TO EXIT DOOR PER CODE.

EXISTING MOP SINK

MECHANICAL ROOM (EXISTING)

W.H.

STORAGE

EXISTING DRY STORAGE

WALK-IN FREEZER

WALK-IN COOLER

F.R.P.

KITCHEN C.H. 10'-0"

LINE OF EXISTING HOOD

STAINLESS STEEL

WALK-IN BEER COOLER

NEW WALL

SHELVES

LIQUOR STRG.

OFFICE C.H. 9'-0"

INSTALL TACTILE EXIT SIGN @ 60" A.F.F. ON WALL ADJ. TO EXIT DOOR PER CODE.

MIRROR

VANITY TOP

MEN'S LAV.

WOMEN'S LAV.

PRE-FIN METAL PARTITIONS

INSTALL TACTILE EXIT SIGN @ 60" A.F.F. ON WALL ADJ. TO EXIT DOOR PER CODE.

MIRROR

VANITY TOP

UP RAMP

36" HIGH WALL W/ RAILING @ 42" A.F.F.

42" HIGH WALL W/ PRE-FIN. CAP

32" HIGH WALL W/ RAILING @ 42" A.F.F.

WAITRESS STATION

EXISTING DEMISING WALL

EXISTING DEMISING WALL

CEILING DROP

HDTV

10" RAISED PLATFORM

SILVERSTRIKE GAME UNITS

CUE HOLDER

BASKETBALL

STOOLS

HDTV

MERCHANDISE DISPLAY BY TENANT

HDTV

GAMES AREA (SMOKING)

EXIST'G STRUCT. COLUMN

UP 2R @ 6"

D BOOTH

BAR (SMOKING)

EXISTING STRUCT. COLUMN

BAR PLATFORM (SMOKING)

HDTV

HDTV

HDTV

EXISTING DROP TO BE CUT AND REWORKED FOR O.H. DOOR

SMOKING

NON-SMOKING

UP RAMP

"ICOR" COMPOSITE FLOOR OVER HUSH UNDERLAYMENT ON 3/4" PLYWOOD

DANCE FLOOR

DINING AREA (NON-SMOKING)

32" HIGH WALL W/ RAILING @ 42" A.F.F.

INSTALL TACTILE EXIT SIGN @ 60" A.F.F. ON WALL ADJ. TO EXIT DOOR PER CODE.

BLIMPIE SANDWICHES

CLOTHING CLINIC

EXISTING MASONRY WALL

EXIST'G DOOR

PATIO

10'-0"x6'-8"H. O.H. DOOR (BRONZE ANODIZED) MODEL #521 MANUF'D BY OVERHEAD DOOR CORP. W/ VERTICAL TRACK. SAFETY GLASS- FINISH TO MATCH EXIST'G ALUM. FRAME

INSUL. GLASS SET IN ALUM. FRAME (ALUM. FRAME & GLASS TO MATCH EXIST'G)

REMOVE EXIST'G GLASS & REPLACE W/ POLYURETHANE GLASS W. SANDBLASTED LETTER

INSUL. GLASS SET IN ALUM. FRAME (ALUM. FRAME & GLASS TO MATCH EXIST'G)

EXISTING ENTRANCE TO BE REMOVED. CONC. TO BE REMOVED & REPLACED TO MATCH EXISTING CONC. WALK

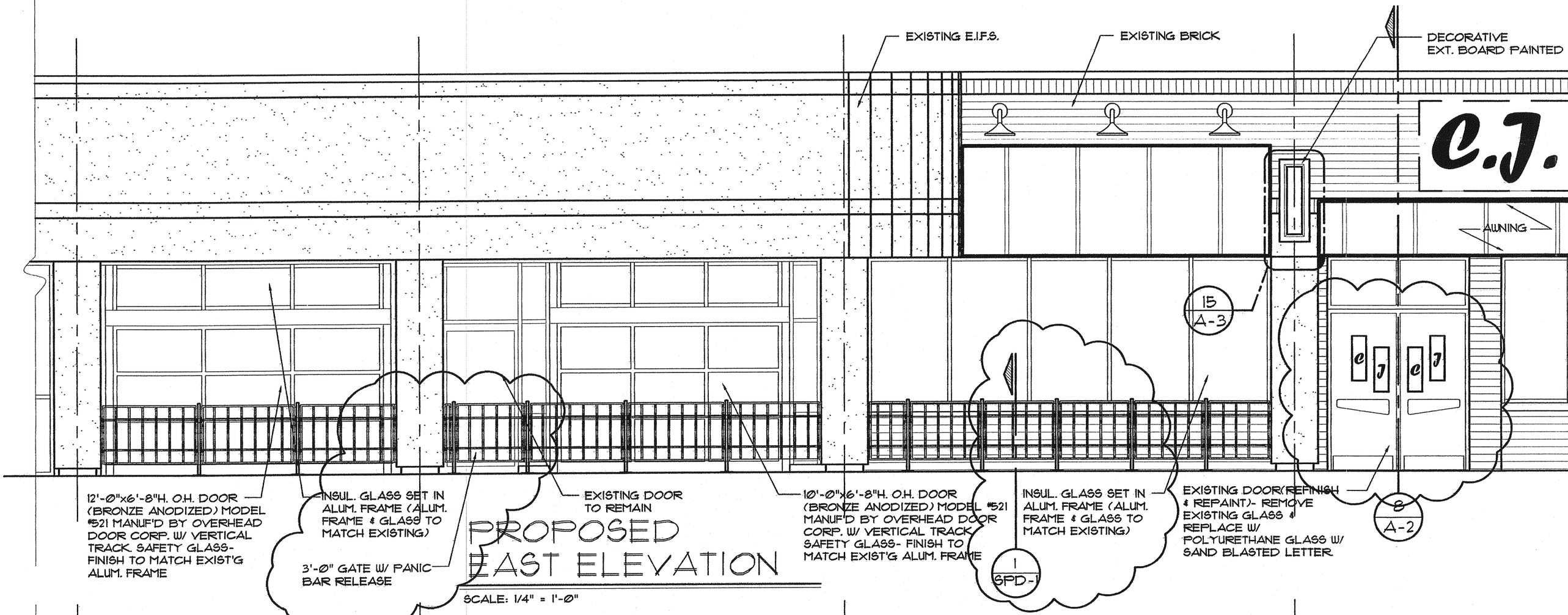
EXISTING COLUMN (TYP.)

INSUL. GLASS SET IN ALUM. FRAME (ALUM. FRAME & GLASS TO MATCH EXIST'G)

DECORATIVE ALUM. FENCE

3'-0" GATE W/ PANIC BAR RELEASE

115'-6"



PROPOSED EAST ELEVATION

SCALE: 1/4" = 1'-0"

RECEIVED
SEP 05 2008
BUILDING DEPT.

TO: CITY COUNCIL

Please register my **approval** [X] **objection** [ ] to the request described on the reverse side.

My reason for this **approval** [X] **objection** [ ] is:

We are anxiously awaiting completion of CJ Mahoneys! Having outdoor seating is a lovely option for us poor, confined worker bees. When its pleasant outside having an outdoor option is very nice.

Thanks for asking our opinions.

NAME: Bethany W. Mossheart - Straight Line

ADDRESS OR PROPERTY DESCRIPTION 165 Kirk, Ste 600

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SEP 0 4 2008
BUILDING DEPT.

TO: CITY COUNCIL

Please register my **approval [✓] objection [ ]** to the request described on the reverse side.

My reason for this **approval [✓] objection [ ]** is:

WE FEEL THIS BE A NICE ASSET FOR THIS AREA AND FACILITY TO ACCOMMODATE PATRONS WANTING TO BE OUTDOORS WHILE DINING

NAME: Edward W Smith

ADDRESS OR PROPERTY DESCRIPTION 165 KIRTS BOULEVARD, STE 500

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SEP 0 3 2008
BUILDING DEPT.

TO: CITY COUNCIL

Please register my **approval** [X] **objection** [ ] to the request described on the reverse side.

My reason for this **approval** [X] **objection** [ ] is:

NAME: Janice L. Brown

ADDRESS OR PROPERTY DESCRIPTION 2328 Livernois Suite 1050

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TO: CITY COUNCIL

Please register my **approval** [✓] **objection** [ ] to the request described on the reverse side.

My reason for this **approval** [✓] **objection** [ ] is:

NAME: James Murray

ADDRESS OR PROPERTY DESCRIPTION 2328 Sweetwater Ste. 1050
Lessee

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TO: CITY COUNCIL

Please register my **approval** [X] **objection** [ ] to the request described on the reverse side.

My reason for this **approval** [X] **objection** [ ] is:

As the Landlord for CJ Mahoney's at 2511 Livernois, we are proud to support the request for outdoor seating. CJ Mahoney has put together a first class establishment in the City of Troy. We are proud to have them as a Tenant, proud to showcase them in one of our retail locations and proud to add them as a new member of the Troy Greater Community.

NAME: CJ Mahoney's Sports Grille

ADDRESS OR PROPERTY DESCRIPTION Parcel ID #88-20-28-176-049
2511 Livernois, Troy, MI

FARBMAN GROUP

Andy Gutman, CFO