



# City of Blaine Anoka County, Minnesota

Blaine City Hall  
10801 Town Sq Dr NE  
Blaine MN 55449

## Legislation Details (With Text)

<b>File #:</b>	RES 14-096	<b>Version:</b>	2	<b>Name:</b>	14-25 Brick's Pub
<b>Type:</b>	Resolution	<b>Status:</b>	Passed		
<b>File created:</b>	6/5/2014	<b>In control:</b>	City Council		
<b>On agenda:</b>	6/5/2014	<b>Final action:</b>	6/5/2014		
<b>Title:</b>	GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR CONSTRUCTION OF A 5,764 SQUARE FOOT RESTAURANT, A ZERO LOT LINE, SHARED ACCESS AND OUTDOOR DINING IN A PBD (PLANNED BUSINESS DISTRICT) ZONING DISTRICT AT 10673 BALTIMORE STREET NE BRICK'S PUB (CASE FILE NO. 14-0025/SLK)				
<b>Sponsors:</b>	Bryan Schafer				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Brick's Pub - Attachments, 2. Brick's Pub - Public Comment				

Date	Ver.	Action By	Action	Result
6/5/2014	2	City Council	Adopted	Pass
5/13/2014	1	Planning Commission	Recommended for Approval	Pass

**DEVELOPMENT BUSINESS** - *Bryan K. Schafer, Planning and Community Development Director*

### **GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR CONSTRUCTION OF A 5,764 SQUARE FOOT RESTAURANT, A ZERO LOT LINE, SHARED ACCESS AND OUTDOOR DINING IN A PBD (PLANNED BUSINESS DISTRICT) ZONING DISTRICT AT 10673 BALTIMORE STREET NE BRICK'S PUB (CASE FILE NO. 14-0025/SLK)**

Planning Commission (Public Hearing) 05/13/14  
City Council (Conditional Use Permit) 06/05/14  
Action Deadline 06/22/14

#### **Planning Commission**

The Planning Commission voted unanimously to recommend approval of the Conditional Use Permit. There were concerns about the amount of parking provided on site.

All uses within the PBD (Planned Business District) require the approval of a conditional use permit. At this time, the applicant wishes to construct a restaurant (Brick's) on Lot 1, Block 1 of Baltimore 2<sup>nd</sup> Addition.

In addition to the general conditional use permit that is required, a conditional use permit is also needed for shared accesses and any parking that is shared between the sites. A copy of the

cross access agreement for the site has been provided to City staff.

The applicant is also proposing an outdoor dining area that will include 44 seats.

The parking provided on site appears to be adequate for the use proposed. Brick's would require at least 57 parking spaces for a restaurant use and 60 parking spaces have been provided on this lot. The outdoor dining area, though seasonal, was part of the parking calculation.

The submitted landscape plan is close to meeting the requirements of the Zoning Ordinance. However, the following landscaping must be provided on site to meet Highway Overlay District requirements:

- Overstory trees: 10 (2 ½ " caliper) and 4 (3" caliper) = 14
- Conifer trees: 4 (6' in height) and 2 (8' in height) = 6
- Ornamental trees: 4 (2" caliper) and 2 (2 ½" caliper) = 6

The PBD zoning district is exempt from the Highway Overlay District requirements, which means that the building standards in the Overlay district do not directly apply to the uses proposed. However, the City Council has directed staff to encourage applicants to meet the Overlay district standards as far as building construction is concerned, and to apply the standards through the conditional use permit process. This can be done by placing a condition on the permit that states the building must attempt to meet these standards.

The Brick's restaurant being proposed meets the Highway Overlay District requirements. The building is being constructed of EIFS, brick, wood fascia, and glass. The dumpster enclosure will need to be constructed of masonry materials. This is an ordinance requirement and it is listed as a condition below.

Any signage that is placed on this site requires a separate permit process and is addressed in the conditions. The signage proposed on the building wall (projecting wall sign) is not permitted by the Sign Ordinance however staff is exploring a possible code amendment.

The applicant is required to go through site plan approval for this site and any engineering concerns. All site access (both vehicle and pedestrian) will be from Baltimore Street and the sidewalk on Baltimore Street that serves the property.

By motion, approve the Resolution.

### **Attachments**

Zoning and Location Map  
Site Plan

Grading Plan  
Floor Plan  
Landscape Plan  
Elevations

**WHEREAS**, an application has been filed by Brick's Pub (Corey Burstad) as Conditional Use Permit Case File No. 14-0025; and

**WHEREAS**, a public hearing has been held by the Blaine Planning Commission on May 13, 2014; and

**WHEREAS**, the Blaine Planning Commission recommends said Conditional Use Permit be approved; and

**WHEREAS**, the Blaine City Council has reviewed said case on June 5, 2014.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Blaine that a Conditional Use Permit is hereby approved per Section 31.30 of the zoning ordinance to allow for construction of a 5,764 square foot restaurant, a zero lot line, shared access and outdoor dining in a PBD (Planned Business District) zoning district based on the following conditions:

1. The dumpster enclosure will need to be constructed of masonry materials.
2. No outside display or storage of products is allowed at any time on site. Site, buildings, and landscaping to be constructed consistent with submitted materials made part of this Conditional Use Permit application.
3. The buildings constructed to be consistent with the Highway 65 Overlay District.
4. Temporary signage regulated under Zoning Ordinance Section 34.13.
5. Permanent signage requires a separate permit approval process.
6. No overnight storage of delivery vehicles unless approval is received from the Zoning Administrator.
7. All lighting on site must meet requirements established by Section 33.02 of the Zoning Ordinance. Freestanding light structures limited in height to not more than 20 feet.
8. The developer is required to apply for a National Pollutant Discharge Elimination System (NPDES) Phase II permit from the MN Pollution Control Agency. A copy of the permit application and Storm Water Pollution Prevention Program must be sent to the City. Site approval will not be granted and no work can be performed on site until receipt of this information.
9. A Coon Creek Watershed District permit is required prior to the City issuing any permits for the site.
10. Typical water availability charges (WAC) and sewer availability charges (SAC) become due with the building permit.

11. The outdoor dining area will be subject to a SAC review and payment. The applicant must work with the City's Chief Building Official and Metropolitan Council to determine the amount required for this use.
12. Plans for amplified music or a public address system for the outdoor dining area to be reviewed by the City and approved prior to installation. Noise level of the music in the outdoor dining area to not exceed normal conversation level.
13. No outdoor advertising on building or patio area without obtaining a permit, including any signage on table umbrellas.
14. The outdoor dining area limited to the patio area identified on the attached site plan, and there can be no more than 44 seats in the outdoor dining area.
15. The outdoor dining area to meet all appropriate City regulations and license requirements for dispensing of alcohol in an outdoor setting.
16. The ability to operate outdoor dining is reliant upon the applicant's ability to adequately control litter and refuse as associated with the facility.
17. Exit doors in any railing or fence in the outdoor dining area shall be openable from the inside without the use of a key or any special knowledge or effort, per the Uniform Building Code.
18. Provide manufacturing specifications and requirements for propane heater use and clearance to combustibles if they are to be used on site.
19. Prior to issuance of site plan approval, the City will need a copy of the cross access agreement for the site.
20. The submitted landscape plan is close to meeting the requirements of the Zoning Ordinance. However, the following landscaping must be provided on site to meet Highway Overlay District requirements:

- Overstory trees: 10 (2 ½ " caliper) and 4 (3" caliper) = 14
- Conifer trees: 4 (6' in height) and 2 (8' in height) = 6
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**PASSED** by the City Council of the City of Blaine this 5<sup>th</sup> day of June 2014.