



# City of Blaine Anoka County, Minnesota

Blaine City Hall  
10801 Town Sq Dr NE  
Blaine MN 55449

## Legislation Details (With Text)

**File #:** RES 21-124    **Version:** 2    **Name:** CUP - Roadside Backyard Park (21-0034)  
**Type:** Resolution    **Status:** Passed  
**File created:** 6/7/2021    **In control:** City Council  
**On agenda:** 6/7/2021    **Final action:** 6/7/2021  
**Title:** Granting a Conditional Use Permit for the Establishment of a New Outdoor Dining Area (Backyard Park) in a B-2 (Community Commercial) Zoning District at 12530 Ulysses Street NE. The Roadside (Elevage Development Group) (Case File No. 21-0034/LSJ)  
**Sponsors:** Lori Johnson  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. Attachments, 2. Unapproved PC Minutes 051121

Date	Ver.	Action By	Action	Result
6/7/2021	2	City Council	Adopted	Pass
5/11/2021	1	Planning Commission	Recommended for Approval	Pass

**Development Business** - *Lori Johnson, City Planner*

### Title

**Granting a Conditional Use Permit for the Establishment of a New Outdoor Dining Area (Backyard Park) in a B-2 (Community Commercial) Zoning District at 12530 Ulysses Street NE. The Roadside (Elevage Development Group) (Case File No. 21-0034/LSJ)**

### Executive Summary

This application is a request to provide a new outdoor dining area north of the building on The Roadside restaurant site. This new outdoor dining area would provide seating for 30-50 people.

### Schedule of Actions

Planning Commission Public Hearing	05/11/21
City Council (Conditional Use Permit)	06/07/21
Action Deadline	06/14/21

### Background

*Staff report prepared by Lori Johnson, City Planner*

On the northwest corner of 125<sup>th</sup> Avenue and Ulysses Street is an existing restaurant known as The Roadside. The site is zoned B-2 (Community Commercial) and a restaurant is a permitted use in this district.

In 2013, the applicant applied for, and received, a conditional use permit for outdoor dining, indoor live entertainment and an outdoor bocce ball court. The applicant/ owner would now like to expand the outdoor dining area on site and add another outdoor dining/seating area to the north of the building. A conditional use permit amendment is required to allow this area to be constructed.

The new outdoor seating area will be located in the landscaped area to the north of the restaurant. The area will include seating for 30-50 people at bar height tables, benches and picnic tables. Fire pits and lawn game areas are also provided. The area will be delineated with cedar posts/panels and planters. There is no paving being proposed in this area as there will be rock pathways for walkways. Bike racks are also proposed for those who wish to bike to this restaurant. The seating area does not encroach into any sight distance lines on the corner of the property.

The building itself is 3,902 square feet in size. The original floor plan for the restaurant, along with the original 32-seat outdoor dining area, required 62 parking stalls and 60 stalls are provided on site. Recently, the applicant removed seating (40 seats) inside the restaurant to provide space for a new smoker and a new food concept for the restaurant. This would lessen the parking requirement for the restaurant which would mean that no additional parking would be required for the new outdoor dining area. In addition, it is envisioned that the new outdoor area would be designed for people either walking or biking to the restaurant. This does not reduce the need for required parking, however it is worth noting how this new area may, or may not impact parking. The new outdoor dining area will not remove any parking stalls. The site does share an interior access with the adjacent site if overflow parking is needed.

The applicant also has installed a walk up window on the north side of the building to offer take out for the restaurant and new outdoor dining area. This will make it easier for walk up, bike up or drive up customers to take food out which has been so important over the last year. Customers can dine in the newly created outdoor dining area or take the food home.

The applicant must confer with the City's Building Inspection Department on how to contact the Met Council to determine if more Sewer Access Charges (SAC) will be required for the outdoor dining area.

All signage on site must meet ordinance requirements and separate permits for signage are required.

Since the site was newly reconstructed in 2013, there are no additional site improvements that are required at this time.

All other aspects of the operation and outdoor spaces, and the conditions of the original conditional use permit, will remain unchanged.

### **Strategic Plan Relationship**

Not applicable.

### **Board/Commission Review**

The Planning Commission voted unanimously to approve the conditional use permit. The applicant spoke on his behalf and three other residents spoke regarding the proposal. One resident was concerned about noise, traffic, on street parking and bus stop issues. The second resident echoed the same concerns as the first resident. The third resident asked if overflow parking directional signage could be provided on site.

The Planning Commission recommended the addition of a condition of approval that states the applicant is required to provide overflow parking directional signage on site. This condition has been added to the resolution for review by the City Council.

### Financial Impact

Not applicable.

### Public Outreach/Input

Notice of a public hearing were:

1. Mailed to property owners within 350 feet of the property boundaries.
2. Published in Blaine/Spring Lake Park/Columbia Heights/Fridley Life.
3. Posted on the City's website.
4. Posted (sign) on the property with contact information for the Planning Department.

Public comments, including a petition, were sent to staff prior to the public hearing. These comments have been included in the attachments for this report.

### Staff Recommendation

By motion, adopt the resolution.

### Attachment List

Zoning and Location Map

Site Plan

Site Views

Narrative

Original Resolution 13-105

Public Comments

Unapproved Planning Commission Minutes 5/11/21

**WHEREAS**, an application has been filed by Roadside Properties LLC as Conditional Use Permit Case File No. 21-0034; and

**WHEREAS**, said case involves the land described as follows:

THAT PRT OF SE1/4 OF SW1/4 OF SEC 5 TWP 31 RGE 23DESC AS FOL: BEG AT A PT ON S LINE OF SD SEC 753.16 FTW OF SE COR OF SD SW1/4, TH CONT W ALG SD S LINE 209FT, TH N PRLL/W E LINE OF SD SEC 418 FT, T H E PRLL/WSD S LINE 209 FT, TH S PRLL/W SD E LINE TO POB, EX RDSUBJ TO EASE OF REC

**WHEREAS**, a public hearing has been held by the Blaine Planning Commission on May 11, 2021; 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 7, 2021.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Blaine that a Conditional Use Permit is hereby approved per Section 30.14(o) of the Zoning Ordinance to allow for the establishment of a new outdoor dining area (backyard park) in a B-2 (Community Commercial) zoning district based on the following conditions:

1. The outdoor dining area is limited to the landscaped area identified on the site plan presented

for this application and there can be no more than 50 seats in the outdoor dining area.

2. The outdoor dining area shall be open no later than 10PM Sunday through Thursday and 11PM Friday and Saturday.
3. All other conditions of Resolution 13-105 to remain in place and unchanged.
4. The applicant is required to provide overflow parking directional signs on site.

**PASSED** by the City Council of the City of Blaine this 7<sup>th</sup> day of June, 2021.