



# City of Blaine Anoka County, Minnesota

Blaine City Hall  
10801 Town Sq Dr NE  
Blaine MN 55449

## Legislation Text

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File #: RES 12-077, Version: 2

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**ITEM: 11.4 DEVELOPMENT BUSINESS** - *Bryan K. Schafer, Planning and Community Development Director*

**GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR OUTDOOR DINING,  
AN INDOOR AMUSEMENT CENTER AND LIVE ENTERTAINMENT AT 9967  
ULYSSES STREET NE. VICTORY PIZZERIA AND PUB. (CASE FILE NO. 12-  
0011/LSJ)**

Planning Commission (Public Hearing) 05/08/12  
City Council (Conditional Use Permit) 06/07/12  
Action Deadline (Extended by City) 07/16/12

The former Space Aliens building on the northwest corner Highway 65 and 99<sup>th</sup> Avenue has been vacant for some time and the owner of the site has decided to open a new restaurant in the existing building. It will be a pizza buffet restaurant with a bar and a bar menu. The applicant is proposing to have outdoor dining, arcade and video games and live entertainment, all of which require a conditional use permit.

The applicant has presented a floor plan that indicates where the arcade, adult games and jukebox/dj would be located. The arcade games are considered amusement and recreational uses under the B-2 zoning ordinance and they are allowed with the conditional use permit. The applicant is proposing to have 30 or more arcade games for kids as well as adult games and darts. The addition of these games has little impact on the surrounding community in terms of a nuisance. The applicant will need to obtain an Amusement Device License through the City Clerk's office in order to have the games on site. When Space Aliens was occupying the building, that restaurant actually obtained a conditional use permit for amusement and recreation that consisted of approximately the same number of games.

It has also been indicated that there may be a DJ from time to time and/or a local band that could play at the restaurant. A juke box will be provided and Karaoke may also be offered. One of the main reasons why live entertainment, such as a DJ service and/or bands, requires a conditional use permit is to allow staff to reevaluate parking needs on site. There are 163 parking spaces provided on site. The number of parking spaces on site actually exceeds the number of stalls for the restaurant as this is a fairly new site that is up to code in terms of required parking stalls. In addition, there is a zero lot line conditional use permit on file that

allows shared parking between this and adjacent lots. A condition has been added, however, that places a condition on the conditional use permit that would allow the City Council to reconsider the conditional use permit for live entertainment on site if this business demonstrates that there is not enough parking on site for the live entertainment portion of the business or if the live entertainment is in some way creating a measurable negative impact on adjacent properties..

The outdoor dining area will be located on the northeast corner of the building. It would be located on a 24-foot by 40-foot poured concrete slab and it would be enclosed with metal railings and gates. Prior to a certificate of occupancy, the Planning Department would like the opportunity to review the details of the fencing around this area. The fencing and gates should be decorative in nature and match the architecture of the building. There will be seating for 50 people. Again, the parking on site exceeds what is required for this restaurant so no additional parking is necessary for the outdoor dining area.

The applicant should be aware that additional SAC charges may be due for the outdoor dining area.

You will notice that a bocce ball field is located on the attached site plan. The applicant also mentions this in his narrative and indicates he would like to have outdoor community events from time to time. It should be made clear that in order to have those two events/activities in this location, a conditional use permit amendment will be required. The conditional use permit being requested at this time does not cover those two activities because the applicant is still unsure about adding the bocce ball, and is unsure about when and where the community events will be held.

By motion, approve the Resolution.

### **Attachments**

Zoning and Location Map

Site Plan

Floor Plan

Narrative

**WHEREAS**, an application has been filed by Victory Pizzeria and Pub as conditional use permit Case File No. 12-0011; and

**WHEREAS**, a public hearing has been held by the Blaine Planning Commission on May 8, 2012; 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, 2012.

**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 (m) of the zoning ordinance to allow for outdoor dining, an indoor amusement center and live entertainment at 9967 Ulysses Street NE based on the following conditions:

1. The applicant to obtain an Amusement Device License through the City Clerk's office.
2. All signage is issued under a separate permit, including temporary and permanent signage.
3. The conditional use permit for live entertainment is limited to an occasional DJ or live band, jukebox and Karaoke. No dance floors can be provided for these uses as it is not indicated on the floor plan at this time.
4. The City Council reserves the right to reconsider the conditional use permit for live entertainment and outdoor dining if it is ever determined that there is not enough parking on this site to handle the parking needs of the overall use of the site or if the live entertainment is in some way creating a measurable negative impact on adjacent properties.
5. Plans for amplified music or a public address system for the outdoor dining area to be reviewed by the City prior to installation and to be designed with noise levels not above normal table conversation.
6. No live entertainment can be conducted outside of the building.
7. Staff to review the details of the metal fencing and gates prior to issuance of a conditional use permit. The fencing and gates must be decorative in nature and match the architecture of the building.
8. No outdoor advertising on building or patio area without obtaining a permit, including any signage on table umbrellas.
9. The outdoor dining area limited to the patio area identified on the attached site plan, and there can be no more than 50 seats in the outdoor dining area.
10. The outdoor dining area to meet all appropriate City regulations and license requirements for dispensing of alcohol in an outdoor setting.

11. The ability to operate outdoor dining is reliant upon the applicant's ability to adequately control litter and refuse as associated with the facility.
12. Exit doors in any railing or fence in the outdoor dining area shall be operable from the inside without the use of a key or any special knowledge or effort, per the Uniform Building Code.
13. Applicant must provide manufacturing specifications and requirements for propane heater use and clearance to combustibles if propane heaters are to be used in the outdoor dining area.
14. The outdoor dining area may be subject to additional SAC (Sewer Access Charges) for the site.
15. The outdoor bocce ball area and community outdoor events are not allowed or authorized under this conditional use permit.
16. If the applicant wishes to change the details of the amusement and recreation/live entertainment/outdoor dining conditional use permit, a conditional use permit amendment will be required. This would include the addition of the bocce ball area or community outdoor events.

**PASSED** by the City Council of the City of Blaine this 7<sup>th</sup> day of June 2012.