



# 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 12-142, Version: 2

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**ITEM: 11.2 DEVELOPMENT BUSINESS** - *Bryan K. Schafer, Planning and Community Development Director*

**GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR OUTDOOR DINING WITH SEATING FOR 44 PEOPLE AT 1540 109<sup>th</sup> AVENUE NE. BUFFALO WILD WINGS. (CASE FILE NO. 12/0032/LSJ)**

Planning Commission (Public Hearing)	10/09/12
City Council (Conditional Use Permit)	11/01/12
Action Deadline	11/05/12

The Planning Commission voted unanimously to approve the conditional use permit. A representative of the applicant was present to comment on the proposed conditions of the resolution. He indicated the applicant will rearrange the outdoor patio area and make sure the canopy meets the appropriate setback. Buffalo Wild Wings would like to maintain 44 seats in the outdoor patio area.

Buffalo Wild Wings will be occupying a tenant space in a proposed multi-tenant building in Victory Village. Building E in Victory Village received a conditional use permit 2011. The building has not yet been constructed but the property owners received a one-year extension on their conditional use permit approval for the building. The approval for the building extends to 2013. Now that this tenant has been secured, it is anticipated that the building will be under construction relatively soon.

Buffalo Wild Wings will be occupying the north end of the proposed multi-tenant building. The restaurant would like to offer outdoor dining on the premises and has made an application for a conditional use permit according to ordinance requirements.

The proposed outdoor dining area has space for 44 seats. The outdoor dining area will be covered with a canopy and surrounded by wrought iron decorative railing as shown on the attached building elevations.

Because there are no other proposed tenants in this building to date, the parking on site is adequate for this outdoor dining area/proposed restaurant. Staff will continue to monitor parking spaces as other tenants are proposed to ensure that all parking requirements are

maintained on site.

The area under the canopy must have an automatic fire suppression system installed according to fire code requirements.

The outdoor dining area will be subject to SAC (Sewer Access Charges). The applicant must work with the City's Chief Building Official and Met Council to determine the amount required for this use.

According to the Zoning Ordinance, the canopy must be considered as an encroachment into the building setback on the north side of the site because it provides a roof over the outdoor dining area. Therefore, the canopy can only encroach 25% into the 50-foot building setback. The canopy must be at least 37 feet from the property line when this rule is applied. It appears that the canopy is only 33-34 feet from the property line so the plan must be altered to meet the 37-foot requirement. Just as a side note, the City has not yet run into this predicament because no other outdoor dining areas have such a structure.

All other requirements listed in the attached conditions are the standard conditions that the City applies to other outdoor dining conditional use permits.

By motion, approve the Resolution.

Zoning and Location Map  
Store Elevations  
Site Plan (2)  
Patio Plan

### **PER SECTION 31.30 OF THE ZONING ORDINANCE**

**WHEREAS**, an application has been filed by Buffalo Wild Wings as Conditional Use Permit Case File No. 12-0032; and

**WHEREAS**, a public hearing has been held by the Blaine Planning Commission on October 9, 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 November 1, 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 31.30 of the zoning ordinance to allow for outdoor dining with seating for 44 people based on the following conditions:

1. The area underneath the canopy must have an automatic fire suppression system based on fire code requirements.
2. 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 Met Council to determine the amount required for this use.
3. The canopy over the outdoor dining area must be at least 37-feet from the north property line. The applicant must provide evidence of this prior to issuance of building permits for the building.
4. Plans for amplified music or a public address system for the outdoor dining area to be reviewed by the City and approved by the Victory Village management company prior to installation. Noise level of the music in the outdoor dining area to not exceed normal conversation level.
5. No outdoor advertising on building or patio area without obtaining a permit, including any signage on table umbrellas.
6. The outdoor dining area limited to the general patio area identified on the attached site plan, and there can be no more than 44 seats in the outdoor dining area.
7. The outdoor dining area to meet all appropriate City regulations and license requirements for dispensing of alcohol in an outdoor setting.
8. The ability to operate outdoor dining is reliant upon the applicant's ability to adequately control litter and refuse as associated with the facility.
9. 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.
10. Provide manufacturing specifications and requirements for propane heater use and clearance to combustibles if they are to be used on site.

**PASSED** by the City Council of the City of Blaine this 1<sup>st</sup> day of November 2012.