



# 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 13-105, Version: 3

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**ITEM: 11.8 DEVELOPMENT BUSINESS** - *Bryan K. Schafer, Planning and Community Development Director*

**GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR INDOOR LIVE MUSIC, OUTDOOR DINING AND AN OUTDOOR BOCCE BALL COURT AT 12530 ULYSSES STREET NE. BLUCY'S ROADSIDE (COREY BURSTAD). (CASE File No. 13-0018/LSJ)**

Planning Commission (Public Hearing)	05/14/13
City Council (CUP-Tabled by Council)	06/06/13
City Council (CUP-Continued)	06/20/13
Action Deadline (Extended by City)	08/08/13

Several residents spoke in opposition to this request at the public hearing. Their main concerns were traffic, intoxicated drivers, speed and noise.

*The City Council postponed action on this item at the June 6<sup>th</sup> City Council meeting over concerns with noise, parking availability and traffic impacts associated with the outdoor dining.*

On the northwest corner of 125<sup>th</sup> Avenue and Ulysses Street there is a vacant commercial building that was previously a gas station and a small grocery store. The site has been vacant for some time and was recently purchased by the applicant. The applicant, Corey Burstad, would like to reuse the building as a restaurant to be called Blucy's Roadside, which will have a neighborhood pub type of atmosphere. The site is zoned B-2 (Community Commercial) and a restaurant is a permitted use in this district.

To compliment the restaurant, the applicant would also like to offer outdoor dining, indoor live entertainment and an outdoor bocce ball court. These particular aspects of the restaurant require a conditional use permit in the B-2 (Community Commercial) zoning district.

The building itself is 3,902 square feet in size and has seating for 70 in the main restaurant area and another 25 in the bar. The use as a restaurant, along with the 32-seat outdoor dining area, requires 62 parking stalls and 60 stalls are provided on site. Staff feels 60 stalls will be sufficient given that there may be ways to provide additional stalls on site if necessary. The

formula used to establish the 60 stall requirement also calculated the separate party room at higher than typical restaurant levels based on the ability to arrange that room without fixed seating.

The outside of the building will change dramatically in appearance. Metal ribbed panels, reclaimed wood siding and decorative trusses will be added to the exterior of the building. A new asphalt roof will also be installed. The changes proposed to the building meet the Highway 65 Overlay District requirements, which is required for this site.

A metal cooler will be installed adjacent to the north side of the building. This cooler must be painted to match the color of the exterior of the building.

The following landscaping must be provided on site, according to the Highway 65 Overlay District requirements:

- Overstory Trees           17
- Conifer Trees             8
- Ornamental Trees         8

The number of trees shown as existing or new on this plan is adequate. There are a number of dead or dying trees on the west side of the site, and the applicant will be required to clear those trees.

The applicant has also provided a decorative six-foot wood fence around the bocce ball area on the west and north sides of the site. Staff suggests limiting the hours of the bocce ball court so all activity on the courts ends at 10:00 p.m., Sunday through Thursday, and 11:00 p.m. on Friday and Saturday.

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 will be required for the outdoor dining area.

The applicant also intends to have live music at Blucy's Roadside. The music would be acoustic and would only be provided on the weekends. All live acoustic music would be inside the building only, and no live music is allowed outside at any time.

Site plan review is required for this site as new parking and building changes are being made. This will allow staff to review all other aspects of the building and site changes with respect to lighting, fire suppression ,etc.

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

Applicant should acknowledge that potential future improvements to Ulysses Street may include construction of a median that would limit turning movements to the Ulysses Street access and may include cost participation from adjacent parcels.

Applicant will need to have Coon Creek Watershed review plan to determine if a permit is required for proposed work.

The Planning Commission also recommended that a directional sign be placed at the site exit to Buchanan Street that directs traffic towards Ulysses Street rather than through the neighborhood.

By motion, approve the Resolution.

#### **Attachments**

Zoning and Location Map

Site Plan

Grading Plan

Floor Plan

Elevations

Landscape Plan

Public Comments

Approved Planning Commission Minutes 05/14/13

### **SECTION 30.14(m) OF THE ZONING ORDINANCE**

**WHEREAS**, an application has been filed by Corey Burstad as conditional use permit Case File No. 13-0018; and

**WHEREAS**, a public hearing has been held by the Blaine Planning Commission on May 14, 2013; and

**WHEREAS**, the Blaine Planning Commission recommends said conditional use permit be approved; and

**WHEREAS**, the Blaine City Council tabled said conditional use permit on June 6, 2013 and has further reviewed said case on June 20, 2013.

**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 indoor live music, outdoor dining and an outdoor bocce ball court at 12530 Ulysses Street NE based on the following conditions:

1. Plans for amplified background music for the outdoor dining area to be reviewed and approved by the City prior to installation. Volume levels for the music to be limited to not more than “normal conversation” levels and shall not be discernable or cause a nuisance to other land uses.
2. No outdoor advertising on building or patio area without obtaining a permit, including any signage on table umbrellas.
3. The outdoor dining area limited to the patio area identified on the attached site plan, and there can be no more than 32 seats in the outdoor dining area.
4. The outdoor dining area to meet all appropriate City regulations and license requirements for dispensing of alcohol in an outdoor setting.
5. The ability to operate outdoor dining is reliant upon the applicant’s ability to adequately control litter and refuse as associated with the facility.
6. Provide manufacturing specifications and requirements for propane heater use/gas fire pits and clearance to combustibles.
7. 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.
8. No public address system allowed in the outdoor dining area.
9. Live acoustic music can be provided indoors and on weekends only. No live music is allowed outdoors on site.
10. All signage is issued under a separate permit.
11. Site plan review and subsequent building permits are required for this site as new parking and building changes are being made.
12. The applicant to coordinate with the City’s Building Inspection Department on obtaining a Met Council SAC determination for the restaurant/bar conversion and outdoor seating area. Payment of SAC to be applicant’s responsibility.
13. The applicant must also provide a decorative six-foot wood fence around the bocce ball area on the west and north sides of the site as shown on the attached plans. All activity on the bocce ball court must end by 10:00 p.m., Sunday through Thursday, and 11:00 p.m. on Friday and Saturday.
14. The following landscaping must be provided on site, according to the Highway 65 Overlay District requirements:

- Overstory Trees 17
- Confier Trees 8
- Ornamental Trees 8

The number of trees shown as existing or new on this plan is adequate and the landscaping must be installed as shown on the plan attached with this application. There are a number of dead or dying trees on the west side of the site, and the applicant will be required to clear and possibly replace those trees.

15. The metal cooler on the north side of the building must be painted, or otherwise treated, to match the color of the exterior of the building.
16. Coon Creek Watershed review to determine if watershed permit is required.
17. Applicant should acknowledge that potential future improvements to Ulysses Street may include construction of a median that would limit turning movements to the Ulysses Street access and may include cost participation from adjacent parcels.
18. The applicant must install a sign at the exit of the site on Buchanan Street that directs traffic towards Ulysses Street.

**PASSED** by the City Council of the City of Blaine this 20<sup>th</sup> day of June 2013.