



PLANNING REPORT

TO: Phil Kern
FROM: John Glomski / Alan Brixius
DATE: February 4, 2009
RE: Delano – Delano American Legion, Outdoor Dining CUP
FILE NO: 432.07 – 09.02

BACKGROUND

The Delano American Legion is seeking approval of a conditional use permit to allow outdoor dining, accessory to a restaurant. The project includes the construction of a patio along the east side of the building and an enclosed parking area for motorcycles. The site is located at 200 Babcock Boulevard and is zoned B-4, Central Business District.

Attached for Reference:

- Exhibit A: Site Location
- Exhibit B: Aerial
- Exhibit C: Site Plan
- Exhibit D: Patio - Side Elevation
- Exhibit E: Patio - Front Elevation

ISSUES AND ANALYSIS

Zoning. The subject site is zoned B-4, Central Business District. The purpose of the B-4 District is to allow for commercial activities that service those of the community as well as the surrounding region. The American Legion is a nonprofit, dining and on-site liquor sales business, allowed as a permitted use within the District. The request is for outdoor dining, which is permitted in the B-4 District as an accessory use to a restaurant provided the conditions identified in the ordinance are met.

Conditional Use Permit. The B-4 District allows outdoor dining facilities accessory to a restaurant use provided the following conditions are met:

1. The applicant shall submit a site plan and other pertinent information demonstrating the location and type of all tables, refuse receptacles, and wait stations.

Comment: The applicant has submitted a site plan, however, it does not identify the location and type of dining tables to be used on the patio. The concern is that there is adequate space for circulation and fire safety.

A ten foot wide patio, as is being proposed, should provide adequate spacing for a standard four person table with a three foot minimum walk aisle on one side.

As a condition of approval, the applicant shall revise the site plan to include the layout of tables and dimension for walk aisles.

2. Access to the dining area shall be provided only via the principal building if the dining area is a full service restaurant, including table waiting service.

Comment: The main access to the patio area is via the principal building. The patio will, however, have access via a handicap ramp. The purpose of the Ordinance is to prevent alcoholic beverages from leaving the outdoor dining area. As a condition of approval, staff would recommend the applicant include a gate and signage at the landing area of the handicap ramp to secure and control ingress egress from the outdoor dining area.

The plans show the handicap ramp at an incline to the floor of the deck area, four feet from the entrance to the main building. Handicap standards require a 3 foot clearance for the door area and, at a minimum, a 4 foot landing area at the top of the ramp. As a condition of approval, the handicap ramp area shall be redesigned in a manner that provides a landing area, consistent with handicap accessibility standards.

3. The size of the dining area is restricted to thirty (30) percent of the total customer floor area within the principal structure.

Comment: The principal building is just over 6,000 square feet in area. The proposed 420 square foot dining area is consistent with the ordinance.

4. The dining area is screened from view from adjacent residential uses in accordance with Section 51.03, Subd. D. 10 of this Ordinance.

Comment: There are no adjacent residential uses.

5. All lighting shall be hooded and directed away from adjacent residential uses in a result of the outdoor dining area by providing the following:

Comment: There are no adjacent residential uses. The applicant has not submitted a photometric plan or description of the lighting. As a condition of approval, all outdoor lighting must be at a 90 degree angle and hooded so as not to reflect upon neighboring property.

6. The applicant demonstrates that pedestrian circulation is not disrupted as a result of the outdoor dining area by providing the following:

- A. Outdoor dining shall be segregated from through pedestrian circulation by means of temporary fencing, bollards, ropes, plantings, or other methods, and shall be subject to review and approval by the City Council.

Comment: The dining area sits up on a concrete patio and is separated from the parking area via a railing. A concrete barrier and rail fence surround the motorcycle area (Hog Pen).

- B. Minimum clear passage zone for pedestrians at the perimeter of the restaurant shall be at least five (5) feet without interference from parked motor vehicles, bollards, trees, tree gates, curbs, stairways, trash receptacles, street lights, parking meters, or the like.

Comment: Not applicable.

- C. Overstory canopy of trees, umbrellas or other structures extending into the pedestrian clear passage zone or pedestrian aisle shall have a minimum clearance of seven (7) feet above sidewalk.

Comment: Not Applicable.

7. The dining area is surfaced with concrete, bituminous or decorative pavers or may consist of a deck with wood or other flooring material that provides a clean, attractive, and functional surface.

Comment: The request is consistent with the ordinance.

8. A minimum width of thirty-six (36) inches shall be provided within aisles of the outdoor dining area.

Comment: A revised site plan, identifying table location and aisle width, shall be required as a condition of approval.

9. Storage of furniture shall not be permitted outdoors between November 1 and March 31.

Comment: This shall be condition of approval.

10. Additional off-street parking shall be required pursuant to the requirements set forth in Section 51.03, Subd. E of this Ordinance based on the additional seating area provided by the outdoor dining area.

Comment: Commercial uses located within the B-4 District are exempt from off-street parking standards. The subject site has approximately 80 off-street parking stalls, even with the motorcycle parking area, which is sufficient for the site.

11. Refuse containers are to be provided for self-service outdoor dining areas.

Comment: The patio area will be full service.

RECOMMENDATION

The Delano American Legion has requested a conditional use permit for outdoor dining, allowed in the B-4 District provided the conditions of the ordinance are adhered to. The request is consistent with the Comprehensive Plan, the use will not be detrimental to surrounding land uses, the request is consistent with the performance standards of the ordinance, and the proposed use will not overburden the system and can be accommodated by existing public services. As such, our office recommends approval of the requested CUP to allow outdoor dining at the American Legion, subject to the following conditions:

1. The applicant shall submit a revised site plan, identifying location and type of dining tables to be utilized. The site plan shall denote a minimum pedestrian aisle width of three feet.
2. The handicap ramp shall be redesigned in a manner that provides a landing area consistent with handicap accessibility standards.
3. The plans shall be revised to include a gate and signage at the landing area of the handicap ramp to secure and control ingress egress from the outdoor dining area. No alcoholic beverages may leave the outdoor dining area.
4. All exterior lighting shall be hooded and at a 90 degree angle. There shall be no exposed illumination.
5. The applicant shall obtain a building permit prior to approval.

cc: Marlene Kittock
Mark Johnson
Vince Vander Top

Dale Elijah
Delano American Legion
200 Babcock Blvd PO Box E
Delano, MN 55328