



2014 Application for Special Land Use Action

Staff contact: John Sutter
tel: 763-531-1142 fax: 763-531-1188
john.sutter@crystalmn.gov
4141 Douglas Dr N Crystal MN 55422
www.crystalmn.gov

PROPERTY: Address: 7200 56th Ave N Henn. Co. P.I.D. 05-118-21-31-0100

PROJECT TITLE: Open Hours, Request Change.

APPLICANT: M.D Liquors, LLC Tel: 763-205-1452
Email address: Mark@mdlquors.com Fax: _____
U.S. Mail address: 7200 56th Ave N Crystal, MN 55428

PROPERTY OWNER: Apollo Systems, Inc Tel: 612-636-7067
Email address: gettingerm@gmail.com Fax: _____
U.S. Mail address: 3957 Wisconsin Ave N New Hope MN 55427

| TYPE OF APPLICATION: (check all that apply) | APPLICATION FEE (nonrefundable) | ATTACHMENTS TYPICALLY REQUIRED (explanation on back) |
|---|------------------------------------|---|
| <input type="checkbox"/> Administrative Appeal | \$200 | 1 - - - - 6 - 8 |
| <input type="checkbox"/> Comprehensive Plan Amendment | \$500 | - - - - - 6 - 8 |
| <input checked="" type="checkbox"/> Conditional Use Permit <u>515.45 Subd. 4d</u> | <u>\$500</u> | 1 - - - - 6 - 8 |
| <input type="checkbox"/> Lot Division / Realignment of Lot Lines | \$500 | - - 3 - - 6 - 8 |
| <input type="checkbox"/> Plat | \$500 + \$50 per lot over 2 | - 2 - - 5 6 - 8 |
| <input type="checkbox"/> Rezoning or Zoning Text Amendment | \$500 | - - - - - 6 - 8 |
| <input type="checkbox"/> Site Plan Review | \$500 | - 2 - 4 - 6 7 8 |
| <input type="checkbox"/> Vacation of a public street or easement | \$500 | - 2 - - - 6 - 8 |
| <input checked="" type="checkbox"/> Variance | \$500 | 1 - - - - 6 - 8 |
| <input type="checkbox"/> Planned Development | \$1,000 | - 2 - - 5 6 7 8 |
| <input type="checkbox"/> Telecommunication Tower | \$5,000 | - 2 - 4 - 6 7 8 |
| <input type="checkbox"/> Storm Water Management Plan | (no fee) | - 2 - 4 - 6 7 8 |

TOTAL FEE: \$ _____ ATTACHMENTS: _____

SIGNATURES: The applicant and property owner certify that:

- I am making application for the described action by the City and am responsible for complying with all requirements with regard to this request. This application should be processed in my name. The City should contact me regarding any matter pertaining to this application.
- I have read and do understand the instructions supplied by the City of Crystal for processing this application, and I will keep myself informed of the deadlines for submission of material and of the progress of this application.
- The documents and information I have submitted are true and correct to the best of my knowledge.

APPLICANT

04-23-14
(date)

PROPERTY OWNER

04-23-14
(date)

| | | | | |
|---|------------------------------|-------------------------------|-------------------------|------------------------------|
| FOR OFFICE USE ONLY: | Application # <u>2014-02</u> | Accounting # <u>0100.4418</u> | Receipt # <u>115136</u> | Date Received <u>4/23/14</u> |
| Acknowledgement ^{email} sent <u>04/24/2014</u> If application incomplete, was 60-day rule language included? _____ | | | | |
| Plan Comm hearing <u>6/09/2014</u> City Council action <u>6/17/2014</u> Approved? Yes ___ No ___ Other ___ | | | | |
| NOTES: _____ | | | | |

CITY OF CRYSTAL

NOTICE OF PUBLIC HEARING

**LAND USE APPLICATION 2014-2
CONDITIONAL USE PERMIT FOR EXTENDED HOURS
MD LIQUORS
7200 56TH AVENUE NORTH**

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Crystal will meet on **Monday, June 9, 2014 at 7:00 p.m.** or as soon thereafter as the matter may be heard, at **Crystal City Hall, 4141 Douglas Drive North**, in said City, to consider the following land use application:

LAND USE APPLICATION 2014-2:

- Applicant and Property Owner: Apollo Systems, Inc. d/b/a MD Liquors
- Property Address: 7200 56th Avenue North (P.I.D 05-118-21-31-0100)
- Description: The property is zoned C-1 Neighborhood Commercial. In the C-1 district, retail stores including off-sale liquor stores must close by 9:00 p.m. The applicant seeks a Conditional Use Permit for MD Liquors to stay open until 10:00 p.m.

On or about May 29, 2014 a copy of this application will be available for review on the Planning & Zoning page of the city website, www.crystalmn.gov, and also at Crystal City Hall during normal business hours. The city staff report will be similarly available on or about June 2, 2014. If you have questions please contact City Planner John Sutter at john.sutter@crystalmn.gov or 763.531.1142.

Persons desiring to be heard on this matter are invited and encouraged to attend the public hearing. Persons unable to attend may submit written comments prior to the date of the hearing to: Community Development Department, City of Crystal, 4141 Douglas Dr N, Crystal MN 55422. Auxiliary aids are available for public meetings upon request at least 96 hours in advance. Please call the City Clerk at 763-531-1145 to make arrangements. Deaf and hard of hearing callers should contact the MN Relay Service at 711 or 1.800.627.3529 V/TTY.

TIM BUCK, SECRETARY, PLANNING COMMISSION

MEMORANDUM

DATE: June 2, 2014

TO: Planning Commission (June 9, 2014 meeting)

FROM: John Sutter, City Planner/Assistant Community Development Director 

SUBJECT: Public Hearing: Application 2014-2 for a conditional use permit for MD Liquors (7200 56th Avenue North) to stay open until 10:00 instead of 9:00 p.m.

A. BACKGROUND

The subject property is a 3,444 sq. ft. liquor store in the C-1 Neighborhood Commercial district. In the C-1 district, commercial uses must close by 9:00 p.m. unless the City Council grants a conditional use permit for extended hours of operation. MD Liquors has applied for a CUP to extend closing time to 10:00 p.m.

Notice of the Planning Commission's June 9, 2014 public hearing was mailed to property owners within 350 feet and published in the Sun Post on May 29, 2014. A copy of the notice was sent to the City of New Hope for them to similarly notify their property owners within 350 feet. Staff has received no comments to date.

The following Exhibits are attached:

- A. Aerial photo (2012)
- B. Letter from MD Liquors

B. STAFF COMMENTS

A conditional use permit may be granted for the proposed use provided that the following requirements are met (515.45 Subd. 4 d):

- 1) The applicant has submitted a detailed description of the proposed use containing sufficient information for the Planning Commission and City Council to make findings pertaining to the application.

Suggested Finding: The expanded hours are self-explanatory.

- 2) The proposed use would be reasonable and appropriate in a neighborhood context and consistent with the purpose of the C-1 district.

Suggested Finding: The property is located in a transitional area with a mixture of uses including large-scale retail (Crystal Shopping Center), small-scale retail and offices, a large institutional use (St. Raphael's) and residential uses of varying type and density. In this context, a 10:00 p.m. closing time would be reasonable given all of the other activity in the area.

- 3) The proposed use would not significantly impact the surrounding residential area.

Suggested Finding: The residential uses immediately north and west are screened by an 8 foot tall fence. To the south, across 56th Avenue, are commercial uses, and 56th Avenue is a Hennepin County minor arterial with volumes of approximately 17,000 AADT. To the east, across Maryland Avenue is another commercial use. Residential impacts from a 10:00 p.m. closing time would be insignificant.

- 4) Rezoning the subject property to C-2 General Commercial would not be desirable.

Suggested Finding: The subject property is the only commercial use on a block that is otherwise comprised of single family homes. Rezoning to C-2 would greatly expand the potential uses of the property and eliminate nearly all hours of operation limitations and other neighborhood protections provided by C-1 zoning.

- 5) Conditions may be imposed to ensure that the proposed use will meet these criteria and be consistent with the purpose of the C-1 district. Such conditions may include but are not limited to an expiration date, non-transferability, periodic renewal requirements, and provisions for revocation if the use is not in strict conformance with the use described in the written request and in full compliance with the imposed conditions.

Suggested Finding: No such conditions need to be imposed for the expanded hours.

- 6) The City Council determines that all applicable requirements of Subsection 515.05, Subdivision 3 a) and Section 520 are considered and satisfactorily met.

- a) 515.05 Subd. 3 a): In addition to specific standards or criteria included in the applicable district regulations, the following criteria shall be applied in determining whether to approve a conditional use permit request:
- 1) The consistency of the proposed use with the comprehensive plan.
 - 2) The characteristics of the subject property as they relate to the proposed use.
 - 3) The impact of the proposed use on the surrounding area.

Suggested Finding: The proposed use is consistent with the Neighborhood Commercial guidance in the Comprehensive Plan,

would be a good fit for the property given its configuration and other existing uses, and would not create significant negative impacts on the surrounding area.

b) Section 520 (Site Plan Review)

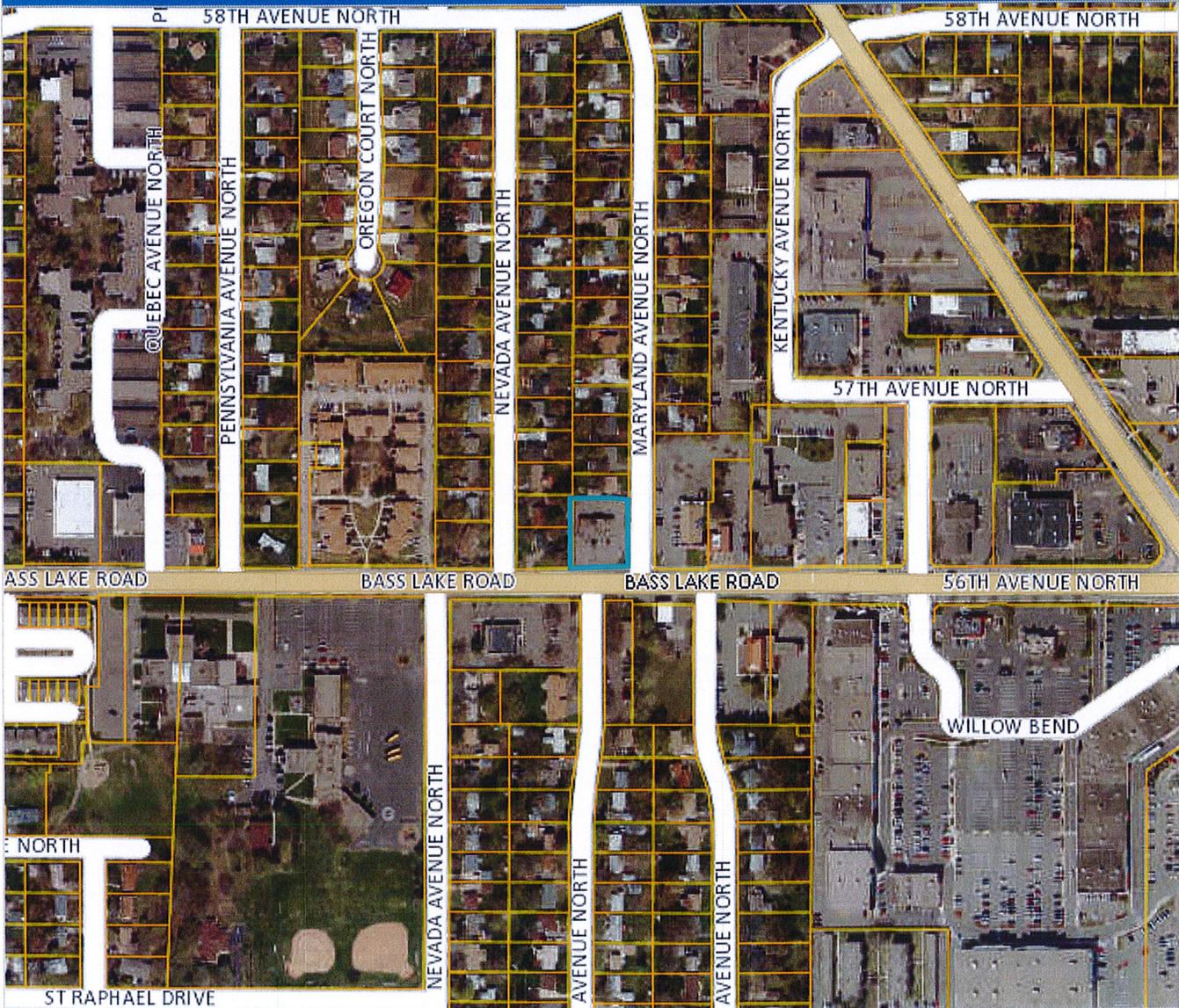
Suggested Finding: Does not apply in this case because the site improvements are already in place.

C. STAFF RECOMMENDATION

Approve the requested extended hours of operation for a closing time no later than 10:00 p.m.

Planning Commission action is requested in the form of a recommendation to the City Council. The motion should reference the findings and conclusions in the staff report or include other findings and conditions specifically stated by the Commission.

The City Council would consider the Planning Commission's recommendation at its meeting on June 17, 2014.



Parcel ID: 05-118-21-31-0100

Owner Name: Apollo System Inc

Parcel Address: 7200 56Th Ave N
Crystal, MN 55428

Property Type: Commercial-Preferred

Home-stead: Non-Homestead

Parcel Area: 0.5 acres
21,992 sq ft

A-T-B: Torrens

Market Total: \$178,000

Tax Total: \$6,398.72
(Payable: 2014)

Sale Price: \$170,000

Sale Date: 04/2013

Sale Code: Other – See Certificate
Of Real Estate Value
(Crv)

Map Scale: 1" ≈ 400 ft.

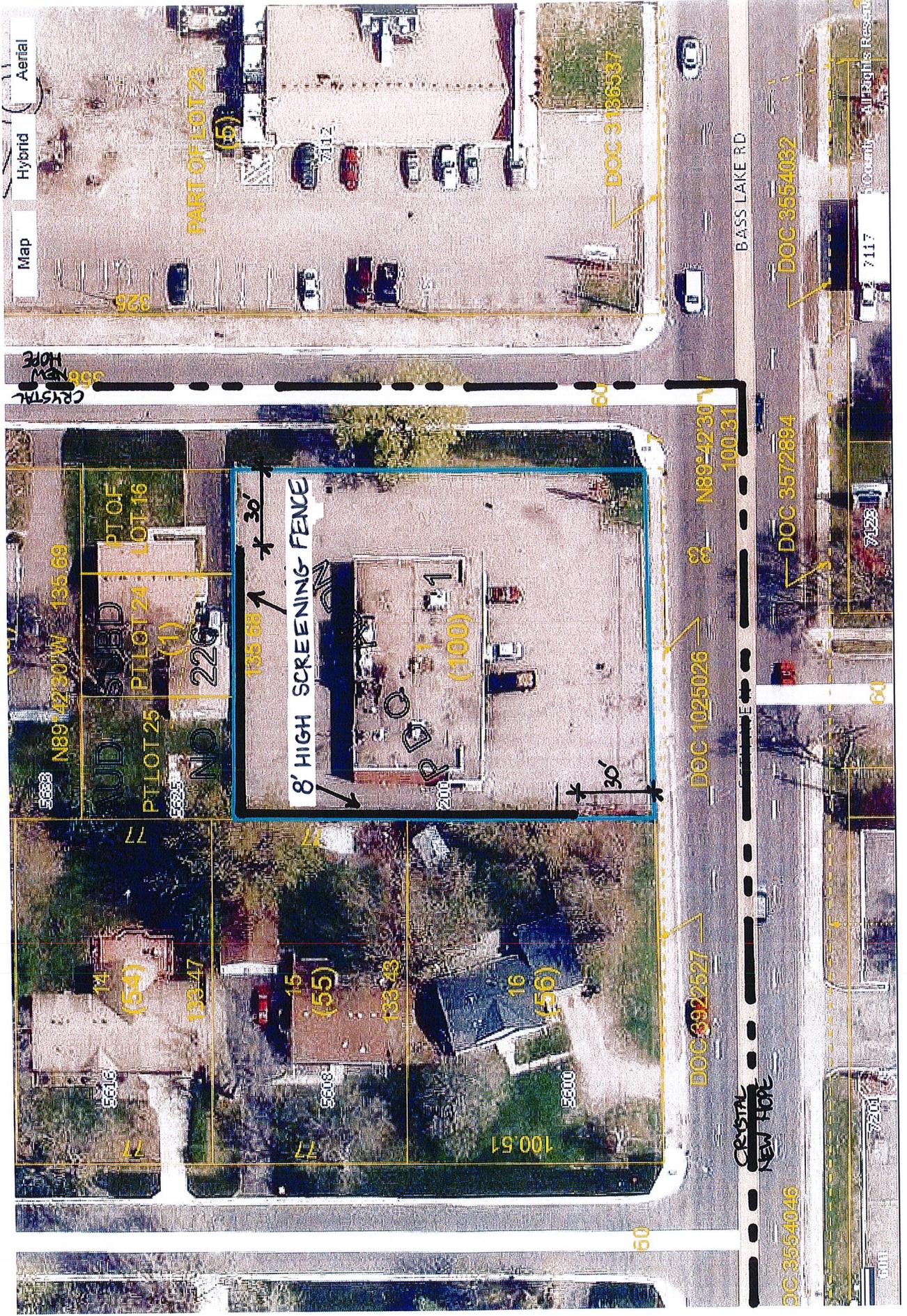
Print Date: 5/31/2014



This map is a compilation of data from various sources and is furnished "AS IS" with no representation or warranty expressed or implied, including fitness of any particular purpose, merchantability, or the accuracy and completeness of the information shown.

COPYRIGHT © HENNEPIN COUNTY 2014





M.D Liquors, LLC
7200 Bass Lake Road
Tel 763-205-1452 Fax 763-205-1452
Mark@mdlquors.com



APRIL 23, 2014

To whom it may concern:

We are requesting a variance change that would allow us to extend our business hours from 9:30am to 9:00pm Monday thru Saturday to 9:30am to 10pm Monday thru Saturday. We think it would have little or no impact on our residential neighbors if we stayed open an extra hour.

Thank you,

A handwritten signature in black ink, appearing to read 'Mark' followed by a flourish.

M.D Liquors