



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: 3545 Douglas Dr Henn. Co. P.I.D. _____

PROJECT TITLE: Extend weeknight closing to 12:00 midnight to match weekends; 1:00 a.m.; add full liquor license. NYE to

APPLICANT: MILTONS CAFE LLC Tel: 763-531-937

Email address: PTpartyplanner@hotmail.com Fax: _____

U.S. Mail address: 3545 Douglas Dr Crystal, MN 55422

PROPERTY OWNER: DOUGLAS DRIVE PARTNERSHIP LLP Tel: 763-546-1336

Email address: HORIZON-MANAGEMENT@COMCAST.NET Fax: 763-546-1337

U.S. Mail address: 3539 DOUGLAS DRIVE CRYSTAL MN 55422

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	\$500	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 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.

Philip Wells 7 May '14 Douglas Drive Partnership
APPLICANT (date) PROPERTY OWNER (date)

FOR OFFICE USE ONLY: Application # 2014-01 Accounting # 0100,4418
 Receipt # 115494 Date Received 5-7-14
 Acknowledgement letter sent 5/20/2014 If application incomplete, was 60-day rule language included? _____
 Plan Comm hearing 6/09/2014 City Council action 6/17/2014 Approved? Yes ___ No ___ Other ___
 NOTES: _____

CITY OF CRYSTAL

NOTICE OF PUBLIC HEARING

**LAND USE APPLICATION 2014-1
CONDITIONAL USE PERMIT FOR EXTENDED HOURS
MILTON'S
3545 DOUGLAS DRIVE 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 2014-1:

- Applicant: Milton's Cafe LLC, 3545 Douglas Drive North
- Property Owner: Douglas Drive Partnership
- Property Address: 3537 Douglas Drive North (P.I.D 20-118-21-11-0098)
- Description: The property is zoned C-1 Neighborhood Commercial. In the C-1 district, restaurants must close by 9:00 p.m. Milton's currently operates under a Conditional Use Permit that allows it to stay open until 10:00 p.m. Sunday-Thursday and 12:00 midnight Friday-Saturday. The applicant seeks a Conditional Use Permit to stay open until 12:00 midnight on all days, and also to stay open until 1:00 a.m. on January 1 of each year for New Year's Eve. Concurrently, Milton's is also seeking a full on-sale liquor license to expand its offerings beyond wine and beer.

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 2014-1 for a conditional use permit for Milton's (3545 Douglas Drive North) to stay open until 12:00 midnight instead of 10:00 p.m. Sunday-Thursday, and also to stay open until 1:00 a.m. on January 1 of each year

A. BACKGROUND

Milton's Café is located at 3545 Douglas Drive North. In addition to food items they currently offer beer and wine. The subject property is located 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. Milton's operates under a 2011 CUP for extended hours as follows:

- Sunday-Thursday: May be open from 6:00 a.m. to 10:00 p.m.
- Friday & Saturday: May be open from 6:00 a.m. to 12:00 midnight

In 2013, Milton's was granted a CUP for outdoor seating including full food and beverage service. The outdoor seating area is located directly in front of the restaurant and is subject to the same hours of operation.

Milton's has applied for a CUP to extend its Sunday-Thursday closing time to 12:00 midnight so that its current Friday-Saturday closing time would be in effect seven days a week. They are also requesting a 1:00 a.m. closing time on January 1 of each year for New Year's Eve. They have also applied for a full on-sale liquor license which will be considered by the City Council in a separate process.

Notice of the Planning Commission's June 9, 2014 public hearing was mailed to property owners within 500 feet and published in the Sun Post on May 29, 2014. Staff received one comment from an area resident in opposition to the expanded hours. No other comments have been received to date.

The following Exhibits are attached:

- A. Aerial photo (2012)
- B. 2011 CUP for expanded hours
- C. 2013 CUP for outdoor seating area

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 Findings: Apart from the expanded hours and full on-sale liquor license, which are self-explanatory, no changes from the previously approved use are being proposed by the applicant.

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

Suggested Findings: The scale and type of use is a good fit for the character of the surrounding residential neighborhood, provided that the current CUP's performance standards are maintained to prevent negative impacts.

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

Suggested Findings: Milton's faces east towards another commercial property. However, there may be impacts from activity in the parking lots, especially the north parking lot, during late evening hours. The current CUPs provide for City Council reconsideration in the event of negative impacts on adjacent residential uses, and this provision should be maintained in the new CUP.

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

Suggested Findings: The subject property and other adjacent commercial sites are too small and isolated to warrant rezoning to C-2 General Commercial. They are also embedded in an overwhelmingly residential area which is consistent with the purpose and intent of 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 Findings: Because the findings for the current CUPs were unique to specific operational characteristics of Milton's, the current CUPs

are not transferable to a different business or different owner of the same business. This provision should be maintained in the new CUP.

- 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 Findings: 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 provided the property is operated and maintained in compliance with city code and the conditions imposed under the current CUPs which should be incorporated into the new CUP.

- b) Section 520 (Site Plan Review)

Suggested Findings: 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 12:00 midnight seven days a week, except for January 1 of each year when the closing time shall be no later than 1:00 a.m. All findings and conditions of the 2011 and 2013 CUPs remain in effect with the exception of these expanded hours of operation and the pending full-on-sale liquor license which is subject to review and approval by the City Council in a separate process.

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: 20-118-21-11-0098

Owner Name: Douglas Dr Partnership Llp

Parcel Address: 3537 Douglas Dr N
Crystal, MN 55422

Property Type: Commercial-Preferred

Home-stead: Non-Homestead

Parcel Area: 1.46 acres
63,435 sq ft

A-T-B: Torrens

Market Total: \$825,000

Tax Total: \$36,201.08
(Payable: 2014)

Sale Price:

Sale Date:

Sale Code:

Map Scale: 1" ≈ 400 ft.

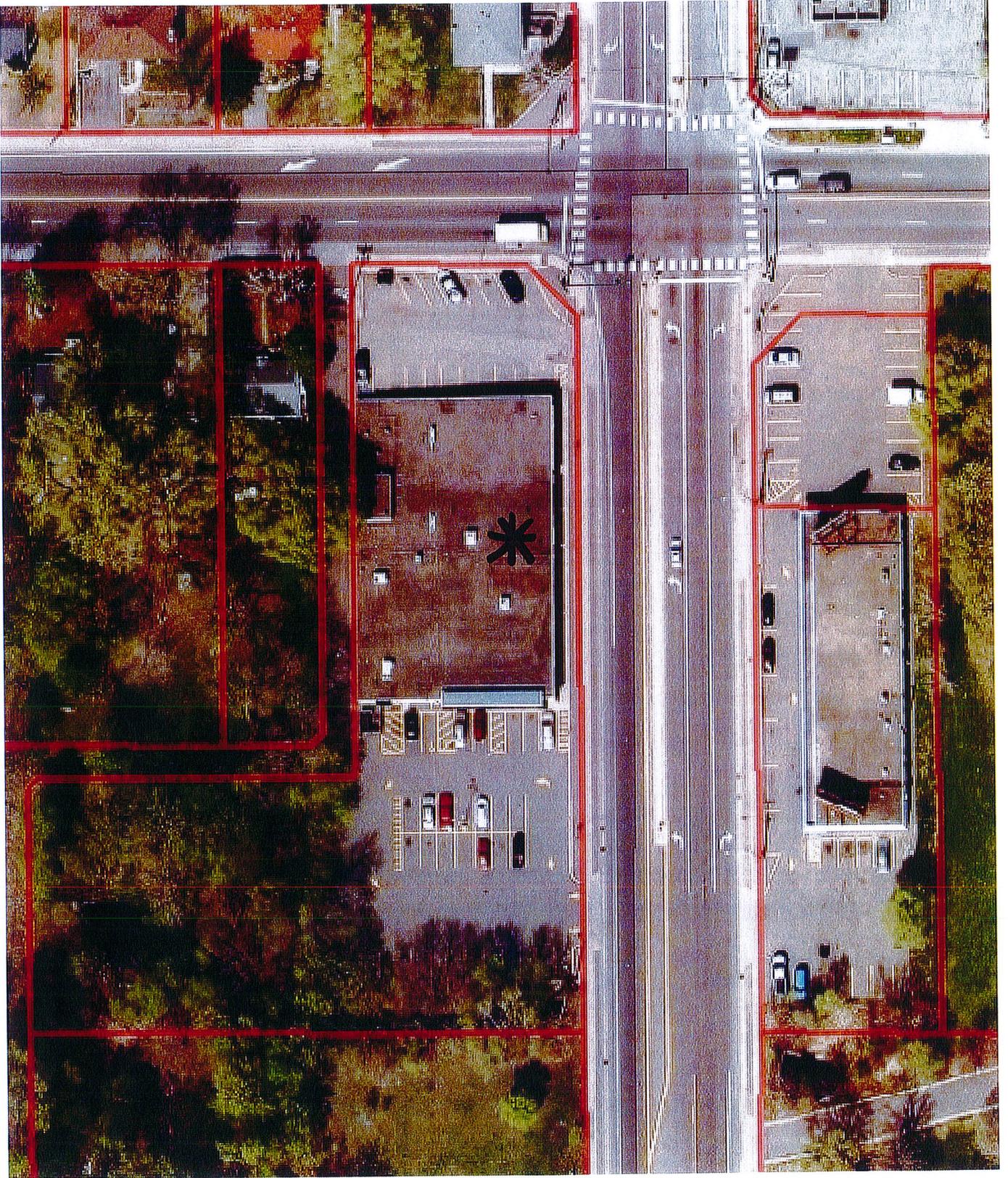
Print Date: 5/31/2014



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.

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4141 Douglas Drive North • Crystal, Minnesota 55422-1696

Tel: (763) 531-1000 • Fax: (763) 531-1188 • www.ci.crystal.mn.us

October 19, 2011

Francine & Phil Weber
2160 Spruce Trail
Golden Valley MN 55422

via email to: freewebman@aol.com and
ptpartyplanner@hotmail.com

Subject: 3545 Douglas Dr N, Crystal MN 55422
Special Land Use Application 2011-14 (Milton's Restaurant)
Conditional Use Permit for expanded hours of operation (closing at 10:00 p.m.
Sunday-Thursday and 12:00 midnight Friday-Saturday, instead of 9:00 p.m.)

On October 18, 2011, the City Council approved your requested Conditional Use Permit, as recommended by the Planning Commission, subject to the following conditions of approval:

1. If the city receives verified reports of negative impacts on adjacent residential property, including but not limited to noise or other disturbances by patrons in the parking lots, then the property owner and Milton's management shall take steps to correct the problem. Failure to satisfactorily correct the problem, as determined by the City Manager, would result in review and possible revocation of the conditional use permit. If the permit is revoked, Milton's would have to follow the standard hours of operation limitations in the C-1 district.
2. Any change in the operational characteristics of the business, including but not limited to those described in the applicant's narrative, may require a new conditional use permit application. The City Manager shall determine whether a new application is required.
3. This conditional use permit shall not be transferable to a different business or different owner of the same business. In such instances, a new conditional use permit application shall be submitted.

Please contact me at 763.531.1142 or john.sutter@ci.crystal.mn.us if you have any questions.

Regards,

A handwritten signature in black ink, appearing to read 'John Sutter', is written over a faint, larger version of the signature.

John Sutter
City Planner/Assistant Community Development Director

cc: Douglas Drive Partnership LLP (via email to Horizonmanagement@earthlink.net)

(2011) Narrative for Milton's Restaurant (3545 Douglas)

EXECUTIVE SUMMARY/MISSION STATEMENT

In today's highly competitive environment, it is becoming increasingly more difficult to be unique. We will be positioning ourselves much like the highly successful coffee house experience which gives you a place to be alone, come in for a quick meal, use it as a meeting place, etc. The difference being we will have wine and beer and the bonus of our families diverse background of creative homestyle cooking.

Milton's will provide a friendly, comfortable atmosphere where the customer can receive quality food and service at a reasonable price.

Sample menu:

Breakfast — Depending upon location, breakfast may be available daily and/or featured only on weekends.

Lunch and dinner — We will feature signature sandwiches from the grill such as pork chop, chicken, and ribeye with our homemade blend of seasonings and sauce; Negril style jerk chicken, ribs (specialty item of the family), turkey burgers, homemade chips and various sides.

Desserts — will consist of passed down homemade recipes along with gluten free options.

Interior design

The building will focus on projecting a relaxed atmosphere. Milton's will create space with various seating areas: wood tables and chairs, the ambiance of a living room, cozy booths, a custom made community table, and a wine/beer bar (needs to be designed based on the space). Board games will be available. Wireless will be provided with ample outlets available for those needing to plug in.

There will be a wall with an old black and white of Milton from 1959 as a focal point along with a possibility of smaller pictures of his descendants (daughter, sons, and various grandchildren who will be working there), miscellaneous pieces collected from local antique stores and custom made art (wooden spoons) from the artist Frank Wright (located in Lanesboro, MN).

Employees

Our staff which will consist mostly of family, will make table visits a priority. We will dress casually in tailored jeans and logo personalized T-shirts that our customers may purchase for a nominal price.

Advertising and promotion

We are at an advantage, we will be using our email list of 4,000, radio ads and in-house promotion at our extremely successful business "The Park Tavern" to introduce our new concept along with social media. For businesses in the area, menus will be distributed and delivery may be a possibility.

Management/staff

It will be comprised of family members. The family collectively brings 60+ years of business experience, 30 of those years as the proud owners of the Twin Cities premiere bowling/dining establishment "The Park Tavern".

Hours of Operation

Our restaurant concept is contingent on extending the hours of service Sunday through Thursday closing at 10pm and Friday/Saturday midnight.

We understand the hours of operation will require the passage of a text amendment.
(zoning)
^

Thank you for your consideration.

Francine and Phillip Weber



4141 Douglas Drive North • Crystal, Minnesota 55422-1696

Tel: (763) 531-1000 • Fax: (763) 531-1188 • www.ci.crystal.mn.us

April 18, 2013

Via email to freewebman@aol.com and ptpartyplanner@hotmail.com (CUP applicant), and phil.herman@hermanrealtyinc.com (property owner)

Francine & Phil Weber
Milton's Café
3545 Douglas Dr N
Crystal MN 55422

Phil Herman
Douglas Drive Partnership
3539 Douglas Dr N
Crystal MN 55422

Subject: Special Land Use Application 2013-04
CUP for Outdoor Food and Beverage Service at Milton's Café

Dear Mr. and Mrs. Weber, and Mr. Herman:

On April 16, 2013 the City Council approved a Conditional Use Permit (CUP) for outdoor food and beverage service as described in the proposal from Milton's Café, subject to the following conditions:

1. The outdoor seating area will be subject to the same hours of operation limitations and other conditions for Milton's Café as approved in October 2011, and it shall be operated and maintained in compliance with all aspects of city code and conditions imposed under this CUP.
2. At a minimum, Milton's shall maintain separation as shown in the submitted plans or in a substantially similar manner. If at any time the Police Department determines that the separation of the service area is inadequate, then the matter will be brought back to the City Council, and at that time the Council may require Milton's to install more robust separation and access control as a condition of continuing the outdoor food and beverage service.

3. Adequate off-street parking shall be made available on the subject property. If the city receives reports of inadequate parking, then city staff will work with the property owner on a solution such as supplemental, off-site parking in the adjacent parking lot across the street. If inadequate parking persists, and city staff is unable to resolve the matter with the property owner, then it will be brought back to the City Council, and at that time the Council may require a parking solution as a condition of continuing the outdoor food and beverage service.
4. This CUP shall not be effective until the effective date of the C-1 district text amendment (anticipated to be June 15, 2013).

Findings of fact were as described in the Council staff report dated April 10, 2013.

Please contact me if you have any questions. Thank you, and good luck with your project.

Regards,

A handwritten signature in black ink, appearing to read "John Sutter". The signature is fluid and cursive, with the first name "John" and last name "Sutter" clearly distinguishable.

John Sutter
City Planner/Assistant Community Development Director

Cc: Lt. Dave Oyaas, Crystal Police, dave.oyaas@crystalmn.gov
Chrissy Serres, City Clerk, chrissy.serres@crystalmn.gov
Jack Molin, Building Official, jack.molin@crystalmn.gov

2013 Narrative for Milton's Outdoor Seating

John Sutter

From: phil Weber [ptpartyplanner@hotmail.com]
Sent: Tuesday, March 05, 2013 5:07 PM
To: John Sutter; Chrissy Serres; freewebman@me.com
Subject: Narrative

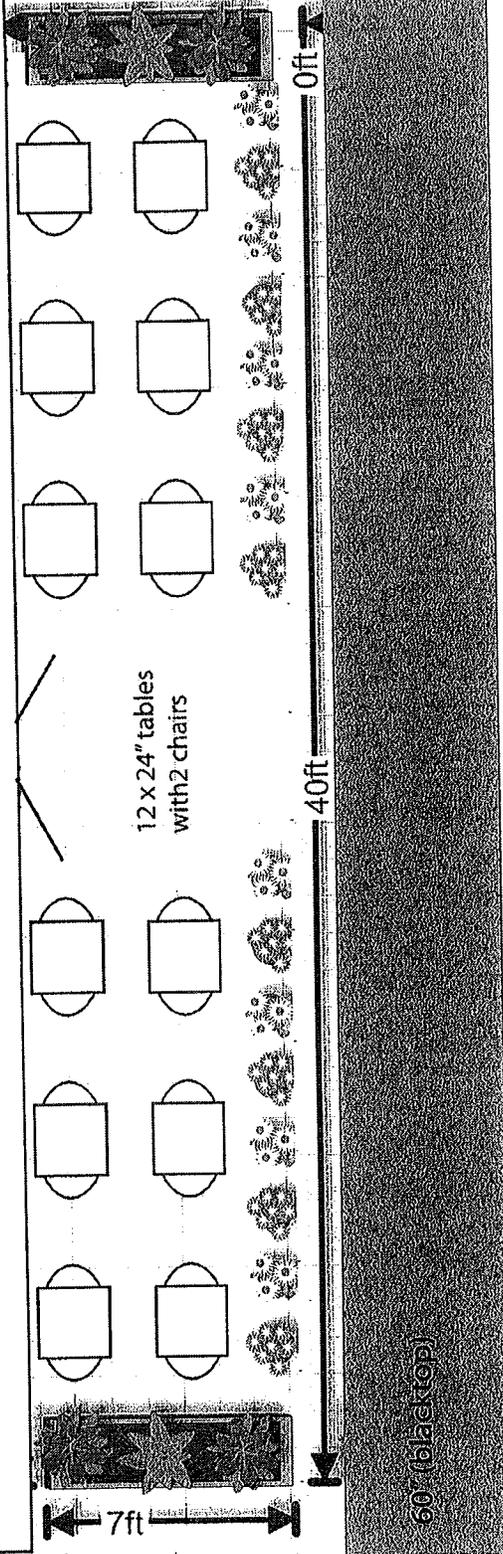
Proposal for patio dining at Milton's:

Milton's Cafe' would like to request issuing of permits for full service food and beverage, beer & wine , at the table seating in front of our restaurant. The seating area will be enclosed on all sides by the use of planter boxes and railing w/ hanging baskets. It will be open at the front to allow for both A.D.A compliance and access to our front door and outdoor tables . The outdoor tables will at all times be attended to by wait staff. Also, the outdoor table seating is in complete visual control by both the bar and inside staff to insure complete security.

Thank you for your consideration,
Francine and Phil Weber.

Proposed Outdoor Seating Plan

Milton's Vittles, Vino, Beer
3545 Douglas Avenue North
Crystal, MN



60" (blacktop)

60" (sidewalk)

DOUGLAS AVENUE NORTH