

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit, Variances and Site Plan Review
BZZ-4538

Date: September 28, 2009

Applicant: Eitel Building City Apartments

Address of Property: 1367 Willow Street

Project Name: Loring Kitchen and Bar

Contact Person and Phone: Shawn Zimny, Village Green Companies, (312) 907-4493

Planning Staff and Phone: Hilary Dvorak, (612) 673-2639

Date Application Deemed Complete: August 26, 2009

End of 60-Day Decision Period: October 25, 2009

End of 120-Day Decision Period: Not applicable for this application

Ward: 7 Neighborhood Organization: Citizens for a Loring Park Community

Existing Zoning: OR3, Institutional Office Residence District, DP Downtown Parking Overlay District and SH Shoreland Overlay District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 18

Legal Description (properties to be rezoned): Not applicable for this application

Proposed Use: Restaurant in a mixed-use building

Concurrent Review:

Conditional use permit: to amend the Planned Unit Development for the Eitel Hospital Development

Variance: to increase the size of the neighborhood serving retail sales and services use from 4,000 square feet to 4,200 square feet for the Loring Kitchen & Bar

Variance: to increase the seating capacity of the Loring Kitchen & Bar from the recently approved 110 seats to 169 seats

Site plan review

Applicable zoning code provisions: Chapter 525, Article IX, Variances, specifically Section 525.520(3) “to vary the gross floor area, floor area ratio and seating requirements of a structure or use”.

Background: In June of 2006 the City Planning Commission approved development applications for the Eitel Building City Apartments. The approved project was part of a larger Planned Unit Development. At this time Phase II of the Planned Unit Development has not been constructed. The Eitel Building City Apartments contains 215 dwelling units and a neighborhood serving retail sales and services use located on the corner of Willow Street and Grant Street West.

The site is located in the OR3 zoning district which limits the type, number, and size of commercial spaces that can be in a building. In the OR3 zoning district there can be up to two commercial spaces in a building each totaling 2,000 square feet. However, Chapter 527, Planned Unit Development, allows the City Planning Commission to approve commercial spaces up to 4,000 square feet in size without a variance. Please note that in August of this year the Minneapolis City Council approved a text amendment which changed the allowed size of a commercial use in the OR3 zoning district from 2,000 square feet to 4,000 square feet when part of a Planned Unit Development. The commercial space that was approved as part of the development was 2,000 square feet in size. In May of this year the City planning Commission approved a variance to increase the size of the commercial space from 2,000 square feet to 3,000 square feet. The commercial space is being used as a restaurant: Loring Kitchen and Bar. Now, the applicant is proposing to enclose the outdoor area underneath the arcade located on the corner of Willow Street and West Grant Street. Enclosing this area will increase the size of the restaurant to 4,200 square feet. Increasing the size of the commercial space requires a variance. Because the overall size of the building is increasing an amendment to the conditional use permit for the planned unit development and site plan review are also required.

Sit down restaurants with limited entertainment, no alcoholic beverages and a maximum amount of 30 seats is one of the permitted commercial uses in the OR3 zoning district. As part of the approvals in May of this year a variance to increase the number of seats from 30 to 110 was approved. Now the applicant is applying for a variance to increase the number of seats in the restaurant from 110 to 169. Please note that the applicant will be serving alcohol at this location. The property owner was granted an exemption from the State of Minnesota of the City’s liquor licensing requirements allowing them to serve alcohol at this location.

The parking requirement for a restaurant in the OR3 and DP Downtown Parking Overlay district is “not less than one space for each 4,000 square feet of gross floor area in excess of 4,000 square feet”. In this situation the four space minimum parking requirement shall not apply. The parking requirement for the proposed 4,200 square foot restaurant is zero spaces. Although the restaurant does not have a parking requirement the applicant is proposing to allocate eight of the parking spaces located underneath the building to the restaurant tenant.

CONDITIONAL USE PERMIT - to amend the Planned Unit Development for the Eitel Hospital Development

Findings as Required by the Minneapolis Zoning Code:

The Department of Community Planning and Economic Development – Planning Division has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The Planning Division does not believe that enclosing the outdoor area underneath the arcade will be detrimental to or endanger the public health, safety, comfort or general welfare. The applicant is proposing to install bi-fold doors in the arcade openings which will help minimize noise levels from the restaurant and to provide additional seating capacity within the restaurant during colder months.

2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

The Planning Division does not believe that enclosing the outdoor area underneath the arcade will be injurious to the use and enjoyment of surrounding property nor will it impede the normal development of the surrounding area. The applicant has indicated that the purpose of enclosing the outdoor area underneath the arcade is to help minimize noise levels from the restaurant and to provide additional seating capacity within the restaurant during colder months.

3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.

The applicant will be working closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements.

4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.

The parking requirement for a restaurant in the OR3 and DP Downtown Parking Overlay district is “not less than one space for each 4,000 square feet of gross floor area in excess of 4,000 square feet”. In this situation the four space minimum parking requirement shall not apply. The parking requirement for the proposed 4,200 square foot restaurant is zero spaces. Although the restaurant does not have a parking requirement the applicant is proposing to allocate eight of the parking spaces located underneath the building to the restaurant tenant.

5. Is consistent with the applicable policies of the comprehensive plan.

According to the *Minneapolis Downtown 2010 Plan*, this property is located in an area designated as a downtown neighborhood as found on the concept plan map. According to the Principles and Policies outlined in *Downtown 2010 Plan*, the following apply to this proposal:

- Locate medium to high-density housing in an area designated as a Downtown Residential District located between Loring Park and the Office and Retail Districts. This district should provide a location for housing that is near the downtown employment and retail. Other retail, office and

educational uses should be encouraged to provide diversity, but should be compatible with housing (Downtown Living Policy number 3).

- Protect residential areas from encroachment of incompatible land uses, and ensure that the physical environment of downtown residential areas is minimizing traffic impacts, maintaining security, and providing and maintaining amenities (Downtown Living Policy number 7).
- Support the retention and development of neighborhood-serving retail (Downtown Living Policy number 9).
- Promote a street-level design of buildings that contributes to downtown’s vitality and security by encouraging individual entrances to street-level building tenants, windows and architectural detailing (Downtown Physical Setting Policy number 1).

The Planning Division believes that the proposed development is in conformance with the policies of the *Downtown 2010 Plan*.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located.

527.260. Required findings. In addition to the conditional use permit standards contained in Chapter 525, Administration and Enforcement, before approval of a planned unit development the city planning commission also shall find:

1. That the planned unit development complies with all of the requirements and the intent and purpose of this chapter. In making such determination, the following shall be given primary consideration:

a. The character of the uses in the proposed planned unit development, including in the case of residential uses, the variety of housing types and their relationship to other site elements and to surrounding development.

The development fits in well with the surrounding area. The site is surrounded by residential buildings of varying densities, Loring Park, a school and a small shopping center. Also within the neighborhood one can find residential buildings with retail uses located within them.

b. The traffic generation characteristics of the proposed planned unit development in relation to street capacity, provision of vehicle access, parking and loading areas, pedestrian access, bicycle facilities and availability of transit alternatives.

Street capacity, vehicular access, parking and loading areas as well as pedestrian access and availability of transit incentives are existing and adequate.

c. The site amenities of the proposed planned unit development, including the location and functions of open space, the preservation or restoration of the natural environment or historic features, sustainability and urban design.

No changes are proposed that would impact site amenities including open space, the natural environment, historic features, sustainability or urban design.

d. The appearance and compatibility of individual buildings and parking areas in the proposed planned unit development to other site elements and to surrounding development, including but not limited to building scale and massing, microclimate effects of the development, and protection of views and corridors.

Enclosing the outdoor area underneath the arcade will not impact the buildings scale and massing, microclimate effects of the development and protection of views and corridors. The Planning Division is recommending that the City Planning Commission authorize the retail sales and services use to be 4,000 square feet in size through the conditional use permit for the Planned Unit Development and to grant a variance to allow an additional 200 square feet of floor area.

e. An appropriate transition area shall be provided between the planned unit development and adjacent residential uses or residential zoning that considers landscaping, screening, access to light and air, building massing, and applicable policies of the comprehensive plan and adopted small area plans.

The applicant has indicated that one of the reasons for enclosing the outdoor area underneath the arcade is to help minimize noise levels from the restaurant.

f. The relation of the proposed planned unit development to existing and proposed public facilities, including but not limited to provision for stormwater runoff and storage, and temporary and permanent erosion control.

Enclosing the outdoor area underneath the arcade will not impact stormwater runoff of erosion control measures that are in place.

g. The consideration, where possible, of sustainable building practices during the construction phases and the use of deconstruction services and recycling of materials for the demolition phase.

Not applicable to this proposed change.

2. That the planned unit development complies with all of the applicable requirements contained in Chapter 598, Land Subdivision Regulations.

The platting of the site is in compliance with Chapter 598, Land Subdivision Regulations.

VARIANCE - to increase the size of the neighborhood serving retail sales and services use from 4,000 square feet to 4,200 square feet for the Loring Kitchen & Bar

Findings as Required by the Minneapolis Zoning Code for the Variance:

1. The property cannot be put to a reasonable use under the conditions allowed and strict

adherence to the regulations of this zoning ordinance would cause undue hardship.

Size of neighborhood serving retail sales and service uses: The applicant is seeking a variance to increase the size of the neighborhood serving retail sales and services use from 4,000 square feet to 4,200 square feet for the Loring Kitchen & Bar. The applicant has indicated that although the site is located in the OR3 zoning district it is the *Minneapolis Downtown 2010 Plan* that provides guidance for this area within the City of Minneapolis. In the *Minneapolis Downtown 2010 Plan*, this property is located in an area designated as a downtown neighborhood as found on the concept plan map. Downtown Living Policy number 2 says that the City should “Capitalize on sites that are well suited for housing, especially along the riverfront and around Loring Park, by encouraging medium to high-density housing development”. And Downtown Living Policy number 3 says that the City should “Locate medium to high-density housing in an area designated as a Downtown Residential District located between Loring Park and the Office and Retail Districts. This district should provide a location for housing that is near the downtown employment and retail. Other retail, office and educational uses should be encouraged to provide diversity, but should be compatible with housing”.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

Size of neighborhood serving retail sales and service uses: The location of the site in an OR3 zoning district but in a designated Downtown Residential District where retail uses are encouraged in order to promote diversity is a unique circumstance of this parcel of land.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

Size of neighborhood serving retail sales and service uses: The granting of the variance to increase the size of the commercial space would not significantly affect the essential character of the area given that the space is located within a larger development and that there is off-street parking provided for the commercial use in the building.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Size of neighborhood serving retail sales and service uses: The Planning Division believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed size of the neighborhood serving retail sales and service use be detrimental to welfare or public safety.

VARIANCE - to increase the seating capacity of the Loring Kitchen & Bar from the recently approved 110 seats to 169 seats

Findings as Required by the Minneapolis Zoning Code for the Variance:

- 1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

Seating capacity: The applicant is seeking a variance to increase the seating capacity of the Loring Kitchen & Bar from the recently approved 110 seats to 169 seats. The applicant has indicated that although the site is located in the OR3 zoning district it is the *Minneapolis Downtown 2010 Plan* that provides guidance for this area within the City of Minneapolis. In the *Minneapolis Downtown 2010 Plan*, this property is located in an area designated as a downtown neighborhood as found on the concept plan map. Downtown Living Policy number 2 says that the City should “Capitalize on sites that are well suited for housing, especially along the riverfront and around Loring Park, by encouraging medium to high-density housing development”. And Downtown Living Policy number 3 says that the City should “Locate medium to high-density housing in an area designated as a Downtown Residential District located between Loring Park and the Office and Retail Districts. This district should provide a location for housing that is near the downtown employment and retail. Other retail, office and educational uses should be encouraged to provide diversity, but should be compatible with housing”.

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

Seating capacity: The location of the site in an OR3 zoning district but in a designated Downtown Residential District where retail uses are encouraged in order to promote diversity is a unique circumstance of this parcel of land.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

Seating capacity: The granting of the variance to increase the amount of seats in a restaurant from the recently approved 110 seats up to 169 seats would not significantly affect the essential character of the area given that the space is located within a larger development and that there is off-street parking provided for the commercial use in the building.

- 4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

Seating capacity: The Planning Division believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the increased number of seats be detrimental to welfare or public safety. It is anticipated that much of the commercial traffic would be the residents in the surrounding area and would be walking to and from the site.

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code:

- A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)**
- B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan and applicable small area plans adopted by the city council. (See Section B Below for Evaluation.)**

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND DESIGN:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.
- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.
- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances and windows:
 - Residential uses:
 - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20)

percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

- a. Windows shall be vertical in proportion.
- b. Windows shall be distributed in a more or less even manner.

- **Nonresidential uses:**

- **Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:**

- a. Windows shall be vertical in proportion.
- b. Windows shall be distributed in a more or less even manner.
- c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
- d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.
- e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.

- **Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.**

- **Minimum window area shall be measured as indicated in section 530.120 of the zoning code.**
- **The form and pitch of roof lines shall be similar to surrounding buildings.**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

PLANNING DIVISION RESPONSE:

- The applicant is proposing to install bi-fold doors in the arcade openings which will help minimize noise levels from the restaurant and to provide additional seating capacity within the restaurant during colder months. The bi-fold doors will be made of glass which will still allow views into and out of the building. The addition of the bi-fold doors will not change the fenestration levels of the building.

ACCESS AND CIRCULATION:

- **Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.**

- Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.
- Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.
- Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.150 (b) related to alley access.
- Site plans shall minimize the use of impervious surfaces.

PLANNING DIVISION RESPONSE:

- No changes are proposed to site access and circulation.

LANDSCAPING AND SCREENING:

- The composition and location of landscaped areas shall complement the scale of the development and its surroundings.
- Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).
- Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.
- Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:
 - A decorative fence.
 - A masonry wall.
 - A hedge.
- Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.
- The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.
- In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.
- All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.
- Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.
- The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.

PLANNING DIVISION RESPONSE:

- No changes are proposed to site landscaping and screening.

ADDITIONAL STANDARDS:

- All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.
- To the extent practical, site plans shall minimize the blocking of views of important elements of the city.
- To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.
- To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.
- Site plans shall include crime prevention design elements as specified in section 530.260 related to:
 - Natural surveillance and visibility
 - Lighting levels
 - Territorial reinforcement and space delineation
 - Natural access control
- To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.

PLANNING DIVISION RESPONSE:

- No changes are proposed to the site stormwater runoff plan.
- Enclosing the outdoor area underneath the arcade will not impede any views of important elements of the city.
- Enclosing the outdoor area underneath the arcade will not shadow the adjacent streets or properties.
- Enclosing the outdoor area underneath the arcade will not impact wind effects on the surrounding area.
- The site plan complies with crime prevention design elements. The bi-fold doors will be made of glass which will still allow views into and out of the building.
- This site is neither historically designated nor located in a historic district.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan and Applicable Small Area Plans Adopted by the City Council

Use: No change as a result of this application.

Off-Street Parking and Loading:

Minimum automobile parking requirement: No change as a result of this application.

Maximum automobile parking requirement: No change as a result of this application.

Bicycle parking requirement: No change as a result of this application.

Loading: No change as a result of this application.

Maximum Floor Area: The maximum FAR in the OR3 zoning district is 3.5. The lot in question is 109,364 square feet in area. The applicant proposes a total of 650,651 square feet of gross floor area, an FAR of 5.94. As part of the 2006 approvals a variance to increase the Floor Area Ratio (FAR) from the permitted 4.9 to 5.94 was approved.

Building Height: No change as a result of this application.

Minimum Lot Area and width: No change as a result of this application.

Dwelling Units per Acre: No change as a result of this application.

Yard Requirements: No change as a result of this application.

Hours of Operation: No change as a result of this application.

Signs: No change as a result of this application.

Refuse screening: No change as a result of this application.

Lighting: No change as a result of this application.

MINNEAPOLIS PLAN AND RELEVANT SMALL AREA PLANS:

According to the *Minneapolis Downtown 2010 Plan*, this property is located in an area designated as a downtown neighborhood as found on the concept plan map. According to the Principles and Policies outlined in *Downtown 2010 Plan*, the following apply to this proposal:

- Locate medium to high-density housing in an area designated as a Downtown Residential District located between Loring Park and the Office and Retail Districts. This district should provide a location for housing that is near the downtown employment and retail. Other retail, office and educational uses should be encouraged to provide diversity, but should be compatible with housing (Downtown Living Policy number 3).
- Protect residential areas from encroachment of incompatible land uses, and ensure that the physical environment of downtown residential areas is minimizing traffic impacts, maintaining security, and providing and maintaining amenities (Downtown Living Policy number 7).
- Support the retention and development of neighborhood-serving retail (Downtown Living Policy number 9).
- Promote a street-level design of buildings that contributes to downtown's vitality and security by encouraging individual entrances to street-level building tenants, windows and architectural detailing (Downtown Physical Setting Policy number 1).

The Planning Division believes that the proposed development is in conformance with the policies of the *Downtown 2010 Plan*.

ALTERNATIVE COMPLIANCE:

- **The Planning Commission or zoning administrator may approve alternatives to any site plan review requirement upon finding any of the following:**
- **The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, green roof, decorative pavers, ornamental metal fencing, architectural enhancements, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.**
- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**
- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

PLANNING DIVISION RESPONSE:

- Alternative compliance is not warranted for this development.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit to amend the Planned Unit Development for the Eitel Hospital Development located at 1367 Willow Street subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to

Department of Community Planning and Economic Development – Planning Division
BZZ-4538

increase the size of the neighborhood serving retail sales and services use from 4,000 square feet to 4,200 square feet for the Loring Kitchen & Bar located at 1367 Willow Street.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to increase the seating capacity of the Loring Kitchen & Bar from the recently approved 110 seats to 169 seats located at 1367 Willow Street.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the site plan review:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review for the property located at 1367 Willow Street subject to the following conditions:

1. Approval of the final site, elevation, landscaping and lighting plans by the Department of Community Planning and Economic Development – Planning Division.
2. All site improvements shall be completed by September 28, 2010, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. The project shall comply with the conditions of approval and final plans associated with previous applications (BZZ-2549, BZZ-3018 and BZZ-4376).

Attachments:

1. Conditional use permit and variance findings
2. August 25, 2009, memo to Council Member Goodman and the Citizens for a Loring Park Community
3. September 18, 2009, e-mail from the Citizens for a Loring Park Community
4. Meeting minutes from the Citizens for a Loring Park Community meeting on July 16, 2009
5. Zoning Map
6. Site plan, floor plans and elevations
7. Sign information
8. Photos of the property