

**Excerpt from the
CITY PLANNING COMMISSION MINUTES
Minneapolis Community Planning & Economic Development (CPED)**

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MEMORANDUM

DATE: February 19, 2015

TO: Zoning and Planning Committee

FROM: Jason Wittenberg, Manager, Community Planning & Economic Development – Land Use, Design and Preservation

SUBJECT: Planning Commission decisions of January 26, 2015

The following actions were taken by the Planning Commission on January 26, 2015. As you know, the Planning Commission's decisions on items other than rezonings, text amendments, vacations, 40 Acre studies and comprehensive plan amendments are final subject to a ten calendar day appeal period before permits can be issued.

Commissioners present: President Tucker, Bender, Brown, Forney, Gagnon, Gisselman, Luepke-Pier and Slack – 8

Not present: Kronzer

Committee Clerk: Lisa Kusz (612) 673-3710

5. Bonicelli (BZZ-6963, Ward: 1) 1901 Fillmore St NE ([Hilary Dvorak](#)).

A. Rezoning: Application by Laura Bonicelli for a rezoning from the R2B zoning district to the C1 zoning district for the property located at 1901 Fillmore St NE.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the rezoning petition for the property located at 1901 Fillmore St NE from the R2B zoning district to the C1 zoning district.

Aye: Bender, Brown, Forney, Gagnon, Gisselman, Luepke-Pier and Slack

Absent: Kronzer

B. Variance: Application by Laura Bonicelli for a variance of the enclosed building standards to allow outdoor grilling for the property located at 1901 Fillmore St NE.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance of the enclosed building standards to allow outdoor grilling located at 1901 Fillmore St NE.

Aye: Bender, Brown, Forney, Gagnon, Gisselman, Luepke-Pier and Slack

Absent: Kronzer

C. Variance: Application by Laura Bonicelli for a variance of the minimum drive aisle width for the property located at 1901 Fillmore St NE.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the minimum drive aisle width from 22 feet to 12 feet 11 inches located at 1901 Fillmore St NE, subject to the following condition:

1. There shall be a five foot wide landscaped yard provided between the parking area and the north property line.

Aye: Bender, Brown, Forney, Gagnon, Gisselman, Luepke-Pier and Slack

Absent: Kronzer

Staff Dvorak presented the staff report.

Commissioner Brown: In many instances we have accommodated these isolated commercial uses in more residential areas through a change of nonconforming use application as opposed to rezoning. In this instance, is there a reason you recommended for a rezoning?

Staff Dvorak: In this case, because of the beer and wine license that they would like to seek. We did talk about both options when the applicants first came in, but because of the beer and wine they would have to get that commercial zoning classification. CPED's advice to the applicant was that they need to obtain the two-thirds consent signatures from the property owners that live within a hundred feet of the property. They were able to get the consent signatures. Not that it's the only reason we are recommending approval, but we do have Comprehensive Plan policies to support a rezoning in this location and the fact that the building has been commercially used for over a hundred years. Instead of having someone come in and do a change of nonconforming use every time, this is recognizing that this building has been commercial for a long time and allowing the property owner to freely change it to uses that are allowed within that zoning classification.

President Tucker opened the public hearing.

Laura Bonicelli (1928 5th St NE): I am the applicant. We deliver all over the twin cities our made from scratch food and we want to develop this into a small restaurant space, deli and store so we can cook more of our food and get it to more people in the neighborhood. I should note that the loan from the Windom Park Association is actually for \$50,000 and not \$5,000. That is dedicated to the outside of the building.

Lauren Ignaut (1821 Filmore St NE): I'm very excited about this project, but I have a couple questions. As we do have a little Kwik-E-Mart right there right now, a lot of traffic is coming and going to we don't see the same traffic issues as we would with a 40 seat restaurant. Some of my concerns as someone who lives in the neighborhood, in a place with multiple family dwellings, is that we don't have much parking on the street and I wonder what the implications are of a 40 seat restaurant. In that possibility of extra parking spots, that'd be greatly appreciated. I'm wondering about the implications of the beer and wine license on the neighborhood. The use could change the amount of crime that we see as well. Thank you.

Dave Lechleitner (1847 Filmore St NE): I'm in favor of this rezoning. We moved to northeast three and a half years ago with the current B-Line grocery as our neighbor to the north. While the owners there have been very receptive, cooperative and responsible, the patrons have left a bad taste in our mouth. There is a lot of trash and litter that we fish out of our bushes and off our lawn on a daily basis. A zoning change to an establishment that doesn't perpetuate such activities sounds great to us. We discussed the proposed restaurant concept with Laura in person and we believe that it should improve the neighborhood in a number of respects.

I concur with Lauren that there are a number of concerns that we'd like to see addressed. Parking could be a natural issue, especially in a mostly residential area. Our corner is especially unique in that the intersection is not a true cross shaped intersection. Due to the nature of the store and business and on-street parking, we're just very concerned about the availability of parking and what that will do to the traffic flow through that area. We would recommend that they look at the availability of parking to mitigate any risk of traffic flow issues that might arise in the area. The other concern is the outdoor grill concept. The outdoor grill seems to be a relatively recent evolution that has happened. We do have concerns about this because of neighborhood air quality and fire safety. One of the issues with outdoor grilling is the odors that would permeate throughout the neighborhood while the grills are in operation. While we assume that Bonicelli's would serve delicious and flavorful cuisine, we're just concerned about lingering odors that would permeate the area. We would like to hear what measures are being taken to ensure the air quality is not compromised. Next is garbage and pest control. Although the B-Line does deal with food stuff, a restaurant that is preparing food can definitely create a different level of food and waste products and those products could attract vermin such as roaches and mice. It could also create more street trash. We'd like to hear what plans are in place to ensure that these issues are addressed proactively. We are supportive of this and look forward to the baton being passed to a new neighborhood business, but we would like our concerns addressed to keep the neighborhood a pleasant place to live.

Jo Doig (1926 Filmore St NE): My main concern, because this is a neighborhood with children, is the parking. If they have table space for 40 people and they are going to have them employees and handicap parking and trucks making deliveries...to say it's awkward at best is an understatement but I think that there should be more parking provided. I don't think it's realistic to have so few spaces. Other than that, I think it's a great idea and an improvement in the neighborhood at that location.

President Tucker closed the public hearing.

Commissioner Brown: I will move approval of this item (Luepke-Pier seconded). I do think this rezoning makes a lot of sense. We've accommodated these types of uses through a change of nonconforming use process, but I do think that the urban neighborhood designation in the Comprehensive Plan allows for a limited commercial. I think it is a good use for an older commercial building like this. It's unlikely that someone would use the entire building as a residential property.

Aye: Bender, Brown, Forney, Gagnon, Gisselman, Luepke-Pier and Slack
Absent: Kronzer

Commissioner Brown: I will move approval of items B and C (Luepke-Pier seconded).

Commissioner Luepke-Pier: I wanted to touch on parking real quick. We are being asked to vote on these applications and the only thing related to parking here is the drive aisle width. If we didn't approve the application to vary that minimum you'd have less off-street parking. We aren't allowed to mandate that they have more parking than what's required. Not that we're ignoring your concerns, but please understand that when I vote in favor of this it's because I want to encourage them to have as much as possible for this site.

Aye: Bender, Brown, Forney, Gagnon, Gisselman, Luepke-Pier and Slack
Absent: Kronzer