

**MINUTES OF THE ZONING COMMITTEE**  
**Thursday, June 8, 2017 - 3:30 p.m.**  
**City Council Chambers, 3rd Floor**  
**City Hall and Court House**  
**15 West Kellogg Boulevard**

PRESENT: DeJoy, Edgerton, Lindeke, Makarios, Ochs, and Reveal  
STAFF: Bill Dermody, Cherie Englund, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Makarios.

**Shahid Aziz - 17-042-099 - Rezoning from I1 light industrial to IT transitional industrial at 495 Kenny Road, NE corner at Brunson.**

Bill Dermody presented the staff report with a recommendation of approval for the rezoning. He said District 5 made no recommendation, and there were no letters in support or in opposition.

In response to Commissioner Reveal, Mr. Dermody said he had not contacted the Port Authority. Commissioner Reveal said in the future the Zoning Committee would like staff to contact the Port Authority when rezoning any industrial property.

Commissioner Ochs asked why the applicant is requesting to rezone from light industrial to transitional industrial. Mr. Dermody said the applicant would like to have a dwelling unit on the first floor and rezoning to IT transitional industrial would allow for that use.

Commissioner Ochs asked how taxes would be affected by rezoning from I1 to IT. Mr. Dermody said the rezoning would not affect the taxes, but the use does.

The applicant, Shahid Aziz, 495 Kenny Road East, said he acquired this property after working with the Environmental Protection Agency (EPA) for two years. He said he employs 29 people, and he purchased this property so he could park all of the cars for his business indoors and live upstairs. In response to a question by Commissioner Reveal, Mr. Aziz said he owns a limousine company and a mechanical business. He said there is about 17,000 square feet of space on the first floor, where there is space to add two apartments separated from the garage. He said the entrance to the apartments will be on Brunson. He added that this location will be used for storage of the limousines, and his business is operated at 1047 Raymond Ave.

Commissioner Ochs asked if the first floor would be used for parking vehicles and to have residential rental units. Mr. Aziz said yes, and that he lives on the second floor at this location.

No one spoke in favor or in opposition and the public hearing was closed.

Commissioner Reveal asked staff if residential living space is allowed in this building. Mr. Dermody said that the I1 zoning allows for residential living space on the second floor, but does not allow this use on the first floor.

In response to a question by Commissioner Ochs, Mr. Dermody said the zoning code generally allows mixed residential and commercial use in I1, and specifically limits dwelling units to upper floors.

In response to a question by Commissioner Lindeke, Mr. Dermody noted that this property was rezoned to I1 in 1975 under the citywide rezoning.

Commissioner Reveal moved approval of the rezoning. Commissioner DeJoy seconded the motion.

In response to Commissioner Lindeke's comments about the land use map and the mix of residential and other uses in this area, Mr. Dermody said that the Payne-Phalen District Council will be reviewing their district plan in the next year and perhaps a zoning study will follow.

Commissioner DeJoy noted that there is a lot of residential use in industrial zones, such as in the Vanderby building, and there are other industrial uses closer to the railroad. She said that she thinks the proposed use will not disturb nearby residential uses. She also noted that District 5 Planning Council is hoping to have Payne Ave. rezoned by next year.

Commissioner Ochs said he is in favor of contiguous zoning, is concerned about losing industrial opportunities and tax revenue, and would have liked the Port Authority to have been notified.

Commissioner Reveal said they looked at the range of uses allowed in industrial zones about 3 years ago, and many uses can't locate anywhere else. She is not so concerned about other uses where there is no demand for industrial. She is comfortable with a comprehensive look at zoning in this area. In discussion with the Port Authority for rezoning industrial property, she would like to see something about the demand for the property.

Commissioner Edgerton said he is generally comfortable with this rezoning, but asked staff to try to get a sense of vacancy rates and demand for industrial uses for rezoning of industrial property.

The motion passed by a vote of 6-0-0.

Adopted                      Yeas - 6              Nays - 0              Abstained - 0

Drafted by:

Submitted by:

Approved by:

\_\_\_\_\_  
Cherie Englund  
Recording Secretary

\_\_\_\_\_  
Bill Dermody  
Zoning Section

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Kyle Makarios  
Chair