

MINUTES OF THE ZONING COMMITTEE
Thursday, September 14, 2017 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

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

The meeting was chaired by Commissioner Reveal.

Syed Mahmood - 17-073-754 - Change of nonconforming use from bar to tobacco shop at 937 3rd St. E., NW corner at Forest

Bill Dermody presented the staff report with a recommendation of approval for the change of nonconforming use permit. He stated District 4 made no recommendation, and there were no letters in support, and 2 letters in opposition.

A motion was made by Commissioner Fredson to move this item to the end of the agenda. Commissioner Lindeke seconded the motion.

The motion passed by a vote of 5-0-0.

The applicant, Syed Mahmood, 17315 50th Ave. N., Plymouth, said his tobacco shop will be open from 9:00 a.m. to 9:00 p.m. He added that they have 8 to 10 parking spaces in their lot.

In response to a question by Commissioner Lindeke, Mr. Mahmood said that his specialty tobacco shop will offer cigars, high-end tobacco products, and gift items.

No one spoke in favor.

Thomas Gergen, 351 Kellogg Blvd. E., spoke in opposition. He said that he owns a seven-unit apartment building on the opposite corner from this property, along with a nearby duplex. He said this is the only commercial building in this residential neighborhood. He owned a duplex on Nugent near a tobacco shop on West 7th and it was difficult to find qualified applicants for his rental due to this type of shop. He said that a lot of tobacco shops offer cigars and other tobacco products, but also offer items that can be construed as marijuana paraphernalia. He said that this area has many families with children. It has gotten much better, with really great people and he said this use is outside of what is best for this neighborhood.

The public hearing was closed.

Commissioner Lindeke moved approval of the change of nonconforming use permit. Commissioner Fredson seconded the motion.

In response to a question by Chair Reveal, Mr. Dermody said he did not know the specific smoking accessories they plan to offer. He added that they need to acquire a tobacco sales license for this type of business and they will have to meet all conditions to operate under that license.

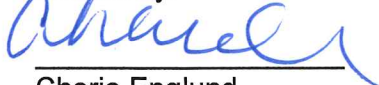
Chair Reveal asked if there is a special classification for a head shop. Mr. Warner said it is not in the zoning code, but we have definition for a tobacco shop with standards and conditions.

Commissioner Baker asked if business increases on the weekend, similar to a liquor store and if they will have enough parking spaces. Mr. Dermody said he does not know about peak time characteristics of this type of business, but they do meet the parking requirements.

The motion passed by a vote of 5-0-0.

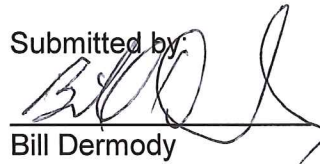
Adopted Yeas - 5 Nays - 0 Abstained - 0

Drafted by:



Cherie Englund
Recording Secretary

Submitted by:



Bill Dermody
City Planner

Approved by:



Kyle Makarios
Chair