

**MINUTES OF THE ZONING COMMITTEE**  
**Thursday, September 5, 2024 - 3:30 p.m.**  
**Room 40 Basement**  
**City Hall and Court House**  
**15 West Kellogg Boulevard**

PRESENT: Grill, Hood, Starling, Syed, and Taghioff  
EXCUSED: Hackney and Ochoa  
STAFF: Bill Dermody, Samantha Langer, and Dan Stahley

The meeting was chaired by Commissioner Taghioff.

**629 Bush Rezoning - 24-061-552 - Rezone from H2 residential district, I1 light industrial district, and T2 traditional neighborhood district to IT transitional industrial to establish an outdoor garden center., 629 Bush Ave, between Payne Avenue and Edgerton Street**

**629 Bush Variances - 24-061-539 - Variances of standards for an outdoor garden center to be accessory to a principal permitted use in the district and to be located at the end or rear of a building., 629 Bush Ave, between Payne Avenue and Edgerton Street**

Bill Dermody presented the staff report with a recommendation of approval for the rezoning. He said District 5 submitted a letter recommending approval, and there was 1 letter in support, and 0 letters in opposition.

Commissioner Hood said he thought the default zoning for railroad corridors was H1 or H2, but that doesn't seem to be the case here. Is there a reason railroads would be zoned differently through the city.

In response, Mr. Dermody said that there isn't a default zoning. We try to choose a zoning district for the railroad that matches something that is near it.

In response to Commissioner Starling, Mr. Dermody said that he did not attend the Payne Phalen District Council meeting and he is unaware of why the recommendation of approval was not unanimous and deferred to the applicant.

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

Chair Taghioff asked why a garden center isn't a principal use and what would it be an accessory to per the zoning code. Mr. Dermody said he is not sure why we don't permit outdoor garden centers as a principal use. The most common situation is that it's an accessory use to an indoor garden center, which is not listed as a separate use, but general retail.

Chair Taghioff questioned the rationale for practical difficulty. It is mentioned that it is hard to build other principal uses on this site and how does that relate to the variance requested. It doesn't seem to relate to the use but in trying to put a building at the site.

Mr. Dermody said it is hard to put any building on the site in addition to an outdoor garden center. Megan Rogers, an attorney with Larkin Hoffman, 8300 Norman Center Drive, Minneapolis, said the rezoning process has not been an easy process. It was difficult to get signatures for the petition from the railroads and from owners of rental properties. They have met with everyone in the neighborhood at least three times, and people they spoke to were supportive. She said the District Council voted 8-2 to support this project. She said much of the conversation was about work that the District Council has done to

encourage residential development within this corridor. They wanted to understand why rezoning this to an industrial transitional district as compared to retaining a residential made sense. She said this was previously zoned to residential to accommodate a tiny home project. It was determined that the remediation cost for the dirt was too significant to move forward for that development. For residential to be located here it requires a significant amount of cleanup and the railroad is still operational. The District Council asked why a project like the Hollows couldn't be done on this site. She said the Hollows is 150 feet in width, is not adjacent to an active railroad, and didn't require remediation to this extent. This site is 72 feet at one end and the maximum width is 100 feet. That would put the development right up against the border to the active train tracks with no buffer. This is an active commercial business we are proposing which is something the District Council was proposing.

The applicant, Donovan Tegg, 11 Alice Court, Saint Paul, said this has been two years in the making and he is excited to get started and bring a few jobs to the area. He provided background on his company and the operation for the site. There are two existing curb cuts and they are going to keep the layout as it is so people will drive in through one and load up and drive out the other side. There is a need for something like this on the east side.

Ms. Rogers responded to the practical difficulty standard question regarding a building and why should the use be permitted as a practical difficulty and its because this use would be encouraged if you were able to build a building. If we were able to build a building there and utilize this site then we would have this as an accessory use and we wouldn't have this variance in front of you today.

Mr. Tegg added that the use does not need a formal building that requires footings that gets into the soil remediation issues. This use fits with this particular property.

No one spoke in favor or opposition for either item. The public hearing was closed.

Commissioner Grill moved approval of the rezoning. Commissioner Syed seconded the motion. The motion passed by a vote of 4-0-1.

Adopted                      Yeas - 4              Nays - 0              Abstained - 1 (Taghioff)

Commissioner Grill moved approval with conditions of the variances. Commissioner Hood seconded the motion. The motion passed by a vote of 4-0-1.

Adopted                      Yeas - 4              Nays - 0              Abstained - 1 (Taghioff)

Drafted by:

Submitted by:

Approved by:

\_\_\_\_\_  
Samantha Langer  
Recording Secretary

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Bill Dermody  
City Planner

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Simon Taghioff  
Chair