

**OFFICIAL MINUTES OF MAY 24, 2018
BOARD OF ZONING APPEALS
COUNCIL CHAMBERS
CITY OF ST. LOUIS PARK**

Members present: Anthony Howard, Justin Kaufman, Paul Roberts
Members absent: James Gainsley, Henry Solmer
Staff present: Gary Morrison, Joseph Ayers-Johnson, Jacquelyn Kramer

1. Call to Order – Roll Call

Chair Kaufman called the meeting to order at 6:00 p.m.

2. Approval of Minutes of March 22, 2018

Chair Kaufman made a motion to approve the minutes of March 22, 2018. The motion passed on a vote of 3-0.

3. Consent Agenda: None

4. Public Hearings

A. Variance: Rear yard setback for attached garage
Location: 4054 Raleigh Avenue South
Applicant: Jason and Karen Dean
Case No.: 18-17-VAR

Joseph Ayers-Johnson, community development intern, presented the staff report. The applicant requests a 14 foot variance to the required 25 foot rear yard for an attached garage. If approved, the house and attached garage would be located 11 feet from the rear lot line. He explained that the applicant wants to construct an attached two-car garage to the rear of the home which will provide sheltered, handicap access to the house for a permanently disabled family member.

Mr. Ayers-Johnson provided analysis of the request. He noted that generally staff would not support this variance request because the homeowners have the ability to build a legal alternative, a two-car detached garage. He explained that under ADA regulations, reasonable accommodations should be considered for community members with disabilities. He reviewed the criteria for granting a variance.

Chair Kaufman opened the public hearing. As no one was present wishing to speak he closed the public hearing.

Mr. Roberts stated the request regards special circumstances and it is in concert with the city's desire for move-up housing.

Mr. Howard said he agreed with the accommodation.

The Chair made a motion recommending adoption of a resolution approving a 14 foot variance to the required 25 foot rear yard to construct an attached garage at 4054 Raleigh Ave. S. The motion was approved on a vote of 3-0.

B. Variance: Indoor entertainment/restaurant gross floor area maximum and parking variance for VR entertainment business
 Location: 4930 West 35th Street
 Applicant: REM5, LLC
 Case Nos.: 18-18-VAR, 18-19-VAR

Jacquelyn Kramer, associate planner, presented the staff report. The request is for two variances for a virtual reality (VR) entertainment business. The first variance would increase the amount of gross floor area in a multi-use building to be used by indoor entertainment/restaurant uses from 25% to 50%. The second variance would decrease the amount of required off-street parking by 81 spaces from 147 to 66.

Ms. Kramer reviewed criteria for both variances and stated staff finds the requests do meet criteria.

Ms. Kramer reviewed conditions of approval.

Mr. Roberts asked if the new parking is on the west side. He asked about the location of the main entrance.

Ms. Kramer showed the main entrance adjacent to parking.

Mr. Roberts asked about the parking requirement for the fitness facility.

Ms. Kramer responded the requirement is 45 spaces for the two studio uses.

Mr. Howard asked why the VR business would be limited to 25% of the gross floor area of the building.

Ms. Kramer said that is because it is a single story multi-use building. That condition applies to both indoor entertainment and restaurant in Business Park District.

The Chair opened the public hearing.

Mark Frederickson, 5000 W. 35th St., asked about expected operating hours. He asked if there would be lots of customers at certain times of day.

Amir Berejian, applicant, said they don't anticipate heavy flow of people, even at the busiest hours, because they don't have a lot of capacity for that. He said a comparable concept would be a bowling alley. The business has four pods, with eight people per pod. He explained the restaurant area is really more of a waiting area. They would expect at most 40 people and about 20 cars. Hours of operation are weeknights and weekends. Daytime traffic could occur with one school bus per day for education and enterprise use.

Mary Kusters, 3501 Raleigh, said she owns the building across the street from the facility. She said they've seen a lot of change. She stated she is concerned about the long term plan for this area. Most of the properties are still industrial in that area. She said with recent commercial businesses in the area the existing industrial uses have problems with nighttime activity in their parking lots with more people hanging around, more vandalism, and cars broken into.

Ms. Kusters commented that the business will have to have enough customers to make money. She asked how they will make money with 40 customers. If it is successful there will be lots of people there. She asked about the bigger picture. What will tomorrow bring? She said she was okay with VR but now she's hearing about a restaurant and alcohol. She said she wondered about liquor licenses. Ms. Kusters said her business has massive amounts of semi-trucks coming in each morning. It's a push and pull of who is supposed to be there. Retail, entertainment, drinking, industry? She said after 25 years it is changing.

Mr. Berejian said in terms of city's vision for the area he can't answer. He said Steel Toe has been successful and nearby Excelsior Blvd. has changed. He said they are a VR business first. The key to success is to make it a social experience not an isolating experience. He said all they will have is pizza, beer and wine. The purpose of the food, beer and wine is to keep people in their space and doing VR for longer periods of time because that is where they are making money, not with food. Mr. Berejian said it is in their best interest to make sure their customers are responsible because their equipment is very expensive. He said they will have safety plans in place regarding alcohol.

As no one else was present wishing to speak, the Chair closed the public hearing.

Mr. Howard commented that the code was not written with VR in mind. He said the limit of eight pods seems to eliminate a parking concern. He said he doesn't expect there will be reckless customer drinking in this business. He said he agrees with the staff recommendation.

Ms. Kusters stated that we don't yet know what VR is, so we don't yet know how it will operate.

Mr. Roberts asked how long the district has been zoned Business Park.

Mr. Morrison responded it has been about five years. Industrial uses are still allowed in the Business Park district.

Mr. Roberts commented that the future uses aren't as industry heavy. He said there has been a transparent change to zoning. He said VR sounds similar to bowling and virtual golf operations. He said he can't see any reason to object to the variance requests.

Mr. Morrison provided background on why this zoning was changed. He said it was a long process. Property owners were able to opt out. He said staff is sensitive to it being a transition area. He added that the city relies on all departments to come together and help with transition areas.

Mr. Roberts made a motion to approve a variance from the minimum parking spaces required on the site from 147 spaces to 66 spaces and approving a variance increasing the maximum amount of gross floor area used as indoor entertainment/restaurant in a multi-use building from 25% to 50%. The motion passed on a vote of 3-0.

5. Old Business
6. New Business
7. Communications
8. Miscellaneous
9. Adjournment

The meeting was adjourned at 6:40 p.m.

A study session followed the regular meeting.

STUDY SESSION

1. Council Chambers security training
2. Sign variances

Mr. Morrison summarized sign regulations and how important it is that the regulations apply equitably to all properties.

Respectfully submitted,

Nancy Sells
Recording Secretary