

**CITY OF OKOBOJI PLANNING AND ZONING MINUTES
FOR THE MEETING HELD ON TUESDAY, FEBRUARY 28th, 2017 AT 6:00 P.M.
OKOBOJI CITY HALL**

The Planning and Zoning Board for the City of Okoboji met on the above date at 6:00 P.M. in the Okoboji City Hall. Board members present were Les Marousek, Jane Shuttleworth, Perry Pearson (telephonically), and Barbara Mendenhall (telephonically). Absent: Hank Grant. Others present were: Steve Schwaller, Lynne Moeller, Doris Welle, Peggy Adams, Bill Huse, Justin Coyle, Keith Marra, Beryl Marra, William Davis (telephonically), James Wilcox (telephonically), Brad Beck and Jason Peters.

Les Marousek chaired the meeting and called the meeting to order at 6:00 p.m.

Marousek explained the agenda for the meeting. Board to review and make a recommendation on 5503 Lakeshore Drive's request to vacate a permanent storm sewer easement and replace it with a "new shifted" easement to replace the original and the Board to conduct a public hearing to review and make a recommendation on an Application for Conditional Use Permit at 1651 Exchange Street requesting approval of the change of use of the property to a "Bar/Tavern".

Engineer Brad Beck explained the background/reasoning for 5503 Lakeshore Drive's request to vacate a permanent storm sewer easement and replace it with a "new shifted" easement. Engineer Beck stated that the existing pipe would not be moved and that he was comfortable shifting the easement. Engineer Beck and the board members discussed the neighboring properties, Sampsons' future plans to possibly build on the property, and the agreement that was in place with the City for the costs related to the request. There were no comments from the public. Shuttleworth/Mendenhall moved to make a recommendation to the City Council to approve 5503 Lakeshore Drive's request to vacate a permanent storm sewer easement and replace it with a "new shifted" easement to replace the original. Roll call vote. All ayes. Unanimously approved 4-0. Motion carried.

Marousek explained that the second item on the agenda was for a conditional use permit to change the use of the property at 1651 Exchange Street to a Bar/Tavern and inquired as to whether there was any public comments on the matter. Steve Schwaller explained that he was a resident at Trailview Estates and proved a letter from the Board of Directors of the Trailview Estates Homeowners' Association opposing the bar and a copy of an email from Dennis Lippon stating his opposition to the bar. Schwaller stated that they have concerns regarding increased noise, parking, and traffic related to the bar.

William Davis stated that Bill Huse would be his contractor to build the inside of the bar. Davis stated the bar will be a neighborhood type bar/taproom with craft beers. Davis stated the only music at the bar would be included inside the bar. Davis stated that the bar would only be in the far west of the building and not toward the condos. A discussion ensued between the board members regarding parking and the ownership structure of the bar. Schwaller requested that if the bar is approved that the board consider making the East side of the Exchange Street a no parking zone.

Lynne Moeller, a resident at Trailview, expressed her opposition to the change of use to a bar. James Wilcox provided a background behind his purchase of the 1651 Exchange Street. Wilcox stated that a requirement of his agreement with Davis is that it cannot be a deterrent to the Harley brand. Wilcox stated that he understood the residence concerns, but that he believes this business would be a complement to the area.

Doris Welle, a resident at Trailview, expressed her opposition based on the fact that there are 49 residences in this area that would have to contend with a bar across the street. Shuttleworth explained that she had viewed the property and she had concerns about a bar being across the street from the residences. Marousek explained that he felt on the positive side a bar is a legal use under the code, but he was concerned with not having adequate parking on the site. A discussion again ensued between the members regarding parking on the site. Marousek explained that the Planning and Zoning decision is just a recommendation to the Board of Adjustment.

Schwaller inquired as to whether Davis would be willing to limit the hours not to go past midnight. Davis stated he could not give a definitive answer on that at this point, but added that his goal would be to close as early as possible.

Pearson stated that he felt he was comfortable given the fact that Wilcox has a vested interest in keeping his brand intact and given the size of the bar. Mendenhall expressed her concern regarding parking on Exchange Street. Shuttleworth stated that there was a lot of opposition and only one person stated they were in favor. Marousek stated his concern with parking, but liked the fact this was zoned commercial. Administrator Jason Peters stated for the record what other materials he had received from citizens regarding the change of use and stated for the record that the City had mailed out the required notices.

Pearson/Marousek moved to recommend to the Board of Adjustment that the Conditional Use Permit to change the use of the property at 1651 Exchange Street to a “Bar/Tavern” be approved with the condition that there is to be no parking on Exchange Street and the hours of operations for the Bar/Tavern shall not go past 12 midnight. Roll call vote. Pearson, Aye. Mendenhall, Aye. Marousek, Aye. Shuttleworth, Nay. Approved. 3-1. Motion carried.

With nothing further to discuss Marousek/Mendenhall moved to adjourn at 6:55 P.M.

Jason Peters
City Clerk/City Administrator
Zoning Administrator.