

**CITY OF OKOBOJI BOARD OF ADJUSTMENT MINUTES
FOR THE MEETING HELD ON TUESDAY, JULY 18th, 2017 AT 6:00 P.M.
OKOBOJI CITY HALL**

The Board of Adjustment for the City of Okoboji met on the above date at 6:00 P.M. in the Okoboji City Hall. Board members present were Owen Primavera, Dennis Colton, Joyce Waddell, and Ann Mugge. Absent: Rebecca Peters. Others present were: Kay Peters, Jim Peters, Kae Hoppe, Shane Neavin, David Stein and Jason Peters.

Owen Primavera chaired the meeting and called the meeting to order at 6:00 p.m. Introductions were made at this time.

Colton/Waddell moved to approve the minutes of previous meetings 06/14/2017 & 06/21/2017. All ayes. Motion carried.

Primavera explained the agenda for the meeting. Board to Conduct a public hearing on an application for a Conditional Use Permit submitted by Shane Neavin dba Fare You Well, LLC leasee of portion of Northerly 3' of Lot 11, Lot 12, and Southern half of Lot 13, Block A, Beck's Replat subdivision in the City of Okoboji, Iowa commonly known as 1021 Highway 71 South, Okoboji, Iowa. Mr. Neavin is requesting a conditional use permit for an outdoor service area for food and beverage. The property is currently zoned General Commercial (C-1) and under Article VIII, Section 8.3 a conditional use permit is required when any business or establishment incorporates an outdoor service area for food and beverage.

Primavera read into the record the following: Staff Report from Jason Peters; the conditional use permit application and lease agreement for parking; correspondence from Martin Marten; and correspondence from Stephen Avery on behalf of Kae Hoppe. Primavera described the additional items that were in their packet.

Primavera opened the public hearing. Shane Neavin inquired as to whether there adequate parking at the site. Administrator Peters stated that given the maps provided it could be argued that some of the 9 spaces that Okoboji Expedition Company states they use for parking are actually on Mr. Marten's property. A discussion took place between the Board regarding how cars currently parked on the property and whether parking was available at the front of the building. Attorney Stein stated under the conditional use standards the Board could add additional safeguards deemed necessary. Mr. Neavin expressed his frustration that he was issued a Transient Merchant permit that he has not been able to use due to the conditional use permit requirement. Administrator Peters stated that as a part of the permit an applicant has to comply with all City codes and that this process should have been done before a permit is issued. Administrator Peters stated that one of the reasons that a new ordinance is being considered by the Council is to prevent situations like the one the Board is currently reviewing. Administrator Peters stated that under the new ordinance a merchant like Mr. Neavin would have to have their conditional use permit before a transient merchant permit is issued. Administrator Peters read into the record the recommendation from the Planning and Zoning. Planning and Zoning recommendation was as follows: A Conditional Use Permit to expire on February 16th, 2018, be granted to Fare You Well, LLC for an outdoor service area for food and beverage on the

following conditions: Fare You Well, LLC is able to obtain a written lease to secure six (6) additional parking spaces from Okoboji Plaza, LLC; Fare You Well, LLC provides adequate signage for the parking spaces; and Fare You Well, LLC provides staff to monitor parking. Kae Peters stated that she was worried about adding additional parking issues to the area. Mr. Neavin stated that it was his hope that this location could be used after mid-August. A discussion took place between those in attendance and the Board regarding how the zoning code affects the use of Mr. Neavin's Transient Merchant permit. A discussion took place between those in audience and the Board regarding Mr. Marten's letter to the Board of Adjustment and Planning Zoning.

Primavera closed the public hearing. Mugge stated that the area does not meet the parking requirements. Primavera stated that he felt that allowing parking in the front of the building would be safety issue based on traffic on Highway 71. Waddell stated that allowing parking in the front would be safety issue due to cars backing out near the sidewalk.

Mugge/Colton moved to deny the requested conditional use permit for an outdoor service area for food and beverage. Roll call vote. All present voted in favor. Motion to deny Conditional Use Permit carried, 4 - 0. Conditional Use Permit denied.

A discussion took place between the Board and those in the audience regarding how food trucks operate in other parts of the country.

With nothing further to discuss Mugge/Waddell moved to adjourn. All ayes. Motion carried. Meeting was adjourned at 6:57 P.M.

Jason Peters
City Clerk/City Administrator
Zoning Administrator.