

**CITY OF OKOBOJI BOARD OF ADJUSTMENT MINUTES
FOR THE MEETING HELD ON WEDNESDAY, MARCH 8, 2017 AT 5:30 P.M.
OKOBOJI CITY HALL**

The Board of Adjustment for the City of Okoboji met on the above date at 5:30 P.M. in the Okoboji City Hall. Board members present were Dennis Colton, Ann Fitzgibbons, Rebecca Peters, and Joyce Waddell. Absent: Owen Primavera. Others present were: Lynne Moeller, Jill Davis, Dennis Lippon, Doris Welle, Justin Coyle, James Wilcox, Steve Schwaller, Mary Boyer, Peggy Adams, Bill Huse, Keith Marra, Beryl Marra, William Davis (telephonically), David Stein and Jason Peters.

Dennis Colton chaired the meeting and called the meeting to order at 5:30 p.m.

Colton had those in attendance state their names for the record. Colton explained the agenda for the meeting. Request was made by Mr. Davis on behalf of Mr. Wilcox, record owner of Lot 6, Block C of East Okoboji View Commercial Park subdivision, commonly known as 1651 Exchange Street to change the use of the property to a Bar/Tavern and a variance to relax the parking requirement of 1 space per 50 square feet of floor area devoted to patron use as defined in Article XII Off Street Parking, Section 12.3 Off Street Parking Area Requirements (20). In the alternative, Mr. Davis and Wilcox have proposed a joint use agreement as allowed under Article XII Off Street Parking, Section 12.2 (5) with the property commonly known as 1005 East View to secure the additional parking spaces required by Okoboji Zoning Ordinance.

Colton read into the record the Staff Report from Jason Peters, a correspondence from Mr. Davis, a correspondence from Trailview Estates, a correspondence from Mr. Parks, and a correspondence from Ms. Boyer. Colton also stated that a plan had been submitted for parking and renderings for the proposed bar. Colton then opened the public hearing.

Lynne Moeller, Trailview resident, expressed her reservations about the change of use to a bar. Dennis Lippon, stated that he owned several units in Trailview and expressed his opposition to the change of use to a bar. Wilcox provided a background behind his purchase and use of 1651 Exchange Street. Wilcox stated that a requirement of his agreement with Mr. Davis is that it be a well-run operation. Wilcox stated that he understood the residents' concerns about a bar in the area. A discussion took place regarding whether Mr. Davis would be purchasing the building or leasing the space. Wilcox stated that he would be willing to sell for the right price. Steven Schwaller states he had concerns regarding increased noise, parking, and traffic related to the bar. A discussion between the Board and those in attendance regarding Planning and Zoning's recommendation that parking be restricted on Exchange Street and that the hours of operations be restricted took place. Jill Davis, attorney representing Mr. Davis, stated that she believed the limitation on hours of operation was overly restrictive. A discussion between the Board and those in attendance regarding whether there would be music inside the bar and outside the bar took place. Mr. Davis stated that he did not plan on having music outside of the bar. Doris Welle, Trailview resident, expressed her opposition based on the fact that there are 49 residences in this area and their property values would be diminished by the change of use to bar. Mr. Davis thanked the Board for hearing this matter and stated that it was his goal to have a bar/taproom that served craft beers and his goal was not to attract a rowdy clientele. Colton inquired as the binding effect of the Planning and Zoning Board recommendation. Jason Peters and David Stein both stated that the Planning and Zoning decision was simply a recommendation and not binding. A discussion between the Board and those in attendance took place regarding the parking variance. Jason Peters explained that the Board could grant and/or deny the request to relax the parking standards. Jason Peters further stated that the code allows Wilcox to jointly use the parking

spaces at 1005 East View, if legal evidence is provided to the City for said use. Waddell inquired to whether Jason Peters had spoken to Owen Primavera regarding this issue. Jason Peters stated had Mr. Primavera had expressed concerns on what would happen in the event ownership of the two properties was separated. Colton inquired as to whether proper notification had been given to the surrounding property owners. Jason Peters stated that notice was mailed. With no further comments, Colton closed the public hearing.

The Board discussed the concerns the neighbors had expressed regarding the change of use and the parking requirements. Fitzgibbons stated that this area was zoned commercial so she was inclined to allow the change of use. Rebecca Peters expressed her concerns over the parking requirements. During this discussion, Lippon asked if the public hearing could be re-opened. Colton re-opened the public hearing. Lippon and Moeller stated that based on the discussions that they had heard they were more comfortable in allowing the change of use. Colton closed the public hearing.

A discussion was held by the Board regarding the standards and restrictions listed in Article XVIII, Section 18.5 of the City's Zoning Ordinance that needed to be considered to allow the Conditional Use Permit. Waddell read each of the 12 factors for the Board and a discussion was held regarding the applicability of each factor to matter before them. The Board raised various concerns regarding the building possibly being with 300 feet of Trailview residences, whether this use would create a nuisance to the area, and whether this use would diminish property values in the area. After applying each of the factors, Rebecca Peters/Waddell moved to deny the request for a Conditional Use Permit to change the use of the property to a Bar/Tavern. Roll call vote. Fitzgibbon, Nay. Rebecca Peters, Aye. Waddell, Aye. Colton, Aye. Motion to deny Conditional Use Permit carried, 3-1. Conditional Use Permit denied.

With nothing further to discussion Waddell/Fitzgibbons moved to adjourn at 7:49 P.M.

Jason Peters
City Clerk/City Administrator
Zoning Administrator.