

**MINUTES OF THE CITY OF OKOBOJI BOARD OF ADJUSTMENT MEETING  
HELD ON JUNE 30, 2020**

The Board of Adjustment for the City of Okoboji met on the above date at 6:00pm via teleconference. In order to help prevent the spread of COVID-19, this meeting was held electronically as allowed by Chapter 21.8 of the Iowa Code.

Board Members present were Ann Mugge, Dan Sanders, Steve Dulin, and Joyce Waddell. Board Member Primavera was excused. Others present were City Administrator Michael Meyers, Jeff Breslaw, Laurie Redding, Dennis Lippon, Dori Lippon, Bryan Sieve, Steve Tripp, and Steve Schwaller.

Board Member Sanders chaired the meeting and called the meeting to order at 6:00pm.

Motion made by Board Member Waddell and a second by Board Member Dulin to approve the minutes of the previous Board of Adjustment meeting held on Tuesday, February 25, 2020. The following Board Members voted YEA: Mugge, Sanders, Dulin, Waddell. Motion passed 4-0.

Chairperson Sanders opened a public hearing to consider a Conditional Use Permit to Odyssey Entertainment, Great Lakes Cinema 7, for property legally described as East Okoboji View Comm Pl Lot 9, Lot 9 Exc Nly Tria trt, all of Lot 10 East more commonly known as 1698 Exchange Street, Okoboji, Dickinson County, Iowa. The property is zoned as "C-1 General Commercial" and the proposed use is "Outdoor Entertainment" (Drive-In Theatre) which is listed as a conditional use as per the City of Okoboji Zoning Regulations Section 8.3.

Chairperson Sanders requested that City Administrator Meyers review the request. Meyers read aloud the minutes from the Planning and Zoning Commission meeting and gave an overview of the proposed project.

Jeff Breslaw expressed concern pertaining to light coming off of the screen impacting the adjacent RV Park. Breslaw also expressed concerns pertaining to litter and other debris.

Dennis Lippon discussed his ownership of 11 units within Trailview Condominiums. Lippon advised that he contacted many other owners who were in opposition to this Conditional Use Permit. Lippon advised that he believed this would adversely affect his properties. Lippon believes that a drive-in theatre will lessen the demand for Trailview Condominiums and lower property values. Lippon did not believe an outdoor theater should be permissible within the City limits.

Jeff Breslaw agreed with Dennis Lippon in that he believed that tenants within the RV Park would likely seek other locations.

Steve Schwaller expressed opposition of the project due to the high volume of traffic on Exchange Street. Scwaller explained traffic issues on the south side of Exchange Street and had similar concerns for the street near the theater. Schwaller also inquired about a noise ordinance within the City of Okoboji.

City Administrator Meyers explained to Schwaller the City's noise ordinance.

Bryan Sieve, Vice President of Finance and Business Development for Odyssey Entertainment Inc., advised that when the theater was originally built the RV park was utilized as a go-kart track and that

the theater was present prior to the construction of condominiums in a commercially zoned lot. Sieve advised that there would be less light than what people are used to now. Sieve commented that the theater has done all that it can to be good neighbors. Sieve advised that he would have staff operating the drive in theater and that they would not allow for any disturbance to the neighborhood.

Dennis Lippon commented that he agrees the theater has been good neighbors and supports the business as an indoor theater but does not agree with it being converted to an outdoor theater.

Bryan Sieve advised that those who purchase properties in this area are fully aware that they are purchasing units that are in commercial zoned districts and should expect commercial activity.

City Administrator Michael Meyers acknowledged a letter of support from Butch Parks as well as letters of opposition from Mike/Laurie Reding, Mary Boyer, and Dennis Lippon.

Chairperson Sanders asked if there were any other comments before the public hearing was closed.

Steve Schwaller expressed concern pertaining to the condition of the parking lot and commented that the southeast corner is being undermined and may collapse into the drainage ditch.

Chairperson Sanders closed the public hearing.

Chairperson Sanders requested that City Administrator Michael Meyers display on the screen Section 18.5 of the City of Okoboji Zoning Ordinance which outlines Conditional Use Standards and Restrictions.

Board Member Mugge specifically identified Section 18.5.2 and Section 18.5.7. Mugge inquired if the Ranch RV Park was also commercially zoned. City Administrator Meyers explained that everything within this immediate corridor was commercially zoned. Meyers pulled up a map overlooking the location. Meyers pointed out commercially zoned properties adjacent to Highway 71 and Exchange Street. Meyers also identified nearby R-1 and R-2 zoning districts.

Chairperson Sanders inquired to Meyers about the distance from the theater property to residentially zoned districts. Meyers advised that he had it as approximately 175' to Trailview Condos (commercially zoned), 275' to campground structures (commercially zoned) and 583' to the nearest residentially zoned district which is presently undeveloped land on the other side of Drainage District #22.

Chairperson Sanders asked if the 175' was to the nearest unit and asked how much of the Trailview Condos were within 500' of the theater. Meyers advised that the 175' was an estimate from the theater to the nearest condo and Meyers advised that the entire complex was located within 500'.

Chairperson Sanders acknowledged that the properties were built in a commercial zoning district but were residential in nature.

Board Member Mugge commented that the condominium complex was built knowingly in a commercial area and that it is not fair to those within a commercial district to not be able to do commercial activities.

Board Member Waddell asked if traffic could be routed to the north and not the south. Board Member Dulin commented that people would naturally go south so that they could get to the traffic light.

Chairperson Sanders thought the only way this would be plausible is if there were a police officer there directing traffic.

Board Member Mugge asked Bryan Sieve how late the movies would run. Sieve advised that movies would start around 9:30p. Mugge commented that cars would be leaving the drive-in theater at the same time they would be leaving an indoor show.

Board Member Waddell inquired about attendance. Sieve commented around 65.

Chairperson Sanders asked about the proposed extension of the parking lot. Sanders was wondering what type of material was proposed to be used at this location. Sieve indicated that there are plans to do a full renovation of the property in the next 24 months which includes the parking lot. Sieve advised that the current expansion would be Class V aggregate and let impervious.

Jeff Breslaw asked about the potential for a fence on the property. Sieve commented that he was looking at putting a fence in.

Board Member Dulin inquired about parking minimums. City Administrator Meyers commented that the City's Zoning Regulations required 1 parking stall per four seats of theater capacity. Meyers believed the theater capacity was 971. Meyers believed there were 305 existing parking stalls. Meyers believed that with this information the parking regulations are met. Sieve commented that as part of the renovations that the seat count in the building would be dropped to around 565.

Board Member Mugge inquired about an additional concession stand or restrooms. Sieve advised that the indoor concession stand and restrooms would be utilized.

Chairperson Sanders asked how payments would be collected. Sieve advised there would be a portable ticket booth to accommodate.

Board Member Mugge inquired on how many days a week they were planning to run. Sieve commented that initially yes, that was the plan as would be required by movie licensing. Sieve advised that as an existing indoor theater there may be other ways around it but that seven days a week was the current plan.

Chairperson Sanders asked how many attendees generally go to the latest show. Sieve commented that their hope was to have 100 people at a late show.

A motion was made by Board Member Dulin and a second by Board Member Mugge to approved contingent upon a fence being erected on the north side of the property to the edge of the building. The following Board Members voted "YEA": Mugge, Waddell, and Dulin. The following Board Members voted "NAY": Sanders. Motion passed 3-1.

Motion made by Board Member Mugge and a second by Board Member Dulin to adjourn the meeting. The following Board Members voted "YEA": Mugge, Waddell, Sanders and Dulin. Motion passed 4-0.

ADJOURNMENT.

Michael Meyers, City Administrator