

MINUTES OF THE PLANNING AND ZONING MEETING HELD ON JUNE 25th, 2018

The Planning and Zoning Commission for the City of Okoboji met on the above date at 5:30 PM at the City of Okoboji City Hall. Commissioners present were Perry Pearson, Chairman, Les Marousek, Barbara Mendenhall, Jane Shuttleworth, and Hank Grant. Others present were Michael Meyers, City Administrator, Brad Beck, City Engineer, Michael Jensen, Paul Johnson, John Hight, Leo Jochum, Bev Jochum, Denise Norland, Pat Boggess, Joe Fitzgibbons and Kevin Sander.

Perry Pearson chaired the meeting and called the meeting to order at 5:30 P.M. The Pledge of Allegiance was recited by all in attendance.

NEW BUSINESS

Chairman Pearson presented for consideration the minutes from the previous meeting on April 25th, 2018.

A motion was made by Commissioner Mendenhall and a second by Commissioner Marousek to approve the minutes from April 25th, 2018. The following Commissioners voted "YEA": Pearson, Mendenhall, Shuttleworth, Grant, Marousek. The following Commissioners voted "NAY": None. Motion passed 5-0.

Chairman Pearson presented a request from the City Council to consider a vacation and conveyance of an unneeded right-of-way located at the Southerly projection of Eden Street and the Westerly projection of the former Lake Shore Road by quit claim deed (reserving utility and other easements) to the adjoining property owner as required by 137.02 of the City of Okoboji Municipal Code per Resolution #2018-09.

Chairman Pearson and Commissioner Mendenhall complimented the development thus far and the protection of the lakeshore considering the heavy rains.

City Administrator Michael Meyers explained to the Planning and Zoning Commission the new proposal from Whitecap LLC as it relates to the preliminary plat of the redevelopment of the property more commonly known as "The Inn". Meyers explained that the preliminary plat which was resubmitted created non-conforming residential lots as the width of each lot was less than the required 75 feet. The proposal being presented to the Planning and Zoning Commission was explained to essentially be a land swap between the City of Okoboji and Whitecap LLC. The City has been in agreement to convey a portion of City owned property directly to the west and adjacent to the property owner by Whitecap LLC. This property is located south of the pump house. The City would be granted any and all necessary utility easements in this parcel.

In exchange, the Developer has agreed to readjust their existing lot lines to the north. As a result, the City will gain complete ownership of the promenade running parallel to the lake shore. Meyers reminded the Planning and Zoning Commission that the promenade presently is on private property and there was difficulty in locking in agreeable language as it relates to the pedestrian

right-of-way easement. The Developer has also agreed to dedicate to the City a small parcel of land from Lot 6 which protrudes across Eden Street nearly to the pump house. This allows the City to retain ownership of Eden Street.

Meyers explained that it was the intent of the Developer to rip out the existing promenade and re-pour it as well as locate it closer to the lakeshore. The Developer also intends remove the southerly projection of Eden Street (to the south of the pump house) and replace it with a matching 5 foot sidewalk.

Commissioner Shuttleworth asked why the sidewalk needed to be removed and expressed her concerns for safety near the lakeshore. Mr. Pat Boggess, representing the Developer, explained that the proposed location be no closer than 10 feet from the lakeshore and that was a reasonable distance.

Chairman Pearson asked how far the sidewalk would be from the original high water mark. Boggess was unsure of the exact specifics, however advised the Commission that 20 feet was a reasonable estimation. Mr. Michael Jensen, representing the Developer, advised that was more or less the same distance as the promenade is continuing down Dixon Beach.

Commissioner Mendenhall asked how much further to the south the sidewalk will be moved. Boggess said on the east end as much as 5 or 10 feet but on the east end minimally.

Commissioner Shuttleworth asked about deep rooted vegetation between the sidewalk and the lake. City Engineer Brad Beck advised that the City owns this property and that it would be City's responsibility to address.

Commissioner Mendenhall asked what the plan was with the boulders within the walls on the property. Jensen advised that they were planning on leaving the lower wall for a point of correction.

Commissioner Grant asked about the concrete and asphalt near the Inn's laundry building. Jensen advised that it is all planned to be removed including that on the City's unimproved street of Indian Mound Drive.

Commissioner Mendenhall noted that the City should consider deep rooted vegetation between the sidewalk and the lakeshore.

Meyers advised the Commission that the City of Okoboji is proposing to vacate 1,524 square feet of property and Whitecap LLC is dedicating 3,226 square feet to the City.

A motion was made by Commissioner Mendenhall and a second was made by Commissioner Grant to recommend for approval the vacation and conveyance of the unneeded right-of-way. The following Commissioners voted "YEA": Pearson, Mendenhall, Shuttleworth, Grant, Marousek. The following Commissioners voted "NAY": None. Motion passed 5-0.

Chairman Pearson presented for discussion and action the Preliminary Plat of the Whitecap Addition.

Commissioner Mendenhall asked about the parking lot on Indian Mound Drive. Jensen advised that the intent is turn it back to natural green space.

Chairman Pearson noted that the Developer has accomplished the 75 foot lots and that the other two lots which are off the lake shore are within a different zoning district. Pearson asked the City Engineer if the storm water prevention planned was acceptable and the City Engineer noted that it looked good and that the changes which were requested a few months ago by the Commission were made in this plan.

Commissioner Mendenhall asked about the storm sewer in Lot 1. Jensen advised that they had camed and located this storm sewer and mentioned that the storm sewer was in a slightly different location than they had originally thought. Jensen and Boggess advised that the location of the storm sewer will not affect the building of the home.

Chairman Pearson asked if the fire chief had written a letter of recommendation noting that the proposed plan was acceptable. Meyers advised that the chief had been spoken to but that there was no letter. Meyers advised he would obtain a letter at the request of the Planning and Zoning Commission.

Commissioner Mendenhall complimented City Staff and the Development team on working towards a solution to move forward citing the complexity of the development.

Chairman Pearson asked about the covenants that the Developer is enforcing on the lots.

Commissioner Marousek commented that this has been a significant process to get where we are today and that he is happy with the result. Commissioner Shuttleworth agreed.

City Engineer Brad Beck advised that the Commission should add a condition to exceed the length and width of blocks.

City Administrator Meyers added that the Developer has also agreed to allow for the City to have a 5 foot maintenance agreement within their private property to the north of the promenade. The City would have the ability to bring any equipment, personnel, forms, as necessary to repair or replace the sidewalk if ever needed.

Meyers also advised that Lot 5 is technically a corner lot as defined by the City's Zoning Regulations and that the Planning and Zoning Commission nor the City Council can waive this requirements. The setbacks required by a corner lot reduce the potential building envelope for this lot. Meyers advised that an applicant submitting a building permit for Lot 5 could appeal and request a variance through the Board of Adjustment. Meyers added that the City looked long and hard at this issue but determined the City was unable to waive this as part of the platting process.

Meyers also commented that in the future the Planning and Zoning Commission will need to eventually clean up the split zoning of the subdivision. Presently the lakeshore lots are all zoned both R-1 and R-3 which does not presently make sense and that they should be rezoned R-3.

Chairman Pearson asked where the pavement would be cut. The City Engineer advised that up to the property lines. Chairman Pearson asked about the required line of credit and was advised that the line of credit is in place.

A motion was made by Commissioner Grant and a second was made by Commissioner Mendenhall to recommend for approval the Preliminary Plat of the Whitecap Addition to the City of Okoboji City Council on the conditions that a letter from the Fire Chief be submitted, the waiver of the length of blocks, and the waiver of the width of blocks. The following Commissioners voted "YEA": Pearson, Mendenhall, Shuttleworth, Grant, Marousek. The following Commissioners voted "NAY": None. Motion passed 5-0.

Chairman Pearson presented for discussion and action the Final Plat of the Whitecap Addition.

Meyers advised that the preliminary plat and the final plat are being proposed to run together through the process citing the relative simplicity of the platting process being that it is only seven lots and with the removal of the request to vacate Eden Street.

Commissioner Mendenhall asked the developer about the historical representation of the lots on the final plat. Boggess explained that is how the plat was originally recorded.

Chairman Pearson asked when the sidewalk would be reconstructed. Jensen advised as quickly as possible, potentially within weeks of approval.

Chairman Pearson asked about the twelve month completion of homes within the covenants were sufficient time to build a house. Joe Fitzgibbons, representing Whitecap LLC, advised that with proper documentation that this was entirely doable.

A motion was made by Commissioner Mendenhall and a second was made by Commissioner Shuttleworth to recommend for approval the Final Plat of the Whitecap Addition to the City of Okoboji City Council. The following Commissioners voted "YEA": Pearson, Mendenhall, Shuttleworth, Grant, Marousek. The following Commissioners voted "NAY": None. Motion passed 5-0.

Chairman Pearson asked if anyone in the public had any additional comments. There were none.

Chairman Pearson thanked the Developer. Commissioner Mendenhall thanked the Developer and City Staff citing that the time it took to get here was worth it to get it right.

ADJOURNMENT.

Perry Pearson, Chairman

Michael Meyers, City Clerk / City Administrator