

CITY OF OKOBOJI PLANNING & ZONING COMMISSION SPECIAL MEETING MINUTES  
MONDAY, APRIL 8, 2019 AT 5:30 PM  
OKOBOJI CITY HALL

The Planning and Zoning Commission for the City of Okoboji met on the above date at 5:36 PM in the Okoboji City Hall. Commission members present were Les Marousek, Barb Mendenhall, and Jane Shuttleworth. Perry Pearson and Hank Grant were also present by telephone. Others present were City Administrator Michael Meyers, Steve Hallgren, Northwest Iowa Planning and Development Commission, and Lee Sorenson, Dickinson County Conservation Board.

Commissioner Shuttleworth chaired the meeting in place of Commissioner Pearson. Shuttleworth called the meeting to order.

Motion made by Commissioner Mendenhall and a second by Commissioner Marousek to approve the minutes from the previous Planning and Zoning Commission meeting held on March 11, 2019. The following Commissioners voted "YEA": Grant, Marousek, Mendenhall, Shuttleworth, Pearson. Motion passed 5-0.

Commissioner Shuttleworth introduced a proposed amendment to the City of Okoboji Zoning Regulations which would create a new zoning district, "Conservation District" ("CN"). Shuttleworth requested that Administrator Meyers brief the Commission and those in attendance of the proposed district. Meyers gave the Commission a brief history on previous discussions relating to an 'Open Space' or 'Conservation' zoning district. Meyers commented that since the discussion has begun, the landscape in the City has changed with the 'The Inn Golf Course' and 'Brooks Golf Course' having changed ownership. Meyers introduced Lee Sorenson, Executive Director of the Dickinson County Conservation Board, and advised the Commission that he invited Sorenson to provide input as the Dickinson County Conservation Board currently owns Brooks Golf Course and will likely have considerable interest in The Inn Golf Course. Meyers commented that both of these pieces of land are likely be most obvious to be considered for Conservation Zoning. Meyers advised that Sorenson was given a copy of the text before the meeting to ensure that the City and the Conservation Board are working together to create an ordinance that works mutually for both entities.

Commissioner Mendenhall inquired 'Parks and Recreation' permitted use in the proposed CN district. Mendenhall commented that the language relating to the definition of 'Parks and Recreation' seemed vague and that the City might consider rewording specifically for the CN district. Mendenhall felt as though a CN district should be reserved for more passive recreation such as trails, biking, birding, picnicking, and other similar activities. Mendenhall was concerned about the potential for obtrusive recreational services such as skeet shooting. Commissioner Shuttleworth commented on the difference between Speier Park which is managed and mowed compared to what the CN district's intent might be. Sorenson commented that the recreational services that may be offered on their property would likely fit this idea of passive recreation. Mendenhall commented that the Commission just needed to be careful in what is allowed and is not. Steve Hallgren commented that the Commission be careful in over defining words to the point where you are unintentionally zoning out uses that you think should be allowable. Mendenhall that additional consideration be given to this definition.

Commissioner Marousek asked about 'Private Parks'. Hallgren commented that entities other than municipalities can and have owned parks before. Meyers gave example of private tennis courts in town.

Commissioner Mendenhall asked Sorenson if the Dickinson County Conservation Board would consider voluntarily rezoning to a CN district. Sorenson commented that initially he was not opposed to the idea but predicted his Board would question the necessity of that commenting on the fact that they are already placing highly restrictive covenants on the land to prevent future development. Sorenson wanted to make sure that a CN district would not unnecessarily create hurdles.

Mendenhall commented on her belief that it is important that the City and residents understand that the Planning and Zoning Commission wishes to promote environmental friendliness and conversation of natural resources and create a zoning district that allows for such preservation.

Commissioner Pearson asked what other inventory of land would be considered if the County decides against the CN district. Marousek commented on tracts of open land on the east side of Lakeshore Drive on the northern portion of the community. Mendenhall commented on various one acre plus tracts that might consider rezoning to CN. Mendenhall said the City could make a statement with this district in that the community is conservation minded and offered that Speier Park could also potentially be rezoned CN.

Commissioner Pearson asked if there was a mechanism available through other entities that would place the same protective actions on property without the need for this CN district. Mendenhall commented and Sorenson advised that there are conservation easements or covenants, however there is a additional monitoring that must be done and fees to do so can be high which might discourage private land owners from doing such. They also commented that other organizations are unlikely to take smaller tracts.

Commissioner Grant wondering if the Commission were getting ahead of itself and asked if property owners of potential lands might be interested. Mendenhall again advised that she felt as though the City ought to make it available and it will become common knowledge that it was available advocating for the City to be the leader. Pearson asked whether the other cities in the Lakes Area had a related zoning district and Mendenhall advised that the City of Okoboji was one of the only ones who did not provide this zoning district. Pearson asked how many acres of land other cities had zoned in CN or related district. Meyers pulled up zoning maps from Arnolds Park and Spirit Lake to observe zoned parcels.

Commissioner Shuttleworth commented that this is something worth moving forward with and continuing to receive input from the community. Hallgren reminded the Planning and Zoning Commission that this ordinance only creates the zoning district, it does not necessarily mean that anything is immediately rezoned CN. Private land owners would likely need to request the zoning change in the future if desired. Hallgren described various different ways in which parcels could be rezoned to give landowners multiple options. Hallgren commented that the City should not encourage a checkboard effect of CN zoning and Mendenhall noted the minimum of 1 acre size limitation.

The Commission briefly discussed the rezoning process which would include a petition by the property owner and notification to the neighbors followed by meetings with the Planning and Zoning Commission and the City Council.

Commissioner Shuttleworth noted that golf courses were a permitted or conditional use of the CN district as drafted and that consideration be given to that. Shuttleworth also inquired more about 'Wind Energy Devices' being a conditional use of the district. Meyers asked if that was intended to be large wind generators and the Commission discussed that these were intended to be small scale wind energy devices. Further definition was requested. Sorenson commented that he has heard of other conservation boards

moving towards solar and small wind energy devices. Hallgren again emphasized the significant difference between commercial wind energy devices and small wind energy.

Meyers asked Hallgren about the lack of a height limitation on agriculture structures. Meyers expressed concern about the height of barns, grain elevators, silos, and other traditionally agriculture buildings. Meyers did not believe having no height limitation was a good idea and advocated for keeping it at 35 feet as is the rest of the community.

Commissioner Shuttleworth asked about community gardens and whether or not that needed to be called out. The Commission discussed the use of 'horticulture' as listed in the proposed ordinance and whether or not that qualified. Hallgren advised that a lot of this was incidental and secondary and up to the interpretation of the Zoning Administrator. Pearson inquired about the possibility of a farmers market. More clarification was requested.

Commissioner Shuttleworth recommended that the Commission wrap up the conversation and asked Meyers to compile a new draft that includes the requested amendments. Meyers summarized his notes as further defining passive recreational activities, adding a golf course as a conditional use, better defining wind energy devices as small wind energy devices, removing the wording relating to the height of agricultural buildings, and language relating to farmers markets as an accessory use.

The commission ended by briefly discussing gatherings of people, outdoor events, or musical events in this CN zoning district and were advised of the City's temporary structure and event permitting applicable across all zoning districts.

No action taken.

Commissioner Shuttleworth briefly discussed a proposed draft of a revision of the Lakeshore Landscaping ordinance and requested that Meyers advise the Commission. Meyers commented that the text presented essentially only removes the Board of Adjustment from the approval process. Meyers believes that the Board of Adjustment being included in this process is a duplication of process and only adds time, cost, and inconvenience for the Board, for City Staff, and for the applicant. Meyers explained that the original rationale for including the Board of Adjustment was for the notification piece associated with the Board of Adjustment. Meyers advised that the re-write includes notification language so that neighbors within 200' are advised of the Planning and Zoning Commission's meeting. The amendments would allow the Planning and Zoning Commission to grant a recommendation to City Staff and City Staff would approve or deny the permit. Meyers advised that any other changes were not included in the amendment and requested that the Commission discuss what has worked and what hasn't worked in the past.

Meyers discussed with the Commission relating to the definition of native field stone. Meyers commented that the Commission has waived field stone three times since the ordinance has been in effect. Meyers advised that he understands the intent of the ordinance but felt as though the definition were too strict and difficult to achieve. Mendenhall commented that there have been projects of bare concrete walls and the intent is to have natural looking walls. Hallgren asked if split stone faced concrete walls were allowed, Mendenhall commented that they were. Commissioner Marousek brought up stacked stones. Meyers asked about the shape of split face stone and that this question has come up in the past. Commissioner Shuttleworth commented that she felt regulating the shape is too limiting. Meyers reminded that in the past the Commissioner has been okay of split stone in the past. It was agreed that the intent was to not have

bricks, concrete blocks, or other completely unnatural retaining walls. There was also discussion relating to manufactured natural stone looking retaining walls. Meyers gave an example of a property in town that has a particularly destabilized lakeshore bank where perhaps interlocking manufactured stone that appears to be natural stone would be the most appropriate from an engineering perspective. Meyers commented that highlights stabilization more than the aesthetic appeal but is a good middle ground. Commissioner Marousek commented that a variance could be given on one off situations. Mendenhall advised that the City should have a selection of photographs that help applicants meet the intent of the ordinance.

Commissioner Pearson advocated for continued encouragement of facing the walls with greenery either by vertical coverings or tall plants. Meyers advised that a planting schedule is and will continue to be a requirement of lakeshore landscaping permits.

Meyers asked how the Commission felt about uniform colored walls, Meyers advised that this is something that has come up in the past. Meyers commented that the Commission permitted a uniform colored stacked stone wall. Shuttleworth commented that allowing for a uniform colored wall would look unnatural.

Meyers advised that he reached out to an engineer who has been on the applicants side of the process and read aloud a letter that was written to the City. The letter advocated for a broader selection of wall material, a narrower and more available list of plantings, and removal of the Board of Adjustment from the process. Commissioner Shuttleworth agreed on the planting piece of the letter and advised that she would work with an outside group to help identify the best possible plantings for the Lakes Area.

Hallgren advised that he had heard some questions relating to the weekly storm water inspections. Meyers advised that the City allowed inspections to cease during the winter months. Meyers and Hallgren agreed that this was not a part of the existing ordinance and discussed language that could be inserted so that it was in the ordinance.

Commissioner Pearson advised that removing the Board of Adjustment takes out an avenue for additional comments and opinions. Hallgren advised that the elimination is for the mandatory requirement that the Board of Adjustment review every application. Hallgren commented that if the applications come through and a straight forward and adhering to regulations then having City Staff approve is appropriate, but if there is any varying aspect from the ordinance then the applicant would still have to go to the Board of Adjustment as part of the usual variance process.

Commissioner Mendenhall again discussed the definition of native field stone. Mendenhall commented on the variety of stone that could be used so long as it was natural looking. Meyers advised of the possibility of redefining 'native stone' to just 'stone' including language like something to the effect of naturally occurring mineral stone not to include brick, concrete blocks, and other highly manufactured blocks. The Commission liked this sort of redefinition of the word and advised City Staff to work on a good solution.

Meyers briefly discussed lakeshore elevators. Meyers advised that lakeshore elevators are not included anywhere in the ordinance. Meyers commented that he had ADA concerns about not allowing these and recommended that they should be considered. Meyers did believe that the City should or would want to restrict any access to those who are in need of assistance.

Hallgren and Meyers discussed what they perceived as simpler and less disruptive projects that do not include stabilization or landscaping. The example was given was a simple set of stairs leading to a dock.

Meyers commented that these sorts of requests are frequent and puts City Staff in an awkward position trying to decipher if it fits into the ordinance or not. Meyers commented that the ordinance allows for some flexibility but he believed that the language needed to be more clear and concise. Meyers commented that it is entirely inefficient to have someone go through two meetings and a month long process just to make simple adjustments or additions.

Meyers also expressed some desire that City Staff be given additional flexibility to approve mid-project changes. Meyers advocated for review with the City Engineer and then being able to approve changes that contractors recognize during the construction process.

Commissioner Shuttleworth requested the edits as discussed and brought back to the next Planning and Zoning Commission meeting.

No action taken.

A motion was made by Commissioner Mendenhall and a second by Commissioner Marousek to adjourn the meeting. The following Commissioners voted "YEA": Grant, Marousek, Mendenhall, Shuttleworth, Pearson. Motion passed 5-0.

The meeting was adjourned at 7:11 PM.

MICHAEL MEYERS  
CITY ADMINISTRATOR  
CITY OF OKOBOJI