

CITY OF OKOBOJI PLANNING AND ZONING MEETING MINUTES  
FOR THE MEETING HELD ON TUESDAY, SEPTEMBER 4<sup>TH</sup>, 2018 AT 5:30 PM  
OKOBOJI CITY HALL

The Planning and Zoning Commission for the City of Okoboji met on the above date at 5:30 PM in the Okoboji City Hall. Commission members present were Perry Pearson, Jane Shuttleworth, Barbara Mendenhall, Hank Grant, and Les Marousek. Others present were City Administrator Michael Meyers, Brad Beck, City Engineer, Kirk Stauss, and Jeff Rose.

Commissioner Perry Pearson chaired the meeting. Pearson called the meeting to order.

Motion made by Commissioner Mendenhall and a second by Commissioner Grant to approve the minutes of the previous Planning and Zoning Commission meeting held on August 6<sup>th</sup>, 2018. The following Commissioners voted "YEA": Pearson, Shuttleworth, Mendenhall, Grant, and Marousek. The following Commissioners voted "NAY": None. Motion passed 5-0.

Commissioner Pearson held a public hearing to review and make a recommendation to the City of Okoboji Board of Adjustment on a conditional use permit for lakeshore landscaping from Mr. Richard and Mrs. Valerie Sampson of 5503 Lakeshore Drive. Commissioner Mendenhall discussed a boulder wall represented on the site plan and asked Mr. Jeff Rose, representing the property owners, questions relating to the wall. It was advised that the wall should be decided upon so that the Commission knows exactly what they are approving. Commissioner Mendenhall requested additional information relating to the swale. Mr. Rose advised that it would be approximately 6-8" deep and about 6' wide. The swale would carry storm water to the south side of the property into an existing intake. The Commission discussed the desire to have the wall around the tree be required. Commissioner Shuttleworth inquired about the vegetation being used on top of the lakeshore. Commissioner Shuttleworth commented that the property owners may want to reconsider with some more deep rooted plants. The property owner prefers the use of day lilies, however, Commissioner Shuttleworth offered other suggestions on plantings she felt better fit the project.

Motion made by Commissioner Mendenhall and a second by Commissioner Marousek recommend approval to the Board of Adjustment with the requirement of the boulder wall and a suggestion that the property owners reconsider their choice of plants. If the property owner chooses to utilize any different plans to advise the City prior to the Board of Adjustment. The following Commissioners voted "YEA": Pearson, Shuttleworth, Mendenhall, Grant, and Marousek. The following Commissioners voted "NAY": None. Motion passed 5-0.

Commissioner Pearson held a public hearing to review and make a recommendation to the City of Okoboji Board of Adjustment on a conditional use permit for lakeshore landscaping from Mr. Richard and Mrs. Barbara Wilkerson of 3707 Fairfield Street. Commissioner Mendenhall commented on whether or not the runoff from the front of the property should be resolved prior to working on the bank. Commissioner Mendenhall was concerned that any work on the bank may be negated by the amount of runoff from the driveway. Commissioner Shuttleworth asked questions about the proposed use of geo-cells on the bank. Brad Beck inquired about the language

provided by the geo-cell manufacturer commenting that it needs to be installed on a globally stable bank. Beck questioned whether or not the bank was globally stable and recommended that a geotechnical soil engineer provide some more detailed information. Commissioner Shuttleworth inquired about the location of the stairs, Mr. Rose commented that the stairs would remain in their current location. Mr. Rose commented that the drain swale would be 1' deep and 6' wide with a drainage tile. Commissioner Marousek asked about work being done under the steps and expressed his concern. Mr. Rose commented that was not part of the current plans. Commissioner Mendenhall commented that she did not think the plan can be approved without a soils engineer and or something in place to stop the run off coming from the driveway of the property owner.

Commissioner Pearson tabled the item commenting that additional research should be done in the bank by a soils engineer regarding the stability of the bank as well as consideration of resolving the runoff issue from the driveway prior to reconstructing the lakeshore.

Mr. Kirk Stauss addressed the Commission relating to the City of Okoboji's zoning regulations relating to ground level patios. Mr. Stauss does not believe that ground level patios should be required to be within the setbacks of the property. Commissioner Pearson commented that this has been an issue in the past. Commissioner Mendenhall commented that there would need to be 30% open space still. Michael Meyers commented that he has had a few denied zoning permits in the past relating to this provision in the zoning text. Meyers advised that other cities in Dickinson County have less restrictive language in this matter and the City of Okoboji could model after those communities. The Planning and Zoning Commission requested that Meyers bring back some language for them to work with.

Commissioner Pearson held a public hearing to review and make a recommendation to the City of Okoboji City Council on a proposed text amendment to Section 15.4 'Zoning Permit Required'. The proposed amendment would require that building projects be finished within two years of permit issuance. Meyers commented that the text does not allow for any possibility of an extension or reduction in fees upon denial, the applicant would need to reapply and pay their fees over again.

Motion made by Commissioner Grant and a second by Commissioner Shuttleworth recommend approval to the City Council the proposed text amendment to Section 15.4 as presented. The following Commissioners voted "YEA": Pearson, Shuttleworth, Mendenhall, Grant, and Marousek. The following Commissioners voted "NAY": None. Motion passed 5-0.

Commissioner Pearson held a public hearing to review and make a recommendation to the City of Okoboji City Council on a proposed text amendment to Section 18.7.4 'Communication Towers'. The proposed amendment would loosen the 100% fall radius text relating to communication and cellular towers. The amendment would allow for a 50% fall radius with a certified engineers letter. Meyers commented that a recent cellular tower was denied approval based upon the technicality of the 100% fall radius and its inability to be waived. Had these provisions been in the zoning text at that time it likely would have been approved. Meyers commented that the City was in a unique situation where potentially could be 'zoning out' cellular towers which is against federal law. However, Meyers offered a 2<sup>nd</sup> opinion commenting that there

is plenty of room for towers just no property owners who are willing to make it happen. Commissioner Mendenhall commented on the improvement in technology and engineer and that this change made sense. The Commission discussed the need to have the tower have a minimum fall distance from an occupied building.

Motion made by Commissioner Grant and a second by Commissioner Marousek recommend approval to the City Council the proposed text amendment to Section 18.7.4 as presented. The following Commissioners voted "YEA": Pearson, Shuttleworth, Mendenhall, Grant, and Marousek. The following Commissioners voted "NAY": None. Motion passed 5-0.

Commissioner Pearson held a public hearing to review and make a recommendation to the City of Okoboji City Council on a proposed text amendment to Section 14 'Nonconformance'. The proposed amendment would allow for the otherwise legal expansion of a nonconforming structure. Meyers commented that this would be a significant shift in the City's zoning text. Meyers commented that primarily this is an issue on lakeshore lots as so many are in awkward sized lots with structures that have existed significantly prior to zoning regulations. Meyers commented that this allows for a project that is otherwise completely legal and conforming to the City's zoning regulations so long as it doesn't further expand upon the structure's nonconformity. Meyers commented that the Board of Adjustment sees this issues frequently and has frequently granted the variance. Meyers felt that if the Board of Adjustment is meeting this frequently that there is a problem with the zoning text. Meyers felt that it was a hardship on the Board of Adjustment, City Staff, and the citizens. Meyers lastly commented on some change in the language between what was presented and the meeting as recommended by the City Attorney.

Motion made by Commissioner Shuttleworth and a second by Commissioner Mendenhall recommend approval to the City Council the proposed text amendment to Section 14 with desired edits made by the City Attorney. The following Commissioners voted "YEA": Pearson, Shuttleworth, Mendenhall, Grant, and Marousek. The following Commissioners voted "NAY": None. Motion passed 5-0.

Commissioner Pearson held a public hearing to review and make a recommendation to the City of Okoboji City Council on the rezoning of Lots 1, 2, 4, 5, and 5 of the Whitecap Addition from the presently split zoned R-1 and R-3 to be entirely R-3. Meyers commented this is mostly for administrative clarity and ease of building permits. Meyers commented that the lots are so deep that it could cause issues in building on these new lots. Meyers commented that it's highly consistent with the rest of the City. Commissioner Marousek commented that he agrees.

Motion made by Commissioner Grant and a second by Commissioner Shuttleworth recommend approval to the City Council the rezoning of Lots 1,2,3,4 and 5 of the Whitecap Addition. The following Commissioners voted "YEA": Pearson, Shuttleworth, Mendenhall, Grant, and Marousek. The following Commissioners voted "NAY": None. Motion passed 5-0.

Motion made by Commissioner Grant and a second by Commissioner Shuttleworth to adjourn the meeting. The following Commissioners voted "YEA": Pearson, Shuttleworth, Mendenhall, Grant, and Marousek. The following Commissioners voted "NAY": None. Motion passed 5-0.