

**MINUTES OF THE CITY OF OKOBOJI PLANNING AND ZONING COMMISSION
MEETING HELD ON NOVEMBER 2, 2020.**

The Planning and Zoning Commission of the City of Okoboji met on the above date at 5:30 PM via Zoom video conference and teleconference. Commission members present were Jane Shuttleworth, Perry Pearson, and John McMahon. Commissioner Barb Mendenhall and Hank Grant joined the meeting in progress. Others present were Debbie Parks, Rich Nicklay, Jim Caffrey, and Jeff Hoemann.

Chairperson Pearson called the meeting to order.

Motion made by Commissioner Shuttleworth and a second by Commissioner McMahon to approve the meeting minutes from the July 13, 2020 and September 28, 2020 Planning and Zoning Commission meetings. The following Commissioners voted "AYE": Shuttleworth, McMahon, Pearson. Motion passed 3-0.

Commissioner Mendenhall joined the meeting.

Chairperson Pearson introduced discussion on land use issues at 1409 Givens Street pertaining specifically to the Seeman Chateau Condominiums. City Administrator Meyers gave an overview of the issues. The City was approached and inquired on what happens if some sort of natural disaster were to occur at the condominiums. Meyers indicated that the use of a condominium (presently a legal non-conforming use) is not a permitted nor a conditional use of the current zoning district. Meyers advised the resident that the condominium, under current zoning text, would not be allowed to be rebuilt as the same use. Meyers advised that he believed there were limited options to pursue and all would involve an amendment to the zoning text to be introduced by the Planning and Zoning Commission. Meyers offered potential options as amended Section 14.4 to give more flexibility, to rezone the property from R-3 to R-2, or to amend Section 7.3 to allow the use as a conditional use in the R-3 zoning district.

Chairperson Pearson inquired about the condos insurance options should there be a total loss.

Commissioner Mendenhall indicated she was not in favor of rezoning the property but could consider adjusting 14.2 of the zoning text. Mendenhall indicated that she felt this may be the only thing that might be of benefit.

Commissioner McMahon asked about the rationale of not allowing a specific building to be rebuilt. Meyers explained that the purpose of zoning is to provide for a long-term plan to make communities conform to the adopted zoning text. In this instance there is a non-conforming use that ultimately would need to be conforming should it ever cease to exist. McMahon asked how many other properties might someday in the same situation. Commissioner Shuttleworth indicated the condos at Pikes Point.

Commissioner Mendenhall indicated the need to decrease the development on the lakeshore and thus was not in favor of rezoning of the property.

Jim Caffrey indicated that these thoughts came up after the derecho came thorough Iowa and Caffrey indicated the desire to be proactive on situation as opposed to reactive.

Commissioner McMahon inquired what the options would be if the condos were unable to be rebuilt.

Meyers indicated that the intended purpose of this discussion was to help give a solidified answer to the condo association. Meyers desired the Planning and Zoning Commission to provide a road map if they believe there was flexibility in the zoning text or to be able to tell the condo association the zoning text is what it is and that there were no alternative options.

Commissioner Mendenhall inquired again about 14.2 and what could be considered fair. Chairperson Pearson agreed. Commissioner McMahon indicated that any change in this section of the zoning text would be applicable to all properties within the City of Okoboji and not site specific.

Meyers reminded the Commission that the zoning text does not permit a 'Special Use Permit' which often comes up in the discussion.

Commissioner Mendenhall indicated she would like to know more about non-conforming uses on the lakeshore.

Commissioner McMahon indicated that he is sympathetic with the condo association but acknowledges that the zoning text is crafted for a reason and McMahon wants to respect the fact that the text is in place to allow for the continuance of a non-conforming use but not to allow for said use in the future. McMahon indicated the disallowance of multi-family housing in R-3 district.

Commissioner Mendenhall discussed that while the language may be common amongst other communities that it did not necessarily need to be that way.

Meyers indicated of the three options previously discussed he felt as though the Commission was only interested in looking at 14.2. Meyers commented that he could look into it further and perhaps alternative options when considered 14.2.

No action taken.

Chairperson Pearson opened conversation on a potential Conservation Zoning District. Commissioner Mendenhall gave an overview and history on where this project was. Mendenhall indicated comments from the City Council and discussion with City Staff.

Commissioner Shuttleworth indicated that the Commission has been discussing this for at least a year. She indicated she felt the Council's concerns were taking into mind and things were adjusted. Commissioner Shuttleworth indicated that she would like a finalized copy of the proposed amendments to recommend back to the City Council.

Commissioner Grant joined the meeting.

Meyers indicated the purpose of presenting the documents was to solicit any additional information. Meyers commented that he could pull together the documents to officially be considered at the next Planning and Zoning Commission meeting.

Chairperson Pearson indicated this sounded reasonable.

Commissioner McMahon inquired about reason anyone would want to rezone their property into a Conservation Zoning district. Commissioner Mendenhall indicated that there were property owners who owned open spaces that would consider rezoning their property as a deterrent for future growth and that they felt these lands should be left alone for environmental reasons.

The Planning and Zoning Commission discussed the processes of rezoning and what that would look like for someone who wanted to rezoned to A-2 Conservation.

Commissioner Grant indicated that helping people understand the intent of the A-2 district is important not only for now but for those in charge of governance in the future.

No action taken.

No reports.

Meeting adjourned.

Perry Pearson, Chairperson

Michael Meyers, City Administrator