

**CITY OF OKOBOJI PLANNING AND ZONING COMMISSION MEETING MINUTES**  
**MONDAY, JUNE 1, 2020 – 5:30 PM**  
**OKOBOJI CITY HALL, 1322 HWY 71 N., OKOBOJI, IOWA 51355**

**\* Please Note: Due to COVID-19, this meeting took place on Zoom.**

The Planning and Zoning Commission for the City of Okoboji met on the above date at 5:30 pm via Zoom. Commission members present were John McMahon, Jane Shuttleworth, Hank Grant, Perry Pearson, and Barbara Mendenhall. Others present were City Administrator Michael Meyers, Bryan Sieve, Steve Tripp, David Clark, Valerie Clark, Deb Fisher, B.J. Ferguson, Annie Eichenholz, and Rich Nicklay.

Commissioner Pearson chaired the meeting and call the meeting to order.

Chairperson Pearson presented the minutes from the April 13, 2020 Planning and Zoning Commission meeting.

Motion made by Commissioner Mendenhall and a second by Commission Grant to approve the minutes of the April 13, 2020 Planning and Zoning Commission. The following Commission members voted “YEA”: McMahon, Grant, Mendenhall, Pearson, Shuttleworth. Motion passed 5-0.

Chairperson Pearson open a public hearing pertaining to a conditional use permit to Odyssey Entertainment, Great Lakes Cinema 7, for property legally described as EAST OKO VIEW COMM PL LOT 9, LOT 9 EXC NLY TRIA TRT, ALL LOT 10 EAST more commonly known as 1968 Exchange Street, Okoboji, Dickinson County, Iowa. The property is zoned C-1, General Commercial, and the proposed use is outdoor entertainment which is listed as a conditional use as per the City of Okoboji Zoning Regulations Section 8.3.

Commissioner Mendenhall inquired about light. Sieve advised that the lighting situation would actually be improved as they would be turning off street lights within the parking lot.

Commissioner Shuttleworth inquired about parking. Shuttleworth commented that there appeared to be a possible northern expansion of parking but was not sure. Bryan Sieve, represented Cinema 7, advised that the plan was to expand the parking using Class 5 aggregate surface. Shuttleworth commented that they would need to ensure LID practices. Sieve advised that this is impervious surfacing. Sieve also identified that the theatre has plans in the future to re-do the parking lot in its entirety to help resolve some drainage issues they have identified.

Commissioner Shuttleworth asked Zoning Administrator Meyers if the neighbors have been notified. Meyers advised that the process was that neighbors are identified prior to the Board of Adjustment meeting. Meyers commented that the property owners have submitted a listing of 56 neighbors within 500’ of the property, but that the letters go out prior to the Board of Adjustment meeting. Shuttleworth was curious as to feedback from the neighborhood.

Commissioner Pearson advised that he has not been to a drive-in in many years but recalls that some who participate in the drive-in are not necessarily there for the movie itself. Pearson asked about security control of the outdoor movies. Steve Tripp, representing Cinema 7, advised that drive-ins have really evolved into a family affair and not a teenage free-for-all. Tripp commented that is not what happens in today's drive-in.

Commissioner Pearson asked pertaining the possibility of movies during the day. Tripp advised that this is a regularly projected screen digitally projected onto a white surface. Tripp advised that this would not be able to be played during daylight.

Commissioner Grant asked Zoning Administrator Meyers what the conditional use permit format is. Meyers advised that the Planning and Zoning Commission should make their decision based upon Section 18.5 of the Zoning Ordinance which outlines the granting of a conditional use permit. Meyers reminded that the Planning and Zoning Commission is making a recommendation to the Board of Adjustment in favor or in opposition. Meyers advised that the Planning and Zoning Commission may make recommendations on conditions.

Commissioner Pearson asked how soon they can be in operation. Tripp advised that they can get it set up within two weeks. Sieve advised they would like to be up and running around the fourth of July. Sieve advised that there really is only a three month period for operation.

Commissioner Pearson asked about sound and if it would blast noise around the neighborhood. Tripp advised that not loud sound systems would be allowed. Tripp advised that no alcohol would be allowed. Tripp commented that employees would help regulate this and provide any necessary security.

Motion made by Commissioner Mendenhall and a second by Commissioner Grant to recommend for approval to the Board of Adjustment for the conditional use permit pending that the neighbors are notified.

Meyers advised that the notification of the neighbors is implied as part of the process.

Commissioner Pearson asked if the Planning and Zoning Commission could set a time limit on the Conditional Use Permit. Meyers advised he was not sure the legality of this but could look into it if the Planning and Zoning Commission wanted to make that a part of their motion. Pearson wondered aloud about future operators to ensure that what was discussed today was being adhered to. Meyers advised that Section 18.6 of the Zoning Ordinance allow for the revocation of a conditional use permit if the property owner becomes noncompliant. Meyers was unaware of setting up an annual review with the Planning and Zoning Commission.

The following Commissioners voted "YEA": McMahon, Grant, Pearson, Shuttleworth, Mendenhall. Motion passed 5-0.

Chairperson Pearson opened a public hearing pertaining to a lakeshore landscaping permit application submitted by David and Valerie Clark, 2503 Lakeshore Drive, legally described as Lot 38, Block 1, Haskell and Smith's 1<sup>st</sup> Addition, City of Okoboji, Dickinson County, Iowa.

There were four letters in opposition for this project from Richard & Mary Jo Coffey, Laura Weaver, Sheri DeLaMotte, and Anne Vogel Eichenholz and Debra Vogel Fisher. There were no letters in support.

Commissioner Shuttleworth expressed concern with amount of rubble and wall remaining in the bank. Shuttleworth expressed concern about seeding the bank with rock on it.

Commissioner Mendenhall advised that the bank was very heavily vegetated with woody plants that were crowding out other vegetation. Mendenhall felt that removing the woody brush would allow for the additional vegetation to come back.

David Clark advised that he was working with the Dickinson County Clean Water Alliance and their shoreline restoration program. Clark commented that he is most interested in protecting the shoreline. Clark gave a detailed overview of his lakeshore bank. Clark advised the proposal was from the Clean Water Alliance. Clark discussed his conversation with the contractor landscaper. Clark commented that he is open to other proposals and wanted to do what was best for the lake.

BJ Ferguson agreed that nothing would grow on the rocks and that there was likely a retaining wall here originally. Ferguson advised that his intentions were reutilize these rocks under the deck area for further stabilization. Ferguson discussed projects that he has done that were similar in nature.

Commissioner Mendenhall commented on her concerns pertaining to the use of Round Up and the number of applications. She again advised that the applicant should cut down on the woody vegetation first and see what happens at this point.

Commissioner Shuttleworth discussed the need for a decision making tree type of tool to help residents navigate this process. Shuttleworth felt as though this lakeshore was a good opportunity to try something like this and offered the help of Lakeside Lab.

Commissioner Grant discussed his concerns with the use of Round Up.

Clark commented that he was in no hurry and wanted to do whatever is best for the lakeshore but advised on the deadlines pertaining to the grant process through the Dickinson County Clean Water Alliance.

Chairperson Pearson and Ferguson discussed the use of Round Up and its overall successfulness.

Commissioner Mendenhall asked Commissioner Shuttleworth on a timeline pertaining to her proposed decision tree tool. Shuttleworth hoped that by the next meeting this might be ready for review.

Annie Eichenholz briefly spoke in opposition of this proposed project. Eichenholz advised that she shares the bank with the Clarks. Eichenholz expressed interest with the thought that woody vegetation being cutting back could be beneficial to see if what is growing there now could grow back. Eichenholz wants to do whatever is necessary to best protect the lake.

Clark showed willingness to other alternative options. Clark advised that the grant he received was only for a certain amount of time and did not want to miss a funding opportunity.

Commissioner Pearson felt as though they should encourage the Clark's to apply for an extension on the grant and to work towards removal of the woody vegetation.

Commissioner Grant agreed with the thought pertaining to the woody vegetation and again commented his disapproval of the use of chemical.

Clark advised that there is bare dirt under the woody growth at places and showed some concern pertaining to this. Clark commented that he has heard conflicting stories regarding Round Up.

Commissioner McMahon wondering out loud what middle ground can be achieved here while other answers are discovered.

Ferguson argued that the goal should be to be successful the first time and not have to come back and do it a second time.

Motion made by Commissioner Mendenhall and a second by Commissioner Shuttleworth to table the lakeshore landscaping application as presented until the July meeting but allow the trimming / removal of woody vegetation, seeding as necessary, and stabilization of the lakeshore (to include moving of the rocks/timbers/etc.). The following Commission members voted "YEA": Grant, Mendenhall, Shuttleworth. The following Commission members voted "NAY": Pearson. The following Commission member abstained: McMahon. Motion passed 3-1.

Commissioner Pearson presented plans on a requested vacation and conveyance of unneeded property generally located on the southern portion of East Lake Park. Pearson advised that the Planning and Zoning Commission needs to make a recommendation to the City Council.

Administrator Meyers gave an overview of the parcel of property and discussed its relationship to the proposed East Lake Park.

Motion made by Commissioner Mendenhall and a second by Commissioner Grant to recommend the conveyance for approval. The following Commission members voted "YEA": Grant, Mendenhall, Pearson, Shuttleworth, McMahon. Motion passed 5-0.

Chairperson Pearson opened discussion pertaining to Lakeshore Landscaping.

Administrator Meyers advised that many of the things the Commission wanted to discuss were discussed during the Clark application review. Shuttleworth advised she would follow up with Meyers on some of her approaches. No action taken.

Chairperson Pearson opened discussion pertaining to sign regulations.

Administrator Meyers expressed his challenges with the sign ordinance, specifically Section 13.7. Chairperson Pearson asked that Meyers put together some language changes and bring it back to the Commission for review. No further action taken.

Chairperson Pearson opened discussion pertaining to lakeshore fencing.

Administrator Meyers explained that this was the request to put safety fencing at the top of lakeshore banks. Meyers gave a brief history of why this was being discussed. Commissioner Grant expressed concern about the can of worms being opened with this. Commissioner McMahon commented on the rarity of something happening in this realm. Commissioner Mendenhall advised on other ways to achieve this. Meyers commented that it did not seem as though there was much interest in doing this and that he would no longer pursue the issue. No further action was taken.

Chairperson Pearson opened discussion pertaining to a Conservation Zoning District.

Commissioner Mendenhall commented that she felt the Commission could be reactive to the City Council's comments and remove much of the language pertaining to the permitted and conditional uses allowed in the proposed district. Meyers commented on several specifics from the Council meeting. Meyers commented that he would work with Commissioner Mendenhall on revising the existing draft. Meyers advised this could be brought back in July for continued discussion. No further action taken.

Chairperson Pearson opened discussion pertaining to a patios, walkways, and other impervious/pervious surfaces.

Administrator Meyers advised on his difficulties managing different types of surfacing and was unsure of intent of the ordinance. Meyers felt like it could be cleared up and more equitable for off-lake property owners. Meyers advised he would bring back additional language in July. No further action taken.

Chairperson Pearson opened discussion pertaining to a fence material.

Administrator Meyers commented on recent fence permits that had material that was above and beyond the acceptable material per the City's zoning ordinance. Meyers commented that they had to go through the Board of Adjustment process at their expense and Meyers commented that he felt this was unnecessary. Meyers advised he would bring back additional language in July. No further action taken.

## **REPORTS**

Meyers commented on a recent County meeting pertaining to Countywide zoning and building code enforcement. Meyers also welcome John McMahon to the Planning and Zoning Commission.

Commissioner McMahon commented on his desire to hopefully someday help work with the City on long-term planning. Administrator Meyers that the City might consider working towards an update of the Comprehensive Plan. Meyers said he would work with McMahon on this.

## **ADJOURNMENT.**

The meeting was adjourned at 8:11 PM.

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Michael Meyers  
City Administrator