MINUTES OF THE CITY OF OKOBOJI PLANNING AND ZONING COMMISSION
MEETING HELD ON AUGUST 14, 2023 – 5:30 PM

The Planning and Zoning Commission of the City of Okoboji met on the above date at 5:30PM at the Okoboji City Hall. Commission members present were Perry Pearson, Doris Welle, Barbara Mendenhall, and Hank Grant. Commission member John McMahon was excused from the meeting. Others present were City Administrator Michael Meyers, Micki Kohorst, Dan Sanders, Aaron Jones, Rod Simonson, Lester Paul, Steve Nelson, Eric Allen, and John Stevens.

NEW BUSINESS

Motion made by Commissioner Mendenhall and a second by Commissioner Grant to approve the meeting minutes from the July 31, 2023 Planning and Zoning Commission meeting. The following Commissioners voted "YEA": Mendenhall, Pearson, Welle, Grant. Motion passed 4-0.

OLD BUSINESS

Chairperson Pearson continued discussion pertaining to an application for a Conditional Use Permit pertaining to the property located at 1320 Highway 71 N., Okoboji, Iowa from Commons Holdings, LLC to convert the current use "HOTEL MOTEL" to the proposed conditional use "CONDOMINIUM".

Pearson acknowledged a letter received from Aaron Jones. Jones advised that he was representing some of the property owners associated with Village Oaks and other properties in the immediate vicinity. Pearson advised that many of these points in the letter have been addressed in the previous meeting.

Chairperson Pearson discussed many of the things that were considered at the last Planning and Zoning Commission meeting held on July 31, 2023. Commissioner Grant commented that there was major emphasis on the low impact development plan and protecting the cabins adjacent to the lake from any storm water runoff.

Jones advised that one of the main concerns of those he represents is what happens to the valuation of the properties which they own. Jones commented it was less of the conversion of the existing hotel but the proposed expansion. Jones believes it will devalue their properties commenting upon how unique of a situation it is at this location.

Pearson discussed the proposed use of the property commenting that if it is not under a conditional use that the City can control and put proper safeguards in then under commercial zoning could be much worse for those who are adjacent to this property. Commission Welle agreed.

Commissioner Grant discussed the Planning and Zoning Commission's request to restrict short-term rentals.

Micki Kohorst expressed concern about traffic on Highway 71 and the impact of the full project. Commissioner Welle commented that she felt it would be less traffic. Welle believed that condominium owners would be much more caring about what is going on in that property and how things are being used compared to a transient guest who does not care for the property. Welle commented that property owners will be far more conscientious.

Commissioner Mendenhall asked if the City's Engineer had an opportunity to look at the information presented to the Commission pertaining to the low impact development. City Administrator Meyers commented that he was unaware if the engineer had seen specifically what was submitted but commented that he is aware that the developer and the City's engineer had significant conversation pertaining to this project and Meyers also spoke with the engineer about the project. Meyers reminded that when a building permits is applied for each phase of the project; in the event the net increase of impervious surface is greater than 500 square feet a low impact development plan must accompany the application. Meyers stated that not only is the engineering looking for the treatment of the first 1.25" of rainwater but they are also making sure that water is runoff appropriately and not damaging to adjacent properties. Steve Nelson, representing the project, discussed that their engineering and the City's engineer spoke in detail about this. Nelson commented that their goal is not to drop another drop of water on the lower cabins through low impact development techniques and other storm water management techniques.

John Stevens discussed the plan for boats and trailers. Stevens discussed that there would be six locations provided for boats and trailers within the Association as defined in the bylaws of the condo association. Stevens discussed that only those six would be allowed to have their boats and trailers on the property, it would otherwise be prohibited.

Lester Paul discussed issues with individuals walking down the hill and entering onto his property. Paul requested that there be a barrier of some kind between the properties. Paul felt that it was just individuals seeking to access the lake. Commissioner Mendenhall felt that e fence or some sort of landscaping barrier was a good idea to protect the property owners. Stevens commented that these are property owners and would know what is part of their property and what is not as private property owners. Mendenhall felt there should still be some sort of barrier.

Stevens discussed conversations he has had pertaining to the easements on the property from Brooks Golf Course, Dickinson County Trails Board, and an adjacent property owner. Stevens alluded that these issues are not entirely remedied, but certainly in process.

Dan Sanders asked City Administrator Michael Meyers if when a LID is triggered if it takes into account the entire impervious surface on the property. Meyers responded that it would be for the net new impervious surface. Sanders asked if there was an existing LID plan for the property of which Meyers commented he was unsure as it would all predate his time with the City of Okoboji. Commissioner Mendenhall felt that the structures likely predate the LID ordinance put in place by the City.

Chairperson Pearson discussed the submitted bylaws and the regulation of short-term rentals. Pearson acknowledged that it was covered in Article XVI in the submitted bylaws, but expressed some concern that the Board could modify the bylaws. Nelson advised that he had this conversation with City Administrator Meyers as well and that they are willing to draw these up as the City wishes. Nelson advised they also do not want short-term rentals and are willing to put in whatever verbiage necessary to lock that in. Discussion took place about putting it on as a deed restriction.

Commissioner Welle suggested that the developer consider putting in some pet regulations pertaining to number of pets and size of pets within the bylaws. Micki Kohorst agreed with this thought.

More conversation continued pertaining to defining the boundaries of the property lines.

Aaron Jones discussed his concerns for his clients pertaining to the project. These concerns were, but not limited to, issues of noise, property devaluation, and the density of assemblies around amenities. Jones reviewed his responses to Section 18.5 of the City of Okoboji Zoning Ordinance which outlines conditional use standards and restrictions. Jones felt that he had no issues with a conversion of the existing footprint alleging that condos are better suited than the current hotel but his larger concern was the addition of new buildings and amenities.

Lester Paul complained about the live music from the existing music and wine venue and said that swimming pools would add to the noise. Commissioner Welle reminded Paul that the venue would be going away.

Rod Simonson commented that at some point the hotel is going to go away. Simonson commented that with the commercial zoning, someone could come here and put a large bar in without additional approvals. Simonson commented that he was not in favor or opposition, but felt as though it could be worse.

Commissioner Welle commented that if she were to own one of these condos and if there was some sort of noise ordinance it will be quieter than it is now. Welle argued that private property owners are living there, going to work, and otherwise not there to party until 2:00 AM.

Steve Nelson commented that he felt values will increase as this site becomes more manicured and improved upon. Nelson reminded that they are going from 74 hotel rooms to 70 condominiums. Nelson felt that the McDonalds nearby creates more traffic than the condominiums will. Nelson reminded the wine bar is getting rid of, no bands.

Chairperson Pearson discussed conditions on which an approval may be consider and inquired with City Administrator Meyers on how to best approach the ensure things are covered so that the Board of Adjustment is aware of the concerns and what has been discussed. Meyers advised that the Planning and Zoning Commission is an advisory and if they feel this is a worthy project should note their concerns within their recommendation for approval so that the applicant can continue to fine tune. Meyers commented that he would provide a staff report and meeting minutes to the Board of Adjustment with everything detailed as well.

Additional conversation took place pertaining to the limitation of short-term rentals.

Commissioner Mendenhall discussed what she felt were amongst the most important conditions to place upon the approval.

Steve Nelson discussed the proposed boundary requirement between the properties. Landscaping and other alternative options were discussed. Chairperson Pearson advised some sort of visual barrier through plantings or simple fencing.

Motion made by Commissioner Mendenhall and a second by Commissioner Grant to recommend to the Board of Adjustment that the Conditional Use Permit be approved based on the following conditions... (1)The developer must adhere to the City's low impact development principles as approved by the City Engineer (2) The developer must have language in their bylaws pertaining to the number of pets and size of pets (3) The developer must have language in their bylaws pertaining to noise (4) The developer must have a defined boundary between their property and the properties to the east (5) The developer must

have language in the bylaws pertaining to a restriction of short-term rentals to no less than 90 days. The following Commissioners voted “YEA”: Mendenhall, Pearson, Welle, Grant. Motion passed 4-0.

THE MEETING WAS ADJOURNED AT 6:45PM.

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Michael Meyers, City Administrator