MINUTES OF THE CITY OF OKOBOJI PLANNING AND ZONING COMMISSION
MEETING HELD ON APRIL 29, 2024

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 Doris Welle, Barbara Mendenhall, and John McMahon. Commission members Perry Pearson and Hank Grant were present via Zoom. Others present were City Administrator Michael Meyers, Ben Groen, Allen Smith, Tom Maser, David Carpenter, Bruce Smith, Gage Tolman, and Troy Tolman.

NEW BUSINESS

Motion made by Commissioner Mendenhall and a second by Commission Welle to approve the meeting minutes from the August 14, 2023 Planning and Zoning Commission meeting. The following Commissioners voted "YEA": Grant, McMahon, Mendenhall, Pearson, Welle. Motion passed 5-0.

Chairperson Pearson opened a public hearing and discussion pertaining to an application for lakeshore landscaping at 3005 Lake Shore Drive, Okoboji, Iowa 51355.

There were no comments in favor, neutral to, or in opposition of the proposed project.

Troy Tolman provided an overview of the proposed project. Tolman detailed a failing retaining wall and the necessity for reconstruction of the previously existing retaining wall.

City Administrator Meyers explained that the City had a pre-application meeting with the property owner, the landscaper, and the City's engineer. Meyers recalled conversation with the Planning and Zoning Commission from the previous year where the Commission discussed the necessity for engineering plans for simple replacement projects. Meyers commented that the Commission advised that if City Staff felt as though engineering was not necessary due to the simplicity of the project, that they could make such recommendation to the Commission. Meyers advised that City Staff felt that this project was an example of one that could forego engineering plans. Meyers commented that initially part of the plan included new retaining walls on the top of the lakeshore, which would have required the engineering plans, but that portion was eventually moved away from.

Tolman continued to explain the project constructed with modular block, geo grid and a drainage system. Tolman detailed the vegetation proposed for the project.

Chairperson Pearson asked questions pertaining to drainage behind the proposed wall. Tolman confirmed that there would be a tile that would catch water.

Motion made by Commissioner Mendenhall and a second by Commissioner Grant to recommend the application for lakeshore landscaping at 3005 Lake Shore Drive for approval. The following Commissioners voted "YEA": Grant, McMahon, Mendenhall, Pearson, Welle. Motion passed 5-0.

Chairperson Pearson opened a public hearing and discussion to make a recommendation to the Board of Adjustment pertaining to the property located at 1103 Sanborn Avenue, Okoboji, Iowa and the application for a conditional use permit from Okoboji Flats LLC to convert the current use "HOTEL-MOTEL" into the proposed conditional use "CONDOMINIUM".

There were no comments in favor, neutral to, or in opposition of the proposed project.

Chairperson Pearson read aloud the application and other relevant material.

City Administrator Meyers provided an overview commenting that the structure was recently purchased and renovated by the property owner. Meyers advised that there are 6-units that are currently being utilized as a hotel-motel or on a short-term rental basis. Meyers commented that the property is zoned C-1, General Commercial and that a condominium is a conditional use of the commercial zoning district. Meyers advised that the property owner wished to sell these individually as condos and establish an owner's association to manage the site. Meyers provided a description of adjacent properties. Meyers advised that the Commission is making a recommendation to the Board of Adjustment for either approval or rejection.

Dave Carpenter explained that his plans included the addition of an accessory structure for storage for these units on the south side of the property. City Administrator Meyers discussed conversations he had with Carpenter pertaining to the idea that these units were to be the size more so for miscellaneous items and not for motorized vehicles.

Chairperson Pearson inquired about boat trailers. Carpenter advised that he felt the HOA would likely not allow this long-term. Commissioner Welle advised that she felt the HOA would also govern this over the long-term. Carpenter commented on the overall lack of space for this type of activity on a long-term basis.

Commissioner Grant asked about short-term rentals and the likelihood of such. Carpenter commented that it would be up to the HOA as to whether or not to allow this. Chairperson Pearson commented that the Planning and Zoning Commission's stance has been to dissuade property owners from short-term rentals. Commissioner Welle commented that in her condo complex the HOA has regulated this because they live there and do not want to live amongst short-term rentals. Carpenter commented that the existing use is essentially short-term rental in its current state and reemphasized that the property is commercially zoned.

Chairperson Pearson commented on the Commission's previous concerns pertaining to short-term rentals with the former Okoboji Commons property. Commissioner Mendenhall noted the differences in location with the Okoboji Flats property. Mendenhall commented that it's situated between a gas station and a motel and that six units was far different than seventy units. Meyers commented that the Commons property bordered residentially zoned property and that the Okoboji Flats property is entirely surrounded by commercially zoned property. Meyers also commented that he felt there was not much difference between a hotel-motel and a individually owned condos that are being rented. Meyers felt that it would also be better suited to be individually owned. Commissioner McMahon felt that the HOA would regulate as they see fit and did not see a compelling reason to attempt to regulate.

Carpenter discussed the various other things that the property could become without the necessity for a conditional use permit.

Motion made by Commissioner Mendenhall and a second by Commissioner McMahon to recommend the conditional use permit for approval to the Board of Adjustment. The following Commissioners voted "YEA": Grant, McMahon, Mendenhall, Pearson, Welle. Motion passed 5-0.

Chairperson Pearson opened a public hearing and discussion to make a recommendation to the City Council pertaining to a request from Tod K and Lisa S Quiring pertaining to the vacation of the platted

utility easements lying on both sides of the common line of Lot 1 and Lot 2 of the Whitecap Addition in the City of Okoboji, Dickinson County, Iowa.

There were no comments in favor, neutral to, or in opposition of the proposed project.

City Administrator Meyers advised the Commission that when the Whitecap Addition was originally platted, all of the lots had a 5' side yard utility easement. Meyers commented that Lot 1 and Lot 2 are now under common ownership with the intent to build a single family home stretched over both lots. As such, the property owner was seeking to vacate the easement to no bisect their buildable area of the lot. Meyers explained that there are presently no utilities in this this easement and that all utility companies were contacted by the property owner and the documentation was provided to the Commission. Meyers recommended that the Commission move forward with a recommendation to the City Council for vacation.

Motion made by Commissioner Welle and a second by Commissioner Grant to make a recommendation for approval of vacation to the City Council pertaining to the platted utility easement lying on both sides of the common line of Lot 1 and Lot 2 of the Whitecap Addition. The following Commissioners voted "YEA": Grant, McMahon, Mendenhall, Pearson, Welle. Motion passed 5-0.

Chairperson Pearson opened a public hearing and discussion to make a recommendation to the City Council pertaining to the request from Allen Smith pertaining to the vacation of City owned property commonly referred to as Ottelia Avenue at parcel #07-19-42-7010 in the City of Okoboji, Iowa, Dickinson Count, Iowa.

There were no comments in favor, neutral to, or in opposition of the proposed project.

City Administrator Meyers provided a detailed overview of the situation. Meyers explained that back int eh early 1970s the City of Okoboji vacated a former right-of-way known as Ottelia Avenue to all adjacent land owners. For whatever reason, which has not fully been determined, there was still a small portion of Ottelia Avenue that was under City ownership. Meyers advised that in 2023 Allen Smith approached the City Council about vacating that to the Smiths as was the intent 50 years prior. Meyers advised that the City had no use for this property and generally does not maintain the property as its own. However, Meyers did warn against vacating the entire property and instead felt it necessary that the City retain a certain portion of the property for the purposes of snow removal on the eastern end of Carriage Lane. Meyers commented that during the summer there is ingress-egress of ATV and vehicle traffic through this portion of the Smith's property onto Carriage Lane and the Smith's ultimately want to erect a fence to prevent this.

Allen Smith provided additional historical context on the matter.

Smith offered that he would install a gate across the property and would provide the City a key to open the gate to push snow onto the property once it was vacated. City Administrator Meyers commented that he would rather the City retain ownership of a small portion of the property and did not care for the idea of having a gate opening up to private property. Meyers commented that you were asking City Staff to get out of their plow truck, open a gate in the middle of a snow event, and then push snow in that direction. Meyers also commented on the permanency of the decision and the potential that the property may transfer hands. Bruce Smith commented that they would be willing to leave the gate open all winter long.

It was discussed that ultimately the City Council could make the decision as to whether or not to retain a portion of the property or make an agreement with the Smith's pertaining to access. Meyers commented that he could work with the Smiths in between this meeting and the Council meeting on a compromise if there was one.

Motion made by Commissioner Welle and a second by Commissioner Mendenhall to make a recommendation for approval of vacation to the City Council pertaining to the vacation of the undisposed portions of Ottelia Avenue pending an amicable conclusion pertaining to the snow removal. The following Commissioners voted "YEA": Grant, McMahon, Mendenhall, Pearson, Welle. Motion passed 5-0.

City Administrator Meyers discussed other various zoning issues. Meyers commented on the need to revise the City's sign ordinance. Meyers also discussed the R-3, Lakeshore Residential setback for the rear yard. Meyers advised that it was currently 0' and expressed concern for snow removal. Meyers advised that there was an issue pertaining to shipping containers in a commercial setting and he felt like there should be some regulation pertaining to this to prevent this. Lastly, Meyers discussed some administrative oddities within the zoning text that could be cleaned up.

Motion made by Commissioner Welle and a second by Commissioner Mendenhall to adjourn the meeting. The following Commissioners voted "YEA": Grant, McMahon, Mendenhall, Pearson, Welle. Motion passed 5-0.

The meeting was adjourned at 6:57PM.

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Michael Meyers City Administrator