MINUTES OF THE CITY OF OKOBOJI PLANNING AND ZONING COMMISSION
MEETING HELD ON OCTOBER 2, 2024

The Planning and Zoning Commission of the City of Okoboji met on the above date at 2:00PM at the Okoboji City Hall. Commission members present were Perry Pearson, Hank Grant, Barbara Mendenhall, Dorris Welle, and John McMahon. Others present were City Administrator Michael Meyers, City Attorney David Stein, Matt Hanson, Jake Schoelerman, and Katie Bloom.

NEW BUSINESS

Motion made by Commissioner Mendenhall and a second by Commissioner Grant to approve the meeting minutes from the July 10, 2024 and August 14, 2024 Planning and Zoning Commission meetings. The following Commissioners voted "YEA": Pearson, Grant, Mendenhall, Welle, McMahon. Motion passed 5-0.

Chairperson Pearson opened discussion pertaining to an emergency lakeshore landscaping application to make a recommendation to City Staff pertaining to the property located at 3901 Lake Shore Drive, Okoboji, Iowa 51355.

City Administrator Michael Meyers discussed his pre-application meeting with the City Engineer and contractors on-site. Meyers explained that this lakeshore experienced a catastrophic failure during the June heavy rain events. Meyers declared that this was determined to be an emergency lakeshore landscaping situation, however, Meyers advised he did not feel comfortable taking administrative action on this application as allowed by City Code due to the significant structures that were previously existing on the lakeshore and the request to rebuild said structures. Meyers noted the boat house, decks, and fire pit area. Meyers felt as though it was not his determination to make and sought recommendation from the Planning and Zoning Commission based upon their interpretation of the ordinance.

Commissioner Welle asked about the status of the boathouse and whether or not it ended up in the lake. Jake Schoelerman, representing the project, confirmed that the boathouse structure was entirely destroyed with the exception of the foundation, a wall, and the floor.

Commissioner Grant asked City Administrator Meyers to explain the City's ordinances pertaining to boat houses. Meyers advised that there were four sections he had identified to help navigate the situation. Meyers first explained two sections within the lakeshore landscaping ordinance, specifically Section 11.22.5E and Section 11.22.8B which both address structures on the lakeshore. Meyers also commented on the greater zoning ordinance as it pertains to non-conforming structures highlighting Section 11.13 and Section 14.4.

Discussion took place pertaining to legally non-conforming structures. Meyers requested direction on the matter and advised that he felt it was a legally non-conforming structure per Section 11.13. Meyers also inquired if the intent of the lakeshore landscaping ordinance was to allow the property owner to rebuild.

Commissioner Mendenhall asked about the remainder of the foundation. Schoelerman explained what was left of the structure post-collapse. Mendenhall advised that some credence should be given considering the remaining portions of the structure. Schoelerman advised that the design of the landscaping portion of the project is to include the concrete walls so that the stability of the lakeshore

bank is not further compromised. Commissioner Pearson noted that what was there and still remains helped save portions of the bank.

Commissioner Mendenhall inquired on the construction techniques of the geo cells and discussion took place on the toe of the lakeshore.

Commissioner Grant inquired on the non-conformity. Meyers commented that he felt it was indeed a nonconforming structure. Meyers advised Commissioner Grant that the test should be if this Commission would allow for a boathouse to be built otherwise. However, Meyers also commented that the decking and patios on all lakeshore landscaping applications are also nonconforming and the Commission allows for those to be rebuilt. Meyers again asked what is the intent pertaining to boathouses. Schoelerman pointed out other properties where there was a boathouse that was destroyed due to the natural disaster.

Commissioner Mendenhall again commented on the remaining portions of the structure and their benefit to the lakeshore stability. Commissioner Grant challenges the remaining portion pertaining to the remaining insured value of the boathouse.

Commissioner McMahon asked allowed what the best thing for this bank in this situation. McMahon advocated for the good of the bank and the good of the lake. McMahon also advised that he would abstain from the vote on this matter due to the fact that his family has a boathouse located on their lakeshore.

Katie Bloom, partial property owner, spoke to the project and explained their desires.

Commissioner Pearson again noted that the remaining structure largely helped save portions of the bank from collapse. Pearson stated that this could have been even more catastrophic than it was.

Commissioner Mendenhall asked about the drainage coming off of the main house and how that was being collected. Schoelerman advised that there would be drainage at the top along with house drainage directly out to the lake. Matt Hanson discussed some of the challenges with low impact development plans requiring water be sent over soil quality restoration areas. Hanson noted it works well for light rainfalls but not so much in these heavy rainfall situations.

Commissioner Grant was concerned about the precedent that might be set if allowed to rebuild. Commissioner Welle disagreed stating that she felt enough of the structure was still there. Pearson agreed with Welle. Pearson felt this issue could be argued every which way. Mendenhall advised that the fact that a wall and the flooring were still remaining made a huge difference in her mind.

Chairperson Pearson felt that the top section of the lakeshore landscaping ordinance was of more importance than the bottom sections. Welle felt that it allowed for a structure of the same size, height, location to be rebuilt so long as it will not hinder bank stabilization. Welle advised it is helping bank stabilization, not hurting it.

City Administrator Meyers stated that it was quite obvious that it was a pre-existing legal nonconforming structure. Meyers again stated that the Commission had in the past approved other legal non-conforming structures (decks, patios) on the lakeshore to be rebuilt. Meyers asked if the ordinance allows for the boathouse to be rebuilt, and if so where—or if you don't believe that is the case then the permit would be denied and they could go in front of the Board of Adjustment. Meyers stated the precedent was important and rationale was important.

Mendenhall reiterated the importance of the wall in terms of bank stabilization.

Commissioner Grant requested that Administrator Meyers re-read Section 14.4.2, which Meyers did aloud.

Motion made by Commissioner Mendenhall and a Second by Commissioner Welle to recommend the lakeshore landscaping application for 3901 Lake Shore Drive for approval. The following Commissioners voted "YEA": Mendenhall, Pearson, Welle. The following Commissioners voted "NAY": Grant. The following Commissioner abstained: McMahon. Motion passed 3-1.

Chairperson Pearson opened a public hearing to discuss and make recommendation to the City Council for an amendment of the 2013 Okoboji Zoning Ordinance by amending Section 5.3 pertaining to Conditional Uses within the R-1, Single Family Residential Zoning District.

City Administrator Michael Meyers provided an overview which includes the additional of "AVIATION FACILITIES – MINIMUM 10 ACRE LOT SIZE" to be listed under the conditional civic uses of the R-1, Single Family Residential Zoning District. Meyers acknowledged how it was abnormal for a R-1 zoning district. Meyers stated the 10-acre minimum was so that it was not applicable to all properties. Meyers reminded the Commission of the catalyst to the conversation which was that the airport wishes to expand their hangars and Meyers felt as though they had no legal right to do so. Meyers advised that the City and the airport were working towards creating a framework to accomplish this which being conscientious of the neighborhood in which it exists. Meyers stated that this would provide proper notification and road maps for the City and the airport for today and in the future moving forward. Meyers stated that if this is recommended for approval, it would go in front of the City Council. If approved at that time, the airport would apply for a Conditional Use Permit to outline what they can, and cannot, do in terms of expansion.

Commissioner McMahon asked about any this changing the nature of the aircraft or aircraft density at the airport. Meyers stated that this conversation is exactly why he felt it was important for a conditional use permit to exist so that here are guardrails on expansion for the non-conforming use. Meyers expressed sensitivity to the neighborhood and that there needed to be a safeguard to protect the surrounding the environment and a conditional use permit would help accomplish this while allowing the airport to operate.

Motion made by Commissioner Grant and a second by Commissioner Mendenhall to recommend the amendment for approval to the City Council. The following Commissioners voted "YEA": Pearson, Grant, Mendenhall, Welle, McMahon. Motion passed 5-0.

The meeting was adjourned at 3:08 PM.

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Michael Meyers, City Administrator