



# PLANNING COMMISSION/BOARD OF ADJUSTMENT

**Tuesday, April 09, 2024 at 7:00 PM**

City Hall 8319 Co. Rd. 11 Breezy Point, MN 56472

(218) 562-4441 | Office Hours 8:00 a.m. - 4:00 p.m. | [cityadmin@cityofbreezypointmn.us](mailto:cityadmin@cityofbreezypointmn.us)

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## AGENDA

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1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
4. **APPROVAL/AMENDMENT OF THE AGENDA**
5. **OPEN FORUM**
6. **APPROVAL OF MINUTES**
  - [A.](#) March 12, 2024 Regular Planning Commission Meeting Minutes
7. **NEW BUSINESS**
8. **OLD BUSINESS**
  - [A.](#) Zoning Code Update
9. **STAFF REPORTS**
10. **COMMISSIONER REPORTS**
11. **ADJOURN**

**Breezy Point Planning Commission/Board of Adjustment**

**March 12, 2024  
Regular Meeting**

The regular meeting of the Breezy Point Planning Commission/Board of Adjustment was called to order by Commission Chair Marcy Weaver at 7:00 p.m. Those in attendance included members Joe Ayers, Lee Brisbin, Roger Theis, Teddy Zierden, Marcy Weaver Administrator Clerk David Chanski and Planning and Zoning Administrator Peter Gansen.

Approval of Agenda

Motion Ayers/Brisbin to approve Agenda, Motion Carried 4-0

Open Forum

No one spoke

Approval of 1/9/2024 Regular Meeting Minutes

Motion Theis/Ayers to approve the minutes as written, Motion carried 4-0.

New Business

- A. Subdivision Application S-24-001 WHITEBIRCH INC 9252 BREEZY POINT DR. LOTS 1-3 BLOCK 1 & OUTLOT A WHITEBIRCH VISTA. Parcels 10171421, 10171422, 10171423 & 10171424. Request a Preliminary Plat. Zone R-4**

The Chair noted the applicant was present.

Planning and Zoning Administrator reviewed the staff report. See file.

The Chair noted included in the staff report the recommendation to consolidate the outlot.

The Chair invited the applicant to present their application.

David Landecker representing the Whitebirch Inc. spoke about the size and dimensions and density of the units. That under the current zoning class now they could do more units but do not wish to do a bunch of multi-story units. He also mentioned that the proposed development exceeded the green space requirements. The property will become a CIC and there will be common ownership in the outlot.

Landecker also noted the buildings are going to be very similar in design as other Whitebirch Inc properties and there will be a couple of there units that will be walkout basements.

Landecker asked the Board if they had an further questions.

Ayers asked about the golfcart path that connected to the highway.

Landecker stated he would like to talk about the path during the conditional use request rather than the preliminary plat.

Landecker stated he will address the path during the conditional use request.

Theis asked about the topography of the path.

There was various discussion about the grade and approach that was developed prior to the path.

Landecker stated this would be appropriate for discussion during the next application and not the preliminary plat.

Gansen agreed that would be germane discussion for the conditional use permit as the current application is a preliminary plat and the Board needs to review size dimension and performance standards of the proposal and if it meets the City's standards.

The Chair redirected discussion to the size and density of the proposed development.

The Chair noted the outlot should be referred to as consolidating outlot A with outlot E.

The applicant conferred that process would be done with the County.

The Chair asked for public for comment.

There was no one from the public that spoke.

The Chair closed public comment.

The Chair asked for any further Board discussion on the application.

There was no further discussion.

The Chair asked staff to read the findings.

Gansen read the findings. See file.

**Motion Weavers/Theis** to recommend approval to City Council of Subdivision Application S-24-001 with a condition to consolidate outlot A with outlot E, Motion carried 4-0.

The recommendation is subject to the following condition:

- 1.) Consolidate outlot A with outlot E.**

**B. Conditional Use Permit Application C-24-002 WHITEBIRCH INC 9252 BREEZY POINT DR. LOTS 1-3 BLOCK 1 & OUTLOT A WHITEBIRCH VISTA. Parcels 10171421, 10171422, 10171423 & 10171424. Request four duplex dwelling units. Zone R-4.**

The Chair noted the applicant was present.

Planning and Zoning Administrator reviewed the staff report. See file.

The Chair asked if there were any questions on the staff report. There were none.

The Chair invited the applicant to present their application.

David Landecker representing the Whitebirch Inc. asked the Board if they had a chance to review the plans for the conditional use permit.

The Board conferred that they did not need additional time to re-review the plans.

Landecker spoke on the layout of the property based on dwelling size in proportion to the lots and would be very similar to the other Whitebirch properties.

The applicant noted the site was chosen as it is at the end of the cul-de-sac and how the property is serviced by municipal sewer. The clientele will likely be retirees, active adults and seasonal in use. The property will be 2 bedroom units and will not generate more traffic than any other residence in the area.

The applicant reviewed stormwater and green space and how they fall well within the allowed amounts.

The applicant spoke in detail about site drainage, grading and the general layout of the property in relationship to the plans presented.

The applicant closed their presentation and asked the Board if they have any questions on the application.

Theis asked about the vegetation clearing on the property.

The applicant said they would not likely remove trees out of the stormwater area and plan to keep vegetative buffers by the south part of the property.

There was conversation about site grading and vegetation.

Ayers asked about clarification on the stormwater management.

The applicant detailed the grading/stormwater plan to the Board.

There was continued conversation about site grading and vegetation.

Theis asked about a feature on the parking.

The applicant said this was a parking area and an area to provide service to the sewer.

The applicant spoke about the clientele of the development. That they will likely be people aged fifty years or more and there will be restriction that will operate similar to that of the prior Whitebirch development.

Ayers asked which unit were walkouts.

The applicant stated the plan presented walkout units.

Zierden asked if the golf course will need to be torn up to install sewer service.

The applicant stated they would directionally bore through the golf course.

Ayers asked if there would be a turn lane.

The applicant said the County did look at it.

There was varying discussion on the prior development and traffic in the area.

Zierden asked if the project is going to be phased.

Landecker stated they are going to grade the site at once, but the buildout will be based on generated sales.

The Chair asked if the Board had any more questions for the applicant. There were none.

The Chair asked for public input. There were none.

The Chair closed public input.

The Chair asked staff to proceed with the findings.

Gansen read the findings. See file.

The Chair noted that it appears that the findings have been met. It appears the applicant through several meeting and hearings have addressed a lot of the concerns residents had about the proposal. Specifically, if there is adequate parking, and that seems to exist. There is an onsite well. The HOA will keep the neighborhood consistent in appears to the neighborhood, and the covenants will restrict the properties from being in the rental pool.

The Chair asked for any other deliberation from the Board. There were none.

The Chair asked for a motion.

**Motion Theis/Zierden** to approve Conditional Use Permit Application C-24-002 subject to the following conditions, Motion carried 4-0.

- 1) Approval of CUP 24-002 is contingent upon final approval and acceptance of the Re-Plat of Whitebirch Vista, AKA Vista Village, by City Council.**

**C. Zoning Code Update RFP**

Administrator Chanski presented to the Board that the updating the zoning code has been an ongoing discussion with the City Council for the better part of the last year. As part of the 2024 budget Council did budget to have a comprehensive update to the City Ordinance updated. Noting it has been quite some time since the zoning code has been updated. The efforts of the update to would be to clean up the ordinance and utilize pictorials, graphics and illustrative charts to make the code more modern and user friendly.

Chanski noted that the Board can refer to RFP which is similar in format to those used by the City of Brainerd. If they need to see additional examples, they can refer to the September 9, 2020 agenda from the City of Brainerd PC. Their RFP produced very good results with 8 firms submitting proposals.

Chanski summarized what the purpose of the RFP was for and what deliverables it would likely produce. Discussing how the City also needs to look at moving from being exclusively use related to zoning to introducing more form based zoning and how things are going to look. That the proposal includes reviewing the comprehensive plan. With the overall goal on seeing how the firms will present how they propose to do this process.

The schedule for the process was discussed with consensus to expect at least 18 months to 24 months depending on how indepth.

The timing in and pocess of the RFP was discussed and how the Planning Commission will be the working group for this or if they need to create a subcommittee which would include a lot of outreach to the community and community based workshops. That this will be highly

dependent on the selected consultants process as well. The interviews will be conducted after the proposals are received.

Ayers asked if the consultants work with cities smaller than Brainerd.

Chaski summarized that yes the process are little bit unique to each city however the overall concept is the same and these consultants work with cities of all sizes on up to cities the size of St Cloud.

The Chair asked if the Board feels this should be a work meeting or subcommittee.

Chanski replied that is something for the Board to think about on how they want to recommend to the City Council and how this process will go to City Council for input.

The Chair asked the Board to review the RFP and be prepared to discuss it further at the April meeting.

Old Business

There was no old business.

Staff Reports

The next PC meeting is April 9<sup>th</sup>.

There were no additional staff reports.

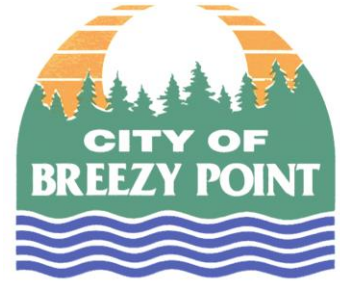
There being no further business the meeting adjourned at 8:07 p.m.

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Submitted by Peter Gansen  
Planning & Zoning Administrator.

TO: Planning Commission/Board of Adjustment  
FROM: David Chanski, City Administrator/Clerk  
RE: Zoning Code Update  
DATE: April 9, 2024

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**Background**

The City Council approved the issuance of the attached RFP for an update to the Zoning Code on April 1. The Planning Commission previously discussed the RFP on March 12.

**RFP Review and Consultant Selection**

As staff shared at the March 12 Planning Commission meeting, the Planning Commission will play an intricate role in the zoning code update process. Staff is looking for the Commission to provide direction on a number of items as the City moves forward with this process.

- 1) Does the Planning Commission desire to interview consultants?
  - a. Staff does recommend conducting consultant interviews. However, that can be done in different ways. The Commission can call a special meeting just to conduct the interviews or hold them during a regular meeting. Additionally, the entire Commission can conduct interviews or an interview committee can be appointed to conduct interviews outside of a public meeting.
  
- 2) If interviews are conducted, does the Planning Commission desire to interview all consultants or just the top 2-3?
  - a. This question can be dependent on the number of proposals received. However, staff does not recommend interviewing all consultants due to the time it takes to conduct interviews. Additionally, consultants are less likely to submit a proposal if they know that they have to also interview against all other consultants.
  - b. If the Commission selects to only interview the top 2-3 consultants, how should they be selected? Should it be staff's recommendation or staff working with 1 or 2 members of the Planning Commission?
  
- 3) How does the Planning Commission desire to interview consultants?
  - a. Does the Planning Commission desire to ask each consultant a developed list of questions, or should the interviews be comprised of a presentation followed by a question & answer period?
  
- 4) Once a consultant is selected, how does the Planning Commission want to work on the update process?
  - a. Does the Commission desire do work as a whole body or appoint a working group that reports back to the full commission as needed?



# THE CITY OF BREEZY POINT, MN



REQUEST FOR PROPOSALS (RFP)  
FOR  
ZONING CODE UPDATE

CONTENTS:

1. ORGANIZATIONAL INFORMATION
2. SCOPE OF SERVICES AND DELIVERABLES
3. SCHEDULE
4. COMPENSATION FOR SERVICES
5. GENERAL REQUIREMENTS FOR PROPOSALS
6. PRE-CONTRACT COSTS
7. EVALUATION CRITERIA

## **ORGANIZATIONAL INFORMATION**

The City of Breezy Point is a statutory city under Minnesota State Statute and is located in the heart of lakes country in Crow Wing County, Minnesota. The City received a 2022 population estimate of 2,780 residents from the Minnesota State Demographer’s Office, has seen 184% growth since 2000, and continues to be one of the fastest growing communities in Crow Wing County year over year.

The City is a bedroom community whose primary industry is tourism. According to the Crow Wing County Assessor’s Office, 56.3% of the properties in the City are classified as residential, 40.1% as seasonal, 3.2% as commercial, and 0.4% as agricultural.

The City’s Zoning Code can be found here: <https://www.breezypointmn.gov/ordinance/chapter-153-zoning>

The City’s Zoning Map can be found here: <https://www.breezypointmn.gov/media/141>

The City’s Comprehensive Plan can be found here: <https://www.breezypointmn.gov/planning-zoning/page/comprehensive-plan>

## **SCOPE OF SERVICES AND DELIVERABLES**

The City of Breezy Point (the “City”) is seeking professional planning services (the “Consultant”) to lead the City in updating its zoning code. The City desires an approach that takes its more traditional zoning standards and updates them in a way that specifically speaks to the City’s character and shifts the focus from primarily the use of development to the physical character of development. The final product must be an innovative, intuitive, highly-illustrative, and user-friendly code that will implement the vision of the City’s comprehensive plan.

In addition to a complete revision of the City’s zoning code, proposals should include a detailed review and necessary updates to the Comprehensive Plan to support a revised zoning code.

## **SCHEDULE**

The Consultant shall include intermediate deadlines in the proposal for all project deliverables defined in this document.

<b>Response to Proposals Due/RFP Receival:</b>	April 26, 2024
<b>Consultant Interviews:</b>	May 14, 2024
<b>Final Consultant Selection:</b>	June 3, 2024
<b>Notice to Proceed:</b>	June 4, 2024

## **COMPENSATION FOR SERVICES**

It is the intention of the City of Breezy Point to enter into a professional service contract for the scope of work provided in this document. The Consultant developed compensation schedule shall be in direct alignment with the stated deliverables and project deadlines.

The City of Breezy Point reserves the right to administer and issue all notices to proceed in a manner that is in the best interest of the City.

## **GENERAL REQUIREMENTS FOR PROPOSALS**

### **I. Inquiries and Submittal**

Please submit final RFP documentation and direct questions regarding this proposal to:

Peter Gansen  
Planning & Zoning Administrator  
8319 County Road 11  
Breezy Point, MN 56472  
(218) 562-4441  
[pgansen@cityofbreezypointmn.us](mailto:pgansen@cityofbreezypointmn.us)

All firms submitting a proposal shall identify a single point of contact to correspond with the City. The preferred method of communication is by email.

### **II. Contractual Responsibility**

Consortia, joint ventures, or teams, although encouraged, will not be considered responsive unless the proposal explicitly establishes that all contractual responsibility rests solely with one firm.

At all times during the term of the contract, the Consultant shall be required to have and keep in force the following insurance policies:

- **Workers Compensation:** Insurance covering all employees meeting statutory limits in compliance with applicable state and federal laws.
- **Comprehensive General Liability:** A single limit or combined limit or excess umbrella general liability insurance policy of an amount not less than \$500,000 per claim and \$1,500,000 for any number of claims arising out of a single occurrence. If the claim arises out of the release or threatened release of a hazardous substance, the insurance must be for an amount no less than \$1,000,000 per claim and \$3,000,000 for any number of claims arising out of a single occurrence.
- **Business Auto Liability:** A single limit or combined limit or excess umbrella automobile liability insurance policy for all vehicles used regularly in the provision of services under this contract for an amount no less than \$500,000 per accident or

property damage, \$500,000 for bodily injury and/or damage to any one person, and \$1,500,000 for total bodily injuries and/or damage arising out of a single occurrence.

### **III. Addenda and Supplements to this RFP**

In the event it becomes necessary to revise any part of this RFP, or if additional information is necessary to enable proposers to adequately respond to this request, a supplemental to the RFP will be issued.

### **IV. Owners' Rights**

The City of Breezy Point reserves the right to reject any or all proposals if deemed (under its sole discretion) to be in the best interest of the City.

### **V. Proposal Content**

Please submit one electronic copy of the proposal no later than April 26, 2024, by 4:00 p.m. The City reserves the right to request hard copies of proposals at any time in the review process. These documents must be signed by a duly authorized representative of the respondent. At a minimum the proposal shall:

- Include a narrative that describes the responder's understanding of the project, goals, objectives, and any known challenges to be overcome.
- The proposal should include a summary of the project management measures required to ensure that the project is completed on time, within budget and in accordance with applicable laws, policies, standards, and good engineering practice. Include a graphical timetable that identifies achievable milestones.
- Include an itemized list of anticipated objects, goals, and sub-tasks for all deliverables, assign the number of hours required by each team member, and indicate the maximum not to exceed fee amounts for each sub-task. Identify any tasks not outlined in the deliverables that the respondent deems are critical to the success of the project. Include detailed cost breakdowns for these tasks as "alternate" options that we may review and/or consider as part of the contract. Provide and explain new technology and/or innovative strategies within these tasks to provide additional quality to this project.
- Provide and elaborate on key tasks this RFP may not include. Provide costs to each as alternative options.
- Identify anticipated involvement required by the City.
- Summarize the firm's relevant qualifications and experience related to similar projects. List all personnel who will conduct the project, detailing their training, work experience and job title. The project manager assigned to the project must be stated in the proposal and shall continue as such throughout the project, as long as he/she is still employed by the firm.

**PRE-CONTRACT COSTS**

All costs related to the preparation of the proposal will be the sole responsibility of the respondent and will not be reimbursed by the City of Breezy Point. Likewise, no reimbursement will be made for costs incurred prior to a formal written notice to proceed.

**EVALUATION CRITERIA**

Selection of the Consultant will be based on the best quality of services provided. Proposals will be primarily evaluated on the Scope of Services defined in this document. All respondents will be graded on a 100-point scale to determine the best overall value for this project. Project manager and team members experience in providing similar services or projects will strongly influence evaluation scores. Consideration will be given based on the following factors and corresponding scale:

1. Expressed understanding of project scope/objectives:	20%
2. Quality and technical evaluation of the proposal, project approach, methodology, and the use of technology/innovation:	20%
3. Experience and qualifications of the project manager and team members:	20%
4. Quality of the work plan and project schedule:	20%
5. Overall not to exceed cost:	20%
<hr/>	
Total	100%

The City of Breezy Point will not automatically award a contract to the respondent with the lowest overall cost. The City reserves the right to interview any, all, or none of the respondents at its discretion.