



PLANNING COMMISSION/BOARD OF ADJUSTMENT

Tuesday, August 08, 2023 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

AGENDA

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. APPROVAL/AMENDMENT OF THE AGENDA

5. OPEN FORUM

Items not included in the agenda.

6. APPROVAL OF MINUTES

A. July 12, 2023 Regular Planning Commission Meeting Minutes

7. CITY COUNCIL LIAISON REPORT

A. August 1, 2023 City Council Workshop

B. August 7, 2023 City Council Meeting

8. NEW BUSINESS

A. Rezoning Application R-23-002: Lots 1-3 and Outlot A, Block One, Whitebirch Vista from R-1 (Low Density Residential) and RC (Resort Commercial) to R-4 (Multi-Family Residential).

9. OLD BUSINESS

10. STAFF REPORTS

11. MAYOR AND CITY COUNCIL REPORTS

12. ADJOURN

Breezy Point Planning Commission/Board of Adjustment

**July 12, 2023
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, Marcy Weaver, and Teddy Zierden; City Planner Jerry Bohnsack, Administrator Clerk David Chanski, Deputy Clerk Deb Runksmeier, Planning Commission Council Liaison Steve Jensen.

Approval of Agenda

Motion Ayers/Theis to approve Agenda, Motion Carried 5-0

Approval of 7/12/2023 regular meeting

Motion Theis/Zierden to approve the minutes as written, Motion carried 5-0.

City Council Liaison Report

Council Liaison Jensen reported on the June 26 workshop and Administrator Chanski reported on the July 6 council meeting.

Open Forum

No one spoke

Public Hearing - Variance Application V-23-003 Chris Erickson / Dettinger Trust. 29206 Piney Way Breezy Point. Lots 20 & 21 Edgewater Beach. Parcels 10211067 and 10211068. Request for Variance to expand legal nonconforming use with addition of 276 sq. ft. screened porch. R-2 Zone.

The Public hearing was opened by Chairperson Weaver.

Mr. Chris Erickson reviewed request to expand legal nonconforming use with addition to screen porch.

Planner Bohnsack reviewed the staff report.

Chairperson Weaver Closed the Public Hearing.

Motion Ayers/Theis to Approve the following Resolution PC-23-06, Motion Carried 5-0

RESOLUTION PC 23-06

A RESOLUTION APPROVING VARIANCE APPLICATION 2023-003

WHEREAS, Dettinger Trust is the recorded owner of Lots 20 & 21 Edgewater Beach (Parcels 10211067 & 10211068) 292026 Piney Way Breezy Point.

WHEREAS, the existing dwelling on Lot 20 & 21 is a legal non-conforming use.

WHEREAS, the owner has applied for Variance to expand the legal non-conforming use by adding a 276 sq. ft. attached screen porch; and

WHEREAS, the proposed addition will conform to setback requirements of R-2; and

WHEREAS, the deviation from the ordinance with any attached conditions will still be in keeping with the spirit and intent of the ordinance; and

WHEREAS, the land use created by the variance is permitted in the zoning district where the property is located; and

WHEREAS, the variance will not alter the essential character of the locality; and

WHEREAS, the variance is not for economic reasons alone, but reasonable use of the property does not exist under the ordinance; and

WHEREAS, the existing dwelling preexists subdivision and zoning regulations; and

WHEREAS, the proposed impervious coverage does not exceed 25% (21.8%);

WHEREAS, the proposed addition is located within the building envelope; and

NOW THEREFORE BE IT RESOLVED by the Board of Adjustment of the City of Breezy Point that Variance 2023-003 is approved.

BE IT FURTHER RESOLVED THAT THE Variance 2023-003 is subject to the following conditions;

- 1) Lowest floor elevation minimum 1210.
- 2) Building permit to be obtained and building to conform to state building code.
- 3) Lots 20 & 21 Edgewater Beach to be consolidated.

Adopted this 12th day of July, 2023.

Public Hearing - Conditional Use permit Application C-23-004 Mark Pietig / BPMG LLC. 8101 County Road 11 Breezy Point. Lots 329, 330, & 331 15th Addition to Breezy Point Estates. Construct Mini-golf course and clubhouse (Recreation Facility – Public). Zone Commercial C.

The Public hearing was opened by Chairperson Weaver.

Mr. Mark Pietig reviewed request to develop mini golf course on commercial property adjacent to County Road 11.

Planner Bohnsack reviewed the staff report.

Kathy Leger at 8069 County Road 11 addressed the Board as adjacent property owner opposed to the project.

County Engineer Bray provided information on access to County Road.

Applicant and applicant representative responded to questions from the Board.

Chairperson Weaver Closed the Public Hearing.

Motion Weaver/Theis to Approve the following Resolution PC-23-07, Motion Carried 4-1, Brisbin opposed.

RESOLUTION PC 23-07

A RESOLUTION APPROVING CONDITIONAL USE PERMIT APPLICATION 2023-004
WHEREAS, Mark Pietig / BPMG LLC has submitted application for Conditional Use Permit to construct Recreation facility public (Mini Golf Course and Clubhouse) on Lots 329, 330, & 331 Fifteenth Addition to Breezy Point Estates; and
WHEREAS, Lots 329, 330, & 331 Fifteenth Addition to Breezy Point Estates is Zoned Commercial (C); and
WHEREAS, Mini Golf Course is considered a Recreation public Facility; and
WHEREAS, Recreation Public Facility is an appropriate Conditional Use in C Zone (§153.140 C-20); and
WHEREAS, published and mailed notice of hearing to consider CUP application was given to property owners within 350 feet; and
WHEREAS, a public hearing to consider CUP Application was held Wednesday, July 12, 2023; and
NOW THEREFORE BE IT RESOLVED by the Board of Adjustment of the City of Breezy Point that Conditional Use Permit 2023-004 is approved and subject to conditions.
BE IT FURTHER RESOLVED THAT THE Conditional Use Permit is subject to the following conditions;

- 1) Applicant shall obtain building permit for structure.
- 2) Applicant shall comply with all setback requirements.
- 3) Accessory structure shall comply with state building code.
- 4) Impervious Coverage shall not exceed 50%.
- 5) All lighting to focus on property.
- 6) Consolidate Lots 329, 330, & 331.
- 7) Hours of operation 9:00 AM – 10:00 PM.
- 8) Applicant to obtain entrance permit from Crow Wing County Highway Department.
- 9) Applicant to collaborate with Crow Wing County Highway Department on location and design of entrance.
- 10) Storm water management, collection, and retention to be approved by city engineer.
- 11) City Engineer to approve development plan.

Adopted this 12th day of July, 2023.

Public Hearing - Conditional Use permit Application C-23-005 Mark Olson 30213 Robin Lane Breezy Point. Lots 304 thru 307 15th Addition to Breezy Point Estates. Parcel 10161593. Construct 52' x 30' accessory structure (1560 sq. ft.) R-4 Zone.

The Public hearing was opened by Chairperson Weaver.

Mr. Corey Berquist reviewed request for CUP to construct 1560 sq. ft. accessory structure in area zoned R-4.

Planner Bohnsack reviewed the staff report.

Mr. Jeff Johnson Eagle's Nest Timeshare questions lighting and screening.

Mr. David Landecker with Whitebirch, Inc. questioned outside storage and screening.

Chairperson Weaver Closed the Public Hearing.

Motion Weaver/Theis to Approve the following Resolution PC-23-08, Motion Carried 5-0

RESOLUTION PC 23-08

A RESOLUTION APPROVING CONDITIONAL USE PERMIT APPLICATION 2023-005

WHEREAS, Mark Olson is the owner of Lots 304 through 307 Fifteen Addition to Breezy Point Estates. (Parcel 10161593); and

WHEREAS, Mark Olson has submitted application for Conditional Use Permit to Construct 52 x 30 ft. Accessory structure on Lots 304 through 307; and

WHEREAS, Lots 304 through 307 15TH Addition to Breezy Point Estates is Zones R-4; and

WHEREAS, Accessory structure cumulative up to 1600 sq. ft. on parcels 2 acres or less is an appropriate Conditional Use in R-4 (§153.034 C-4); and

WHEREAS, published and mailed notice of hearing to consider CUP application was given to property owners within 350 feet; and

WHEREAS, a public hearing to consider CUP Application was held Tuesday, July 12, 2023; and

NOW THEREFORE BE IT RESOLVED by the Board of Adjustment of the City of Breezy Point that Conditional Use Permit 2023-005 is approved and be subject to conditions.

BE IT FURTHER RESOLVED THAT THE Conditional Use Permit is subject to the following conditions;

- 1) Applicant shall obtain building permit for 1560 sq. ft. accessory structure.
- 2) Building shall not exceed 15 ft. height.
- 3) Building shall comply to all setback requirements of R-4 Zone.
- 4) Structure shall comply with state building code.
- 5) Grading and fill of site shall comply to plan submitted – manage surface water with landscaping and rain garden.
- 6) No outside storage on site
- 7) All lighting to focus on property.
- 8) Develop 4 season screening plan for approval of Planning Commission.
- 9) Install screening in accordance with approved plan.

Adopted this 12th day of July, 2023.

Public Hearing – Variance Application V-23-004 Joseph Martinson 29700 Lakeshore Drive Breezy Point. Lot 3 Block 1 Breezy Point Club. Parcel 10211222. Request for variance to expand legal non-conforming structure with Addition of 268 sq. ft. deck. Variance to exceed 25% impervious coverage.

The Public hearing was opened by Chairperson Weaver.

Mr. Martinson reviewed proposal to construct lakeside deck.

Planner Bohnsack reviewed the staff report.

Mr. Martinson fielded questions from the Board.

Chairperson Weaver Closed the Public Hearing.

Motion Ayers/Brisbin to Approve the following Resolution PC-23-09, Motion Carried 5-0

RESOLUTION PC 23-09

A RESOLUTION APPROVING VARIANCE APPLICATION 2023-005

WHEREAS, Joseph Martinson is the recorded Owner of Lot 3 Block 1 Breezy Point Club. Parcel 10211222. 29700 Lakeshore Drive Breezy Point, MN; and

WHEREAS, the existing dwelling on lot 3 Block 1 is a legal non-conforming use; and

WHEREAS, the existing percentage of impervious coverage is 38.6%; and

WHEREAS, the property contains 15,315 square feet; and

WHEREAS, the owner has submitted application for Variance to expand legal non-conforming use by constructing a 268 sq. ft. deck addition to the dwelling; and

WHEREAS, the deviation from the ordinance with any attached conditions will still be in keeping with the spirit and intent of the ordinance; and

WHEREAS, the land use created by the variance is permitted in the zoning district where the property is located; and

WHEREAS, the variance will not alter the essential character of the locality; and

WHEREAS, the variance is not for economic reasons alone, but reasonable use of the property does not exist under the ordinance; and

WHEREAS, the existing dwelling pre-exists subdivision and zoning regulations; and

WHEREAS, the proposed addition (deck 268 sq. ft.) is located within building envelope; and

WHEREAS, the owner has alternative means to reduce impervious coverage; and

NOW THEREFORE BE IT RESOLVED by the Board of Adjustment of the City of Breezy Point that Variance 2023-005 is approved with conditions; and

BE IT FURTHER RESOLVED THAT THE Variance 2023-005 is subject to the following conditions;

- 1) Maximum square footage of deck 268 sq. ft.
- 2) Area under deck to be excavated and filled with granular material that renders the existing area pervious.
- 3) Pavers throughout lot must be removed and area restored to lawn.
- 4) Reduce impervious coverage to less than 32%.
- 5) Manage surface water install rain garden to catch and purify runoff.

Adopted this 12th day of July, 2023.

Mr. David Landecker representing Whitebirch, Inc. reviewed a proposal of Whitebirch Inc. to rezone Whitebirch Vista (currently zoned R-1) to R-4. Purposed of rezoning to construct four duplex townhome dwellings similar to Whitebirch Village.

Mr. Landecker fielded questions from the Board.

There being no further business the meeting adjourned at 9:40 p.m.

Submitted by Jerry Bohnsack
City Planner



CITY COUNCIL WORKSHOP

Tuesday, August 01, 2023 at 1:00 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

AGENDA

1. 2024 BUDGET KICKOFF

City Hall

Buschmann Road Phase II

Sewer Expansion Next Steps

Streets Plan

City Code

Organizational Changes

Software

2024 COLA



CITY COUNCIL REGULAR MEETING

Monday, August 07, 2023 at 6:30 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

AGENDA

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. APPROVAL/AMENDMENT OF THE AGENDA

5. OPEN FORUM

Items not included in the agenda.

6. PRESENTATIONS

A. Pequot Lakes School District Safe Routes to School

7. CONSENT AGENDA

One action, topics will not be discussed unless removed from consent agenda. Items requiring the expenditures of funds are budgeted items or have been previously discussed by the City Council.

A. July 6, 2023 Regular City Council Meeting Minutes

B. Approval of Claims in the Amount of \$163,837.61.

C. Resolution 10-2023 Donation to Breezy Point Police Department

8. NEW BUSINESS

A. Discussion on Cannabis Regulations

B. City Hall Architecture and Design Proposal

9. OLD BUSINESS

A. Rezoning Application 2023-001 and Disc Golf Course Parking Lot Design Discussion

B. Communications Policy

C. Special Event Permit

D. Rules of Conduct and Procedure

10. STAFF REPORTS

A. Buschmann Road Update

11. MAYOR AND CITY COUNCIL REPORTS

12. AGENDA FORECAST

13. ADJOURN TO AUGUST 15 BUDGET WORKSHOP AT 1:00PM

City of Breezy Point
Notice of Public Hearing
Tuesday, August 8, 2023, 7:00 p.m.
Breezy Point City Hall

Whom It May Concern:

Notice is hereby given that the City of Breezy Point Planning Commission / Board of Adjustment will hold a public hearing on Tuesday, August 8, 2023 at 7:00 p.m. or shortly thereafter at Breezy Point City Hall, 8319 County Road 11, to consider the following;

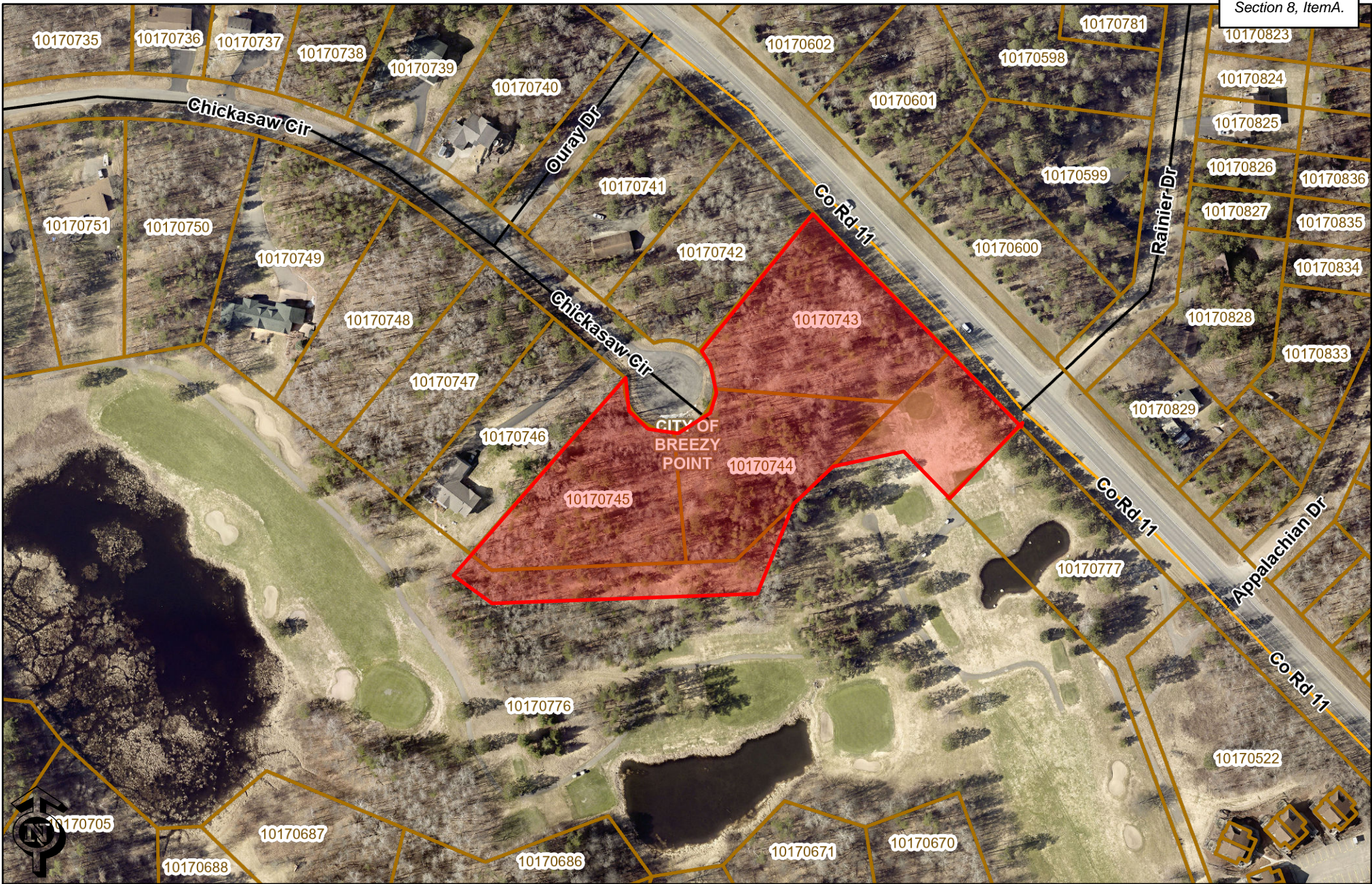
Petition to Rezone, Whitebirch Inc., 9252 Breezy Point Drive, Breezy Point. To Rezone the following described property currently zoned R-1 to R-4.

OUTLOT A, LOT 1, LOT 2, and LOT 3, BLOCK ONE, WHITEBIRCH VISTA, according to the record plat thereof, Crow Wing County, Minnesota. AND That part of OUTLOT E, WHITEBIRCH SEVEN, according to the record plat thereof, Crow Wing County, Minnesota described as follows; Commencing at the Southwest corner of Block 3, said plat; Thence North 21 degrees 42 minutes 41 seconds West, assumed bearing along the westerly line of said Block 3, a distance of 1355.00 feet to an angle point thereon; thence North 44 degrees 18 minutes 38 seconds East 121.41 feet to the Southwesterly Right of Way line of County State Aid Highway Number 11 as platted; thence North 45 degrees 41 minutes 22 seconds West along said Right of Way line 350.00 feet to the Point of Beginning of the tract to be herein described; thence South 44 degrees 18 minutes 38 seconds West 150.41 feet; thence North 45 degrees 41 minutes 22 seconds West 150.55 feet to the easterly line of Whitebirch Vista, according to the record plat thereof said County; thence northeasterly along said easterly line 150.41 feet to said westerly Right of Way line; thence South 45 degrees 41 minutes 22 seconds East 150.55 feet to the Point of Beginning.

A notice relative to above listed request is sent to all property owners located within 350 feet of the applicant's property. Please share this information with your neighbor in the event that any property owner has been missed, or that our records are not correct.

Public is invited to attend and be heard on these matters.

Jerry Bohnsack, Planner
City of Breezy Point
218-569-1003
planner@cityofbreezypointmn.us



These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

whitebirch vista rezone

dsl 06-19-23

Date: 6/19/2023 Time: 9:51 AM





CITY OF BREEZY POINT
PETITION FOR REZONING

Gentlemen:

We (I), the undersigned, owner (s) of the property described in paragraph 1 below, do hereby respectfully petition your Honorable Body to amend the present Zoning Ordinance as hereinafter designated, and in support thereof, the following facts are presented:

Legal Description of Property *see 'exhibit A' ATTACHED*

Area of Subject Property,
Sq. Ft. or Acres
4.90 Acres

Present Zone
R-1 AND RC

Proposed Zone
R-4

Describe briefly the nature and expected effect of the proposed amendment.

This proposed Zoning amendment would provide a district that would allow for the connection and extension of public sewer to the property. This would allow for public sewer to be extended to the Cul-de-sac of Chickasaw Circle to allow future extensions as well as allow the current Whitebirch Vista property to be developed into a planned unit development, Common Interest Community (CIC) as shown on the attached sketch. This CIC would be developed and designed similar to the Whitebirch Estates also located on this golf course.

What error in the existing ordinance would be corrected by the proposed amendment?

The error that would be corrected by the proposed amendment would be the fact that municipal sewer is available to this site and fits the criteria for R-4 when combined into a planned unit development.

What changed or changing conditions make the passage of this amendment necessary?

The change that occurred from the original zoning of R-1 to present is the access to sewer availability. Whereas originally when Whitebirch Seven was platted sewer was not available.

Other circumstances which justify the amendment?

The proposed lands to be rezoned to R-4 will be connected to existing R-4 zoning lands.
Municipal sewer can be made available for the development of this property.

Date: 7-21-23

Robert R. Jensen
Applicant's Signature

Exhibit A

OUTLOT A, LOT 1, LOT 2, and LOT 3, BLOCK ONE, WHITEBIRCH VISTA, according to the record plat thereof, Crow Wing County, Minnesota.

AND

That part of OUTLOT E, WHITEBIRCH SEVEN, according to the record plat thereof, Crow Wing County, Minnesota described as follows; Commencing at the Southwest corner of Block 3, said plat; Thence North 21 degrees 42 minutes 41 seconds West, assumed bearing along the westerly line of said Block 3, a distance of 1355.00 feet to an angle point thereon; thence North 44 degrees 18 minutes 38 seconds East 121.41 feet to the Southwesterly Right of Way line of County State Aid Highway Number 11 as platted; thence North 45 degrees 41 minutes 22 seconds West along said Right of Way line 350.00 feet to the Point of Beginning of the tract to be herein described; thence South 44 degrees 18 minutes 38 seconds West 150.41 feet; thence North 45 degrees 41 minutes 22 seconds West 150.55 feet to the easterly line of Whitebirch Vista, according to the record plat thereof said County; thence northeasterly along said easterly line 150.41 feet to said Southwesterly Right of Way line; thence South 45 degrees 41 minutes 22 seconds East along said Southwesterly Right of Way line 150.55 feet to the Point of Beginning.

REVISED 7-24-23





TO: Planning Commission

FROM: Jerry Bohnsack

Meeting of August 8, 2023

Petition to Rezone

Applicant: Whitebirch, Inc.

Legal Desc: OUTLOT A, LOT 1, LOT 2, and LOT 3, BLOCK ONE, WHITEBIRCH VISTA, according to the record plat thereof, Crow Wing County, Minnesota. AND

That part of OUTLOT E, WHITEBIRCH SEVEN, according to the record plat thereof, Crow Wing County, Minnesota described as follows; Commencing at the Southwest corner of Block 3, said plat; Thence North 21 degrees 42 minutes 41 seconds West, assumed bearing along the westerly line of said Block 3, a distance of 1355.00 feet to an angle point thereon; thence North 44 degrees 18 minutes 38 seconds East 121.41 feet to the Southwesterly Right of Way line of County State Aid Highway Number 11 as platted; thence North 45 degrees 41 minutes 22 seconds West along said Right of Way line 350.00 feet to the Point of Beginning of the tract to be herein described; thence South 44 degrees 18 minutes 38 seconds West 150.41 feet; thence North 45 degrees 41 minutes 22 seconds West 150.55 feet to the easterly line of Whitebirch Vista, according to the record plat thereof said County; thence northeasterly along said easterly line 150.41 feet to said westerly Right of Way line; thence South 45 degrees 41 minutes 22 seconds East 150.55 feet to the Point of Beginning.

Property ID: 10170743, 10170744, 10170745, 10170776, 10170777

Current Zoning: R-1 & RC

Applicable Code: §153.031, §153.034, §153.044, §153.045

Request

Whitebirch, Inc. owner of Whitebirch Vista and Outlot E Whitebirch Seven has submitted petition to rezone property currently Zoned R-1 & RC to R-4.

If the petition is approved the owners intend to pursue a Planned Unit Development to construct 4 Duplex TWM Townhomes similar to the Whitebirch Village.

The property access to Whitebirch Vista (a 3 lot subdivision) is from Chickasaw Circle. The property adjacent to County Road 11 on the north, Whitebirch Golf Course on the East and South and Single Family dwelling/lots on the west. The proposed rezoning incorporates a portion of Whitebirch Golf Course (18 holes) with Whitebirch Vista and the Whitebirch Estates CIC. (Existing R-4 development)

Zoning

R-1 Allowed. Single family dwelling

R-4 Allowed with CUP. Residential duplex. Residential PUD. Single and two family.

Owner is currently exploring extension of municipal sanitary sewer to the Chickasaw Circle cul-de-sac. Sewer extension would be necessary component of PUD.

Prior to acting on a Rezoning recommendation the commission will need to find that the proposed development is consistent with the residential uses in the area.

Options:

- 1) Deny Rezoning request because the proposed use is not consistent with the residential use in the area.
- 2) Recommend approval of the request because it is an extension of the R-4 Zone to the East and is consistent with the area residential uses.