



# PLANNING COMMISSION/BOARD OF ADJUSTMENT

**Tuesday, March 12, 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. January 9, 2024 Regular Planning Commission Meeting Minutes

**7. NEW BUSINESS**

A. Subdivision Application S-24-001: Preliminary Plat

B. Conditional Use Permit 2024-002: Request to Construct Four Duplex Dwelling Units

C. Zoning Code Update RFP

**8. OLD BUSINESS**

**9. STAFF REPORTS**

**10. COMMISSIONER REPORTS**

**11. ADJOURN**

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

**January 9, 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, and Marcy Weaver; Administrator Clerk David Chanski, Planning and Zoning Administrator Peter Gansen. Teddy Zierden was absent.

Approval of Agenda

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

Open Forum

No one spoke

Approval of 11/14/2023 Regular Meeting Minutes

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

New Business

A. Election of Officers:

Ayers nominated Weaver for Chair.

Chairperson Weavers called for any other nominations for Chair. None.

Motion Ayers/Brisbin to elect Weaver as Chair for 2024, Motion carried 3-0.

Theis nominated Brisbin for Vice Chair.

Chair Weaver called for any other nominations for Vice Chair. None.

Motion Theis/Ayers to elect Brisbin as Vice Chair for 2024, Motion carried 3-0

B. Public Hearing:

Conditional Use Permit Application C-24-001 Scott Hemmer 9131 Ossawinnamakee Road Breezy Point. Lot 15 Block 1 First Addition to Sunset Strip. Parcel 10040831. Construct 1440 sq. ft. accessory structure 20 feet height. Zone R-2.

Chairperson Weaver opened the public hearing.

The Chair noted there was no applicant present.

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

There was various discussion on the proposed appearance of the building.

It was noted the request was published at 1440 square feet. The applicant submitted plans that showed different dimensions within the same packet.

Administrator Chanski clarified If the approval was set at 1440 the applicant would be required to amend the request to building if they wanted to build larger, the board could approve the building at 1600 square feet and the owner could build a smaller footprint.

The Chair asked for public input.

Tom Lillehei asked if the property was a signatory.  
This was not determined.

There being no more public input the Chair closed the public comment period.

Motion Theis/Brisbin to Approve Conditional Use Permit C24-001 with 6 conditions, Motion Carried 4-0

The Conditional Use is subject to the following conditions:

- 1) Applicant shall obtain Building Permit for Accessory structure.
- 2) Applicant shall comply with all setback requirements.
- 3) Siding and Roofing of principal structure and accessory structure shall be of similar materials and color.
- 4) All structures shall comply with state building code.
- 5) Height of accessory structure shall not exceed 20 feet to mid point of roof.
- 6) Maximum structure footprint size 1600 square feet

Staff Reports

Administrator Chanski reported that City Council will no longer have a Council Liaison for the Planning Commission meeting and that staff will likely provide that service.

City Council did approve the Whitebirch Inc Zoning application at the January meeting, to R-4.

Resource Management performed an organizational assessment of the City and will present on the 16<sup>th</sup> of January.

There will be a workshop on the 23<sup>rd</sup> of January on the design of the new City Hall.

There was discussion on looking into onsite visits for the Planning Commission and selecting a training date for 2024. The City will be looking into getting ERP options.

There being no further business the meeting adjourned at 7:32 p.m.

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Submitted by Peter Gansen  
Planning & Zoning Administrator.



TO: Planning Commission  
FROM: Peter Gansen, Planning & Zoning Administrator  
RE: Staff Report for Replat S-24-01  
DATE: March 12, 2024 Regular Meeting

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Subdivision Application S-24-001  
Applicant: Whitebirch Inc  
Property Address: No current address  
Legal Description: LOTS 1-3 BLOCK 1 & OUTLOT A WHITEBIRCH VISTA  
Parcel ID: 10171421, 10171422, 10171423 & 10171424  
Zoned: R-4 Multi Family Residential

- Applicant has filed the appropriate application for Preliminary Plat.
- Applicant has paid the appropriate fee for the application.
- Public notice of the Hearing was published in the legal newspaper and all property owners within 350’ were mailed a notice of hearing.

Subdivision Request:

- Request a Preliminary Plat into 8 residential lots, 1 common lot and 1 outlot.

Summary of the property

LOTS 1-3 BLOCK 1 & OUTLOT A WHITEBIRCH VISTA are located at the end of a cul-de-sac on Chickasaw Circle.

The property was originally platted as Whitebirch and subdivided into single family lots.

The original zoning classification for the property consisted of Resort Commercial, Multi Family Residential and Low Density Residential. With the majority of the subject property falling within the Low Density Zoning Classification.

The applicant’s concept plan is to eventually develop the property into duplex residential dwellings. In order to do so, the zoning classification of the property needed to be changed to be consistent with the land use requirements of Chapter 153. Chapter 153 does not allow duplexes in Low Density Zoning, it does allow duplex dwellings in the Multi-Family Residential Zoning classification as a conditional use.

The applicant was before the planning commission with a rezone request in 2023 that was successful and subsequently applied for a formal rezone which was unanimously approved by the City Council during the regular January 2024 meeting.

The site topography, access and lot configuration appear to be suitable for the proposed use and is consistent with the comprehensive land use plan, which encourages multi family dwelling units in areas within the zoning classification.

The property is zoned R-4 and the request is an allowed use with a conditional use permit under the Land Use Categories Chart Section §153.044.

Findings

The Planning Commission shall consider the following in its decision and make written findings concerning the proposed preliminary plat, preliminary condominium or CIC plat subdivision:

- (a) Whether the property is properly zoned;
  - (b) Whether the proposal conforms to the requirements of the Zoning Ordinance;
  - (c) Whether the proposal conforms to the requirements and design standards of this chapter; and
  - (d) Whether the concerns of affected agencies have been addressed.
  - (e) Whether the proposed development is consistent with the Comprehensive Land Use Plan and related components.
  - (f) Whether the physical characteristics of the site, including but not limited to topography, erosion and flooding potential, and soil limitations, are suitable for the type of development or use contemplated.
  - (g) Whether the proposed development will not create a negative fiscal or environmental impact upon the city.
  - (h) Whether the city will face undue financial hardship due to the development in question.
  - (i) Whether the subdivision will inhibit the orderly growth of the surrounding areas or the city as a whole.
- (9) The Planning Commission may consider additional standards and requirements necessary to protect the best interest of the surrounding area and the city

as a whole, including but not limited to the following:

(a) Whether streets and driveways within the preliminary plat, preliminary condominium or CIC plat are designed to provide good access and efficient use of the property;

(b) Whether the design of the preliminary plant, preliminary condominium or CIC plat (e.g., road location, lot placement, buffers and/or green space) is compatible and not injurious to the use and enjoyment of other property in the surrounding area; and

(c) Whether vehicular approaches to the property are designed so as not to create traffic congestion or interference on surrounding public highways.

(10) Subdivision by plat, condominium or "CIC" preliminary plat shall be recommended for approval by the Planning Commission and approved by the City Council. The final plat shall also require a recommendation by the Planning Commission and an approval by the City Council.

(11) Failure of the subdivider to file a final plat within one year of approval of the preliminary plat shall result in the preliminary plat approval being void, unless extended for one year by resolution of the City Council prior to the expiration of the one year time frame.

(12) A preliminary plat that contains multiple phases and has a final plat platted for a portion of the property shall have up to two (2) years from the date of the plat approval to Final Plat each subsequent phased portion of the approved Preliminary Plat. Prior to the expiration of the deadline, the City Council, at its option, may extend the approval for up to an additional two (2) years. The extension request shall be in writing specifically designating the expiration date. Only one (1) extension may be granted per phase of the development. Upon expiration of the deadline or extension thereof the subdivider will be required to renew the Preliminary Plat process.

Staff has reviewed the following:

- Site Plan
- Preliminary Plat Application

The following are recommended conditions.

**1) The applicant must consolidate outlet A into outlet B**



8319 County Road 11  
 Breezy Point, MN 56472  
 Phone: (218) 562-4093  
 Fax: (218) 562-4486  
[www.cityofbreezypointmn.us](http://www.cityofbreezypointmn.us)

Received by City: Peter Shaw Section 7, Item A.  
 Application Number: RS-24-01  
 Non-refundable Fee Paid: 490  
 Receipt #: 22675

# Subdivision Application

Name of Applicant White Birch INC  
 Address 9252 Breezy Point Drive  
 City, State, Zip Breezy Point, MN 56472  
 Phone 218-831-1706 (Bob Spizzo) Alternate Phone 218-820 4038  
DAVID Landecker Cell

Physical Address / Location of Property (No Current Address) ALL Lots IN White Birch VISTA LOCATED EAST of Chickasaw Circle Cul-de-Sac

Legal Description of Property LOT 1 Lot 2, Lot 3, BLOCK ONE AND OUTLOT A, White Birch Vista, Plat of record CROW WING COUNTY MINNESOTA

Parcel ID Number 10171421, 10171422, 10171423, 10171424 Zoning District R-4

Applicant is:  Legal Owner of Property  Contract Buyer  Option Holder  Agent  Other \_\_\_\_\_

Title Holder of Property (if different than applicant):  
 Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 City, State, ZIP \_\_\_\_\_

Nature of request (please select one only):

- Preliminary Plat
- Final Plat
- Metes and Bounds Subdivision

Briefly describe your proposal: Subdivide by PLAT A Common Interest Community consisting of 8 residential lots, 1 common lot AND 1 OUTLOT (for Golf course use) 8 residential lots equal 4 Duplex units.

Signature of Owner, authorizing application Robert B. Jensen  
 (By signing, the owner is certifying that he/she has read and understands the instructions accompanying this application.)

Signature of Applicant (if different than owner) David Landecker (Agent)  
 (By signing, the applicant is certifying that he/she has read and understands the instructions accompanying this application.)

**\*By signing above, I acknowledge that I understand that I am responsible for all fees incurred by the City as a result of professional services provided by the City Engineer, City Attorney, and other contracted agencies in reviewing my application.\***

**NOTE:** Applicants may apply for Preliminary Plat and Final Plat at the same time, but they must be on separate applications. Preliminary Plat and Final Plat hearings will not be held at the same meeting. Effective date of Final Plat application will be the date of Preliminary Plat approval, unless otherwise requested.

**INSTRUCTIONS TO THE APPLICANT**

Completed applications, with *all* submittal requirements, must be submitted to the Planning & Zoning Department no fewer than **25 days** prior to the meeting date. In order for your application to be accepted as complete, and to have a public hearing scheduled, all required information **must** be submitted.

- 1. This application must be completed, including responses to all parts of this application.
- 2. The required fee must be paid. See fee schedule for details. *400 + 960 + 100 (lot x 10) = 490*
- 3. Preliminary Plat applications shall be completed at least to the minimum standards of the Ordinance, as detailed in Section 152.12 of the Subdivision Ordinance.
- 4. Final Plat applications shall be completed as per the requirements of the Planning Commission from the Preliminary Plat hearing and the minimum standards of the Ordinance, Crow Wing County, and the State of Minnesota.
- NA*  5. Metes and Bounds applications shall conform to the requirements of Section 152.40 at a minimum. Additional information may be required as deemed applicable by the Planning Department or the Planning Commission.
- NA*  6. If any of the parcel contains structures with an ISTS (on-site sewage system), a Sewer Compliance Inspection must be submitted.
- 7. Proof of ownership or authority to subdivide the parcel.

**METES & BOUNDS:**

Subdivision by metes and bounds shall require approval by the Planning Commission if the resulting parcels are less than 20 acres and 500 feet in width for residential or urban reserve zoned lots *or* 5 acres and 300 feet of width for commercial or industrial zoned lots. Only one metes & bounds subdivision shall be allowed per parent parcel of record if the resulting parcels are 10 acres or less. An additional parcel for right-of-way or commonly owned driveway access may also be allowed or required.

**PRELIMINARY & FINAL PLATS:** Subdivision by Plat or Condominium or "CIC" Plat shall be approved by the Planning Commission and the City Council. The preliminary plat and final plat shall require approval by the Planning Commission and City Council.



# VISTA VILLAGE SITE IMPROVEMENTS

## PERMIT SUBMITTAL - NOT FOR CONSTRUCTION

### WHITE BIRCH, INC.

BREEZY POINT, MINNESOTA



**LOCATION MAP**  
NOT TO SCALE

**SHEET INDEX**

C0.0	TITLE SHEET
C1.0	GENERAL NOTES
C2.0	EXISTING CONDITIONS & REMOVALS PLAN
C3.0	SITE PLAN
C4.0-4.2	GRADING PLAN
C5.0-5.2	UTILITY PLAN

**PROJECT CONTACTS**

**OWNER**  
 DAVID S. LANDECKER - OWNERS REPRESENTATIVE  
 WHITE BIRCH, INC.  
 9252 BREEZY POINT DRIVE  
 BREEZY POINT, MN 56472  
 dlandecker@breezypointresort.com  
 (218) 820-4038 (M)

**ENGINEER**  
 CHRISTOPHER L. SONMOR, PE  
 SONMOR CONSULTING, LLC  
 967 GULL MEADOWS LANE  
 EAST GULL LAKE, MN 56401  
 chris@sonmorconsulting.com  
 (952) 270-8394 (M)

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.  
 CHRISTOPHER L. SONMOR  
 LIC. NO. 44898  
 DATE 02/01/2024

**REVISIONS**

#	REVISION NOTE	DATE
1		
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**VISTA VILLAGE**  
**TITLE SHEET**  
 BREEZY POINT, MINNESOTA

SHEET  
**C0.0**

**GOPHER STATE ONE CALL**

811 | (651) 454-0002 | (800) 252-1166  
 qa@gopherstateonecall.org

THE CONTRACTOR IS RESPONSIBLE FOR CONTACTING GOPHER STATE ONE CALL FOR UTILITY LOCATES.

THE CONTRACTOR SHALL CONTACT GOPHER STATE ONE CALL IN ADVANCE OF ANY GRADING OR EXCAVATION AS REQUIRED BY STATE STATUTE. THE CONTRACTOR, AT NO COST TO THE OWNER, SHALL BE RESPONSIBLE FOR ANY REQUIRED UTILITY REPAIRS RESULTING FROM THEIR WORK.

**GENERAL NOTES**

1. WORK TO BE COMPLETED IN ACCORDANCE WITH MnDOT STANDARD SPECIFICATIONS FOR CONSTRUCTION (CURRENT EDITION).
2. THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY LEVEL D. THIS UTILITY QUALITY LEVEL WAS DETERMINED ACCORDING TO GUIDELINES OF CI/ASCE 38-02, ENTITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA."
3. TOPOGRAPHIC SURVEY WAS COMPLETED BY STONEMARK LAND SURVEYING.
4. CONTRACTOR IS RESPONSIBLE FOR GOPHER STATE ONE CALL PRIOR TO BEGINNING ANY REMOVALS, GRADING OR EXCAVATION.
5. PRIOR TO BEGINNING CLEARING AND GRUBBING OPERATIONS, THE CONTRACTOR & OWNER SHALL VISIT THE SITE AND MARK TREES TO BE SAVED.
6. CONTRACTOR TO CONTACT OWNER FOR PRIVATE UTILITY LOCATES.
7. CONTRACTOR TO COORDINATE WITH BUILDING ON DUPLEX CONSTRUCTION AND PROJECT STAGING & PHASING.

**GRADING NOTES**

1. ALL EROSION CONTROL DEVICES ARE TO BE INSTALLED PRIOR TO BEGINNING DEMOLITION OR GRADING OPERATIONS.
2. CONTRACTOR IS RESPONSIBLE FOR GOPHER STATE ONE CALL PRIOR TO BEGINNING ANY REMOVALS, GRADING OR EXCAVATION.
3. ALL SPOT ELEVATIONS ARE TO FINISHED GROUND (BITUMINOUS, CONCRETE, EOF, ETC.) UNLESS NOTED.
4. ALL DUPLEXES SHALL HAVE POSITIVE DRAINAGE AWAY FROM THE STRUCTURE.
5. EXISTING TOPSOIL SHALL BE STRIPPED FROM ALL AREAS IN PROPOSED BUILDING FOOTPRINT, BITUMINOUS PAVEMENT OR CONCRETE WALK.
6. GRADING OPERATIONS SHALL BE LIMITED TO THE AREAS SHOWN ON THE PLANS.
7. THE CONTRACTOR SHALL TAKE PRECAUTIONS TO LIMIT THE AMOUNT OF CONSTRUCTION ACTIVITY IN THE AREAS OF THE PROPOSED STORMWATER INFILTRATION BASINS.
8. IF UNSUITABLE SOILS ARE DISCOVERED ON SITE, THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE OWNER.
9. COMPACT SUBGRADES TO RELATIVE COMPACTION IN ACCORDANCE WITH ASTM D698.
10. NOTIFY THE OWNER OF EARTHWORK DISCREPANCIES. WHITEBIRCH INC. DOES HAVE LOCAL BORROW PILES.

**PAVING NOTES**

1. TEST ROLL SUBGRADE SOILS USING A LOADED, TANDEM AXLE TRUCK IN ACCORDANCE WITH MnDOT SPECIFICATION 2111.
2. AGGREGATE BASE CLASS 5 SHALL MEET MnDOT SPECIFICATION 3138.
3. PRIOR TO FINAL PAVING, MILL OR SAWCUT STRAIGHT EDGE AT ALL CONNECTIONS TO EXISTING PAVEMENTS.

**UTILITY NOTES**

1. THE CONTRACTOR IS RESPONSIBLE FOR ANY NECESSARY PERMITS FOR DEWATERING OPERATIONS (IF REQUIRED).
2. THE WATER SYSTEM IS PERMITTED THROUGH THE MINNESOTA DEPARTMENT OF HEALTH.
3. PROVIDE 10-FEET OF HORIZONTAL SEPARATION AND 18-INCHES OF VERTICAL SEPARATION BETWEEN WATER AND SANITARY SEWER.
4. WATERMAIN AND SANITARY SEWER SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY ENGINEERS ASSOCIATION OF MINNESOTA (CEAM) SPECIFICATIONS (CURRENT EDITION).
5. CONTRACTOR SHALL COORDINATE WITH WELL CONTRACTOR ON CONNECTION FOR PROPOSED WATERMAIN.
6. WATER SYSTEM TO CONSIST OF 2-INCH PE MAIN WITH 1-INCH PE SERVICE.
7. WATERMAIN TO BE DISINFECTED AND BACTERIA TESTED IN ACCORDANCE WITH MINNESOTA DEPARTMENT OF HEALTH.
8. CONTRACTOR SHALL CONDUCT PRESSURE AND LEAKAGE TESTING OF UTILITIES AS REQUIRED BY THE CITY OF BREEZY POINT.
9. CONTRACTOR SHALL COORDINATE WATER AND SANITARY SEWER SERVICE CONNECTIONS WITH BUILDER.
10. A MANHOLE BOOT CONNECTOR SHALL BE USED TO CREATE A WATERTIGHT FLEXIBLE SEAL AT THE FORCEMAIN CONNECTION TO THE EXISTING SANITARY SEWER MANHOLE.
11. INSTALL ALL GRAVITY SANITARY SEWER PIPES WITH MINIMUM 2.0% GRADE.



I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.  
 Christopher L. Sonmor  
 44698 LIC. NO. 02/01/2024 DATE

REVISIONS	
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VISTA VILLAGE  
 GENERAL NOTES  
 BREEZY POINT, MINNESOTA

SHEET  
**C1.0**

**SONMOR CONSULTING**

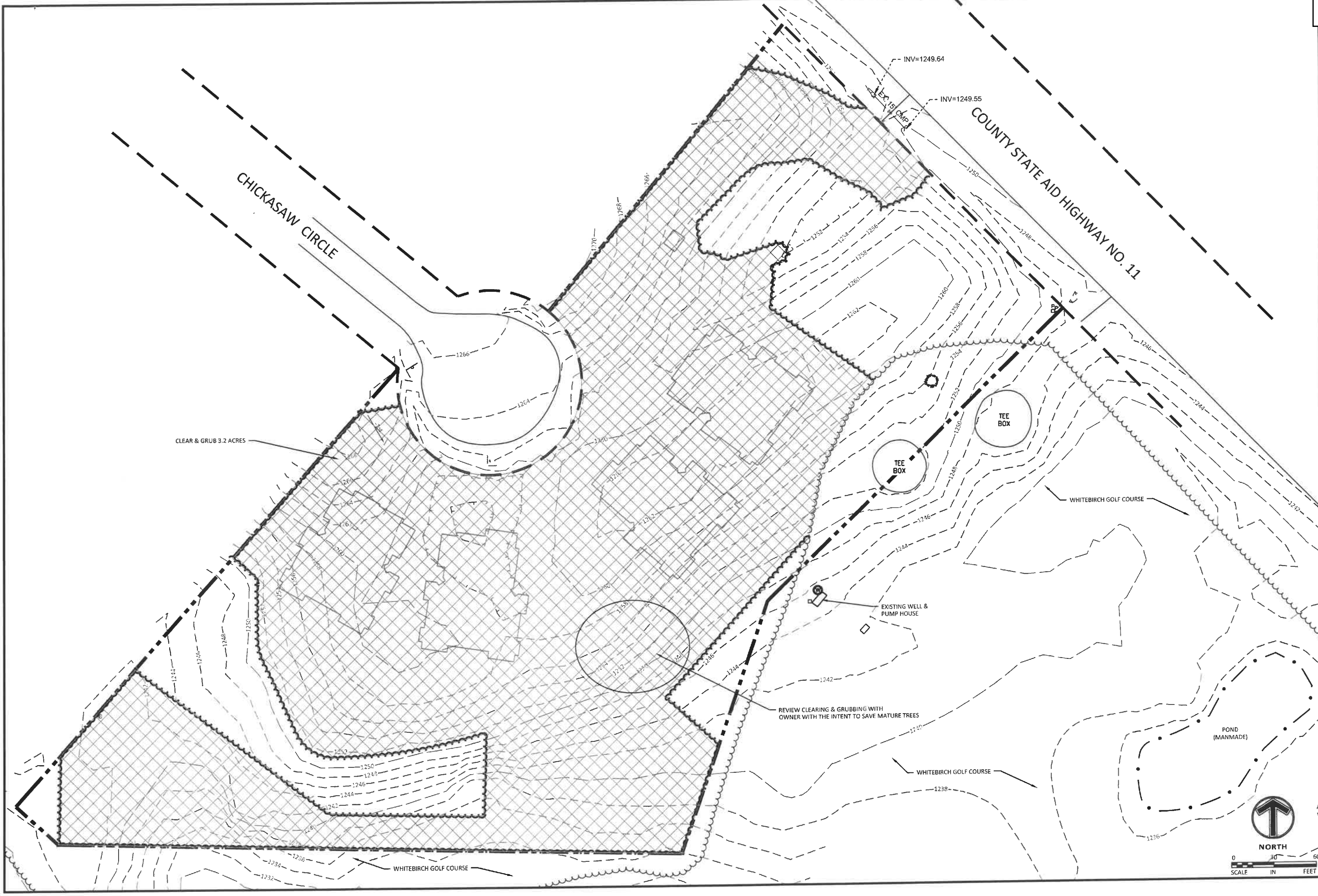
I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

*Christopher L. Sonmor*  
 CHRISTOPHER L. SONMOR L.I.C. NO. 44999 DATE 02/17/2024

REVISIONS	REVISION NOTE	DATE
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**VISTA VILLAGE**  
 EXISTING CONDITIONS & REMOVALS PLAN  
 BREEZY POINT, MINNESOTA

SHEET  
**C2.0**





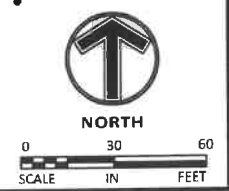
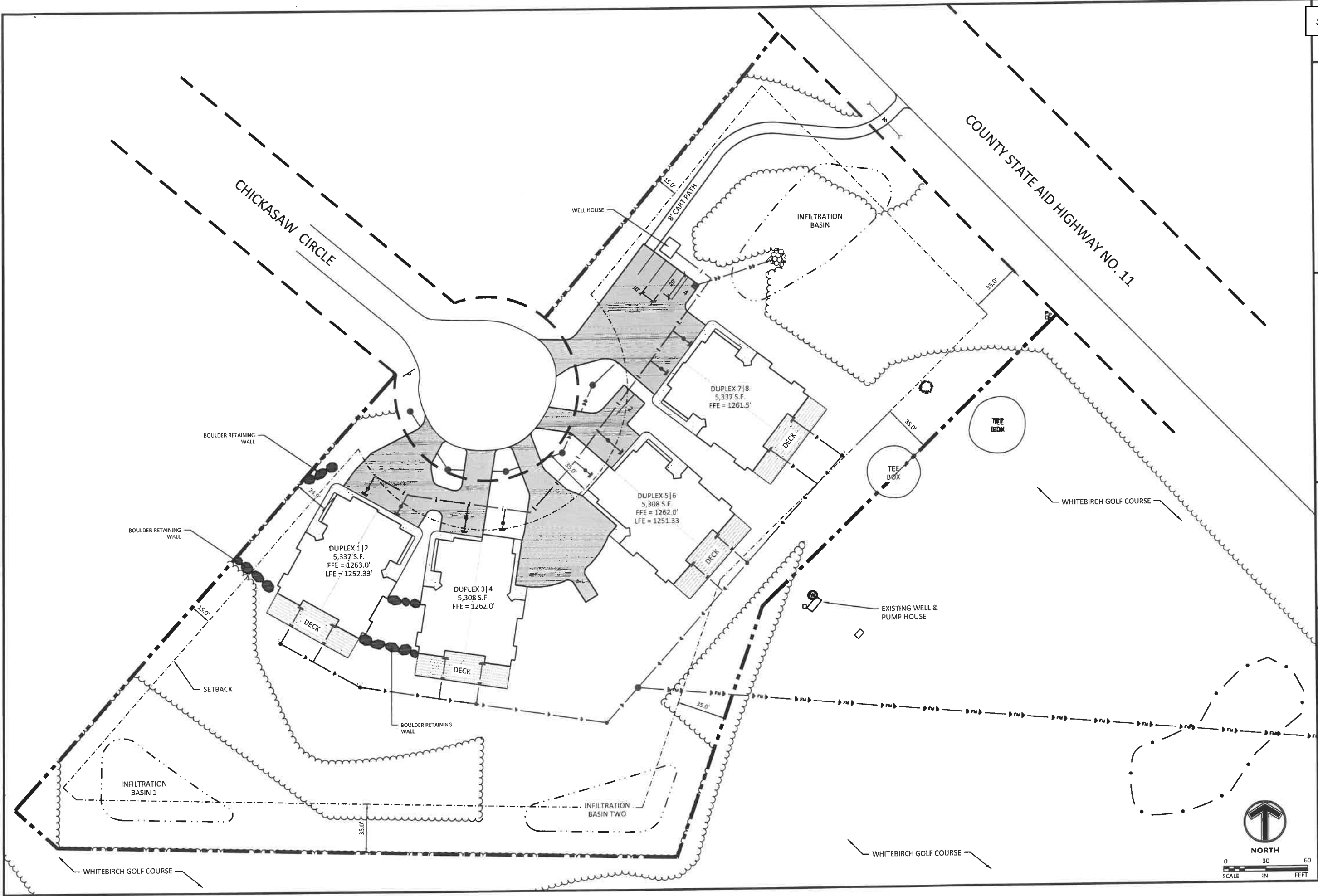
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*Christopher L. Sonmor*  
 CHRISTOPHER L. SONMOR  
 LIC. NO. 44589  
 DATE 02/01/2024

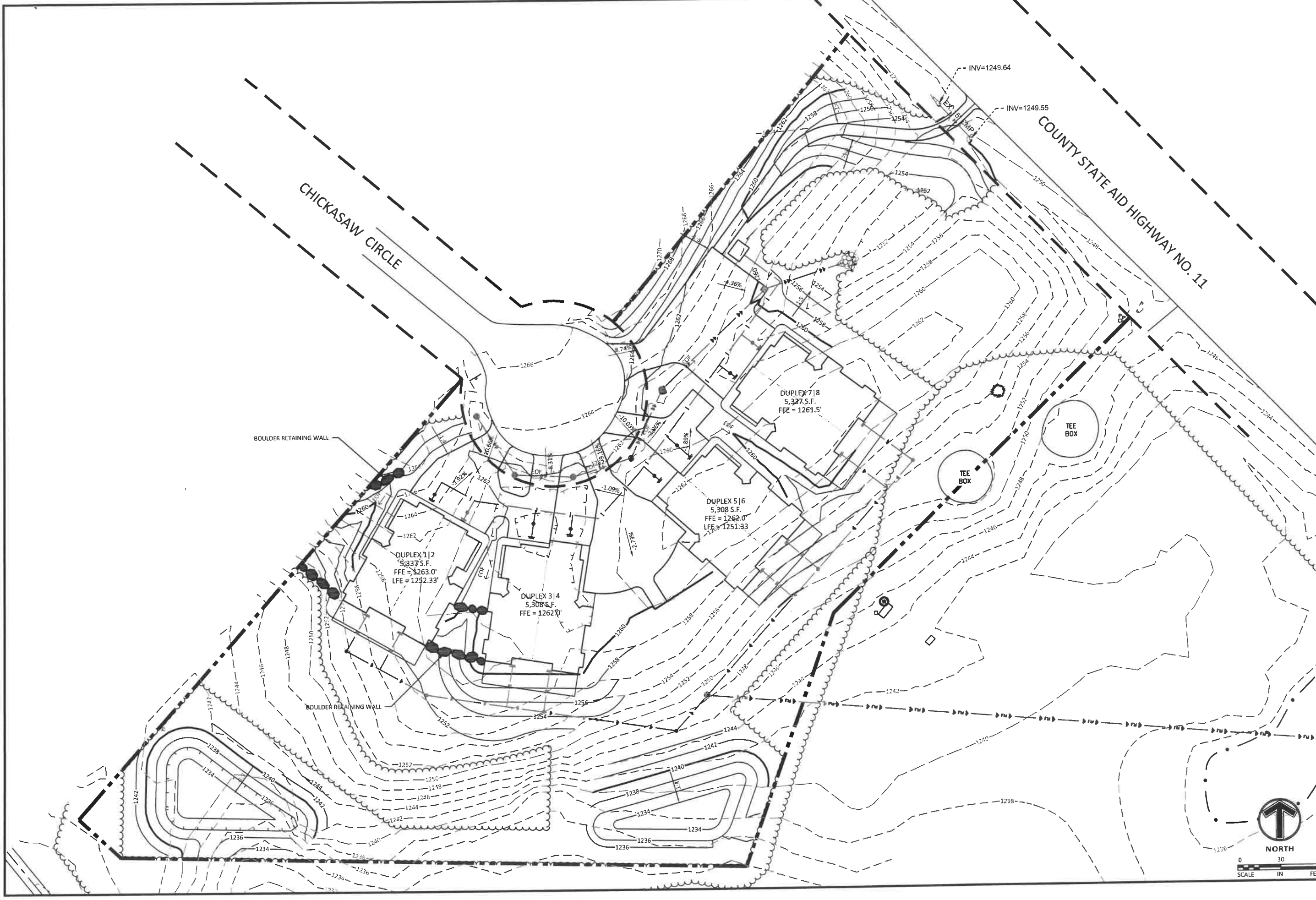
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VISTA VILLAGE  
 SITE PLAN  
 BREEZY POINT, MINNESOTA

SHEET  
**C3.0**







**SONMOR CONSULTING**

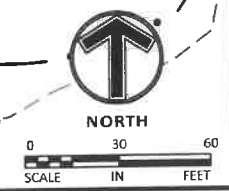
I HEREBY CERTIFY THAT THIS IS AN SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

CHRISTOPHER L. SONMOR  
 LIC. NO. 44599  
 DATE 02/01/2024

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**VISTA VILLAGE**  
**OVERALL GRADING PLAN**  
 BREEZY POINT, MINNESOTA

SHEET  
**C4.0**



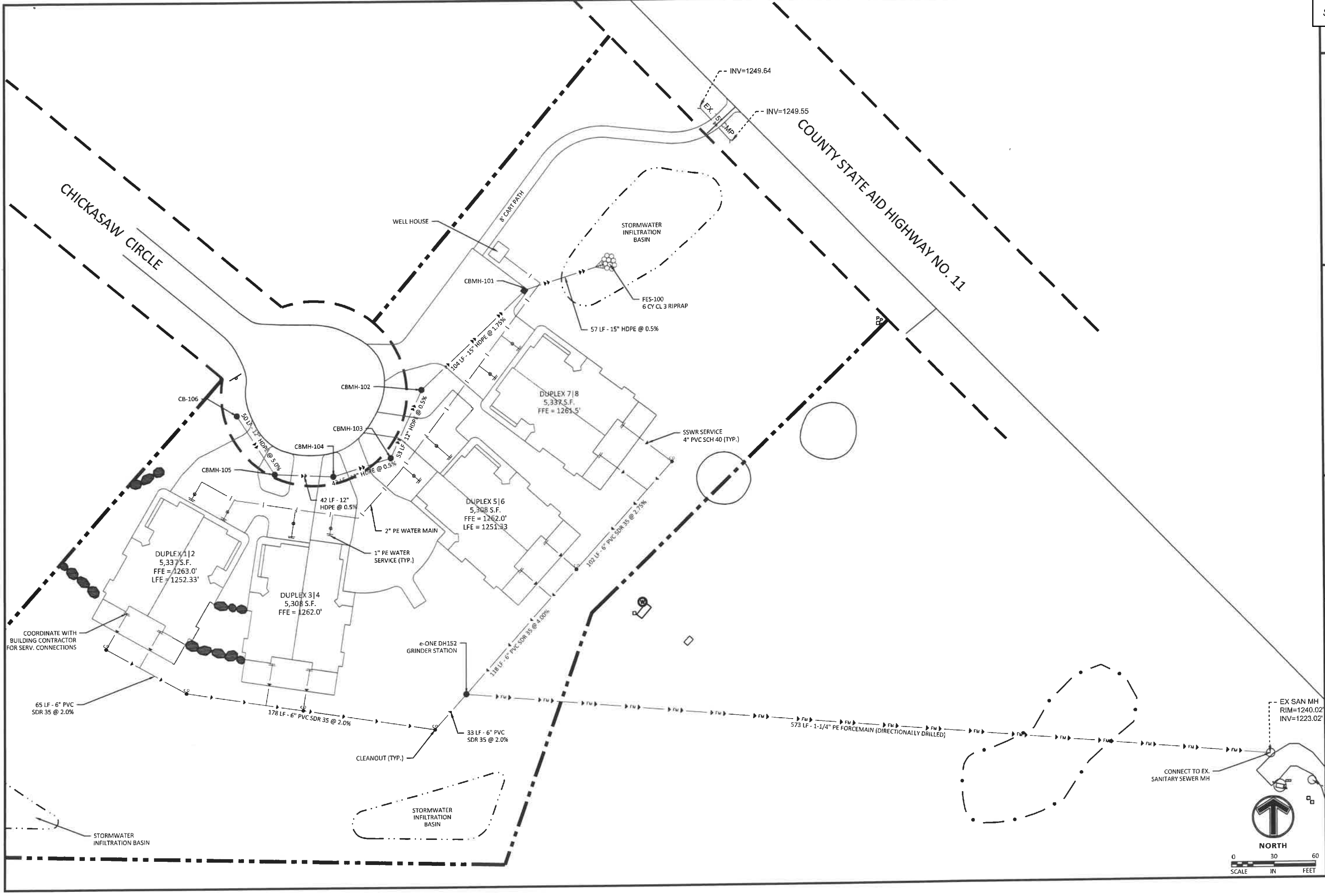
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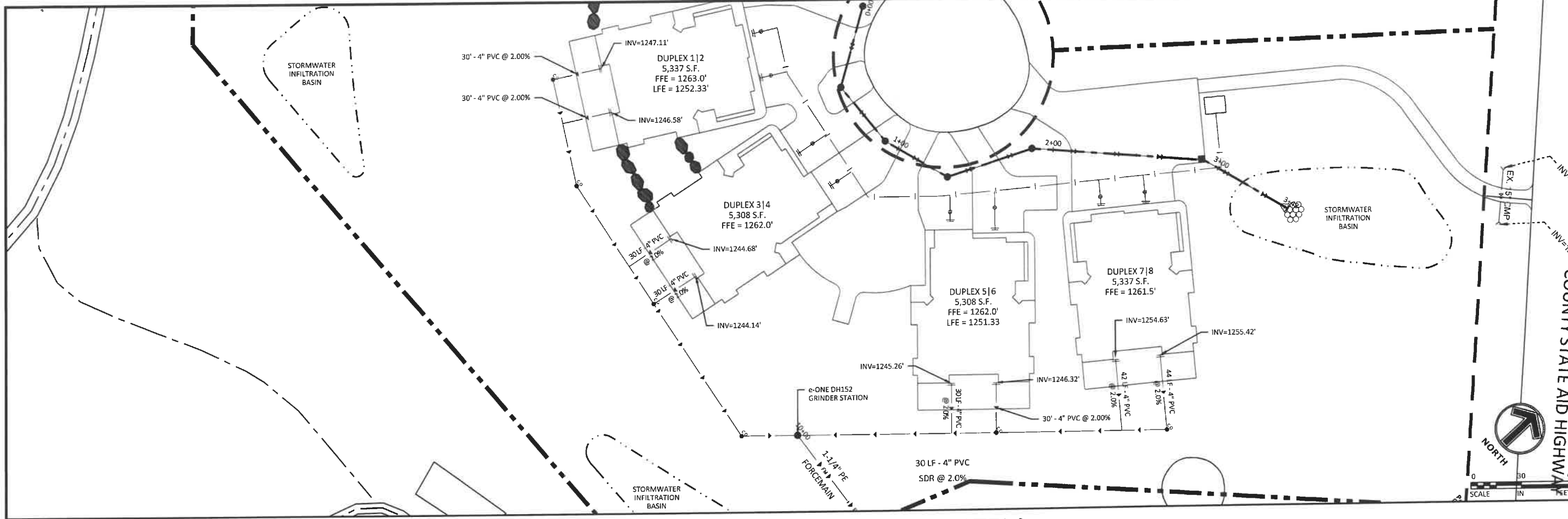
*Christopher L. Sonmor*  
CHRISTOPHER L. SONMOR  
44588 LIC. NO.  
02/12/2024 DATE

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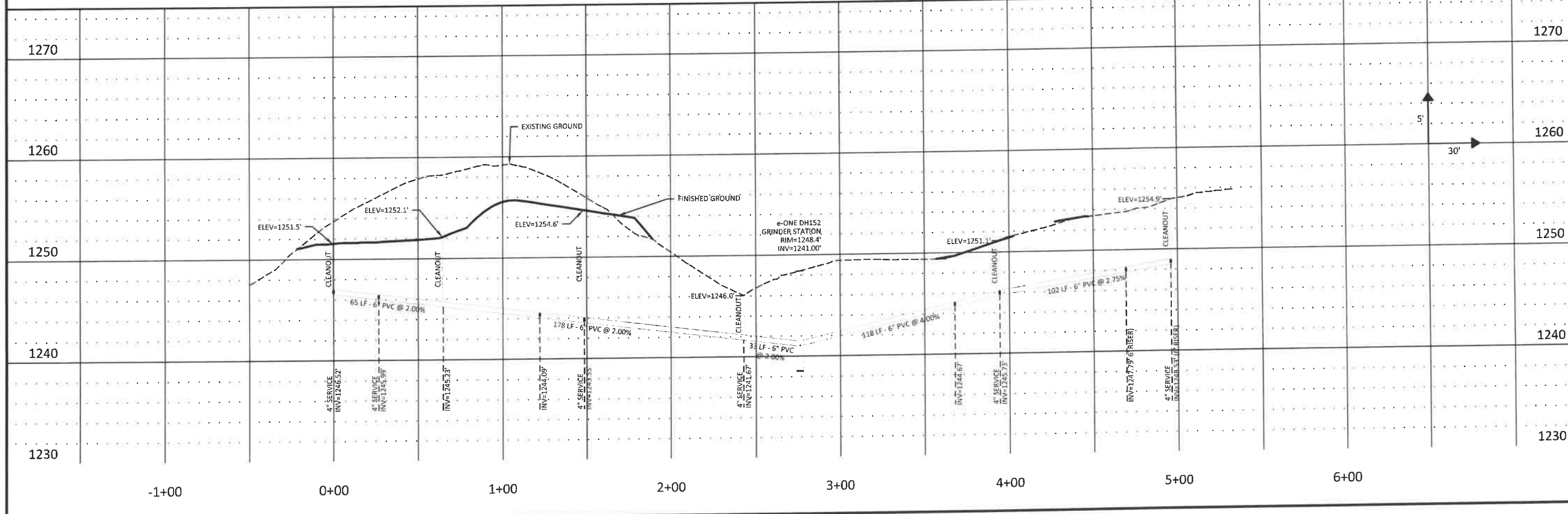
VISTA VILLAGE  
OVERALL UTILITY PLAN  
BREEZY POINT, MINNESOTA

SHEET  
C5.0





**SANITARY SEWER COLLECTION SYSTEM**



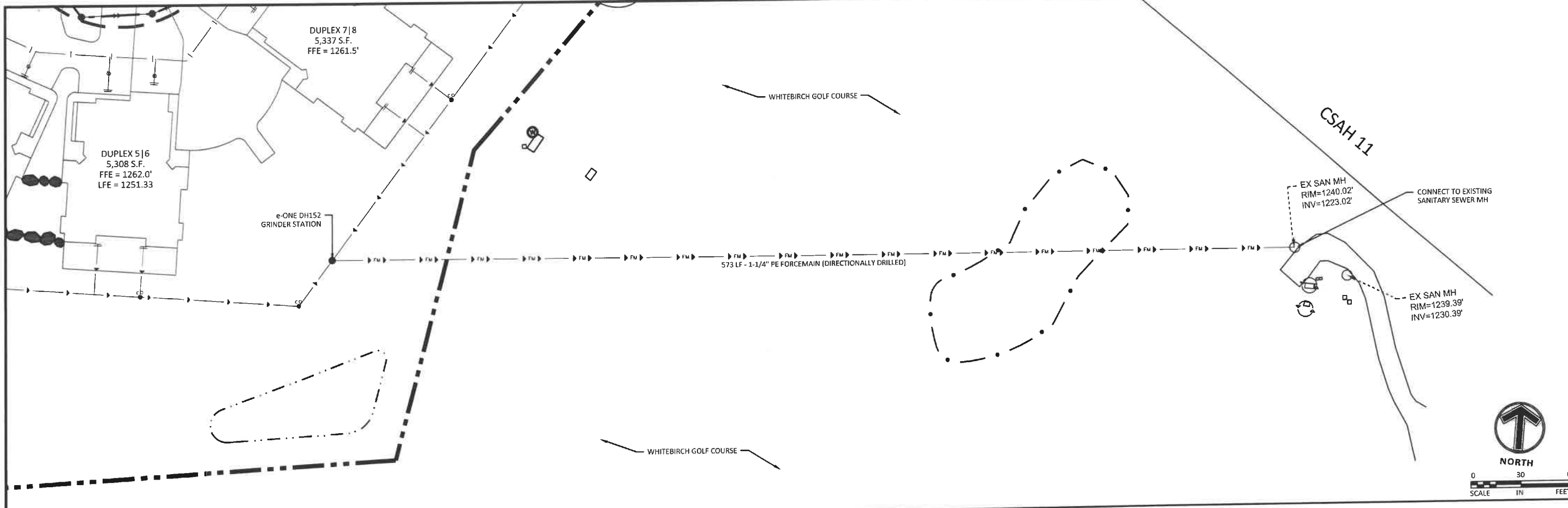
**SONMOR CONSULTING**

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 CHRISTOPHER L. SONMOR  
 L.C. NO. 44589  
 DATE 02/01/2024

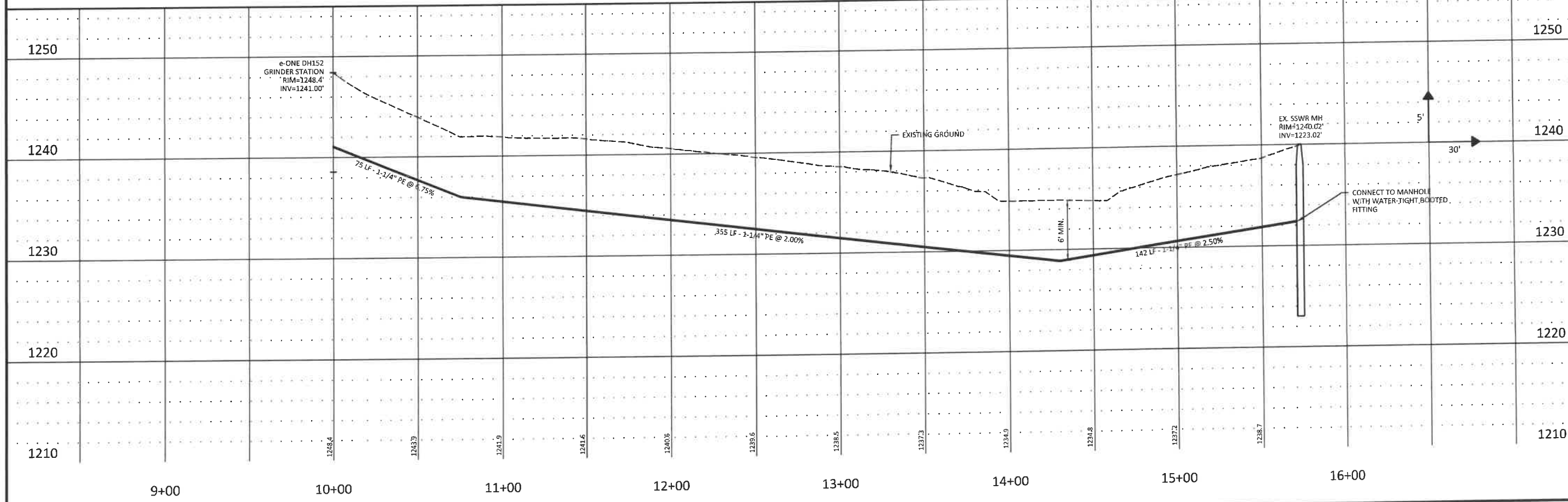
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**VISTA VILLAGE**  
**SANITARY SEWER PLAN & PROFILE**  
 BREEZY POINT, MINNESOTA

SHEET  
**C5.1**



### SANITARY SEWER FORCEMAIN PLAN & PROFILE



**SONMOR CONSULTING**

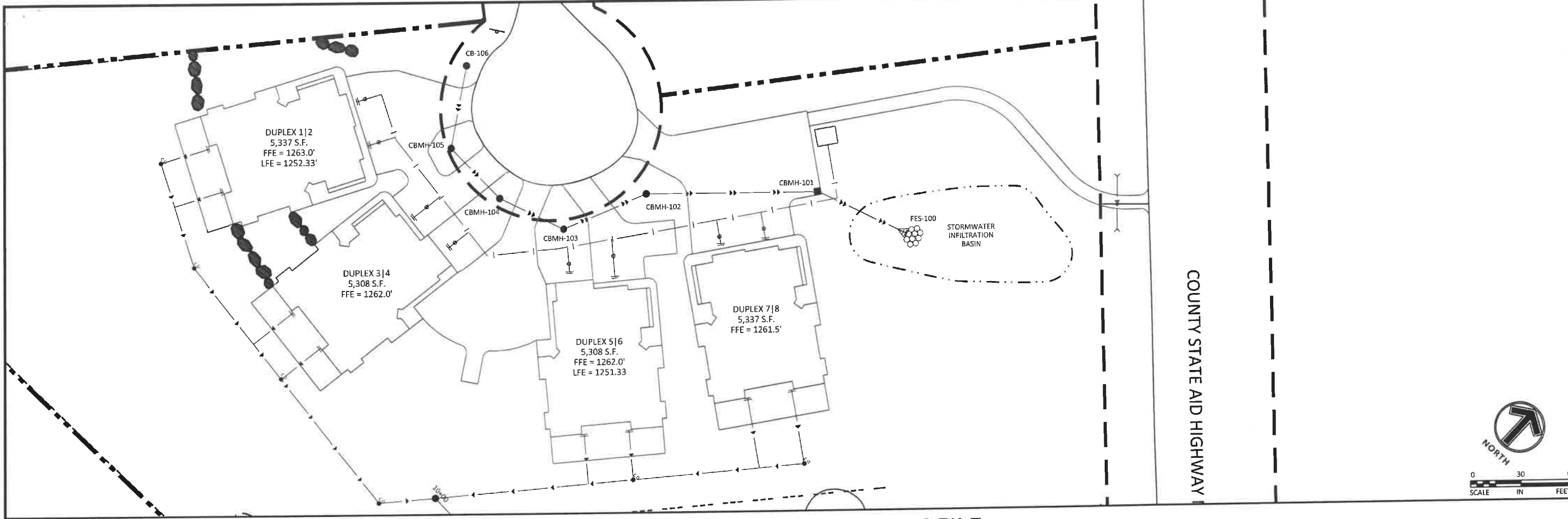
HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.  
 CHRISTOPHER L. SONMOR  
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 DATE 02/01/2024

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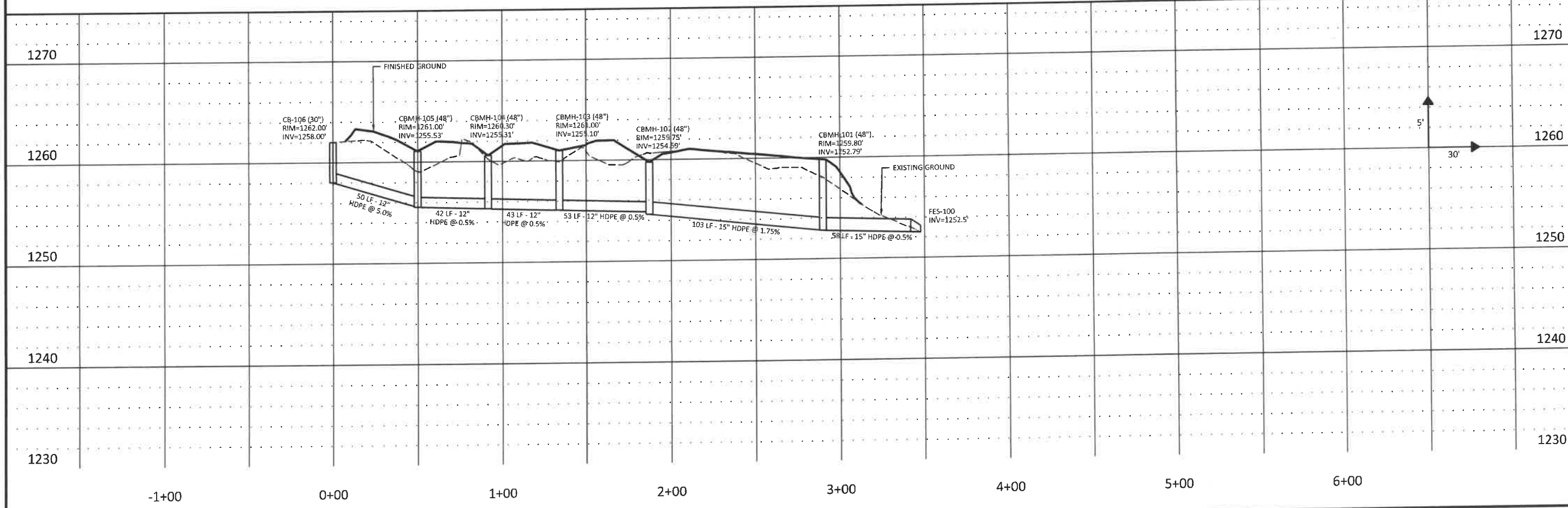
VISTA VILLAGE  
 SSWR FORCEMAIN PLAN & PROFILE  
 BREEZY POINT, MINNESOTA

SHEET  
**C5.2**





STORM SEWER PLAN & PROFILE



**SONMOR CONSULTING**

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

CHRISTOPHER L. SONMOR  
LIC. NO. 44589  
DATE 09/01/2024

REVISIONS	
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VISTA VILLAGE  
STORM SEWER PLAN & PROFILE  
BREEZY POINT, MINNESOTA

SHEET  
**C5.3**

# COMMON INTEREST COMMUNITY No. 1163 A PLANNED COMMUNITY VISTA VILLAGE

KNOW ALL MEN BY THESE PRESENTS: That Whitebirch, Inc., a Minnesota Corporation, fee owners and proprietors, of the following described property situated in the County of Crow Wing, State of Minnesota, to-wit:

Lots 1, 2 and 3, all in Block One, and Outlot A, WHITEBIRCH VISTA, according to the recorded plat thereof, Crow Wing County, Minnesota

Subject to easements, restrictions, and reservations of record.

Have caused the same to be surveyed and platted as COMMON INTEREST COMMUNITY No. 1163 A PLANNED COMMUNITY VISTA VILLAGE and does hereby dedicate to the public for public use the drainage and utility easements as created by this plat.

In witness whereof said Whitebirch, Inc., a Minnesota Corporation, has caused these presents to be signed by its proper officer on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

FEE OWNER:  
WHITEBIRCH, INC.

Joyce Bzozkie, President

STATE OF MINNESOTA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ by Joyce Bzozkie, President of Whitebirch, Inc., a Minnesota Corporation, on behalf of the corporation.

(Notary Signature)  
NOTARY PUBLIC  
COMMISSION EXPIRES \_\_\_\_\_

I, Patrick A. Trotter do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3 as of the date of this certificate are shown and labeled on this plat; and that all public ways are shown and labeled on this plat.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Patrick A. Trotter, Licensed Land Surveyor  
Minnesota License Number 41002

STATE OF MINNESOTA  
COUNTY OF \_\_\_\_\_

This instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ by Patrick A. Trotter, Minnesota Licensed Land Surveyor

(Notary Signature)  
NOTARY PUBLIC  
MY COMMISSION EXPIRES \_\_\_\_\_

Department of Auditor-Treasurer

Pursuant to Minnesota Statutes, Chapter 272.12, that there are no delinquent taxes on the land hereinbefore described on this plat and transfer pursuant to Chapter 505.021, Subd. 9, taxes payable for the year 20\_\_ on the land hereinbefore described have been paid this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

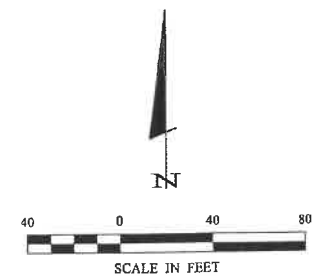
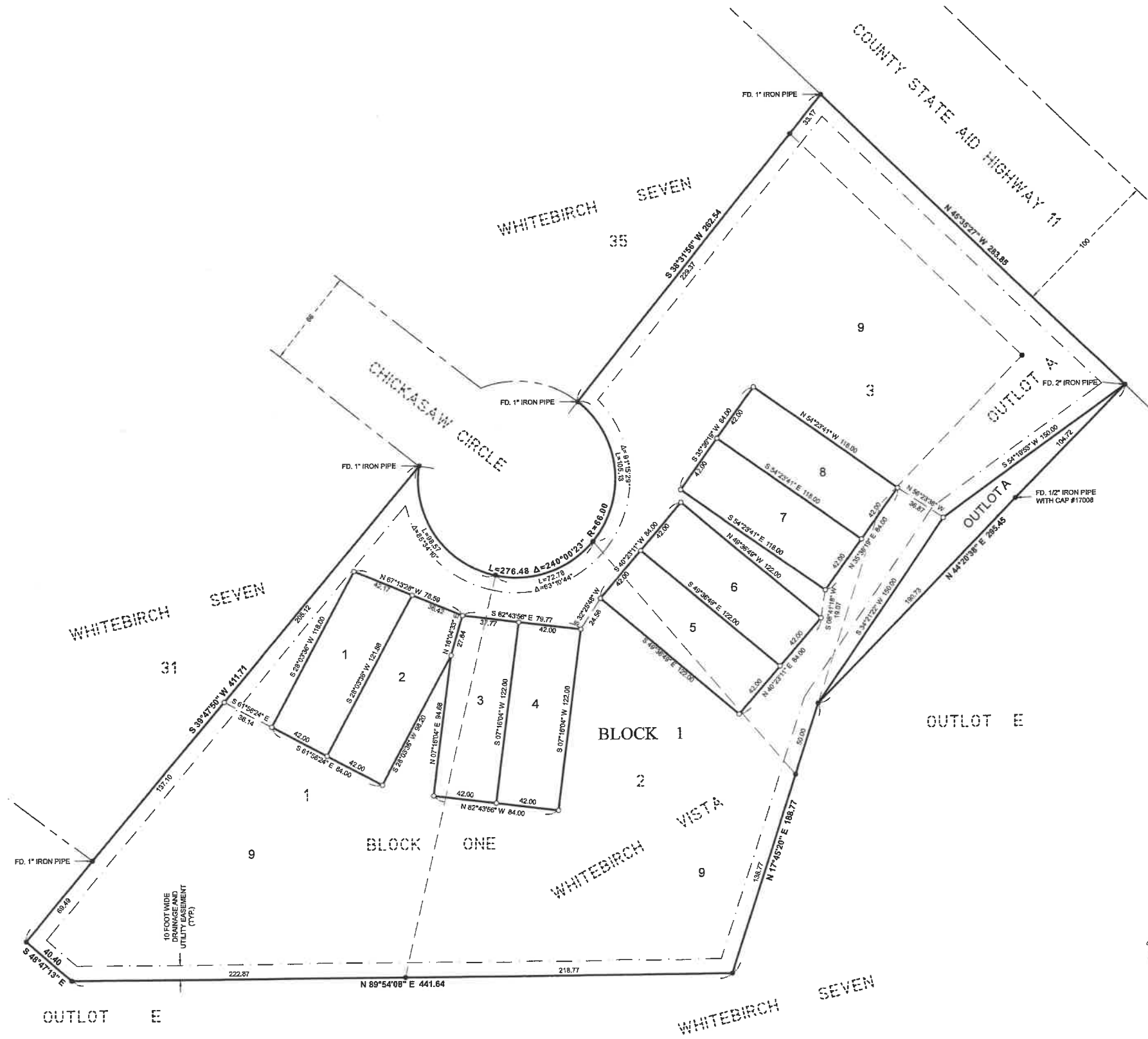
Gary Griffin, Auditor-Treasurer for Crow Wing County, Minnesota

City Council, City of Breezy Point, Minnesota

This plat of COMMON INTEREST COMMUNITY No. 1163 A PLANNED COMMUNITY VISTA VILLAGE was approved and accepted by the City Council of the City of Breezy Point, Minnesota, at a regular meeting held this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subd. 2.

Angel Zierdan, Mayor

David Chanski, City Administrator/Clerk



### LEGEND

- DENOTES MONUMENT FOUND WITH CAP #41002 UNLESS OTHERWISE NOTED
  - DENOTES SET 1/2" X 1/8" IRON PIPE WITH CAP #41002
- ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE RECORDED PLAT OF WHITEBIRCH VISTA

30206 Rasmussen Road  
 Suite 1  
 P. O. Box 874  
 Pequot Lakes, MN 56472  
 218-568-4940  
 www.stonemarksurvey.com



TO: Planning Commission  
FROM: Peter Gansen, Planning & Zoning Administrator  
RE: Staff Report for CUP 2024-002  
DATE: March 12, 2024 Regular Meeting

---

Conditional Use Permit Application C-24-002  
Applicant: Whitebirch Inc  
Property Address: No current address  
Legal Description: LOTS 1-3 BLOCK 1 & OUTLOT A WHITEBIRCH VISTA.  
Parcel ID: 10171421, 10171422, 10171423 & 10171424.  
Zoned: R-4 Multi Family Residential

- Conditional Use Request:
- Construct four duplex dwelling units.

The Property

LOTS 1-3 BLOCK 1 & OUTLOT A WHITEBIRCH VISTA is located at the end of a cul-de-sac on Chickasaw Circle.

The property was originally platted as Whitebirch and was subdivided to single family lots. The original zoning classification for the property consisted of Resort commercial, Multi Family Residential and Low Density Residential. With the majority of the subject property falling within the Low Density Zoning Classification.

The applicant concept plan is to eventually develop the property in duplex residential dwellings. In order to do so, the zoning classification of the property needed to be changed to be consistent with the land use requirements of Chapter 153. Chapter 153 not allow duplexes in Low Density Zoning, it does allow duplex dwellings in the Multi-Family Residential Zoning classification.

The applicant was before the planning commission with a rezone request in 2023 that was successful and subsequently applied for a formal rezone which was unanimously approved by the City Council during the regular January 2024 meeting.

The property is zoned R-4 and the request is an allowed use with a conditional use permit under the Land Use Categories Chart Section §153.044.

Findings

Upon review of a Conditional Use application the commission needs to consider the findings as required in Section §153.119 (E). In review the commission should state whether the following findings are acceptable towards granting the CUP.

The following findings must be met:

- (a) The use or development is an appropriate conditional use in the land use zone.

The property is zoned R-4 and the request is appropriate under Section §153.044

- (b) The use or development with conditions conforms to the Comprehensive Land Use Plan.

- (c) The use with conditions is compatible with the existing neighborhood.

(d) The use with conditions would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the city.

The following must be considered:

(a) The conditional use should not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose permitted on that property, nor substantially diminish or impair property values in the immediate vicinity;

(b) The conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area;

(c) The conditional use will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community;

The use does not require any additional public infrastructure.

(d) The conditional use will have vehicular approaches to the property which are so designed as not to create traffic congestion or an interference with traffic on surrounding public thoroughfares;

The proposed use is in keeping with the residential character of the neighborhood creating nominal additional traffic flow.

(e) Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use;

The use is in keeping with the residential character of the neighborhood creating nominal additional parking or loading requirements.

(f) Adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so none of these will constitute a nuisance and to control lights and signs in such a manner that no disturbance to neighboring properties will result;

The proposed use is in keeping with the residential character of the neighborhood. No commercial use of the property is proposed as a condition of the CUP.

(g) The conditional use will not result in the destruction, loss or damage of a natural, scenic or historical feature of major significance; and

(h) The conditional use will promote the prevention and control of pollution of the ground and surface waters including sedimentation and control of nutrients.

The proposed use is in keeping with the residential character of the neighborhood.

- Applicant has filed the appropriate application for CUP.
- Applicant has paid the appropriate fee for the application.
- Public notice of Conditional Use Hearing was published in the legal newspaper and all property owners within 350' were given mailed notice of said hearing.
- Public Hearing was held on Tuesday, January 9, 2024.

Staff has reviewed the following:

- Site Plan
- CUP Application

The following are recommended conditions.

- 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.**

**153.044 Land Use Categories Chart****A** = Allowed Without A Permit**P** = Permitted - Requires a Permit**I** = Interim Use**C** = Conditional Use**E** = Excluded Use**NA** = Not Applicable

Use	Zoning District										
	UR	WR	EL-R	R-1	R-2	R-3	R-4	C	RC	A	P
Boarding house	E	E	C	E	I	I	I	C	C	E	E
Campground	E	E	E	E	E	C	E	E	C	E	E
Camping; Limited	A	A	A	A	A	A	A	E	E	E	E
Camping; Construction & Reconstruction	A	A	A	A	A	A	A	E	E	E	E
Churches	C	C	C	C	C	C	C	C	C	E	NA
Controlled access lot	NA	NA	E	NA	C	NA	NA	NA	C	NA	NA
Dwelling, single-family less than 26 feet	P	E	E	E	E	E	E	E	E	E	E
Dwelling, duplex with subdivision	E	E	E	E	C	C	C	E	E	E	E
Dwelling, guest quarters	C	C	C	C	C	C	C	E	E	E	E
Dwelling, triplex-quad	E	E	E	E	E	E	C	E	E	E	E
Extractive use	I	E	E	E	E	E	E	E	E	E	E
Game farm with hunting	I	E	E	E	E	E	E	E	E	E	E
Gas station/light repair	E	E	E	E	E	E	E	C	E	E	E
Golf course	C	C	C	NA	NA	NA	NA	NA	C	E	C
Grading; 50 cubic yards or less	A	A	A	A	A	A	A	A	A	P	A
Grading; 50 cubic yards or more	P	P	P	P	P	P	P	P	P	C	P
Hangar	NA	NA	NA	NA	NA	NA	NA	C	NA	P	NA
Home occupation	I	I	I	I	I	I	I	NA	NA	NA	NA
Junk yard	E	E	E	E	E	E	E	E	E	E	E
Manufactured home development	E	E	E	E	C	C	C	E	E	E	E
Manufacturing/light industrial	C	E	E	E	E	E	E	C	E	C	E
Marina	NA	NA	NA	NA	C	NA	NA	NA	C	NA	NA
Motel/hotel	E	E	E	E	E	E	E	C	C	E	E
Motor vehicle sales, private; 2 or less	A	A	A	A	A	A	A	A	A	A	A
Motor vehicle sales, private; 3 or more	E	E	E	E	E	E	E	C	C	E	A
Motor vehicle sales, commercial	E	E	E	E	E	E	E	C	E	E	E
Nursing home/hospital	E	E	E	E	E	E	C	C	E	E	C
Off-road vehicle activity area	I	E	E	E	E	E	E	E	E	E	E

**153.044 Land Use Categories Chart****A** = Allowed Without A Permit**P** = Permitted - Requires a Permit**I** = Interim Use**C** = Conditional Use**E** = Excluded Use**NA** = Not Applicable

Use	Zoning District										
	UR	WR	EL-R	R-1	R-2	R-3	R-4	C	RC	A	P
Outside storage	A	A	A	E	E	E	E	P	E	E	A
Parks and historical sites	C	C	C	C	C	C	C	P	P	C	A
Professional buildings	E	E	E	E	E	E	E	P	P	C	E
PUD; interval ownership	E	E	E	E	E	E	C	E	C	E	E
PUD; residential single-family	E	E	E	C	C	C	C	E	E	E	E
PUD; residential single and two-family	E	E	E	E	C	C	C	E	E	E	E
PUD; mixed use	E	E	E	E	E	E	C	C	E	C	E
PUD; commercial	E	E	E	E	E	E	E	C	C	E	E
Public buildings	E	E	E	E	E	E	E	E	P	C	P
Public recreation, trails, non-motorized	P	P	C	NA	NA	NA	NA	NA	NA	E	P
Radio/t.v. studio	E	E	E	E	E	E	E	C	E	E	E
Recreation camping area	E	E	E	E	E	E	E	E	C	E	E
Recreational facility; resort guests	E	E	E	E	E	E	E	C	C	E	NA
Recreational facility; public	E	E	E	E	E	E	E	C	P	C	P
Recreational vehicle park	E	E	E	E	E	E	E	E	C	E	E
Rentals more than 4 times per year	E	E	E	E	E	E	I	I	C	E	E
Rental units (apartments)	E	E	E	E	E	E	C	C	C	E	E
Retail stores	E	E	E	E	E	E	E	P	P	C	E
Restaurant	E	E	E	E	E	E	E	C	C	E	E
Setback, rear; 10 to 35 feet	E	E	E	C	E	C	C	E	E	E	E
Shore Impact Zone (SIZ); working within	P	P	P	P	P	P	P	P	P	P	A
Sign; area identification sign	C	C	C	C	C	C	C	P	P	P	E
Sign; residential identification sign	A	A	A	A	A	A	A	E	E	E	E
Sign; off-site, commercial	E	E	E	E	E	E	E	C	C	E	C
Sign; on-site, commercial	E	E	E	E	E	E	E	P	P	P	P
Social club	E	E	E	E	E	E	E	C	C	E	E
Snowmobile trail	A	A	A	A	A	A	A	A	A	A	A
State; licensed residential facility	E	E	P	P	P	P	P	E	E	E	E



	Sewered	Unsewered
15. Structure Setback; City ROW	35 feet	35 feet
17. Structure Setback; Side	10 feet	10 and 15 ft.
18. Structure Setback; Rear	30 feet	30 feet
19. Structure Setback; Top of bluff	30 feet	30 feet
20. Structure Setback; Wetland	30 feet	30 feet
21. Driveway Setback	5 feet	5 feet
22. Setback; 10 by 12 or smaller shed	3 feet rear and side	
23. Impervious Coverage: Maximum	30%	25%
24. Height; Primary Structure; Maximum	35 feet	35 feet
25. Height; Accessory Structure	15 feet	15 feet

(Prior Code, § 8.05, Subd. 4) (Ord. 123, passed 9-6-2005; Ord. 09-02-06, passed 9-5-2006; Ord. 10-017, 3<sup>rd</sup> Series, passed 11-01-2010; Ord. 16-01, 3<sup>rd</sup> Series, passed 05-02-16; Ord. 16-04, 3<sup>rd</sup> Series, passed 11-07-2016)

**§ 153.034 MULTI-FAMILY RESIDENTIAL (R-4).**

It is the intent of this district to establish and maintain a residential land use containing multi-family structures, sewerred by public sewer, developed by PUD and compatible with the natural resources of General Development lakes where applicable.

**A. Allowed without a permit**

1. Limited Camping on Improved lots only
2. Camping; Construction and Reconstruction with active building permit, limited to 6 months in duration
3. Grading/fill of 50 cubic yards or less
4. Private Motor Vehicles sales of 2 or less annually
5. Residential Identification Sign (up to three square feet)
6. Snowmobile Trail
7. Select Vegetation Removal

**B. Permitted Uses – Requires a Permit**

1. Accessory Structure cumulative up to 2% of parcel size on parcels 2 acres or more up to a maximum of 5,000 square feet
2. Dwelling; Single family 26 feet by 26 feet or wider



**§ 153.034**

3. Grading/fill of 50 cubic yards or more
4. State Licensed Residential Facility
5. Storage Shed 10 by 12 ft. or smaller or no greater than 120 square feet and 12 feet high

**C. Conditional Uses**

1. Accessory Structure cumulative up to 1,600 sq. ft. on parcels 2 acres or less
2. Accessory Structures on parcels 5 acres or more, a cumulative maximum of 2% of the parcel size
3. Churches
4. Dwelling; Duplex with subdivision (requires zero lot line division)
5. Dwelling; Single Family with Guest Cottage no greater than 700 square feet
6. Dwelling; Triplex-Quad units
7. Manufactured Home Development
8. Nursing home/hospital
9. Parks and Historical Sites
10. PUD; Interval Ownership
11. PUD Residential single and/or two family
12. PUD; Mixed Use
13. Rental Apartments
14. Revised rear Setback; a minimum of 10 feet up to the required 35 feet
15. Area Identification Sign
16. Used Structure moved on site
17. Open Vegetation Removal

**D. Interim Uses**

1. Boarding House
2. Home Occupation
3. Residential Rentals more than 4 times per year

E. Excluded or Prohibited Uses: In addition to the following shown uses, uses **not** listed as Allowed, Permitted, Conditional or Interim are prohibited.

1. Accessory structure without a principle structure
2. Dwellings less than 26 feet wide
3. Adult uses Principal or Accessory
4. Motel/Hotel

**§ 153.034**

F. Similar Uses: Uses listed as Permitted, Conditional, Interim and Prohibited in this zone shall not be considered all inclusive. Uses similar to those listed may also be considered.

G. Lot Size, Setback, Height and Use Requirements for this sewer district:

1. Single Family Lot Area; minimum	10,000
2. Lot Area; with Guest Dwelling	17,500
3. Lot Area; Duplex	20,000
4. Lot Area; PUD; 3 units minimum	30,000
5. New Subdivision Lots	2 acres
6. New Subdivision with Guest Dwelling	4 acres
7. New Subdivision; Duplex	4 acres
8. New PUD; 3 units minimum	30,000
9. Lot Width; Single Family minimum	75 feet
10. Lot Width; minimum with Guest Dwelling	
11. Lot Width; Duplex	150 feet
12. PUD; Minimum Lot Width	190 feet
13. Lot Frontage on Public ROW	33 feet
14. Structure Setback; County ROW	35 feet
15. Structure Setback; City ROW	35 feet
16. Structure Setback; Rear	35 feet
17. Structure Setback; Side	20 feet
18. Structure Setback; Between buildings	15 feet
19. Structure Setback; Top of bluff	30 feet
20. Structure Setback; Wetland	30 feet
21. Driveway Setback	20 feet
22. Setback; 10 by 12 or smaller shed	3 feet rear and side
23. Impervious Coverage: Maximum	30%
24. Height; Primary Structure; Maximum	35 feet
25. Height; Accessory Structure	15 feet

(Prior Code, § 8.05, Subd. 5) (Ord. 123, passed 9-6-2005; Ord. 09-02-06, passed 9-5-2006; Ord. 16-01, 3rd Series, passed 05-02-16)



8319 County Road 11  
 Breezy Point, MN 56472  
 Phone: (218) 562-4093  
 Fax: (218) 562-4486  
[www.cityofbreezypointmn.us](http://www.cityofbreezypointmn.us)

Received by City: PA 21 Section 7, Item B.  
 Application Number: C-24-002  
 Non-refundable Fee Paid: 250-  
 Receipt #: 22670

# Conditional Use Application

Name of Applicant Whitebirch INC  
 Address 9252 BREEZY POINT DRIVE  
 City, State, Zip Breezy Point, MN 56472  
 Phone 218-231-1706 (Bob Spizzo) Alternate Phone 218-820-4038  
David Landercker Cell

Physical Address / Location of Property (No Current Address) ALL lots in Whitebirch VISTA LOCATED EAST of CHICKASAW Circle CUL-DE-SAC

Legal Description of Property Lot 1, Lot 2, Lot 3 Block ONE AND outLOT A, Whitebirch Vista Plat of Record CROW WING County MN

Parcel ID Number 10171421, 10171422, 10171423, 10171424 Zoning District R-4

Applicant is:  Legal Owner of Property  Contract Buyer  Option Holder  Agent  Other \_\_\_\_\_

Title Holder of Property (if different than applicant):  
 Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 City, State, ZIP \_\_\_\_\_  
 Phone \_\_\_\_\_

State the nature of your request in detail. What are you proposing for your property?  
Subdivide Property in CIC Plat consisting of 8 residential units (4 duplex's) 1 common lot AND one outlot (golf course) includes platting, grading, private common water system + WELL PRIVATE common sewer to be connected to MUNICIPAL system

Signature of Owner, authorizing application Robert B. Spizzo  
 (By signing, the owner is certifying that he/she has read and understands the instructions accompanying this application.)

Signature of Applicant (if different than owner) Almyr Jacob  
 (By signing, the applicant is certifying that he/she has read and understands the instructions accompanying this application.)

**\*By signing above, I acknowledge that I understand that I am responsible for all fees incurred by the City as a result of professional services provided by the City Engineer, City Attorney, and other contracted agencies in reviewing my application.\***

**CONDITIONAL USE:** A land use or land development, as defined by the Ordinance, that is allowed, but would not be appropriate without restrictions or conditions as determined by the Planning Commission. The proposed use must meeting the following standards: (a) the use or development is an appropriate conditional use in the land use zone, (b) the use or development with conditions conforms to the comprehensive land use plan, (c) The use with conditions is compatible with the existing neighborhood, and (d) the use with conditions would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, or prosperity of residents in the City.

**CONDITIONAL USE:** A land use or land development, as defined by the Ordinance, that is allowed, but would not be appropriate without restrictions or conditions as determined by the Planning Commission. The proposed use must meet the following standards: (a) the use or development is an appropriate conditional use in the land use zone, (b) the use or development with conditions conforms to the comprehensive land use plan, (c) The use with conditions is compatible with the existing neighborhood, and (d) the use with conditions would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, or prosperity of residents in the City.

**The following questions must be answered.**

1. What changes are you proposing to make to this property?  
 Constructing 4 duplexes consisting of 8 individual quality homes with attached garages consisting of low maintenance materials and upkeep while providing quality housing for empty nesters and active adults. As shown on submitted plans.

Building: \_\_\_\_\_

Landscaping: Landscaping will be consistent with the Whitebirch Village, Whitebirch Estates and Antlers projects located in the general golf community neighborhoods near this site.  
 \_\_\_\_\_

Parking/Signs: Parking is planned for each unit to consist of 3 spaces in attached garages and 3 additional spaces available outside of the garages as well as 5 additional overflow parking spots with a grand total of 53 proposed parking spaces where 16 would be required. No off-street parking would be required. As shown on submitted plans.  
 \_\_\_\_\_

2. Describe the impact on the use and enjoyment of other property in the immediate vicinity. If there is no impact, explain why.  
 No impact should be experienced by other property in the vicinity. The Subject property is R-4 and the proposed use is allowed. The proposed residential development will be a transition between the Whitebirch golf course which is zoned RC (resort commercial) and the properties to the west zoned R-1 residential. R-4 zoning allows for duplex, multi family and PUD developments with a CUP.  
 \_\_\_\_\_

3. Describe the character of the area and the existing patterns and use of development in the area. How is the proposal consistent with those patterns and uses?  
 The property is bordered on the west by Whitebirch Seven plat which is R-1 residential; on the north by County State Aid Highway 11; on the south and East by Whitebirch golf course which is zoned RC (resort commercial). This proposed residential use will provide an attractive setting being at the end of a dead end cul-de-sac and provide much need housing for empty nesters and active seniors.  
 \_\_\_\_\_

4. Describe the impact on the capacity of existing or planned community facilities (sewer, drainage, other). Explain if additional facilities will be required.  
 The project will not require any additional roads to be constructed or altered. The project will have one Private well and water distribution serving all units. The project will have a private sewer system to be connected to the existing municipal sanitary system. Grading and drainage will meet the MPCA and City Stormwater requirements during and after construction. As shown on submitted plans.  
 \_\_\_\_\_

5. Describe the impact on the character of the neighborhood in which the property is located.  
 This project should have no significant impact on the existing neighborhood. As noted above this project is to be R-4 residential and matches the neighborhood to the east which is R-1 residential. We will be Utilizing the existing and established public road systems with no alterations. The project will be located In an established platted area and infilling these existing lots in an area with an attractive scenic view of The Whitebirch golf course. 8 residential units are being proposed where up to 19 units could be allowed. The project will be governed by a homeowner's association and no units will be allowed in a rental pool.  
 \_\_\_\_\_

6. Describe the impact to the traffic on roads and highways in the vicinity, and the expected traffic generated by the proposed use. Is there adequate off-street parking available to accommodate the proposal?  
 The project will access the cul-de-sac at the end of Chickasaw Circle and travel easterly to the intersection with Ouray Drive, then northerly to County State Aid Highway 11. These streets are existing and established thoroughfares with no planned alterations. There is adequate parking with over 50 off-street parking spaces provided through garages and adjacent parking thereto. As shown on submitted plans.  
 \_\_\_\_\_



7. Discuss any environmental limitations of the area that would limit or constrain construction on this property.

There are no environmental limitations or construction constraints for this project. Soils are the common Sand/gravel mix found in the area, there are no bluffs, no wetlands on the property. The grading and Stormwater will meet all MPCA and City requirements during and after construction. All sewer and water systems will adhere to the City and State codes. As shown on submitted plans.

8. Please include any other comments pertinent to this request.

This project will be quality homes constructed and landscaped similar to the Whitebirch Village project. The project checks many boxes from the Comprehensive plan related to expanding housing options for all stages of life including empty nesters and seniors, create high quality housing, develop areas that do not require new infrastructure, safe neighborhoods, attractive scenery and provide a variety of housing density choices. Impervious coverage is 24% which is less than allowed in the R-4 district. Green space is 70% and greater than 50% required.

### INSTRUCTIONS TO THE APPLICANT

Completed applications, with all submittal requirements, must be submitted to the Planning & Zoning Department no fewer than 25 days prior to the meeting date. In order for your application to be accepted as complete, and to have a public hearing scheduled, the following information must be submitted:

- ✓ 1. This application must be completed, including responses to all parts of this application.
- ✓ 2. The required fee must be paid. See fee schedule for details.
- ✓ 3. Legal description of the site.
- ✓ 4. Site plan, drawn to scale, showing parcel and existing structure dimensions, water features, and 10 foot contour lines (smaller contour lines may be required if deemed necessary by the Planning Department, Planning Commission, or City Council).
- ✓ 5. The site plan or should also show the location of all structures and their square footage.
- ✓ 6. Existing and proposed curb cuts, driveways, access roads, turn-arounds, parking including RV, boat and additional vehicle storage, off-street loading, and sidewalks. Size and type of surface should also be included.
- ✓ 7. Proposed landscaping and screening plans: garbage dumpsters, areas preserved in natural state including buffer areas, areas to be developed into lawn (grass), areas to be covered by woodchips or mulch, garden areas, shrubbery, types, size, age, and number of proposed trees and their locations, exterior lighting to be proposed including location and type, any other items deemed appropriate.
- ✓ 8. Square footage of all impervious coverage. Impervious coverage includes the horizontal area of all buildings, decks, roof overhangs, patios, walks, driveways, and any other parking areas and drives constructed of any material.
- NA 9. Proposed drainage plan.
- ✓ 10. Proposed and existing sanitary sewer and water supply plans with estimated usages on peak day.
- NA 11. Soils data showing capability for building and on-site sewage treatment.
- NA 12. Existing iron pipe boundary monuments marked with proof of survey.
- NA 13. Approximate location of any proposed signs (if applicable).
- NA 14. Color scheme for all existing and proposed structures.
- NA 15. Outside storage proposal.
- ✓ 16. Elevation plans for all existing and proposed structures.



1 SOUTH ELEVATION  
A2.1 1/4" = 1'-0"



2 NORTH ELEVATION  
A2.1 1/4" = 1'-0"

EXTERIOR FINISHES				
PRODUCT	STYLE	FINISH	MANUF.	NOTES
BASE FLASHING	PRE FINISHED METAL	VERIFY - COLOR TO MATCH	ROLLEX	
STONE	BOULDER CREEK - MOUNTAIN BLEND	BARTON	BOULDER CREEK	
STONE CAPS	CAST CONC.		BOULDER CREEK	
CORNER TRIM	HARDIE TRIM 6"	VERIFY - COLOR TO MATCH	JAMES HARDIE	
WINDOW & DOOR TRIM	HARDIE TRIM 6"	VERIFY - COLOR TO MATCH	JAMES HARDIE	
FRIEZE BOARD	HARDIE TRIM 6"	VERIFY - COLOR TO MATCH	JAMES HARDIE	
BAND BOARDS	HARDIE TRIM 6"	VERIFY - COLOR TO MATCH	JAMES HARDIE	
SIDING 1	HARDIE LAP SIDING	VERIFY - COLOR TO MATCH	JAMES HARDIE	
SIDING 2	HARDIE SHINGLE - STAGGERED EDGE	VERIFY - COLOR TO MATCH	JAMES HARDIE	
SOFFIT	SYSTEM 3	CORNUSLK	ROLLEX	
FASCIA	ROLLEX	CORNUSLK	ROLLEX	
ROOF MATERIAL	ASPHALT SHINGLES	VERIFY - COLOR TO MATCH		
ENTRY STOOP	CONCRETE	BROOM FINISH		
PATIO	CONCRETE	BROOM FINISH		
PERGOLA / BRACKETS	CEDAR	PAINTED		

NOTE: ALL HARDIE PRODUCT TO BE PRIMED, PAINTED TO MATCH EXISTING UNITS.

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of Minnesota

11360 BUSINESS 371  
BRAINERD MN 56401  
PHONE 218-829-8529  
218-829-8583  
hytecconstruction.com  
lic #RC-20060648



WHITEBIRCH TOWNHOMES  
EXTERIOR ELEVATIONS

PROJECT # \_\_\_\_\_  
DATE: 9.27.19  
SHEET: A2.1

GARAGE REAR VIEW

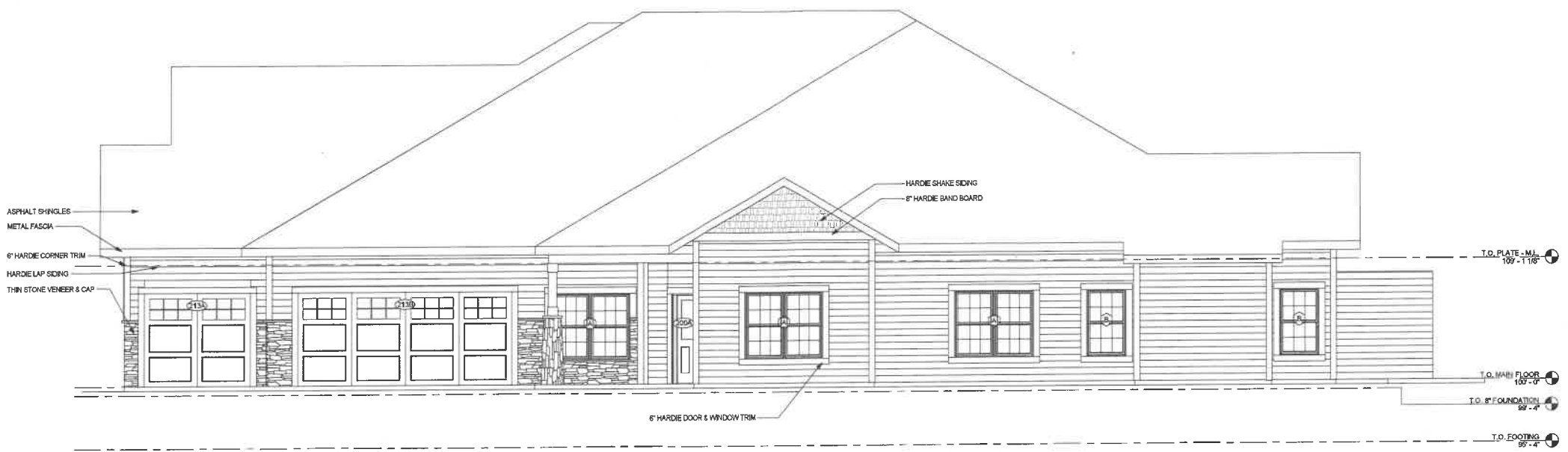
I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of Minnesota

11360 BUSINESS 371  
 BRAINERD MN 55401  
 PHONE 218-629-5529  
 FAX 218-629-5383  
 hteconstruction.com  
 lic#BEC-20086948

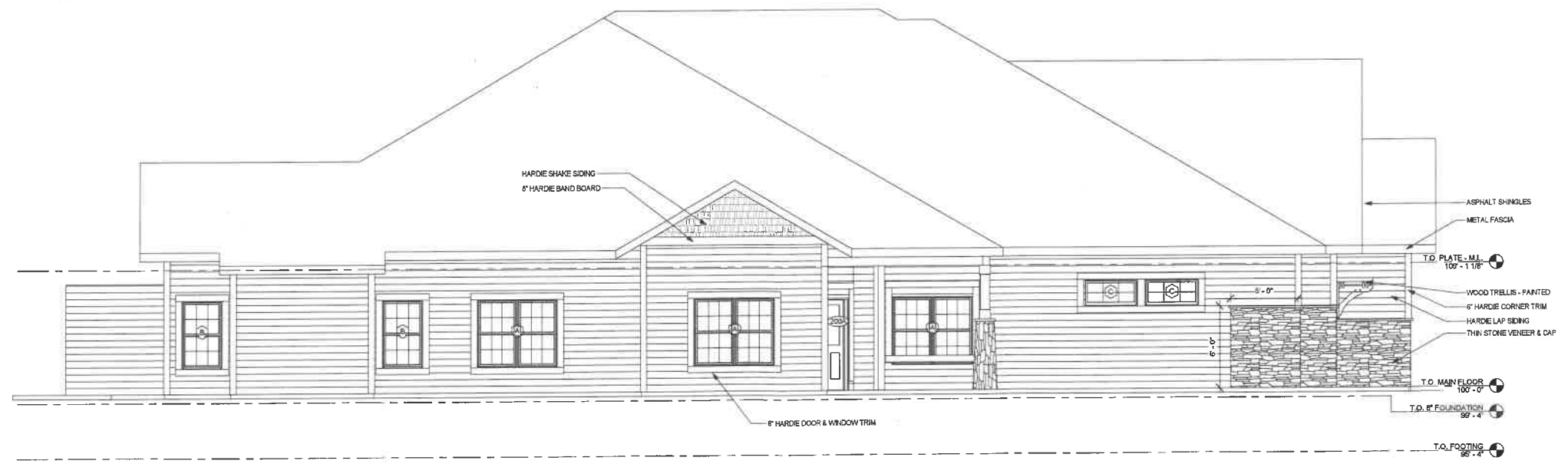
**HYTEC**  
 CONSTRUCTION  
 ARCHITECTURAL DIVISION

**WHITEBIRCH TOWNHOMES**  
 EXTERIOR ELEVATIONS

PROJECT #	
DATE:	9.27.19
SHEET:	A2.2



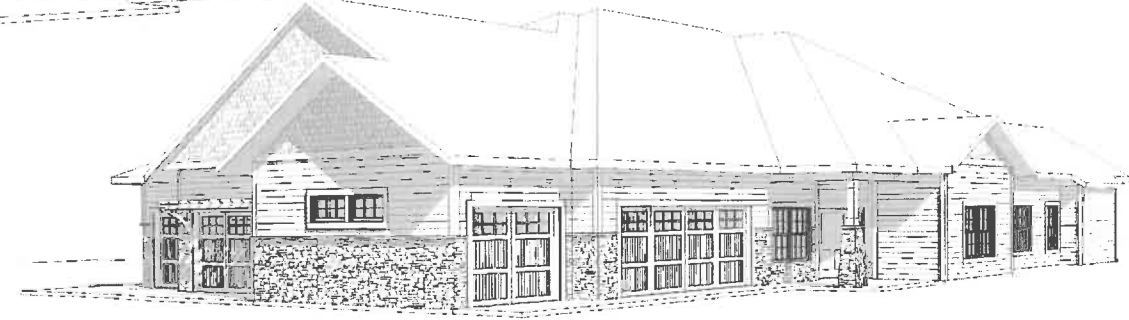
1 EAST ELEVATION  
 A2.2 1/4" = 1'-0"



2 WEST ELEVATION  
 A2.2 1/4" = 1'-0"

*GARAGE SIDE VIEW*





I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of Minnesota

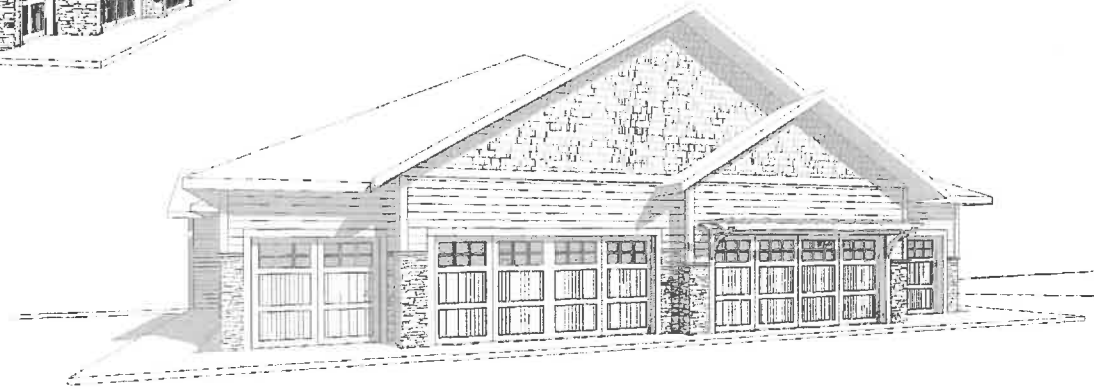
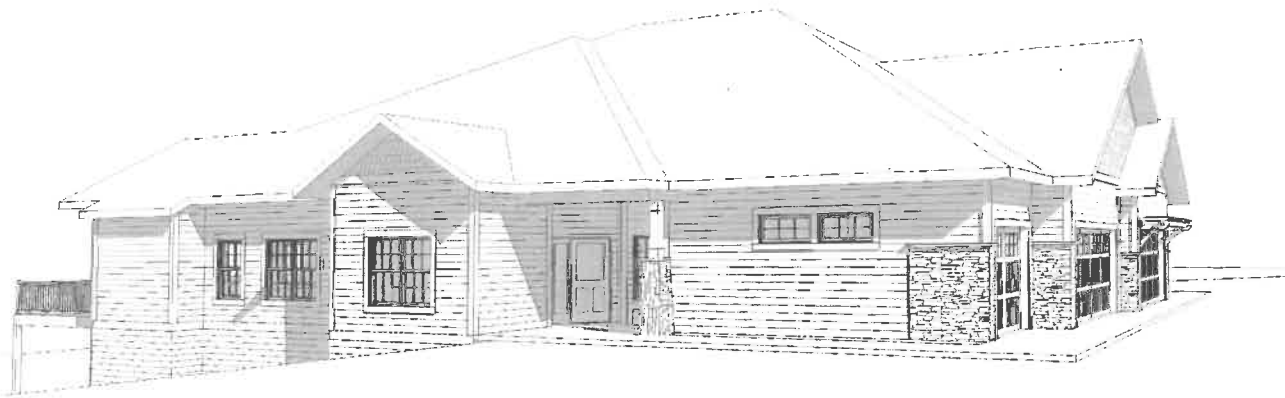
11360 BUSINESS 371  
BRAINEARD MN 56401  
PHONE 218-829-8529  
HYTEC ARCHITECTS  
hyteccconstruction.com  
LIC #BC-20050648

**HYTEC**  
CONSTRUCTION  
ARCHITECTURAL DIVISION

**WHITEBIRCH  
TOWNHOMES**  
3D VIEWS

PROJECT #  
DATE:  
9.27.19  
SHEET:  
**A2.3**

*AT GRADE Buildings*



I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of Minnesota

11360 BUSINESS 371  
BRAINERD MN 56401  
PHONE 218-829-8529  
FAX 218-829-8383  
hytec.com  
Lic REC-20080648

**HYTEC**  
CONSTRUCTION  
ARCHITECTURAL DIVISION

WHITEBIRCH  
TOWNHOMES  
3D VIEWS

PROJECT #  
DATE: 7.11.23  
SHEET:  
**A2.3**

*WALK OUT BUILDINGS*

**153.045 Lot Size; Dimension Chart**

<b>Lot Size/Dimension Chart (Areas in Square Feet and Distances in Feet Unless Otherwise Noted)</b>										
	<b>UR</b>	<b>WR</b>	<b>EL-R</b>	<b>R-1</b>	<b>R-2 Sewered and/or GD</b>	<b>R-2 Unsewered and/or GD</b>	<b>RD Lake</b>	<b>R-3 Sewered</b>	<b>R-3 Unsewered</b>	<b>R-4 Sewered</b>
<b>Lot Size - Existing Subdivisions</b>										
Single-family	10 acres	5 acres	2.5 acres	40,000	15,000	20,000	40,000	10,000	20,000	10,000
Single-family with guest dwelling				80,000	26,000	40,000	80,000	17,500	35,000	17,500
Duplex					30,000	40,000	80,000	20,000	40,000	20,000
PUD (3 units minimum)				120,000	40,000	80,000	120,000	40,000	80,000	30,000
<b>Lot Size - New Subdivision</b>										
Single-family	10 acres	5 acres	2.5 acres	2.5 acres	2 acres	2.5 acres	2.5 acres	2 acres	2.5 acres	2 acres
Single-family with guest dwelling				5 acres	4 acres	5 acres	5 acres	4 acres	5 acres	4 acres
Duplex					4 acres	5 acres	5 acres	4 acres	5 acres	4 acres
PUD (3 units minimum)				120,000	40,000	80,000	120,000	40,000	80,000	30,000
<b>Lot Width</b>										
Single-Family	300	300	200	125	75	100	150	75	100	75
Single-family with guest dwelling				265	135	180	225	135	175	135
Duplex					150	200	300	150	200	150
PUD (3 units minimum)				375	195	260	300	190	375	190

**153.045 Lot Size; Dimension Chart**

<b>Lot Size/Dimension Chart (Areas in Square Feet and Distances in Feet Unless Otherwise Noted)</b>										
	<b>UR</b>	<b>WR</b>	<b>EL-R</b>	<b>R-1</b>	<b>R-2 Sewered and/or GD</b>	<b>R-2 Unsewered and/or GD</b>	<b>RD Lake</b>	<b>R-3 Sewered</b>	<b>R-3 Unsewered</b>	<b>R-4 Sewered</b>
<b>Structure Setbacks</b>										
OHW	150	150	75		50	75	100			
Road right-of-way; city	50	50	40	35	30	30	30	35	35	35
Road right-of-way; county	50	50	40	35	35	35	35	35	35	35
Side	50	30	25	15	10	10 and 15	10 and 15	10	10 and 15	20
Between buildings										15
Rear (off lake lots only)	50	50	40	35	30	30		35	35	35
Side/rear; storage shed	3	3	3	3	3	3	3	3	3	3
Top of bluff	30	30	30	30	30	30	30	30	30	30
Wetland	30	30	30	30	30	30	30	30	30	30
Setback; driveways			25	15	5	5	5	5	5	20
Impervious coverage (percent)	10%	10%	15%	20%	25%	25%	20%	30%	25%	30%
Building height	None	35	35	35	35	35	35	35	35	35
Maximum permitted accessory structure height	20	20	20	15	15	15	15	15	15	15
Frontage on public ROW	33	33	33	33	33	33	33	33	33	33

**153.045 Lot Size; Dimension Chart**

<b>Lot Size/Dimension Chart (Areas In Square Feet And Distances In Feet Unless Otherwise Noted)</b>									
	<b>C Unsewered</b>	<b>C Sewered</b>	<b>RC Sewered</b>	<b>RC Unsewered</b>	<b>A</b>	<b>P</b>			
<b>Lot Width And Size</b>									
Lot area	20,000	10,000	20,000	40,000	11,250	20,000			
Lot width	100	75	100	100	75	100			
Lot area, minimum; PUD	80,000	80,000							
<b>Structure Setbacks</b>									
ROW; county road	35	35	35	35	35	35			
ROW; city road	35	25	35	35	35	35			
Between buildings	20	10	15	15					
Side	20	15	20	20	10	15			
Next to residential district	40	40	40	40					
Top of bluff	30	30	30	30	30	30			
Wetland	30	30	30	30	30	30			
Rear	15	15	35	35	35	35			
Frontage on public ROW	33	33	33	33	33	33			
OHW			50	75					
Maximum impervious coverage	25%	50%	25%	25%	50%	50%			
Maximum permitted accessory structure height	15 ft	15 ft	15 ft	15 ft	15 ft	15 ft			
<p>(Prior Code, § 8.05, Subd. 16) (Ord. 123, passed - -2005; Ord. 09-02-06, passed 9-5-2006; Ord. 11-01-06, passed 11-6-2006; Ord. 10-017, 3rd Series, passed 11-01-2010, Ord. 11-15, 3rd Series, passed 12-05-2011; Ord 13-01, 3rd Series, passed 02-04-2013; Ord 13-07, 3rd Series, passed 07-01-2013; Ord 16-01, 3rd Series, passed 05-02-2016; Ord. 17-03, 3rd Series, passed 08-07-2017)</p>									

TO: Planning Commission/Board of Adjustment  
FROM: David Chanski, City Administrator/Clerk  
RE: Zoning Code Update RFP  
DATE: March 12, 2024

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**Background**

Throughout 2023, members of the City Council discussed their desire to have the City’s zoning code updated as it has not had a significant update in many years. As such, the City Council budgeted funds in 2024 for a comprehensive update of the Zoning Code to be conducted.

**RFP Discussion**

A draft of the request for proposals (RFP) for updating the Zoning Code is attached. Staff’s desire is to review the RFP with the Planning Commission and discuss the zoning code update process prior to the City Council approving the RFP at the April 1 City Council meeting.

# THE CITY OF BREEZY POINT, MN



REQUEST FOR PROPOSALS (RFP)  
FOR  
ZONING CODE UPDATE

DRAFT

**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

DRAFT



## **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 Reveal:</b>	March 29, 2024
<b>Consultant Interviews:</b>	April 9, 2024
<b>Final Consultant Selection:</b>	May 6, 2024
<b>Notice to Proceed:</b>	May 7, 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 March 29, 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.