

Breezy Point Planning Commission/Board of Adjustment

**April 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, Teddy Zierden, Marcy Weaver Administrator Clerk David Chanski and Planning and Zoning Administrator Peter Gansen.

Approval of Agenda

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

Open Forum

No one spoke

Approval of 3/12/2024 Regular Meeting Minutes

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

New Business

A. None

Old Business

B. Zoning Code Update

Administrator Chanski updated the Planning Commission the RFP for the Zoning Code Update project was sent out with a deadline for response being April 26th. The City already was contacted by one of the consultants to ask additional question about the scope of the project.

Chanski reiterated the March 12th meeting stating the goals and level of involvement would require four questions through the interviewing process to be considered by the Commission.

Does the Commission desire to interview each consultant one on one or does Commission want to direct staff interview the consultants and make a recommendation. Chanski stated it is staff's recommendation and preference to have the Commission interview the consultants and be part of the process from the beginning.

Chanski asked if the Commission wanted to hold a special meeting for the purpose of interviewing consultants rather than interview at the regular PC meeting.

Planning and Zoning Administrator Gansen stated there was one potential app for the May meeting pending if the applicant can get a cert of survey before the deadline.

The Chair asked the Commission if they would like to hold a special meeting.

Motion Ayers/Theis to request a special meeting of the Commission to interview consultants. Motion carried 4-0.

There was various discussion regarding the scheduling of the special meeting.

Theis asked if the special meeting would be open to the public.

Chanski stated that it would be a public meeting, the Commission can select the date and the meeting needs to be noticed 72 hours in advance.

Chanski stated the commission could interview all applicants then just defer the recommendation to the next regular meeting to have time to think about the presentations.

Theis asked if the consultants would be from the Metro area.

Chanski responded yes more than likely they would be within a two hour radius.

There was various discussion regarding scheduling of the interviews.

Theis asked if the consultants could listen in on the other interviews.

Chanski responded, the presentations would be a public hearing and the consulting firms would be allowed to stay to view their competitors presentations.

Chanski stated the applicants could be interviewed then save deliberation for a later meeting to save time.

There was additional discussion on scheduling the special meeting.

Tuesday the May 7th 4:30pm was selected as the date to meet to interview consultants. The consensus being this time works the best for the Commissioners and provide enough time for the consultants to interview.

Chanski asked if the Commission wants to interview every applicant or just a selected pool if there were many. If so Chanski and Gansen could review the applications and make a recommendation to the Commission on which consultants to interview.

The Commission appointed Theis to work with Chanski and Gansen to evaluate the applicant pool to select interview candidates.

Theis asked what kind of method would be done to rank the firms.

Chanski stated there would be scoring criteria to aid in evaluating the applicants based on a number of factors including budget, time frame, experience and process.

There was varying discussion on the range of budget for the project which was set at \$125,000.

Question 3 on how the interview will be conducted and what the interview questions for the consultants would be.

Weaver said that she would like to see a presentation first then followed by questions.

The Commission conferred this.

It was decided that each applicant would be allocated 15 minutes of presentation time and 15 minutes for questions.

Proposals are due on the 26th and Theis, Chanski and Gansen would meet to select interview candidates.

This would go to the Commission to make a recommendation to approve a consultant for the Zoning Code Update Project.

Question 4 does the Commission want to review the process or would the Commission want to set up a committee that would not require public hearing.

Weaver stated she would like to setup a committee to review the process to save public hearing time. Then when a decision needs to be made, that would be the time to engage the project in a public hearing.

The Commission conferred to have 2 members plus 1 City Council member, Chanski and Gansen to be the review committee.

Chanski conferred that the ideal max size of the committee should be 5 individuals. 2 staff, 2 commissioners and 1 council member. Then as the project moves forward other City Staff could be brought in at appropriate times such as public works and parks.

As far as public involvement it would be a good idea to see what the consultants recommend doing for community outreach.

Ayers asked when the project would be complete.

Chanski stated conservatively December 2025. The reason why is to implement zoning codes during the non-construction season to make the transition process easier on the community. So that the effective date would be January 1, this will allow the City to do some public outreach events and stakeholder meetings to allow some lead time to show what the new codes will be before the building season.

Theis asked if it would take 18 months.

It was conferred that process will require at least that much time. During code updates everything must be taken into consideration whether it's an update or a complete repeal and replace.

There was variable discussion on other area codes.

Theis stated those are different cities though.

Chanski stated correct, however the concepts are similar from city to city. Setbacks and uses will be different for city to city. It is the goal of the ordinance rewrite to reduce redundancies and provide for more illustrative examples that are most commonly used so that residents can access that information easier and faster.

Chanski pulled up the City of Brainerd's ordinance as an example and presented portions of the illustrative sections to the Commission and the pictorials showing building envelopes respective to setback requirements.

There was continued discussion about consolidating the ordinance, reducing redundancies and promoting a better format for ease of application.

Code amendment processes were also addressed through code reform to reduce discrepancies.

Chanski asked if there were any more questions.

Brisben asked if there would be any changes related to the building code.

Chanski replied the building code is state mandated and we cannot change any of that.

However architectural standards can be reviewed.

Brisben asked about builders saying they do not want to work in Breezy Point. To be able to hold a forum for those individuals and builders to comment on the process.

Chanski reiterated that this process will not change building code, it is related to zoning and development standards.

Theis, said Brisben was thinking more about the inspections.

Chanski again stated the building code is determined by the State and not the City. On a side note, there has been discussion about a Bill that would require all cities to enforce building code. That could be something that would be difficult for small cities to deal with as there is already a shortage of building inspectors.

Chanski asked for any further questions.

There were none.

Weaver called for staff reports.

Staff Reports

Gansen said there were a couple pre application meetings for standard setback variances that may apply.

Gansen spoke to the board about applicants, board members or anyone asking about why surveys are required for variances and encouraged anyone to reach out with any questions.

Gansen summarized some of the reasons why surveys are required and the Commission does have the ability to waive surveys. However, emphasizing to not waive surveys in most cases as that provides the foundation for the entire project. That it is the applicant's responsibility to provide complete and accurate information in the application for the Commission. Additionally finding that many of the old plats in the city did not pin all corners of the developments. This leads to confusion that property owners believe they have purchased platted property, when in fact only the out lying corners were really surveyed and pinned in.

Gansen spoke about some examples of encroachments that happened that could have been avoided had a survey been done.

Wetland setbacks were discussed.

Gansen talked about Commission members doing site visits and stressed the importance of Commissioners in any jurisdiction doing site visits. How it is important to see the property firsthand. This would require the city to post every site visit as a public hearing, which makes things more complex as far managing the process.

Gansen stated instead of doing it as a public hearing Commissioners can reach out to him and drive to the site with 2 members at a time to avoid conflict with the open meeting law.

Gansen discussed it was difficult to keep a site visit schedule as multiple applications are usually on the agenda and if the times get behind applicants get angry if the meeting times are not kept.

Ayers asked if Gansen does a site visit for every application.

Gansen responded yes and talked about an example of a property owner not really aware of where his property lines were. And it is extremely important as at the end of the day it is the homeowner's responsibility to meet all setbacks.

Gansen gave a few more examples of cities that did not implement building code either and essentially became unregulated campgrounds at the detriment of the local population.

Theis asked if Crosslake P&Z Commission did onsite inspections.

Gansen replied yes and it was beneficial for the process. It was extra effort but was worth it.

That concludes the staff report.

The next PC meeting is May 14th.

Chanski discussed road restrictions with the Commissioners.

Weaver asked for Commission reports.

There were none.

There being no further business the meeting adjourned at 8:05 p.m.

Submitted by Peter Gansen
Planning & Zoning Administrator.