

Breezy Point Planning Commission/Board of Adjustment

**November 12, 2024
Regular Meeting**

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

Approval of Agenda

Motion Theis/Brisbin to approve Agenda, Motion Carried 4-0.

Open Forum

No one spoke.

Approval of 10/8/2024 Regular Meeting Minutes

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

New Business

A. IUP Application I-24-001 Grunzke

The Commission Chair Weaver noted the applicant was present.

Planning and Zoning Administrator Gansen read the staff report into record.

See staff report on file.

The Chair asked if there were any questions pertaining to the staff report.

The Chair asked what staff typically sees for a time frame on an IUP such as this.

Gansen, some IUPs require renewal every 5 years and the Commission can set a timeline for renewal or expiration.

Chair, it appears one of the proposed conditions would make the IUP expire upon property ownership change or property transfer.

Gansen, yes I think that would be sufficient for the proposed use.

The Chair asked if there were any other questions pertaining to the staff report.

None.

The Chair asked the applicant to state their name and address and to summarize the request before the Commission.

Nick Grunzke, 32060 Huron Circle Breezy Point, MN.

Grunzke, this is a project myself and my wife would like to pursue. We plan on updating the property for this project. The fencing would be well away from the property. There are three sections for grazing on-site and we plan on managing the manure associated with the animal on-site.

Theis, technically they could have 4 horses based on the density allowance in the ordinance.

Grunzke, that would be kinda of expensive to have four horses.

Grunzke asked if there was a time limit for having a horse on the property.

Gansen, yes the Commission can set a time frame on the IUP for expiration. Right now property ownership change is the recommended trigger point for that.

Gansen spoke about some of the purposed of IUPs being a land use tool that allows Cities to better manage land use as the dynamics of development in Cities changes over the years.

Gansen specified the requirement would be on a deed change whether adding an owner or modifying the deed.

Grunzke, I would want to come in and reapply for this when my property would transfer to my son?

Gansen, yes.

The Chair, I appreciate the reply to that as we understand the scope of the project's times frame.

The Chair asked the Commission if they had any concerns or questions pertaining to the application at this time.

There were none.

The Chair called for audience comment.

Wendy Johnson, 9023 1st Avenue Breezy Point, MN.

Johnson, did the applicant say he was just going to have one horse for now? Is the fence electric or boards?

The Chair asked Gansen what the proposed fence material would be.

Gansen, I would need to defer to the applicant to reply to that question. The City does have a fence ordinance that prohibits certain materials and dimensions, regardless of the outcome of this request.

Johnson, where does the applicant live?

Grunzke, we currently live on Huron Circle in town here.

Johnson, so you live a mile and half away? What happens when the horse gets out and you are not there see that happen?

Grunzke, we plan on selling our house and building a house here where we will keep the horse.

Johson, are you going to build prior to getting the animal.

Grunzke, we are going to move there before getting the animal.

The Chair asked for any other public comment.

There were none.

The Chair closed the public comment period and opened the meeting to Board deliberation.

The Chair read the findings of fact questions to the Planning Commission for consideration.

Recommended Conditions:

- 1) All stormwater runoff associated with the pasture area must be maintained onsite.
- 2) Any deviation from the submitted plan requires prior administrative approval from the City up to and including the Planning Commission.
- 3) IUP shall expire upon property ownership transfer/change or modification of property deed.
- 4) Animal units not to exceed ordinance limits.
- 5) Any violation of the conditions of this permit or use of the subject property shall terminate this permit.

The Chair opened the meeting to Board deliberation on the findings and proposed conditions.

Theis, so we do not want to put a time limit on this?

Chair, yes it would be upon a property transfer do you have a different consideration.

Theis, I think it should be five years.

Zierden, I think transfer of property is fine. Because they are going to be living on the property then the have to come back before a different Planning Commission in five years it puts the property owner in a difficult situation. It makes sense to extend the IUP to the ownership of the property.

Chair, does the applicant need to come before the Board if they add more than one.

Gansen, if the IUP is approved they would be good for 4 horses per ordinance.

If they wanted more than Ordinance allowed, they would have to apply for variance, which has completely different considerations than an interim use permit.

Thies, how about two horses and two cows?

Gansen, yes four animal units.

Gansen spoke about how time frames for vacation rentals managed through IUP's in some municipalities started off very strict requiring renewals every three years then over the years as Communities found most rentals to be nonproblematic they rolled the renewals back to five years then basically now just do over the counter renewals without public hearings. However with a use like this the IUP allows you to extend this use to ONLY this landowner, so it's not something like a CUP that runs legacy with the land despite ownership change.

Gansen, due to a proposed owner-occupied dwelling on site I think it would be appropriate to tie the permit time frame to property ownership. However, if the Board feels a different time frame is needed the Commission can certainly set that parameter.

Chair, how about if the IUP was based on a limit on animals the applicant would have to come back in for that consideration?

Thies, this seems very open ended to me. I know we did an IUP on sheep years ago and that really blew up on us.

Gansen, all good points to consider.

Thies, there really should be a time cap on this.

Gansen, good point. Perhaps Buschman Road is substantially modified, now the situation is much different. As staff I am comfortable with property ownership change however, if the Board wants it to be less, absolutely do so and we will manage the permit based on that.

Thies, I know ones we did in the past were three years. It's pretty easy and inexpensive to apply for a new one with the City.

Gansen, yes however they cannot go over four horses period.

Thies, what about chickens.

Gansen, that would be a different permit the City has for specific regs on chickens.

Chair, condition number two states: Any deviation from the submitted plan requires prior administrative approval from the City up to and including the Planning Commission. To me this seems quite clear that any change in the plan from what was presented here today or there was question on something the applicant would need to come back before the Commission.

Theis, good point.

Chair, are there any other concerns?

Zierden, do we want to change condition number four to list horses not exceed (four horses) to be very clear?

Chair, we could modify this read horse units.

Grunzke, technically equine.

Zierden, would that consider other animals then perhaps a donkey.

Gansen, good point a donkey could be something much louder.

Zierden, that's why I would want the condition to be specific to (horses only)

Chair, I would like to point out that condition number two is very specific. If the plan is changed from what is before the Commission today, the applicant could be required to come back before the Commission.

Theis, the applicant stated he may have two horses.

Chair, the application that is in front of us today only proposes one horse. Any deviation from this plan would require the applicant to come back before the Commission.

The Chair asked the Commission if there were any further discussion regarding the findings.
None.

The Chair asked for a motion.

Zierden made a motion to approve.

With the five recommended conditions:

- 1) All stormwater runoff associated with the pasture area must be maintained onsite.
- 2) Any deviation from the submitted plan requires prior administrative approval from the City up to and including the Planning Commission.
- 3) IUP shall expire upon property ownership transfer/change or modification of property deed.
- 4) Animal units not to exceed ordinance limits.
- 5) Any violation of the conditions of this permit or use of the subject property shall terminate this permit.

Theis, no changes to condition number four?

Zierden, correct no changes to condition number four.

The Chair asked for a second to the motion.

Brisbin seconded.

All members voting 4-0 to approve IUP Application I-24-001.

Conditions:

- 1) All stormwater runoff associated with the pasture area must be maintained onsite.**
- 2) Any deviation from the submitted plan requires prior administrative approval from the City up to and including the Planning Commission.**
- 3) IUP shall expire upon property ownership transfer/change or modification of property deed.**
- 4) Animal units not to exceed ordinance limits.**
- 5) Any violation of the conditions of this permit or use of the subject property shall terminate this permit.**

See file for findings and notice of decision.

B. CUP Application C-24-005 Gruenhagen.

The Commission Chair Weaver noted the applicant was present.

Planning and Zoning Administrator Gansen read the staff report into record.

See staff report on file.

The Chair asked if there were any questions pertaining to the staff report.

None.

The Chair asked the applicant to state their name and address and to summarize the request before the Commission.

Terry Gruenhagen, 8959 Ossawinnamakee Road Breezy Point, MN. We also have a home and mailing address in Minneapolis, and you can find that address in the application.

Gruenhagen, my wife and I purchased this property about five years ago, with the intentions to retire, sell our house in Minneapolis, and move here full time. We initially built the existing garage with living space in the attic above as a place to store the pontoon and have space to stay when we are up at the lake. Let me know if you have any questions.

The Chair asked the Commission if they had any concerns or questions pertaining to the application.

Theis, so the existing garage is going to be remodeled.

Gruenhagen, no. We are proposing to use the garage exactly as it is. Jerry Bohnsack told us in order to have the living area we had to dedicate the upstairs area as living space. Now we want to build a new home and designate this as our primary residence.

Theis, so the new home will be within the building envelope? That seems to be rare on Lake Ossie.

Gruenhagen, correct the proposed house will meet all setbacks.

The Chair asked if the Commission had any other questions for the applicant.

None.

The Chair called for audience comment.

None.

The Chair closed the public comment period and opened the meeting to Board deliberation.

The Chair then read the findings of fact questions to the Planning Commission for consideration.

Theis, as far as getting the permit for the dwelling, it is a fairly straight forward process.

Gansen, correct I misspoke, they are not going to remodel the garage.

Zierden, so they used garage to live in before they built a house.

Gansen, correct when they permitted the garage it was classified as the primary residence as it was the only structure on the property with dwelling quarters.

The Chair asked the Commission if there were any further discussion regarding the findings.

See findings on file.

None.

The Chair asked for a motion.

Theis made a motion to approve with one condition.

1) Guest dwelling/living quarters must not exceed 700 square feet.

The Chair asked for a second to the motion.

Zierden seconded.

All members voting 4-0 to approve CUP Application C-24-005.

Conditions:

1) Guest dwelling/living quarters must not exceed 700 square feet.

C. Cannabis Ordinance.

The Commission Chair Weaver asked the for the staff report on the agenda item.

Gansen, the City currently has a moratorium placed on cannabis related uses that is set to expire on December 31, 2024. This means the City needs to have rules in place in the event someone makes a request for a cannabis use in 2025 that the City is prepared to respond with a process for that.

City Council is adopting an ordinance addressing cannabis related uses and this means the Planning Commission is involved because it is related to land use.

Crow Wing County essentially gets to decide where they want the Cannabis related uses through out the County. We may get none, we may get several requests.

The language proposed here is essentially the same as the City of Brainerd and Nisswa.

Where it will only be considered in a commercial district.

Theis will they be able to grow here.

Gansen, no. Not commercially. The only proposal is retail sales in the commercial zoning districts.

City Council will likely enact the most stringent setback relating to this use.

Runksmeier, yes Crow Wing County will need to manage where these 6 locations in the County exist whether that's all in Brainerd or spread out.

Theis, and this proposed ordinance language comes from where?

Gansen, we took it from the City of Brainerd.

Chair, and we can see the proposed setback relating to the use.

Theis, well there's always someone that want to push those limits.

Gansen, this would provide a starting point for the process.

Chair, our job tonight is to review the proposed ordinance amendments and edits and make a recommendation to the City Council.

Gansen, correct.

The Chair made a motion, on a recommendation to City Council to consider the proposed ordinance changes and edits.

Zierden, should all of sections be referenced to be included?

The Chair modified the motion to include all proposed sections.

Zierden seconded the motion.

All members voting 4-0 to recommend City Council to consider the proposed ordinance changes and edits.

See draft ordinance on file.

The Chair called for any old business

Old Business

A. None.

The Chair called for staff reports.

Staff Reports

Gansen updated the Commission on the Sourcewell training if anyone is interested in going. Interim City Administrator, Jerry Bohnsack and will likely begin the recruitment process for the City Administrator. This is likely a couple months out.

There will likely be a couple applications at the next meeting if the applicants can get their surveys completed before the submittal deadline.

The next PC meeting is Tuesday, December 10th.

That concludes the staff report.

Also noting the City will have a new Mayor effective January 2025, so we have sidelined the ordinance updates until then due to Council changes, Administrator changes and the new building construction.

Theis, what's the time line for the new addition?

Gansen, this meeting space will be shut down after the December meeting and we will have additional resources for meetings which include the Conservation Club or the Police Departments meeting room.

The Chair asked for any Commissioner reports.

Commissioner reports

A. None.

There being no further business the meeting adjourned at 8:56 p.m.

Submitted by Peter Gansen
Planning & Zoning Administrator.

DRAFT