

TO: Planning Commission
FROM: Peter Gansen, Planning & Zoning Administrator
RE: Staff Report for Application C-25-01
DATE: January 14, 2025 Regular Meeting



Application: C-25-01
Applicant: Breezy Point International
Property Address: 9252 BREEZY POINT DR
Legal Description: LOTS 1 through 26 21ST ADDITION TO BREEZY POINT ESTATES
Parcel ID: 10160921 through 10160940
Zoned: RC Resort Commercial

- Applicant has filed the appropriate application for a Conditional Use request.
- 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.
- Public notice was given to the DNR via email.

Conditional Use Request:

- 30 slip Marina.

Summary of the property

LOTS 1 through 26 21ST ADDITION TO BREEZY POINT ESTATES is located within the campus of the Breezy Point Resort with frontage along the Breezy Channel water way.

The property and adjacent properties were platted lots in 1964, with typically 50 feet of frontage per lot on the channel.

The zoning classification for the property is Resort Commercial. This zoning classification exists to facilitate much of the operations associated with resort related land use activities. Much of the adjacent properties are also owned by the Resort on the project side of the channel.

The properties across the channel and the road are in the residential zoning class.

There are additional docking/mooring areas that exist within the channel that service several of the residential properties.

This area was excavated many years ago prior to shoreland regulations and there has been historic dredging/maintenance related permits and activities over the years as you can see in your packets, DNR waters permits etc.

The applicant met with the Zoning Administrator for a preapplication meeting to present their plans.

The site topography, access to parking and access to the channel appear to be suitable for the proposed use and is consistent with the comprehensive land use plan, which encourages development in areas within this zoning classification.

The property is zoned resort commercial and the request is an allowed use with a conditional use permit under the Land Use Ordinance Section §153.064.

Based on the information presented at this time staff recommends approval.
The following are potential conditions the Commission can consider.

1. Maximum 30 mooring spaces.
2. No additional docks or mooring spaces may be placed on Lots 1 – 26, Twenty First Addition to Breezy Point Estates.
3. Protect existing vegetation in a 100 foot strip along the Breezy Channel on the channel side of said Lots 1 -26 no vegetation or land improvements allowed within this 100 foot strip.
4. No additional excavation to increase size of Marina perimeter.
5. Security lighting must be down lighted.
6. Provide one parking space per mooring site (30).
7. Consolidate lots 1 -26 into one tax parcel.
8. Plantings of trees and shrubs between the marina and parking for stormwater.
9. Native grass planting between marina and parking and exposed areas not to be regularly mowed however this area is allowed to be cleaned up annually.
10. 3 - 4 foot walkways between the marina boardwalk and parking.
11. Golf Carts, ATVs, and similar vehicles are not permitted on walkways and boardwalks.

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 or not the finding is acceptable towards granting the CUP, if applicable.

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 resort commercial and the request is appropriate under Section §153.064.

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

Marinas are allowed as a conditional use by Chapter 153.

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

The proposed use of the property is similar to the surrounding area, which includes the Breezy Point Resort area and recreational use amenities associated with lake shore resort areas.

(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 project actually cleaned up a lot of construction debris and concrete that had been dumped in the area over the years.

(2) 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;

The channel area is already being used in a manner consistent with recreational boating.

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

The project has an orderly traffic pattern, parking and lighting plan.

(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;

No public cost associated with the project has been noted.

(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 applicant is proposing to use the existing road facilities.

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

The use is proposing adequate parking spaces for the mooring sites.

- (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 applicant has proposed a lighting plan keeping with the resort character of the neighborhood.

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

No scenic or historical feature has been documented.

- (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 applicant has proposed a revegetation plan and buffer area to reduce erosion.

The following are recommended conditions.

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6. Provide one parking space per mooring site (30).
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