



DEEPHAVEN PLANNING COMMISSION MEETING MINUTES

TUESDAY, DECEMBER 19, 2023

CALL TO ORDER: Acting-Chair Kendall Carlson called the meeting to order at 7:00 p.m.

PRESENT: Commissioners Josh Wilcox, John McGary, Kjell Nafstad, Erin Saewert and Kendall Carlson

ABSENT: Commissioner Doug Nagle and Chair Mike Petersen

OTHERS PRESENT: Planning Director Pat Smith and City Council Liaison John Studer

1. **APPROVAL OF MINUTES** **Minutes of November 21, 2023**

Motion by Acting-Chair Carlson, seconded by Commissioner McGary, to approve the minutes of November 21, 2023, as drafted. Motion carried 5/0.

2. **PUBLIC HEARINGS**

a) Conditional Use Permit to Exceed Hardcover at 20425 Park Place

Smith presented the staff report. According to Hennepin County Property Information, the house was constructed in 2016. The existing hardcover is 20.8%. The applicant is proposing to install an inground pool that would increase the hardcover to 31.8%. The pool is proposed to be 22' x 42'.

The applicant is proposing to mitigate the additional hardcover by installing an underground 6'x20' infiltration trench in the rear yard. The City Engineer has reviewed and approved the grading and stormwater management plans.

Acting-Chair Carlson asked about screening. Commissioner McGary noted that screening is a building permit requirement, not really a requirement for the conditional use permit.

Michael DeRosier, applicant and property owner, addressed the Planning Commission. The stormwater now drains towards the neighbor's backyard. The infiltration trench will reduce stormwater runoff to the neighbor. The pool will keep kids active.

Acting-Chair Carlson opened the public hearing. No one spoke. Acting-Chair Carlson closed the public hearing.



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Commissioner Wilcox asked if the infiltration trench could be increased. Smith stated the proposed size of the infiltration trench is based on the amount of hardcover over 25%. The Commission thought the proposal is a great use stormwater mitigation.

Motion by Commissioner Nafstad, seconded by Commissioner Wilcox, to accept the recommendation and findings of staff and recommend the City Council approve a Conditional Use Permit to exceed the hardcover limit by 6.8% in conjunction with building an inground swimming pool at 20425 Park Place as proposed. Motion carried 5/0.

- b) Variance to Reduce Lake Yard Setback for an Addition at 20260 Lakeview Avenue

Smith presented the staff report. According to Hennepin County Property Information, the house was constructed in 1890, one of the oldest houses in Deephaven. It is considered a legal non-conforming structure as it encroaches 28 feet into the 100-foot lake yard setback. The boathouse is also a legal non-conforming structure.

The applicant is proposing a 22'x14' one-story sunroom on the east side of the house. The sunroom would be located off the existing library (see attached floor plan). The proposed sunroom would be located 96 feet from the Ordinary High Water Line (OHWL), encroaching 8 feet into the 100-foot lake yard setback.

Acting-Chair Carlson asked if the variance should be 18 feet. Smith stated the lake yard setback variance is for the addition, not the house, so the variance is for 8 feet. The main house would remain as a legal, non-conforming structure.

Tom Hendrickson, Erosta Custom Building, addressed the Planning Commission.

Commissioner McGary asked if the bunker was removed. Mr. Hendrickson confirmed.

Acting-Chair Carlson opened the public hearing. No one spoke. Acting-Chair Carlson closed the public hearing.

Commissioner McGary said that the addition seemed reasonable.



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Acting-Chair Carlson said the addition will result in a house that will still be smaller than houses in the neighborhood, so the project will be in keeping of the character of the neighborhood.

Motion by Commissioner _Nafstad _____, seconded by Commissioner Wilcox_____, to accept the recommendation and findings of staff and recommend the City Council approve a variance to expand a non-conforming structure and a variance to encroach eight feet into the 100-foot lake yard setback in conjunction with the construction of a house addition at 20260 Lakeview Avenue, as proposed. Motion carried 5/0.

- c) Exempting Frist Accessory Structure Under 120 Square Feet from Hardcover

Smith presented the staff report. The City Council adopted the Stormwater Design Manual in November, and agreed with the Planning Commission that the first accessory structure under 120 square feet should be exempt from the hardcover limit. The proposed ordinance codifies that exemption.

Acting-Chair Carlson opened the public hearing. No one spoke. Acting-Chair Carlson closed the public hearing.

Motion by Commissioner McGary, seconded by Commissioner Saewert, to recommend the City Council approved the proposed ordinance as drafted. Motion carried 5/0.

3. DISCUSSION ITEMS

Planning Commission discussed the recently approved Stormwater Manual.

4. LIAISON REPORT

Studer presented the Liaison Report. The Council met once since the last Planning Commission meeting. The City Council held a public hearing on backyard chickens. The meeting was well attended from both sides of the issue. It was a 3-2 vote not to send the ordinance back to the Planning Commission. Council approved a side yard and rear yard setback variances for 19980 Cottagewood Road. Council approved the CUP for a hardcover limit at 4265 Cottagewood Lane. Council approved the CUP to exceed the hardcover limit at 3554 Therese Street. Council also approved the CUP for 20420 Carson Road to expand the driveway. Council held the Truth and Taxation meeting.



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5. ADJOURNMENT

Motion by Commissioner McGary to adjourn the meeting at 7:34 p.m. Motion seconded by Commissioner Wilcox. Motion carried 5/0.

Respectfully submitted,

Patrick Smith
Planning Director