



**DEEPHAVEN PLANNING COMMISSION  
MEETING MINUTES**

**TUESDAY, FEBRUARY 17, 2026**

**CALL TO ORDER:** Chair Mike Petersen called the meeting to order at 7:00 p.m.

**PRESENT:** Commissioners Kendall Carlson, Patrick Donlin, Jerome D'Alessandro, Dan Goodrich and Chair Mike Petersen

**ABSENT:** Commissioners Kjell Nafstad and Preston Ahrens

**OTHERS PRESENT:** Planning Director Pat Smith and City Council Liaison Tom Erdmann

**1. APPROVAL OF MINUTES  
Minutes of January 20, 2026**

Motion by Commissioner Goodrich, seconded by Commissioner Donlin, to approve the minutes of January 20, 2026, as drafted. Motion carried 6/0.

**2. PUBLIC HEARINGS**

- a) Conditional Use Permit to Exceed the Hardcover Limit for an Addition at 19970 Cottagewood Avenue

Smith presented the staff report. According to Hennepin County property information, the house was constructed in 2012. The existing hardcover is 33.1%. The applicant is proposing to remove the patio in the rear of the house and construct a three-season porch of 190 square feet. The resulting hardcover would decrease to 30.9%, but the addition would exceed the 25% hardcover limit by 5.9%. The City Engineer has reviewed the location and size of the proposed infiltration trench, and is recommending the rain garden move at least five feet from the rear property line.

Commissioner Goodrich asked if the house needed a hardcover variance since it's at 33.1%. Smith stated that he did not find a variance for the house so most likely it was built meeting the 25% hardcover limit and a the patio may have been added.

Chair Petersen opened the public hearing.

Troy Mason, applicant, addressed the Planning Commission. He said the horseshoe shape is the existing patio. The proposed screen porch and deck will be at the same height as the existing patio. He is proposing to move the rain garden left, keeping the size the same.



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Commission Donlin asked about the trees in the backyard. John Smallwood, owner, said they removed a tree along the property line. No trees are needed to be removed for the rain garden. There is a natural swale between the subject lot and the lot to the north.

Charlie Betz, 18409 Minnetonka Boulevard, son of Jean Betz who lives at 19965 Lakeview Avenue, asked about the design of the rain garden and if there is any risk to neighboring kids. Troy Mason, applicant, said he constructed a similar rain garden at 4200 Water Street and it has never filled up more than a day because the soils drain well in this area. Carlie Best preferred the new location of the rain garden.

Chair Petersen closed the public hearing.

Commissioner Carlson said this seems to be a reasonable request and will improve the stormwater drainage. Commissioner Donlin appreciates that the hardcover is being reduced.

Motion by Commissioner Carlson, seconded by Commissioner Donlin, to accept the recommendation and findings of staff and recommend the City Council approve a conditional use permit to increase the hardcover to 30.9% for an addition to the house located at 19970 Cottagewood Avenue, as presented. Motion carried 5/0.

### 3. DISCUSSION ITEMS

#### a) History of Hardcover Regulation

Smith outline the history of hardcover regulation in Deephaven. Prior to 2016, the hardcover within the Shoreland Overlay District (1000 feet from Lake Minnetonka) was 25%. Anything over 25% required a variance without any mitigation. Outside of the Shoreland Overlay District, there was no hardcover limit. In 2016, the ordinance was amended to allow hardcover variances within the Shoreland Overlay District with stormwater mitigation and a maintenance agreement. Outside of the Shoreland Overlay District, stormwater management was required if hardcover increased more than 35% for lots under 10,000 SF and 30% for lots over 10,000 SF, which could be approved administratively. In 2021, the City Council limited the hardcover for all of Deephaven residential properties to 25%, but allowing developments to exceed the 25% limit through a conditional use permit as long as the development mitigates the extra hardcover with Best Management Practices and homeowner signs a maintenance agreement that requires the City to



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inspect the stormwater facility every five years to ensure it is working properly.

b) Public and Institutional Zoning District

Smith stated that the Comprehensive Plan and Zoning Ordinance must be consistent. Several properties are guided public in the comprehensive Plan but zoned residential or commercial. He recommends developing a public/institutional zoning district.

Chair Petersen pointed out that the Cottagewood general store is zoned residential as well. The Planning Commission though the City should look at creating a public use zoning districts for parks, schools, churches, and city hall. Smith will bring the item back to the Planning Commission with recommended zoning regulations.

c) Planning Commission & Development Report

Chair Petersen said all the numbers (variance requests, number of building permits, and building permit valuation) are all tending in the right direction.

d) 2026 Planning Commission Goals

Besides looking at a public zoning district, Smith recommends removing the legal descriptions in the zoning ordinance and looking at setbacks for accessory structures (patios, tennis courts, pickleball courts). Chair Petersen asked if the Thorpe Park area is different than Cottagewood and other parts of the City, and should the development regulations be different. Chair Petersen asked about the site lines of the bridge on Minnetonka Boulevard. Councilmember Erdmann is going to ask Dan Madsen, City Administrator, about the site lines on the bridge. Chair Petersen suggested having a site line regulation on the joint Planning Commission/City Council agenda.

#### **4. LIAISON REPORT**

Councilmember Erdmann presented the Liaison Report. Council hosted Hennepin County Commissioner Edelson. The City Council discussed noise from the pickle ball court at City Hall. City is adding a third pickle ball court. City Council approved the Comprehensive Plan amendment adding the Trail element. The City Council denied the variance and CUP for the house at 18800 Highland Avenue. Chair Petersen asked about having another



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community event at Thorpe Park. Councilmember Erdmann said there may be an event next year.

**5. ADJOURNMENT**

Motion by Commissioner Carlson to adjourn the meeting at 9:00 p.m. Motion seconded by Commissioner Goodrich. Motion carried 5/0.

Respectfully submitted,

Patrick Smith  
Planning Director