



**DEEPHAVEN PLANNING COMMISSION
MEETING MINUTES**

TUESDAY, MARCH 17, 2026

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

PRESENT: Commissioners Kjell Nafstad, Preston Ahrens, Kendall Carlson, Patrick Donlin, Jerome D'Alessandro, and Chair Mike Petersen

ABSENT: Commissioner Goodrich

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

**1. APPROVAL OF MINUTES
Minutes of February 17, 2026**

Motion by Commissioner Donlin, seconded by Commissioner Ahrens, to approve the minutes of February 17, 2026, as drafted. Motion carried 6/0.

2. PUBLIC HEARINGS - None

3. DISCUSSION ITEMS

a) Retaining Walls

Smith explain how staff has regulated the height of retaining walls. The only reference to retaining walls in the zoning ordinance is under the definition of a structure. Retaining walls over 3.5 feet are considered a structure. Thus, staff has required retaining walls over 3.5 feet to meet the principle building setbacks, while those under 3.5 feet could be built anywhere within the property. A retaining wall 18870 Lake Avenue was approved at nine feet in height but placed at the building setbacks. The City Council would like to limit all retaining walls regardless of location to 3.5 feet in height.

Chair Petersen said the retaining wall is like a house meeting the principle building setbacks. What's the difference between a 9-foot retaining wall and a 30-foot house if they both meet the principle building setbacks? Commissioner Nafstad said 3.5 feet seems small. Chair Petersen asked what the variance criteria would be. Smith stated the variance criteria would be the same for all variances, namely uniqueness of property, character of the neighborhood and reasonable use. Chair Petersen appreciates the requirement for having to step back. Chair Petersen asked how other communities regulate retaining walls. Smith stated the proposed ordinance is taken from Excelsior. Most communities do not regulated the height of retaining walls. Deephaven is one of the more conservative communities that



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require retaining walls over 3.5 to meet the principle building setbacks. Chair Petersen looked at Wayzata and Minnetonka, but they do not regulate the height of retaining walls, only that retaining walls over four feet in height require a building permit, but that is a building code requirement not a zoning requirement.

Commissioner Carlson thought aligning with a the four-foot height limit seems reasonable. Commissioner D'Alessandro asked about needing to require vegetation in the step back area. Smith stated that Deephaven does not require landscaping in any residential lot, so this would be a departure from that perspective. Smith stated that staff would hope the property owner would take advantage of the planting area with some type of landscaping, which would be up to the property owner to decide type and amount of landscaping.

Councilmember Erdmann asked about the maximum height of fences. Smith stated that fences and walls 3.5 feet and under may be place up to any property line. Any wall or fence over 3.5 feet in height must be moved back a distance equal to 2/3 the height or the neighbors approve moving the wall or fence closer to the property line. The Commission discussed the desire of having the setback requirements for a retaining wall to be the same as fences and walls; however, that would only come into effect if the retaining wall increased in height from 3.5 feet to 4 feet. The Commission did not think it was worth adding a provision to the ordinance over six inches.

Commissioner D'Alessandro mentioned that a tall retaining wall on the property line could pose some safety concerns. The Commission was concerned with someone building a four-foot retaining wall adjacent to the property line and then adding a six-foot fence three feet back from the retaining wall. Smith will look into regulating the height of all fences based on existing grade rather than the resulting grade.

Motioned by Chair Petersen, seconded by Commissioner Nafstad, to recommend the City Council amend the zoning ordinance to limit the height of retaining walls to four feet, which is consistent to the height that requires a building permit, and there shall not be any fencing within three feet of the retaining wall. Motion carried 6/0.

b) Public Use Districts

The Commission asked about the height of the commercial building on Minnetonka Boulevard. The Commission would like to see the site plan for Calvary. Staff will bring plans back for the elementary school.



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Smith updated the Planning Commission on the Bug Island application.

4. LIAISON REPORT

Councilmember Erdmann presented the Liaison Report. He said that the City Council approved the bonding for the street improvements. Council has been talking about the design of the warming house at City Hall park. Smith stated the joint Planning Commission/City Council meeting is scheduled for April 20th. Smith also stated that the City Council is getting pricing on installing a sidewalk along Minnetonka Boulevard that was identified in the Master Trail Plan as a priority for the community as part of the upcoming Minnetonka Boulevard road work.

5. ADJOURNMENT

Motion by Chair Petersen to adjourn the meeting at 8:37 p.m. Motion seconded by Commissioner Donlin. Motion carried 6/0.

Respectfully submitted,

Patrick Smith
Planning Director