

CALL TO ORDER: Chairman Carlson called the meeting to order at 7:00 p.m.

PRESENT: Chairman Kent Carlson, Commissioners Barbarajean Brandt, Pete Onstad, John McGary

ABSENT: Commissioners Scott Hemink, Walter Linder and Bob Werneiwski

OTHERS PRESENT: Council Liaison Keith Kask and Zoning Coordinator Gus Karpas

OATH OF OFFICE

Zoning Coordinator Karpas administered the Oath of Office to Pete Onstad.

MINUTES OF May 18, 2010

Motion by Commissioner McGary, seconded by Commissioner Carlson, to approve the minutes of May 18, 2010 as presented. Motion carried 3-0-1. Commissioner Onstad abstained.

PUBLIC HEARINGS

VARIANCE - Elmer and Laura Baldwin, 19885 Cottagewood Avenue, (R-3, 20,000) request to demolish the existing non-conforming detached garage and construct a new larger detached garage in its place which would encroach into the required front yard setback, exceed the maximum permitted accessory structure height and exceed the maximum permitted impervious surface area.

The requested variances are to encroach thirty-five feet into the required thirty-five foot front yard setback, to exceed the maximum permitted accessory structure height of fifteen feet by one foot, ten inches and to exceed the maximum permitted impervious surface area by 3.4%.

Zoning Coordinator Karpas presented his staff report. He said the request was to demolish the existing detached garage and construct a larger detached garage in essentially the same footprint. The proposed project would not increase the existing encroachment or impervious surface area, but would create a non-conformity in the permitted accessory structure height.

Karpas said the plan had been modified from the previous meeting. The applicant reduced the size of the structure, bringing it into compliance with the ordinance and reduced the amount of impervious surface on the site. The applicant also reduced the height by two feet and noted that only fifty percent of the garage exceeds the height requirement. He said he liked the changes and he recommended approval for the request and outlined his findings.

Zoning Coordinator Karpas noted the public hearing portion of the meeting was closed at the May meeting but members of the public could be allowed to speak if the Commission felt it would be helpful.

Elmer Baldwin said he has worked with his Architect and Builder to ensure adequate space while reducing the size and that they tried to work within the spirit of the comments made by the Commission at their last meeting. He said they tried to bring the structure as much in compliance with the ordinance as possible.

Commissioner McGary said he appreciated the modifications which reduced the size of the structure and lowered the percentage of impervious surface area. He said he was in favor of the request.

Commissioner Onstad said he visited the site and it's clear the structure needs to be replaced. He doesn't feel the height and setback would be a major issue, noting the structure would be placed in the same location as the existing one. He liked the further reduction in impervious surface and indicated he was in support of the request

Commissioner Brandt asked if the plumbing had been removed from the request. Mr. Baldwin said there would still be a sink. Brandt said she was against plumbing in any accessory structure and in general, was opposed to granting variances for accessory structures. She feels by doing so it sets a benchmark for future applicants.

Zoning Coordinator Karpas explained the ordinance as it pertains to plumbing in accessory structures, noting the city does not prohibit the placement of sinks, but does regulate the number of structures connect to the city sewer.

Commissioner Carlson appreciated the effort but into the redesign and recognizes the hardship the change in topography causes in complying with the height requirements. He liked the reduction in structure size and impervious surface. He is in favor of the revised proposal.

ACTION: Motion by Commissioner McGary to recommend the City Council approve the variance requests to encroach thirty-five feet into the required thirty-five foot front yard setback, to exceed the maximum permitted accessory structure height of fifteen feet by one foot, ten inches and to exceed the maximum permitted impervious surface area by 3.4%, as presented at 19885 Cottagewood Avenue, based on the findings of staff. Commissioner Carlson seconded the motion. Motion carried 3-1. Commissioner Brandt voted against the motion.

VARIANCE - David Tubman and Sharon Morgan, 19960 Cottagewood Avenue, (R-3, 20,000) request to demolish the existing non-conforming detached garage and construct a new detached garage in its place on the existing footprint which would encroach into the required corner lot east side yard setback, encroach west side yard setback, encroach rear yard setback and exceed the maximum permitted impervious surface area.

The requested variances are to encroach thirteen feet into the required twenty-five foot corner lot, east side yard setback, to encroach thirteen feet into the required fifteen foot west side yard setback, to encroach thirteen feet, nine inches into the required fifteen foot rear yard setback and to exceed the maximum permitted impervious surface area by 26.6%.

Zoning Coordinator Karpas informed the Commission that the applicant withdrew the request.

ORDINANCE AMENDMENT - To consider the amendment of Section 1311 of the Deephaven Code, establishing acceptable city owned properties in which to allow placement of wireless communications towers and to increase the notification radius for wireless communication tower requests.

Zoning Coordinator Karpas presented the proposed amendment, stating it would more clearly define the city controlled properties deemed suitable for the placement of cell towers and would expand the public hearing notification radius to five hundred feet.

Chairman Carlson opened the public hearing. Hearing not comments, the public hearing was closed.

Commissioner Brandt said feels there needs to be broader attempt to notify residents of requests for cell towers. She suggested that all requests be included in the newsletter. She discussed her concerns about the last request that was before the city and how residents didn't have the input they thought they did. She asked if the notification process was the same regardless of how the property was zoned. Zoning Coordinator Karpas said it was.

Commissioner Brandt asked if it was redundant to include Pump Park since it was so close to the Chowen's Corner parking lot. She felt they were too close and could potential become an eyesore if towers were placed on both sites.

Chairman Carlson talked about the process that led to the selection of the proposed sites noting the issues was vented well. He said the Council held a work session with public input. He said the issue was also discussed by the Planning Commission and Park Committee. He feels it has been a good process.

Commissioner Onstad clarified that only city properties were available for tower placements. Chairman Carlson said that was true and that the city did a good job of limiting the revenues from cells towers to just the city.

Commissioner McGary asked why the city couldn't limit applications to a quarterly process, that way they could be put in the newsletter. Zoning Coordinator Karpas said the city, under State Statute, has sixty days to render a decision from the date of the application. Chairman Carlson said he didn't want the city to get a reputation of being difficult to work with.

Commissioner McGary asked why Thorpe Park was not included on the list of viable properties. Zoning Coordinator Karpas said part of the process in selecting sites was the actual usage of each property. Council Liaison Kask said the Park Committee had a split opinion on Thorpe Park, though they agreed some of the potential upgrades the city could have required would have been a benefit. He said there are also concerns about perceived health concerns that towers could have on children.

The Planning Commission discussed the different types of towers and their visual impacts on adjacent properties. The Commission also discussed adding a requirement that the applicant provide the mailing labels for notification purposes.

ACTION: Motion by Commissioner Carlson to recommend the City Council adopt Ordinance 13-54, clarifying the suitable city controlled properties for the placement of cell towers and expanding the public hearing notification radius to five hundred feet. Commissioner McGary seconded the motion with a suggestion language be added requiring the applicant to provide mailing labels. Commissioner Carlson accepted the amendment. Motion carried 4-0.

LIAISON REPORT

Council Liaison Kask informed the Commission that the Council was approached by a couple of applicants who would like the city to adopt an ordinance to permit the sale of wine and non-intoxicating malt liquor. They would like to open an Italian restaurant in the city and feel that wine is necessary to complete an authentic Italian meal.

Kask said he has reservations about amending the ordinance due to all the potential pitfalls. He said the zoning ordinance currently permits restaurants as a special use in the C-1 and C-2 Districts and that the ordinance would have to be amended to reflect the introduction of liquor. He said the Council was split on the idea and asked for additional information on the issue before making a decision.

ADJOURNMENT

Motion by Commissioner Onstad to adjourn the meeting. Commissioner Carlson seconded. The motion carried 4-0. The meeting adjourned at 8:03 p.m.

Respectfully submitted,
Gus Karpas
Zoning Coordinator