



**PLANNING COMMISSION AGENDA
Tuesday, September 15, 2020 – 7:00 pm
Deephaven City Council Chambers**

1. APPROVAL OF MINUTES
 - a) August 18, 2020
2. PUBLIC HEARINGS
 - a) Variance – Exceed Maximum Impervious Surface at 4265 Northern Road
 - b) Single-Family Dwelling Definition and Accessory Dwelling Units
3. DISCUSSION ITEMS - None
4. LIAISON REPORT
5. ADJOURN

Next Council Meeting – Monday, September 21, 2020

Next Planning Commission Meeting – Tuesday, October 20, 2020



**DEEPHAVEN PLANNING COMMISSION
MEETING MINUTES**

TUESDAY, AUGUST 18, 2020

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

PRESENT: Commissioners John Daly, Jeff Eaton, Doug Nagle, Cindy Hunt Webster, Bob Werneiwski, and Chair John Studer

ABSENT: Commissioner Josh Wilcox

OTHERS PRESENT: Planning Director Pat Smith and City Council Liaison Kent Carlson

**1. APPROVAL OF MINUTES
Minutes of July 21, 2020**

Motion by Commissioner Studer, seconded by Commissioner Eaton, to approve the minutes of July 21, 2020. Motion carried 7/0.

2. PUBLIC HEARINGS

a) Single-Family Dwelling Definition and Accessory Dwelling Unit

Smith presented the staff report. This issue was brought about by two recent homes that were designed with a second internal dwelling unit. In June of this year, the house located at 19365 Azure Road was advertised as a duplex on Nextdoor. The house was built in 2016 with two separate dwelling units but one address. Very similar to the homes designed at 18100 Honeysuckle Road and 18855 Ridgewood. Staff is hoping to clarify what living arrangements are permitted in single-family zones and what living arrangements are prohibited.

Webster read definitions of a single-family dwelling. Webster supports the proposed dwelling unit definition. Smith stated that a CUP transfers with the property owners. Werneiwski is not overly concerned with the definition.

Webster asked if we should limit the definition of a family to the property owner. Nagle is fine with four independent people living if they share common living spaces. Studer stated that there could be multiple dwelling units within one structure. Commission was comfortable with the proposed definitions of Dwelling Unit and Family.

Commission discussed the different regulations of the other cities cited in the staff report.



DEEPHAVEN PLANNING COMMISSION MEETING MINUTES

TUESDAY, AUGUST 18, 2020

The Commission agrees that the property owner has to live in one of the units. Eaton and Werneiwski were comfortable with non-relatives living in the ADU. Nagle stated if there's one utility, it shouldn't matter who lives in the second unit. Nagle said if it is limited to the property owner, that would cover LLCs or partnerships. Webster objects to renting the second unit. The Commission generally favors allowing other people than just family members living in the second unit.

Studer favors the CUP process. Eaton asked about the CUP approval process. Smith stated it takes two months from the time the applicant submits the application to a decision by the City Council. Eaton brought up the question about the exterior design of the home. Smith stated that possible conditions could be discussed at next month's meeting.

Commission discussed possible size. Studer suggested discussing possible size along with the conditions. Webster prefers that the homeowner would live in the primary unit rather than the accessory unit. Daly disagreed. Most Commissioners were indifferent if the owner lived in the primary unit or not.

Commission was not in favor of allowing ADUs in detached structures.

Studer opened the public hearing. No one spoke. Studer closed the public hearing.

3. DISCUSSION ITEMS

a) Fences Around Swimming Pools

Smith presented the staff report. This issue was brought about by a resident who has a neighbor with an in-ground swimming pool and removed the fence around the property. Currently the city only requires screening of swimming pools but not fences.

Webster asked if the City had any data about kids drowning in pools or lakes. Smith stated no. Webster believes it doesn't make sense for Deephaven as a lake community to require fences around swimming pools. Nagle agreed. Commission thought it should be the responsibility of the parent to ensure children are taught about the dangers of water.

4. LIAISON REPORT

Carlson presented the Liaison Report. Council approved the variance at Hooper Lake Road and the variance and final plat of Andrew Mahoney.



DEEPHAVEN PLANNING COMMISSION
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TUESDAY, AUGUST 18, 2020

5. ADJOURNMENT

Motion by Commissioner Studer to adjourn the meeting at 8:19 p.m. Motion seconded by Commissioner Eaton. Motion carried 6/0.

Respectfully submitted,

Patrick Smith
Planning Director

DRAFT



Agenda Date: 09-15-20

Agenda Item: Public Hearing to consider the variance request of John McGary, Lucid Builders, exceed the total hardcover limit in conjunction with constructing a new home at 4265 Northern Road.

Summary: The property is 10,239 square feet in area and zoned R-3, Single Family Residential. The table below compares the required, existing and proposed setbacks, hardcover and building height.

	Permitted/Required	Existing	Proposed
Front Yard Setback	35 feet	46.6 feet	35 feet
North Side Yard Setback	15 feet	8.9 feet	15.1 feet
South Side Yard Setback	10 feet	32.1 feet	10 feet
Rear Yard Setback	15 feet	47.7	38 feet
Maximum Impervious Surface	25%	29.9%	35.3%
Building Coverage (max.)	4,500 SF	1,423 SF	2,115 SF
Building Height (max.)	31 feet		26 feet
Eave Encroachment (max.)	3 feet	0.5 feet	4 feet 10 inches

Impervious Surface Area: Section 1302.05(2) of the zoning ordinance limits the maximum allowable impervious surface area on the property to 25%. The applicant proposes an impervious surface area of 35.3% and **is seeking a variance of 10.3% from the maximum allowable impervious surface area.**

The existing house has a footprint of 1,150 square feet and a 219-square-foot one-car garage (see attached existing survey). The proposed house has a footprint of 1,609 square feet with a 506-square-foot attached garage (see attached proposed survey). Adding a second-car garage, in of itself, increases the hardcover from 29.9% (existing) to 32.7%. The proposed house has five bedrooms and three bathrooms on the second floor, an outdoor kitchen on the rear of the house, a sunroom, great room lounge, and study on the main floor.

The requested hardcover of 35.3% (41% over the 25% limit) is more than the new houses and additions in the immediate neighborhood. Below is a table showing the new houses/additions that have been completed on similar lot sizes in the immediate neighborhood.

Address	Year Built/ Remodeled	Lot Size (SF)	Building Coverage	Total Hardcover	Stormwater Mitigation
4295 Northern Rd	1920/2014	6,412	1,602 SF 24.9%	37.6%	
4285 Northern Rd	1965/2018	6,912	1,086 SF 15.7%	25.6%	
4265 Northern Road		10,253	2,115 SF 20.6%	35.3% - proposed 29.9% - existing	Yes
4255 Jefferson	1997	10,365	1,971 SF 19%	23.8%	
4260 Jefferson	2015	10,375	1,977 SF 18.6%	Originally 25% then received a variance for 28.6%	Yes
4265 Jefferson	2011	11,537	2,156 SF 18.7%	25%	
20240 Cottagewood	1958/2001	12,079	2,442 SF 20.3%	28% - received a 3% variance	
4280 Northern Rd.	2018	16,167	2,381 SF 15%	25.3%	
4220 Jefferson	2003	16,481	2,731 SF 16.6%	25%	

Deephaven has the most restrictive impervious surface requirement of the communities around Lake Minnetonka, which is very challenging for the smaller lots. The historic communities with smaller lots tend to have total hardcover limits between 30%-40%, while relatively newer communities with larger lots (Shorewood and Woodland) have total hardcover limits of 25%.

City	Permitted Hardcover	Notes
Deephaven	25%	For lots within the shoreland district
Excelsior	27% - 42%	Depends on lot size
Greenwood	30%	Permitted to increase to 40% with CUP
Minnetonka	30%	
Minnetonka Beach	30%	
Minnetrista	25%	35% on smaller lots in R-1 District
Mound	30%	40% on lots of record previous to 1994
Orono	Up to 35%	Based on proximity to lake
Shorewood	25%	
Spring Park	30%	40% of lots of record
Tonka Bay	25%	Up to 35% based on size

Wayzata	25%	Up to 30% with submitted drainage plan approved by City Engineer
Woodland	25%	

A variance triggers the city’s stormwater mitigation requirements. The developer is proposing to mitigate to 24.8% of impervious surface area. The applicant is proposing infiltration swales on both sides of the house as stormwater drains toward Northern Road. As proposed, the system exceeds the city’s mitigation requirements. The City Engineer has reviewed and approved the proposed mitigation plans. If approved, the property owner will be required to enter into a stormwater maintenance agreement which will be recorded against the property.

Variance Review Criteria

Minn. Stat § 462.357, subd. 6(2) requires the City’s Board of Appeals and Adjustments evaluating a variance request to make the following inquiries:

- 1) *Is the variance in harmony with the purpose and intent of the ordinance?*
 Staff Comment: The purpose of the hardcover limit is to control stormwater runoff and the massing of a house on a property. The stormwater is mitigated by the proposed infiltration swales, but staff questions the size of the house for this particular lot.
- 2) *Is the variance consistent with the comprehensive plan?*
 Staff Comment: The request is consistent with the Comprehensive Plan’s Housing Elements Goals and Policies which encourages safe, healthy and quality housing that respects the natural environment of the community.
- 3) *Does the proposal put property to use in a reasonable manner?*
 Staff Comment: A second car garage, which would increase the hardcover to 32.7% is a reasonable use for this property.
- 4) *Are there unique circumstances to the property not created by the landowner?*
 Staff Comment: No. The applicant is designing a new house from scratch. Other properties the same size and smaller have accommodated developments that have hardcover between 25% and 28.6%.
- 5) *Will the variance, if granted, alter the essential character of the locality?*
 Staff Comment: Northern Road and Jefferson Street have a number of lots that are undersized. With one exception, the new houses and significant remodels have along these two streets have all been accomplished under 30% hardcover. At 35.3% the proposed house may look out of place in the neighborhood.

Public Comment

Staff sent a public notice to all property owners within 350 feet of the subject site prior to the Planning Commission meeting of September 15, 2020. The public comments received are attached.

STAFF RECOMMENDATION:

Although slightly greater than other redevelopments in the neighborhood, a maximum hardcover of 32.7% seems reasonable for a lot of this size; therefore, staff recommends **approval** a variance to exceed the maximum impervious surface up to 32.7% in conjunction to building a new house at 4265 Northern Road.

Planning Commission Action: Possible motions include:

- 1) I move the Planning Commission accept the recommendation and findings of staff and recommend the City Council **approve** a variance request of 32.7% impervious surface in conjunction with constructing a new house located at 4265 Northern Road.

OR

- 1) I move the Planning Commission recommend the City Council **approve** the variance requests of John McGary to exceed the maximum impervious surface requirement by 10.3% in conjunction with constructing a new house located at 4265 Northern Road, as proposed.

OR

- 2) I move the Planning Commission recommend the City Council **deny** the variance requests of John McGary to exceed the maximum impervious surface requirement by 10.3% in conjunction with constructing a new house located at 4265 Northern Road, as proposed. The motion is based on the following findings: _____.

Attachments:

- 1) Applicant’s Narrative
- 2) Location Map
- 3) Existing Survey
- 4) Proposed Survey
- 5) Elevations
- 6) Proposed Floor Plan
- 7) Engineering Comments
- 8) Public Comments

Key Dates:

Application complete:	August 4, 2020
Notice of Public Hearing published:	September 3, 2020
Planning Commission Public Hearing:	September 15, 2020
City Council Consideration:	September 21, 2020
60 Day Deadline:	October 3, 2020
120 Day Deadline (if necessary):	December 2, 2020

LOCATION MAP – 4265 Northern Road





John McGary
Lucid Builders
www.Lucidbuilders.com
John@LucidBuilders.com
612.207.8265

Land Use Application Narrative

Dear Commission and Council,

Lucid Builders is planning on building a new home for the Rene Musech / Inigo Garcia family at 4265 Northern Road Deephaven MN 55391.

A narrative answering the following questions:

1. What are the practical difficulties that would prohibit reasonable development without a Variance? **The lot was platted prior to the current zoning code restrictions making it an existing non-conforming use. The existing hardcover already exceeds the maximum allowed. Additionally, the front yard setback contributes to the requirement for a variance due to unnecessary additional hardcover; meaning if the code were a 25-ft setback instead of 35-ft we could reduce 10-ft of additional driveway hardcover.**
2. What are the conditions on the property that create the practical difficulties that are not present on similar sized lots in the same area and zoning district? **All similar sized lots in the Cottagewood neighborhood in Deephaven seem to require a variance of hardcover in order to build a reasonable home to current and neighborhood standards.**
3. How does the Deephaven Zoning Code deprive your property of reasonable use enjoyed by other properties in the vicinity and in the same zone as your property? **Current zoning code requires lots to be at least 20,000 sq-ft, which makes our lot and similar properties in the neighborhood already non-conforming. The surrounding homes average 11,948 sq-ft, nearly half the required square footage called for for the minimum zoning (9,823 sq-ft, 9,924, 10,375, 10,816, and 18,794). This property is 10,239 sq-ft. The minimum 35-ft front yard setback exacerbated the hardcover by necessitating a longer driveway.**
4. How is the requested variance the minimum necessary to provide your property reasonable use? What other alternatives have you considered that do not require a variance? Why are these alternatives not acceptable? **We believe this 5.4% hardcover increase is reasonable because we're offsetting it with stormwater mitigation. Our stormwater mitigation plan will reduce our effective hardcover below 25% by building a new water retention system.**

5. How is the variance not the result of deliberate actions of the applicant or property owner? [The existing old home is non-conforming. This new home project will make it better by adding stormwater mitigation.](#)

6. How does the Variance, if granted, not alter the essential character of the locality (neighborhood)? [The neighborhood's character is a mix of new homes and older homes. We are seeking to build a high-quality home that fits within the aesthetic of the neighborhood and that will meet modern standards and our needs.](#)

7. How will granting of the Variance not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which your property is located (i.e. air, light and traffic)? [We are proposing to build a home that is consistent with existing use and that will meet modern standards while increasing the tax base of the community.](#)

8. How is the Variance consistent with the Comprehensive Plan? [We're making efforts to improve stormwater mitigation while improving the home to today's standards.](#)

9. How is the Variance consistent with the intent and purpose of the provision being varied? [By reducing effective hardcover below the requirement of 25%.](#)

If you have any questions or concerns throughout the duration of our project, please feel free to contact us: John at 612-207-8265, Scott at 612-708-4123, or Rene at 415-260-1022,

Sincerely,

A handwritten signature in black ink that reads "John McGary". The signature is written in a cursive, flowing style.

John McGary

Lucid Builders

LEGAL DESCRIPTION:

Lot 125, Revised Cottagewood, Hennepin County, Minnesota.

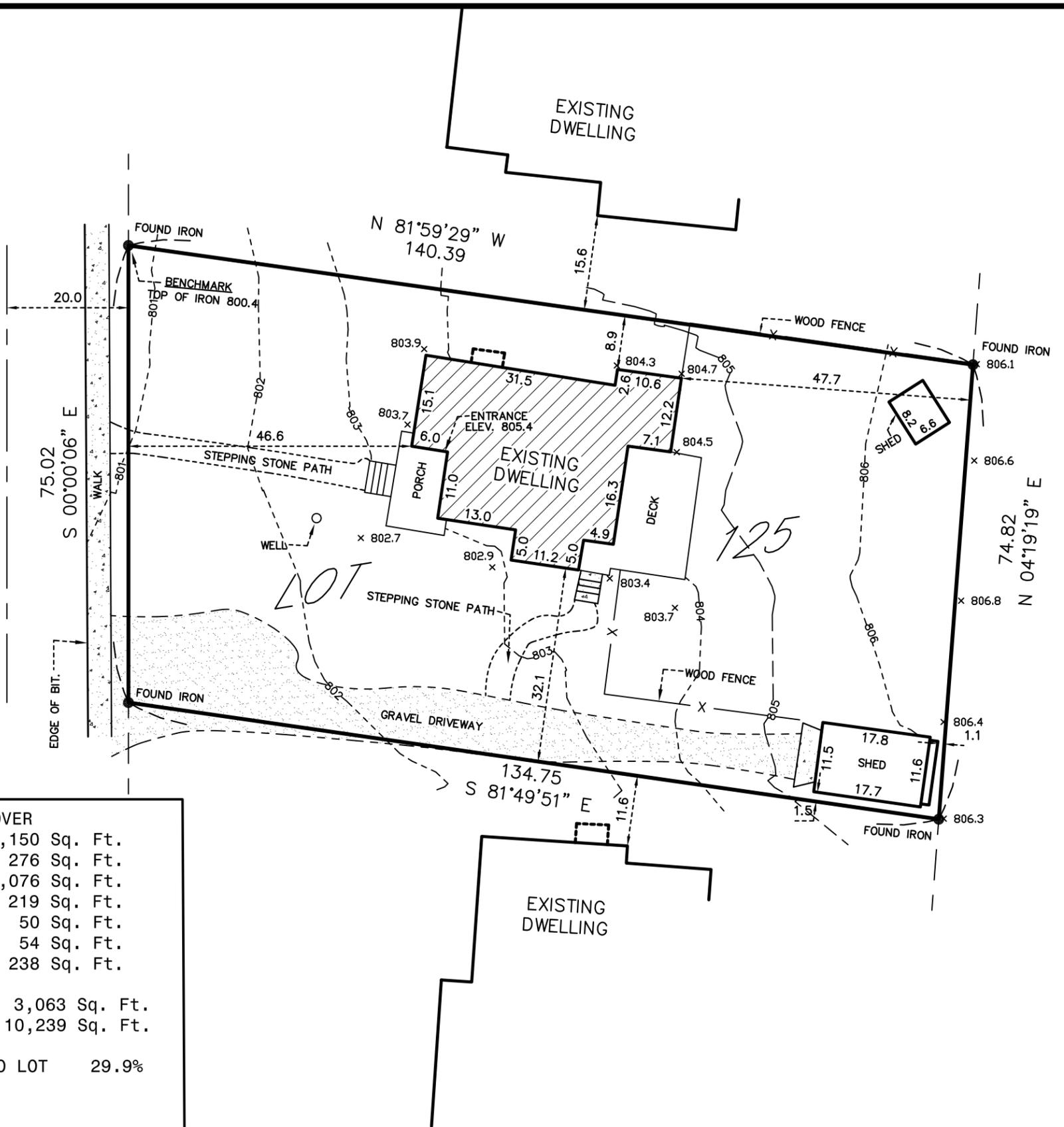
SCOPE OF WORK & LIMITATIONS:

- Showing the length and direction of boundary lines of the legal description listed above. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct and that any matters of record, such as easements, that you wish to be included on the survey have been shown.
- Showing the location of observed existing improvements we deem necessary for the survey.
- Setting survey markers or verifying existing survey markers to establish the corners of the property.
- Existing building dimensions and setbacks measured to outside of siding or stucco.
- Showing and tabulating impervious surface coverage of the lot for your review and for the review of such governmental agencies that may have jurisdiction over these requirements to verify they are correctly shown before proceeding with construction.
- Showing elevations on the site at selected locations to give some indication of the topography of the site. We have also provided a benchmark for your use in determining elevations for construction on this site. The elevations shown relate only to the benchmark provided on this survey. Use that benchmark and check at least one other feature shown on the survey when determining other elevations for use on this site or before beginning construction.
- This survey has been completed without the benefit of a current title commitment. There may be existing easements or other encumbrances that would be revealed by a current title commitment. Therefore, this survey does not purport to show any easements or encumbrances other than the ones shown hereon.

STANDARD SYMBOLS & CONVENTIONS:

"●" Denotes iron survey marker, set, unless otherwise noted.

NORTHERN RD.



EXISTING HARDCOVER	
House/Porch	1,150 Sq. Ft.
Deck	276 Sq. Ft.
Gravel Driveway	1,076 Sq. Ft.
Large Shed	219 Sq. Ft.
Concrete Surfaces	50 Sq. Ft.
Small Shed	54 Sq. Ft.
Stone Paths	238 Sq. Ft.
TOTAL EXISTING HARDCOVER	3,063 Sq. Ft.
AREA OF LOT	10,239 Sq. Ft.
PERCENTAGE OF HARDCOVER TO LOT	29.9%

DATE	REVISION DESCRIPTION	DRAWING ORIENTATION & SCALE	CLIENT/JOB ADDRESS	Advance Surveying & Engineering, Co.	I HEREBY CERTIFY THAT THIS PLAN, SURVEY OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.	DATE SURVEYED:	SHEET TITLE	SHEET NO.
			LUCID BUILDERS 4265 NORTHERN RD DEEPHAVEN, MN	17917 Highway No. 7 Minnetonka, Minnesota 55345 Phone (952) 474-7964 Web: www.advsur.com	<i>Wayne W. Preujps</i> Wayne W. Preujps #43503 LICENSE NO.	JULY 29, 2020	EXISTING SURVEY	S1 SHEET 1 OF 1
						DATE DRAFTED:	SHEET SIZE: 11 X 17	
						JULY 30, 2020	DRAWING NUMBER 201153 BH	

LEGAL DESCRIPTION:
 Lot 125, Revised Cottagewood, Hennepin County, Minnesota.

SCOPE OF WORK & LIMITATIONS:

- Showing the length and direction of boundary lines of the legal description listed above. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct and that any matters of record, such as easements, that you wish to be included on the survey have been shown.
- Showing the location of observed existing improvements we deem necessary for the survey.
- Setting survey markers or verifying existing survey markers to establish the corners of the property.
- Showing and tabulating impervious surface coverage of the lot for your review and for the review of such governmental agencies that may have jurisdiction over these requirements to verify they are correctly shown before proceeding with construction.
- Showing elevations on the site at selected locations to give some indication of the topography of the site. We have also provided a benchmark for your use in determining elevations for construction on this site. The elevations shown relate only to the benchmark provided on this survey. Use that benchmark and check at least one other feature shown on the survey when determining other elevations for use on this site or before beginning construction.
- This survey has been completed without the benefit of a current title commitment. There may be existing easements or other encumbrances that would be revealed by a current title commitment. Therefore, this survey does not purport to show any easements or encumbrances other than the ones shown hereon.
- While we show a proposed location for this home or addition, we are not as familiar with your proposed plans as you, your architect, or the builder are. Review our proposed location of the improvements and proposed yard grades carefully to verify that they match your plans before construction begins. Also, we are not as familiar with local codes and minimum requirements as the local building and zoning officials in this community are. Be sure to show this survey to said officials, or any other officials that may have jurisdiction over the proposed improvements and obtain their approvals before beginning construction or planning improvements to the property.
- Note that all building dimensions and building tie dimensions to the property lines, are taken from the siding and or stucco of the building.
- While we show the building setback lines per the City of Deephaven web site, we suggest you show this survey to the appropriate city officials to be sure that the setback lines are shown correctly. Do this BEFORE you use this survey to design anything for this site.

STANDARD SYMBOLS & CONVENTIONS:

"●" Denotes iron survey marker, set, unless otherwise noted.

LEGEND

EXISTING CONTOUR	--- 945 ---
EXISTING SPOT ELEVATION	X 945.5
PROPOSED CONTOUR	— 945 —
PROPOSED SPOT ELEVATION	945.5
DRAINAGE ARROW - FLOW	⇒
SILT FENCE/BIO ROLL	— SF —

EXISTING HARDCOVER	
House/Porch	1,150 Sq. Ft.
Deck	276 Sq. Ft.
Gravel Driveway	1,076 Sq. Ft.
Large Shed	219 Sq. Ft.
Concrete Surfaces	50 Sq. Ft.
Small Shed	54 Sq. Ft.
Stone Paths	238 Sq. Ft.
TOTAL EXISTING HARDCOVER	3,063 Sq. Ft.
AREA OF LOT	10,239 Sq. Ft.
PERCENTAGE OF HARDCOVER TO LOT	29.9%

PROPOSED HARDCOVER	
House	2,115 Sq. Ft.
Front Stoop	71 Sq. Ft.
Front Walk	55 Sq. Ft.
Driveway	813 Sq. Ft.
Patio	411 Sq. Ft.
Outdoor Kitchen	150 Sq. Ft.
TOTAL PROPOSED HARDCOVER	3,615 Sq. Ft.
AREA OF LOT	10,239 Sq. Ft.
PERCENTAGE OF HARDCOVER TO LOT	35.3%

GRADING & EROSION CONTROL NOTES:

BEFORE DEMOLITION AND GRADING BEGIN

- Install silt fence/bio roll around the perimeter of the construction area.
- Sediment control measures must remain in place until final stabilization has been established and then shall be removed. Sediment controls may be removed to accommodate short term construction activity but must be replaced before the next rain.
- A temporary rock construction entrance shall be established at each access point to the site and a 6 inch layer of 1 to 2 inch rock extending at least 50 feet from the street into the site and shall be underlain with permeable geotextile fabric. The entrance shall be maintained during construction by top dressing or washing to prevent tracking or flow of sediments onto public streets, walks or alleys. Potential entrances that are not so protected shall be closed by fencing to prevent unprotected exit from the site.
- Contractor shall install inlet protection on all existing storm sewer inlets in accordance with the city standard details. Inlet protection shall also be provided on all proposed storm sewer inlets immediately following construction of the inlet. Inlet protection must be installed in a manner that will not impound water for extended periods of time or in a manner that presents a hazard to vehicular or pedestrian traffic.

DURING CONSTRUCTION:

- When dirt stockpiles have been created, a double row of silt fence shall be placed to prevent escape of sediment laden runoff and if the piles or other disturbed areas are to remain in place for more than 14 days, they shall be seeded with

Minnesota Department of Transportation Seed Mixture 22-111 at 100 lb/acre followed by covering with spray mulch.

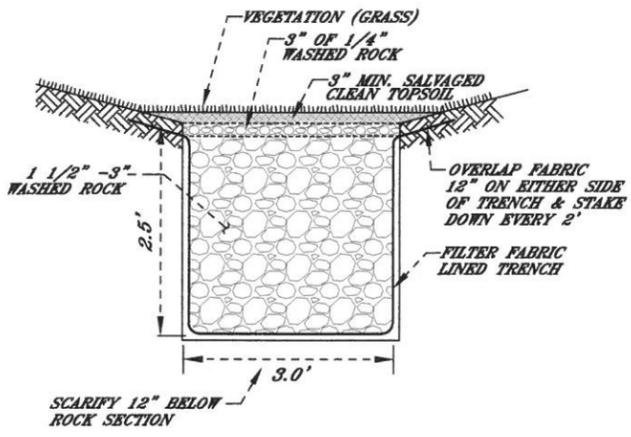
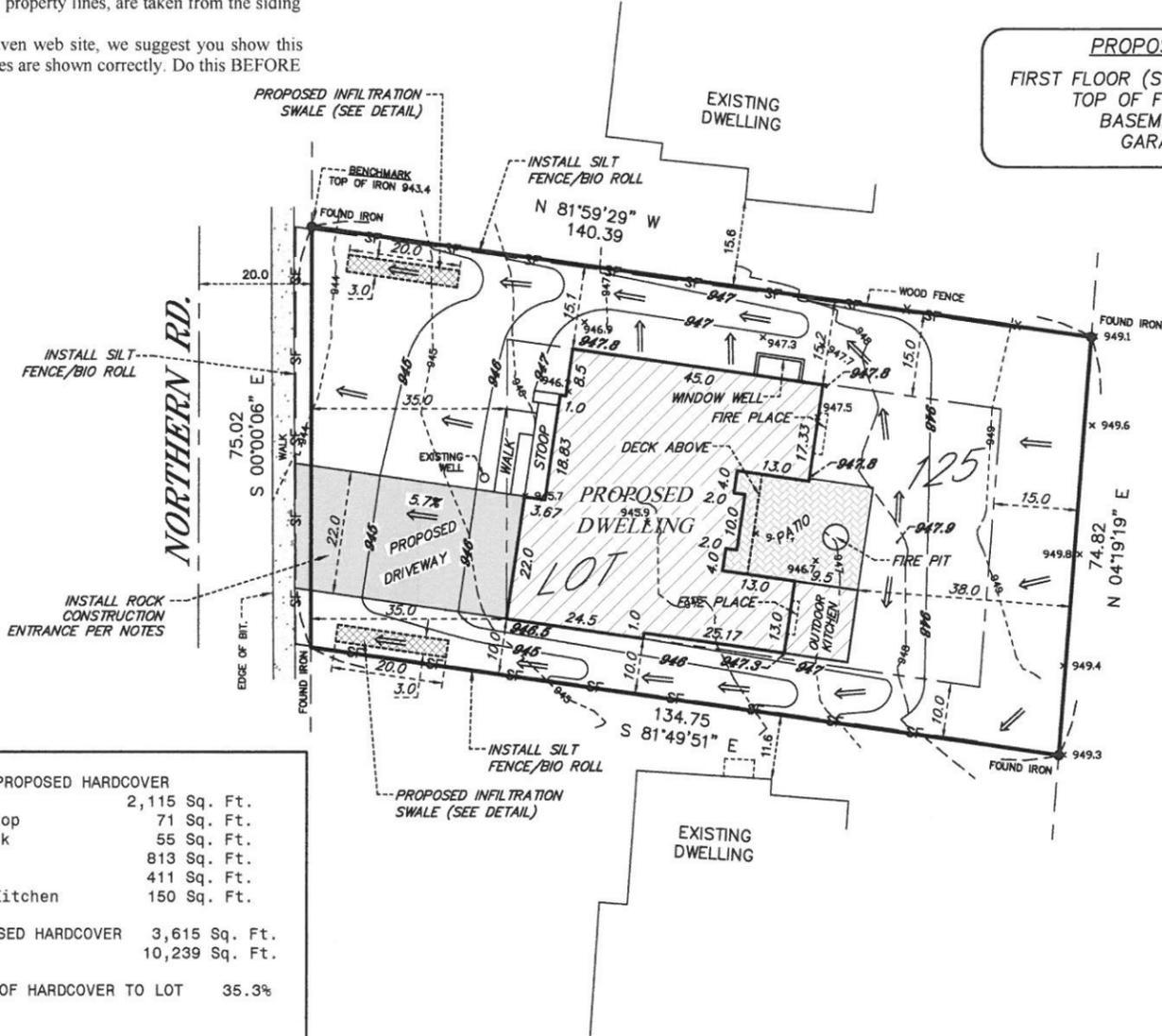
- A dumpster shall be placed on the site for prompt disposal of construction debris. These dumpsters shall be serviced regularly to prevent overflowing and blowing onto adjacent properties. Disposal of solid wastes from the site shall in accordance with Minnesota Pollution Control Agency requirements.
- A separate container shall be placed for disposal of hazardous waste. Hazardous wastes shall be disposed of in accordance with MPCA requirements.
- Concrete truck washout shall be in the plastic lined ditch and dispose of washings as solid waste.
- Sediment control devices shall be regularly inspected and after major rainfall events and shall be cleaned and repaired as necessary to provide downstream protection.
- Streets and other public ways shall be inspected daily and if litter or soils has been deposited it shall promptly be removed.
- If necessary, vehicles, that have mud on their wheels, shall be cleaned before exiting the site in the rock entrance areas.
- Moisture shall be applied to disturbed areas to control dust as needed.
- Portable toilet facilities shall be placed on site for use by workers and shall be properly maintained.
- If it becomes necessary to pump the excavation during construction, pump discharge shall be into the stockpile areas so that the double silt fence around these areas can filter the water before it leaves the site.

- Temporary erosion control shall be installed no later than 14 days after the site is first disturbed and shall consist of broadcast seeding with Minnesota Department of Transportation Seed Mixture 22-111 at 100 lb/acre followed by covering with spray mulch.
- Erosion control measures shown on the erosion control plan are the absolute minimum. The contractor shall install temporary earth dikes, sediment traps or basins and additional silt fencing as deemed necessary to control erosion.

SITE WORK COMPLETION:

- When final grading has been completed but before placement of seed or sod an "as built" survey shall be done per City of Deephaven requirements to insure that grading was properly done.
- When any remedial grading has been completed, sod or seeding shall be completed including any erosion control blankets for steep areas.
- When turf is established, silt fence and inlet protection and other erosion control devices shall be disposed of and adjacent streets, alleys and walks shall be cleaned as needed to deliver a site that is erosion resistant and clean.
- Contractor shall maintain positive drainage of a minimum 2% slope away from proposed building.

PROPOSED ELEVATIONS
 FIRST FLOOR (SUB-FLOOR) = 949.00
 TOP OF FOUNDATION = 948.32
 BASEMENT FLOOR = 938.65
 GARAGE FLOOR = 946.50

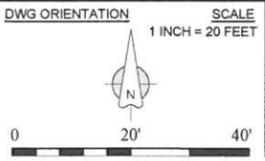


1 INFILTRATION SWALE SECTION DETAIL
 NTS

STORMWATER MANAGEMENT REQUIREMENTS

- ONSITE RETENTION REQUIREMENT : 1.0-INCH STORM EVENT OVER PROPOSED IMPERVIOUS AREA EQUAL TO AREA OVER 25% MAXIMUM HARDCOVER REQUIREMENT:
 10,239 SF (TOTAL AREA) X 0.25 = 2,560 SF (MAX HARDCOVER)
 3,615 SF (PROP. HARDCOVER) - 2,560 SF = 1,055 SF (OVERAGE)
- REQUIRED STORAGE FOR 1.0-INCH STORM EVENT:
 (1.0/12) FT X 1,055 SF = 88 CF
- INFILTRATION WILL PROVIDE ONSITE RETENTION IN PROPOSED INFILTRATION SWALES.
 3' X 2.5' X 40' = 300 CF X 0.4 = 120 CF
 120 CF X 75% (REDUCTION PER CITY CREDIT) = 90 CF
 EFFECTIVE HARDCOVER = 24.8%

DATE	REVISION DESCRIPTION
8-14-20	UPDATE PATIO AND OUTDOOR KITCHEN
8-26-20	ADJUSTED ELEVATIONS



LUCID BUILDERS
 4265 NORTHERN ROAD
 DEEPAHVEN, MN

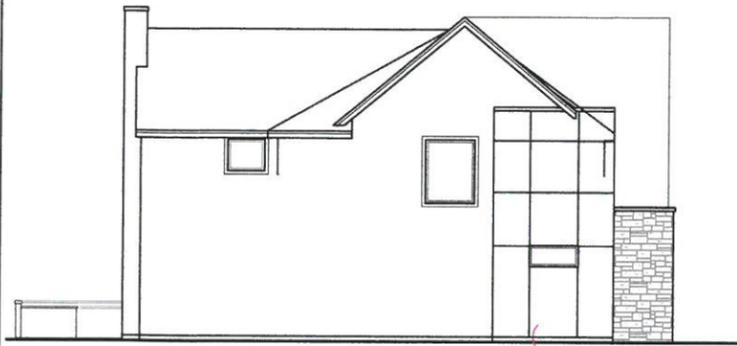
Advance
 Surveying & Engineering, Co.
 17917 Highway No. 7
 Minnetonka, Minnesota 55345
 Phone: (952) 474-7964

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
 Joshua S. Rinke
 # 52716
 LICENSE NO.
 AUGUST 4, 2020

DATE SURVEYED: JULY 29, 2020
 SURVEYED BY: ADVANCE SURV. & ENGINEERING, CO.
 DATE DRAFTED: AUGUST 4, 2020

SHEET TITLE
PROPOSED SURVEY
 SHEET SIZE: 17 X 22
 DRAWING NUMBER
201355 JR

SHEET NO.
S1

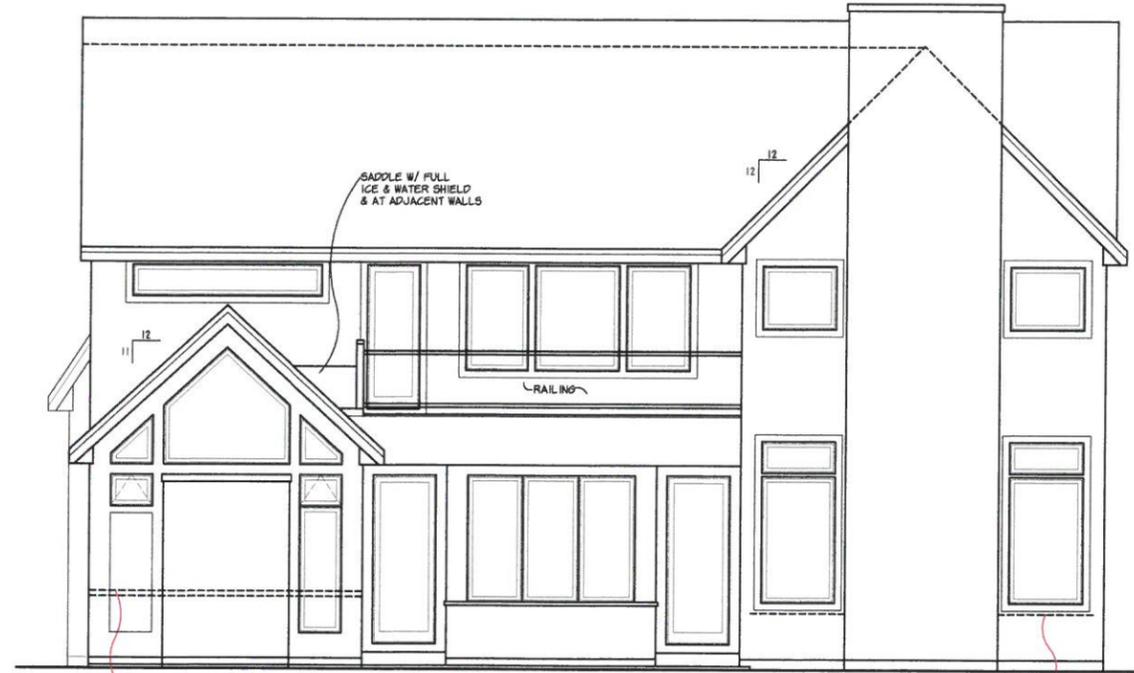


LEFT ELEVATION
SCALE: 1/8" = 1'-0"

MATERIAL CHANGE ONLY
WANT LESS VISIBLE SEAMS



RIGHT ELEVATION
SCALE: 1/8" = 1'-0"



REAR ELEVATION
SCALE: 1/4" = 1'-0"



FRONT ELEVATION "E"
SCALE: 1/4" = 1'-0"

For Review
08/20/2020 12:40:48 PM

D.F.P. PLANNING & DESIGN
9100 BALTIMORE ST NE SUITE 104 MILANE MN 55449
WEB: WWW.DFPDESIGN.COM E-MAIL: INFO@DFPDESIGN.COM
Phone: 763-780-8004 Fax: 763-780-8005



© 2020 DFP PLANNING & DESIGN
UNAUTHORIZED USE OF THE
REPLICATION OF THE
U.S. COPYRIGHT ACT



MUSECH / GARCIA RESIDENCE
4265 NORTHERN RD.
DEEPHAVEN, MINNESOTA

DATE:
8-20-20
REVISIONS:

DRAWN BY:
CD
COMM. NO.
220183
SHEET NO.

Pat Smith

From: Bob Bean <Robert.Bean@bolton-menk.com>
Sent: Thursday, September 3, 2020 9:51 AM
To: Pat Smith
Subject: RE: 4265 Northern Road

Pat,

I have completed review of the information submitted. Following are my comments for City consideration:

1. Existing drainage patterns will be maintained with the proposed improvements. Runoff will continue to drain from east to west toward Northern Road and then north toward Lake Minnetonka. Swales are proposed along side lot lines to direct runoff away from adjacent structures and toward the street accordingly.
2. Grade alteration is not proposed in excess of 3', so a variance will not be required.
3. Perimeter erosion control measures must be installed by the Contractor and inspected by the City prior to any other work. Contractor must provide minimum 24 hour notice prior to inspection.
4. Work in public right-of-way must be coordinated with the City. Contractor must provide minimum 48 hour notice prior to any work.
5. Removal limits in the right-of-way must be coordinated with the City prior to work. Sod must be installed in right-of-way where impervious surface is removed.
6. Condition of the sidewalk adjacent to Northern Road must be inspected by the City and Contractor prior to any work to document existing condition. Any damage caused by the Contractor after start of work shall be considered the Contractor's responsibility and be required to repair as necessary.
7. Infiltration trenches are proposed to meet stormwater management requirements. The typical section and sizing of the trenches are adequate to meet City requirements.
8. Construction of infiltration trenches must be observed by a City representative to ensure systems are installed as proposed.
9. A record drawing of the infiltration trenches installed must be submitted upon completion to confirm facilities were constructed per plan.
10. The applicant must submit a Maintenance Agreement for the infiltration trenches. The agreement must define maintenance responsibilities following completion of project, specify types and frequencies of inspection and maintenance activities, designate who will conduct inspection and maintenance activities, and outline reporting requirements.
11. Clear drive lanes must be maintained on Northern Road at all times.
12. The applicant will be required to obtain a Minnehaha Creek Watershed District permit for the proposed improvements. A copy of the permit must be provided to the City conditional to final approval.

If you have any questions or comments, please contact me to discuss further.

Thanks,

Robert E Bean Jr. P.E.
Water Resources Project Engineer
Bolton & Menk, Inc.
2638 Shadow Lane
Suite 200
Chaska, MN 55318-1172
Phone: 952-448-8838 ext. 2892

Pat Smith

From: Thomas Nicol <thomasnicol@mac.com>
Sent: Tuesday, September 8, 2020 10:00 AM
To: pat@cityofdeephaven.org
Subject: 4265 Northern Road

Dear Mr. Smith:

We are in support of the plans for the home to be built for Rene Musech and Iñigo Garcia Gordobil, as proposed by Lucid Builders, at 4265 Northern Road, Deephaven. We believe the home will significantly improve the property and fit in well in the Cottagewood community.

Thank you for your consideration and we appreciate the opportunity to show our support.

All the best.
Tom & Elizabeth Nicol
19955 Cottagewood Avenue
Deephaven, MN 55331

Pat Smith

From: Lucinda Pratt <cindy.pratt@mac.com>
Sent: Tuesday, September 8, 2020 10:12 AM
To: pat@cityofdeephaven.org
Cc: Gina Musech
Subject: Approval

Pat, I am in favor of the plans of Rene Musech and her husband for 4265 Northern Rd.

Cindy Pratt
(612) 202-0122

Pat Smith

From: Craig Weinstock <craigw@whitepineconsulting.com>
Sent: Tuesday, September 8, 2020 11:36 AM
To: pat@cityofdeephaven.org
Cc: Kristi Weinstock (kdweinstock@cbburnet.com)
Subject: 4265 Northern Road, Deephaven Approval

Dear Mr. Smith:

We became aware of the some plans for 4265 Northern Road, Deephaven. I am dropping you a note to state that we are in support of the plans for the home to be built for Rene Musech and Iñigo Garcia Gordobil, as proposed by Lucid Builders, at 4265 Northern Road, Deephaven. We believe the home will significantly improve the property and fit in well in the Cottagewood community.

Thank you for your consideration and we appreciate the opportunity to show our support.

Best Regards,

Craig & Kristi Weinstock
20620 Linwood Road
612-309-8332

Pat Smith

From: Thomas Burton <tomburton@burtonreadvisors.com>
Sent: Tuesday, September 8, 2020 1:31 PM
To: pat@cityofdeephaven.org
Subject: Hardcover variance for proposed new house at 4265 Northern Road

Dear Mr. Smith:

Georgia and I are in support of the plans for the home to be built for Rene Musech and Iñigo Garcia Gordobil, as proposed by Lucid Builders, at 4265 Northern Road, Deephaven. We have reviewed the Advance Surveying & Engineering existing dwelling and proposed dwelling hardcover surveys. While the proposed dwelling hardcover would exceed 25%, we believe the proposed home will significantly improve the property and fit in well Cottagewood.

Thank you for your consideration and we appreciate the opportunity to show our support.

Tom & Georgia Burton
19975 Cottagewood Avenue
Deephaven, MN 55331

Pat Smith

From: Therese Koller <theresekoller8@gmail.com>
Sent: Tuesday, September 8, 2020 7:21 PM
To: pat@cityofdeephaven.org
Subject: New Home

Dear Pat, We are in support of the plans for the home for Renee Musech and Garcia Gordobi as proposed by Lucid Builders at 4265 Northern Rd., Deephaven. We believe the home will significantly improve the property and fit in well in the Deephaven neighborhood. Thank you, Therese Koller

Therese Koller
19685 Lakeview Ave.
952-334-8494

Pat Smith

From: David Sigel <david@sheepdogmn.com>
Sent: Wednesday, September 9, 2020 11:44 AM
To: pat@cityofdeephaven.org
Cc: Paul Skrede; Kent Carlson; Molly Sigel; mcneill.council@outlook.com; Tony Jewett
Subject: Proposed home @ 4265 Northern Rd

Hi Pat,

We are in support of the plans for the home to be built for Rene Musech and Iñigo Garcia Gordobil, as proposed by Lucid Builders, at 4265 Northern Road, Deephaven. We believe the home will significantly improve the property and fit in well in the Cottagewood community. We understand the home's plans may slightly exceed hard cover limitations, however we are confident the hardcover will be comparable to neighboring homes and will be mitigated through the home's landscape design.

As 40+ year residents of Cottagewood, we've certainly seen a lot of change in the housing stock. The city has done a good job balancing the needs for larger, modern homes with the character of a historic village. I'm hopeful you'll be able to support this new project as well.

Thank you for your consideration and we appreciate the opportunity to show our support for this new home.

David & Molly Sigel
20395 Linden Rd.
Deephaven

Pat Smith

From: Todd Bolin <TBolin@bolinagency.com>
Sent: Wednesday, September 9, 2020 2:36 PM
To: pat@cityofdeephaven.org
Cc: Cary Musech; Gina Musech
Subject: 4265 Northern Road, Deephaven

Dear Mr. Smith:

We are in support of the plans for the home to be built for Rene Musech and Iñigo Garcia Gordobil, as proposed by Lucid Builders, at 4265 Northern Road, Deephaven. We believe the home will significantly improve the property and fit in well in the Cottagewood community.

Thank you for your consideration and we appreciate the opportunity to show our support.

Todd and Terry Bolin
19995 Cottagewood Ave
Deephaven, MN 55331
(612) 834-3101

Todd **Bolin**

—
CEO / PRESIDENT

D 612 236 0702 **C** 612 834 3101

2523 S Wayzata Blvd
Minneapolis, MN 55405

BOLIN
BOLINAGENCY.COM

Pat Smith

From: Sheri Wright <jeffsheriwright@gmail.com>
Sent: Wednesday, September 9, 2020 5:36 PM
To: pat@cityofdeephaven.org
Cc: Regina Musech
Subject: Zoning for the home of Rene Musech and Inigo Garcia Gordobil

Dear Mr. Smith:

We are in support of the plans for the home to be built for Rene Musech and Inigo Garcia Gordobil, as proposed by Lucid Builders, at 4265 Northern Road, Deephaven. We believe the home will significantly improve the property and fit in well in the Cottagewood community.

Thank you for your consideration and we appreciate the opportunity to show our support.

All the best,
Jeff and Sheri Wright
20220 Cottagewood Rd, Excelsior, MN 55331
612-267-1861

Pat Smith

From: Joe Haugslund <joehaugslund@yahoo.com>
Sent: Thursday, September 10, 2020 11:58 AM
To: Pat Smith
Subject: Proposed Home at 4265 Northern Road

Dear Mr Smith,

We are in support of the proposed home to be built on the lot at 4265 Northern Road. We live directly across the street of the proposed site at 4240 Northern Road and will look directly at the new home.

We initially met the builder and saw the plans when the builder held a neighborhood 'open to the public' viewing at the proposed site. We have since received the detailed plans in the Public Hearing Notice and understand the hardcover issue. We believe this hardcover issue can be resolved with the solution the builder has proposed. This solution appears similar to what other builders have implemented at recently built homes in our neighborhood.

Thank you for your consideration,

Joe and Joanne Haugslund
4240 Northern Road
Deephaven, MN 55331

952-905-9905

September 10, 2020

Patrick Smith
Planning Director
City of Deephaven
20225Cottagewood Road
Deephaven, MN 55331

Re: 4265 Northern Road

Please accept our comments regarding the above reference property and the request to vary the total hardcover.

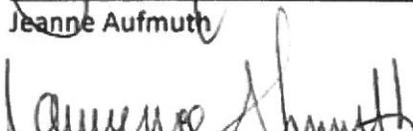
We own a second home at 4295 Northern Road (our permanent residence is in Palo Alto, CA) and an interest in 4285 Northern Road. We have several comments we wish you to consider:

- We do not fully understand the need to seek a 40%+ variance in the hardcover and am unsure if this relates to the overall scale of the proposed home. We are accustomed to complying with floor area ratios which ultimately limit the size of homes built in Palo Alto based on the size of the lot.
- This leads to our major concern. The attached schematic front elevation shows a 2-story home the façade of which is 35 feet from the road. Our home and those surrounding the existing home on this lot all comply with the 35-foot setback but only garages are at that point. The actual home and second stories of these structures are a further 15 to 30 feet back thus creating a far less aggressive façade for the neighborhood.
- We are concerned most about the scale of the house based on the size of the lot. As more and more larger homes are being built, permitting them to be built on small lots endangers the true character of the neighborhood that lead us to invest in the properties we own.

Thank you for your consideration.



Jeanne Aufmuth



Lawrence Aufmuth

Pat Smith

From: Allison Wert <wert.allison@gmail.com>
Sent: Monday, September 7, 2020 4:27 PM
To: pat@cityofdeephaven.org
Cc: Jacob Wert; Cary Musech; Gina Musech
Subject: Musech/Gordobil plans on Northern Road

Dear Mr. Smith:

We hope this email finds you well.

We are writing in support of the plans for the home to be built for Rene Musech and Iñigo Garcia Gordobil, as proposed by Lucid Builders, at 4265 Northern Road, Deephaven. We strongly believe the home will significantly improve the property and fit in well in the Cottagewood community. We have lived in Cottagewood since 2014 and we have been Deephaven residents since 2005.

We have reviewed the plans in detail. It appears that their proposed home complies with all applicable building and zoning codes except for the 25% hardcover limitation. The current home on the site has 30% hardcover and the proposal is for 35% hardcover, mitigated to below 25% with water filtration basins designed by a civil engineer. It appears that much of the 35% hardcover is due to the 35 foot setback requirement from the road which results in a longer driveway.

Thank you for your consideration and we appreciate the opportunity to show our support.

Please feel free to contact us with any questions.

All the best,

Allison and Jacob Wert
20560 Summerville Road
612.965.0970 (Allison)
612.859.7777 (Jacob)

Pat Smith

From: Ron Poole <rjpoole47@gmail.com>
Sent: Monday, September 7, 2020 4:36 PM
To: pat@cityofdeephaven.org

Dear Mr. Smith:

We are in support of the plans for the home to be built for Rene Musech and Iñigo Garcia Gordobil, as proposed by Lucid Builders, at 4265 Northern Road, Deephaven. We believe the home will significantly improve the property and fit in well in the Cottagewood community.

Thank you for your consideration and we appreciate the opportunity to show our support.

All the best.

Molly and Ron Poole

--
Ron Poole
20550 Lakeview Ave
Deephaven, MN 55331
612-618-4661 (CELL)



Agenda Date: 09-09-20

Agenda Item: Definition of Single-Family Dwelling and possible Accessory Dwelling Units.

Background

On August 3, 2020, the City Council directed staff to continue reviewing the plans for 18100 Honeysuckle Lane and 18855 Ridgewood Road as if they were single-family residences since they had one address, one sewer line and under one roof line.

On August 18, 2020, a public hearing was held at the Planning Commission meeting to discuss the definition of a single-family dwelling and parameters around permitting Accessory Dwelling Units.

Proposed Definitions for Dwelling Unit, Family

The Planning Commission was in agreement with the proposed definitions for Dwelling Unit and Family.

Dwelling Unit - Proposed

One or more rooms designed, occupied or intended for occupancy as separate living quarters, with a single kitchen, sleeping, and bathroom facilities for the exclusive use of a single family.

Family – Proposed

One (1) or more individuals related by blood, marriage, or adoption, or a group of not more than four (4) not so related, living together as a single housing keeping unit and sharing common living, sleeping, cooking and eating facilities.

Possible Definition for Accessory Dwelling Unit

A self-contained unit of housing located within the confines of a single family house and used as a separate dwelling unit. The term shall also include instances in which one of the units lacks complete kitchen or bathroom facilities or in which there is internal physical access between the units or in which the units share common space or facilities, unless the persons residing in both portions of the building live as a single family.

Possible Accessory Dwelling Unit Standards

Below are accessory dwelling unit/guest apartment regulations from other cities, somewhat organized from most restrictive to lease restrictive.

City	Size of ADU	Ownership	Design	Approval Process
Wayzata				Administrative for living quarters for persons employed on the property CUP for non-rental guest house
Orono				Administrative for nonrental guest apartments with no exterior access CUP for nonrental guest apartments with exterior entrance
Minnetrista				Administrative for nonrental guest apartments
Independence				Administrative – limited to relatives of homeowners
Minnetonka	950 SF or 35% of gross living area, whichever is less	Property owner must permanently reside in either unit	Must not substantially alter the single family character of the structure	Conditional Use Permit
White Bear Lake	880 SF or 40% of habitable area, whichever is less	Property owner must reside in the principal structure.	Must not detract from the single family character of the neighborhood.	Conditional Use Permit. Property annually submits an affidavit verifying owner-occupancy and fee.
Plymouth	1,000 SF or 50% of habitable area, whichever is less.	Property owner must permanently reside in either unit	Must be located over an attached or detached garage.	Administrative approval. Rental of the ADU requires a city rental license.
St. Paul	800 SF and shall not exceed 1/3 size of the total floor area of the structure	Property owner must permanently reside in either unit	A walkway shall be provided from abutting public street to the primary entrance of the accessory dwelling unit.	Administrative approval. Must record a Declaration of Restrictive Covenants. Property annually submits an affidavit verifying owner-occupancy and fee of \$63.

Possible Parameters for Accessory Dwelling Units

Occupancy – The property owner must live in either unit.

Design – The Accessory Dwelling Unit must be located within the single-family residence, which must have one roofline and look like a single-family residence.

Approval Process – To ensure the house looks like a single-family house, staff is recommending Accessory Dwelling Units be approved with a Conditional Use Permit, similar to Minnetonka. The Conditional Use Permit resolution would be recorded and run with the title of the property.

Annual Affidavit – The City of Minnetonka has been allowing ADUs for over 20 years through the Conditional Use Permit process and not requiring affidavits. They have not had an issue with property owners trying to rent both sides of the single-family residence. The City of White Bear Lake requires an annual affidavit, but staff was unaware of that provision. The City of St. Paul also requires an annual affidavit,

but St. Paul has only allowed ADUs since 2018 and only three have been completed. Attached is a copy of St. Paul's affidavit.

A draft ordinance with these definitions and regulations is attached.

PLANNING COMMISSION ACTION REQUESTED

Recommend the City Council adopt the proposed definitions of Dwelling Unit, Family and Accessory Dwelling Unit, and the approval process for Accessory Dwelling units.

Attachments:

- 1) St. Paul's Affidavit
- 2) Proposed Ordinance



CITY OF SAINT PAUL

375 Jackson Street Suite 220
Saint Paul, MN 55101-1806

Telephone: 651-266-8989

ANNUAL ACCESSORY DWELLING UNIT AFFIDAVIT
(From Saint Paul Zoning Code Section 65.913)

I, *(Printed Name)* _____, *(Phone #)* _____,
the undersigned, certify that my principal residence is at
(Address) _____, Saint Paul, MN (zip code) _____
and hereby state the following:

1. I am the property owner and my principal residence is in either the principal dwelling or the ADU.
2. That the principal dwelling and ADU are occupied according to Sec. 60.207.
3. If the ADU is used as a Short Term Rental, that a Short Term Rental License is obtained and current.
4. The ADU shall not be sold as a separate property and the lots will not be divided.
5. That I will pay the \$63 annual fee, according to Sec. 61.302 of the zoning code. Make checks payable to "The City of St. Paul" addressed to:

The City of St. Paul
375 Jackson Street, Suite 220
Saint Paul, MN 55101-1806

I declare that everything I have stated in this document is true and correct.

Signature

Date

City of Deephaven
Hennepin County, Minnesota

ORDINANCE NO. ___-___

**AMENDING SECTIONS 1302.03, 1302.04, 1302.05, AND 1345 OF THE
DEEPHAVEN ZONING ORDINANCE, ACCESSORY DWELLING UNITS**

THE CITY COUNCIL OF THE CITY OF DEEPHAVEN HEREBY ORDAINS:

SECTION ONE: Amendment. That Section 1302.03, of the Deephaven Code is amended to read as follows:

Subd. 2. Conditional Uses.

b) Accessory Dwelling Units. No Accessory Dwelling Unit shall be created or used except in conformity with the following:

- 1) To be created only on property zoned for single family detached dwellings and no more than one accessory dwelling unit to be created in any dwelling;
- 2) Structures in which an accessory apartment is created to be owner-occupied, with the owner residing in either unit on a continuous basis except for temporary absences throughout the period during which the permit is valid;
- 3) Adequate off-street parking to be provided for both units of housing with such parking to be in a garage, carport or on a paved area specifically intended for that purpose; and
- 4) Exterior changes to the house to be kept to a minimum and not substantially alter the single family character of the structure.

SECTION TWO: Amendment. That Section 1302.04, of the Deephaven Code is amended to read as follows:

Subd. 2. Conditional Uses.

b) Accessory Dwelling Units. No Accessory Dwelling Unit shall be created or used except in conformity with the following:

- 1) To be created only on property zoned for single family detached dwellings and no more than one accessory dwelling unit to be created in any dwelling;
- 2) Structures in which an accessory apartment is created to be owner-occupied, with the owner residing in either unit on a continuous basis except for temporary absences throughout the period during which the permit is valid;
- 3) Adequate off-street parking to be provided for both units of housing with such parking to be in a garage, carport or on a paved area specifically intended for that purpose; and
- 4) Exterior changes to the house to be kept to a minimum and not substantially alter the single family character of the structure.

SECTION THREE: Amendment. That Section 1302.05, of the Deephaven Code is amended to read as follows:

Subd. 2. Conditional Uses.

b) Accessory Dwelling Units. No Accessory Dwelling Unit shall be created or used except in conformity with the following:

- 1) To be created only on property zoned for single family detached dwellings and no more than one accessory dwelling unit to be created in any dwelling;
- 2) Structures in which an accessory apartment is created to be owner-occupied, with the owner residing in either unit on a continuous basis except for temporary absences throughout the period during which the permit is valid;
- 3) Adequate off-street parking to be provided for both units of housing with such parking to be in a garage, carport or on a paved area specifically intended for that purpose; and
- 4) Exterior changes to the house to be kept to a minimum and not substantially alter the single family character of the structure.

SECTION FOUR: Amendment. That Section 1345, of the Deephaven Code is amended to read as follows:

1345.02 "Accessory Dwelling Unit" means a self-contained unit of housing located within the confines of a single family house and used as a separate dwelling unit. The term shall also include instances in which one of the units lacks complete kitchen or bathroom facilities or in which there is internal physical access between the units or in which the units share common space or facilities, unless the persons residing in both portions of the building live as a single family.

1345.19 "Dwelling Unit" means a dwelling for one family one or more rooms designed, occupied or intended for occupancy as separate living quarters, with a single kitchen, sleeping, and bathroom facilities for the exclusive use of a single family.

1345.24 "Family" means an individual person or two or more such persons related by blood, marriage or adoption living together exclusive of occasional guests or servants or a group of not more than five persons not related by blood, marriage or adoption living together in a single housing keeping unit in a single dwelling unit, exclusive of servants and occasional guests. One (1) or more individuals related by blood, marriage, or adoption, or a group of not more than four (4) not so related, living together as a single housing keeping unit and sharing common living, sleeping, cooking and eating facilities.

SECTION FIVE: Effective Date. This Ordinance shall be effective as of its date of publication.

Adopted by the Deephaven City Council on September 21, 2020, and published in the paper of Sun Sailor on _____, 2020.

Paul A. Skrede, Mayor

ATTEST:

Dana H. Young, Clerk Administrator