

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

PRESENT: Chairman Bob Werneiwski, Commissioners John Daly, Melissa McNeill, Bill Sharpe (arrived at 7:15), John Studer and Cindy Hunt Webster.

ABSENT: Doug Nagle

OTHERS PRESENT: City Council Liaison Tony Jewett and Zoning Coordinator Dale Cooney

MINUTES OF OCTOBER 17, 2017

Motion by McNeill, seconded by Studer, to approve the minutes of October 17, 2017 as written. Motion carried 5-0.

OLD BUSINESS

Cooney said that the St. Therese sign CUP request was moved to 7:30 per the request of the applicant, and therefore old business is first on the agenda.

The Pines Neighborhood Zoning Discussion

Werneiwski introduced the agenda item.

Cooney presented his staff report. He said that the Planning Commission has been tasked with exploring options for, at minimum, additional height restrictions within the neighborhood known as "the Pines". He said that, last month, he routed a history of the previous discussion related to height changes within the City of Deephaven. Cooney said that, per the Planning Commission's request, he has provided a survey of height restrictions for six other Lake Minnetonka communities: Minnetonka, Wayzata, Orono, Shorewood Greenwood, and Mound. Cooney noted that the height regulations for these cities are measured from the midpoint of a gable roof and, for that reason, the Deephaven limitation is somewhat more restrictive than most of these cities. Cooney concluded his staff report.

Werneiwski said that he did not see the other communities' zoning as much different from Deephaven. He asked Daly about height for various roof peaks.

Daly said that 20 feet is probably a single story house, while 25 to 28 feet is a 1.5 story house, and 28 to 34 feet is a typical two story house. He said that, because of the midpoint issue, it is possible to add a third story or a 2.5 story house.

Daly said that some cities, such as Edina and Excelsior where there is more density and also the likelihood of blocking sunlight, require that a portion of the house above the first story be stepped back as it goes upward. He said that it looks nicer, but is more expensive to build.

McNeill asked if there were any back yard restrictions for these cities. Daly said that the back yard is usually much bigger so there is not as much need.

Studer said that he did not think that stepping back was necessary in this neighborhood.

Webster said that she thinks that the house being built is the first new house in 40 years and that the residents are suspicious of builder as an outsider and that the residents also fear higher taxes. She said that she does not want to change anything unless the entire city is changed. McNeill agreed that she could support changes, but only if they include the rest of the city.

Daly asked if he had heard any more from the neighbors. Cooney said that he had not.

Studer asked how the city could impose something like a rambler height restriction on the neighborhood. He said that it would severely limit the value of the property and said that he did not think that was reasonable.

Daly said that a 3 full story flat roof house could be built that would be legal. Cooney asked if it was possible to build two full stories at 28 feet tall. Daly said that it would work with a low pitched roof.

Studer said that there should also be a story restriction since he thinks a 3 story house with a flat roof could be an issue. Cooney said that he could see a restriction limiting a house to 2.5 stories as being worthwhile to prevent such a situation.

Jewett asked if Cooney had looked at Excelsior zoning. Cooney said that he did, but that it was confusing so he did not include it. Jewett said that residents want a historic designation in order to prevent teardowns. He said that instead of height restrictions, there could be a historic designation. Sharpe said that he did not view this as an historic area.

Studer asked about the homeowners association. Webster said that they could not get 100% participation. Cooney said that they don't need to get 100% participation. He said they could start a homeowners association with 80% participation, and that those homeowners who don't want to participate would not be bound by the limitations. He said that this would still preserve 80% of the neighborhood and it would be better than nothing.

Sharpe said that he did not like the concept of a different set of rules for different neighborhoods. Studer said that Deephaven laws are more restrictive than those nearby Minnetonka properties.

Webster said that she didn't think that the property owners have fully thought through the economic impact to their home value by having additional regulations. Cooney said that a new, high-end, single story, mid-century modern home could generate a good sale price. Studer reiterated that he did not think it was reasonable to limit a property to a single-story house.

Jewett suggested that, instead of limiting the height, limit the number of stories to 1.5 in the community. McNeill reiterated that she is not opposed to those types of restrictions, but would only want to see them for the entire city.

Cooney said that he will move ahead with the direction approved in October with the visual height study, but that he wanted to discuss this information first to see if it changed the conversation at all. He said that he did not think either the 2013 planning commission meeting notes on height or the regulations from peer communities changed the general feelings of the Planning Commission other than to suggest that Deephaven's height restrictions are comparable to our neighbors, and may even be a bit more restrictive.

PUBLIC HEARINGS

Consider the Conditional Use Permit request of St. Therese Catholic Parish to replace existing non-conforming illuminated sign at 18323 Minnetonka Boulevard

Werneiwski introduced the agenda item.

Cooney presented his staff report. He said that St. Therese Catholic Parish would like to replace its existing, non-conforming illuminated sign and that the proposed sign is very similar to the Deephaven Woods sign that was approved last year. Cooney noted that the overall square footage of the sign will be the same as existing, and a new stone base will be built for the sign. He said that a portion of the new sign is proposed to be replaced with an LED sign.

Cooney stated that Section 1115.03(12) defines Changeable Copy Sign as "A sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face of the surface of the sign. Changeable copy signs do not include signs upon which characters, letters or illustrations change or rearrange only once in a 24-hour period." He said that changeable Copy Signs are considered prohibited signs under the sign ordinance. He said that the applicant has stated that they will be using similar messaging to what is currently shown on the Deephaven Woods sign. Cooney noted that the applicant has stated that they are comfortable with the limitations that the message can change only twice in a 24 hour period, which is how similar signs have been regulated.

Cooney said that the majority of the proposal could be considered maintenance of a legal non-conforming sign. He said that the proposal for the LED board for the sign changes the nature and character of this portion of the sign.

Cooney noted that, unlike Deephaven Woods, the sign is in an area that is primarily commercial. He said that two residential properties to the south may be impacted, the closest of which is approximately 300 feet away. Cooney said that, for public safety reasons, the city allowed the non-LED areas of the Deephaven Woods sign to remain lit at all times.

Cooney said that he recommends approval of the conditional use request to replace the existing 134 square foot illuminated monument sign with a new sign of the same size.

He said that the recommendation is made with the following conditions:

- (a) that there be no net increase in overall signage for the property;
- (b) that the hours of illumination for the sign be as outlined in Section 1305.03 of the ordinance (only illuminated between the hours of 6 AM and 9:30 PM)
- (c) that the LED changeable copy area not change more than twice in a twenty-four hour period

Cooney concluded his staff report.

Werneiwski opened the public hearing.

Dan Duffy, architect for the applicant said that the applicant would like the non-LED portion of the sign to be illuminated throughout the night for emergency vehicles. He said that the LED sign will be exactly the same as the Deephaven Woods sign and that they will be using the same messaging. Duffy said that the sign will get a new stone base.

Hearing no other public comments, Werneiwski closed the public hearing.

Studer suggested that, since we are allowing two messages in a 24-hour period for these types of signs, it might be best to simply change the ordinance language to reflect that.

Motion by Werneiwski to recommend City Council approve the conditional use permit request based on the recommendation and findings of staff with the condition that the top portion of the sign be allowed to remain illuminated throughout the night. Motion was seconded by Webster. Motion carried 6-0.

LIAISON REPORT

Councilmember Jewett said that the variance for the Nicol residence at 19955 Cottagewood Avenue was approved. He said that the applicant proposed additional mitigation which would bring the house down to a 19.9% hardcover equivalent. Jewett said that this was in response to the concerns raised by the Planning Commission.

He said that the city is pursuing a special assessment option have trees replanted in the right-of-way at 19735 Manor Road.

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Jewett that they received 1 bid to construct the warming house at Thorpe Park, and that they will move ahead with that company.

He said that at the December 4 meeting, there was a long discussion about coyotes. He said that the City of Deephaven has a contract with the USDA to shoot coyotes, but that they are difficult animals to take.

Jewett said that the property at 20400 Lakeview had expanded their grading from the original variance request. He said that the city council viewed the change as a minor amendment to the existing variance and approved it.

He said that the 2018 tax levy was approved.

ADJOURNMENT

Motion by Werneiwski to adjourn the meeting. Motion seconded by Studer. Motion carried 6-0. The meeting adjourned at 8:05.

Respectfully submitted,
Dale Cooney
Zoning Coordinator