

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit
BZZ-5718

Date: September 19, 2012

Applicant: John Martin

Address of Property: 5357 Penn Avenue South

Project Name: Bellwether Media

Contact Person and Phone: Michael Allen, (612) 545-8033

Planning Staff and Phone: Joe Bernard, (612) 673-2422

Date Application Deemed Complete: August 10, 2012

End of 60-Day Decision Period: October 9, 2012

Ward: 13 **Neighborhood Organization:** Lynnhurst (adjacent to Armatage and Fulton)

Existing Zoning: C1 Neighborhood Commercial District

Proposed Zoning: Not applicable

Legal Description: Not applicable

Proposed Use: Solar Energy System accessory to a commercial building

Concurrent Review:

Conditional Use Permit to allow a Solar Energy System

Applicable zoning code provisions:

Chapter 525, Article VII, Conditional Use Permits

Chapter 535, Article XII, Solar Energy Systems

Background: The applicant seeks to construct a Solar Energy System on a commercial building at 5357 Penn Avenue South. The proposed location and height of the system does not conform to the standards for solar energy systems in Chapter 535 of the zoning ordinance. The zoning ordinance allows for applicants to pursue construction of such systems through the conditional use permit process. The applicant proposes constructing an overhang on the north side of the building that would contain south facing solar panels. The zoning ordinance allows for building mounted solar energy systems provided that they are set inward from the building edge a distance equal to the height that it projects from the building and, provided it projects no more than ten feet above the surface of a flat roof. Since the proposed structure projects from the side of the building a conditional use permit is required. The

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proposed solar energy system that would be added to the building would complement the existing solar energy system that occupies the entire roof of the building.

The proposed structure projects approximately four feet above the building roof and four feet from the north building wall over an existing parking area. The location of the structure is adjacent to a two-family home on the north side of the property. Two single-family homes are located to the east across the alley from this site and between 5357 Penn Avenue South and the homes on Oliver Avenue South is another commercial structure. Penn Avenue South is designated as a Community Corridor and the intersection of West 54th Street and Penn Avenue South is a designated Neighborhood Commercial Node in *The Minneapolis Plan for Sustainable Growth*.

As of the writing of this report, staff has not received any correspondence from the neighborhood group. Staff will forward comments, if received, at the City Planning Commission meeting.

Findings as required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Planning Division has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The proposed use of a solar energy system will not be detrimental to or endanger the public health, safety, comfort, or general welfare provided the use complies with all licensing and zoning ordinance requirements. The applicant intends to install a solar array within the building envelope and setbacks allowed on the site.

2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

The use will not project beyond allowed building envelopes or district and established setbacks. The proposed use fronts Penn Avenue South at West 54th Street, identified as a Community Corridor and Neighborhood Commercial Node in *The Minneapolis Plan for Sustainable Growth*. The installation of the solar energy system is immediately adjacent to a residential use on the north property line, and is across the alley from residential uses to the east. It occupies one corner of a commercial node, all four corners of which are occupied by commercial uses. Continued use of the property for commercial purposes should not impede the normal or orderly development of surrounding properties. However, the solar energy system should be installed out of any required setbacks, and in a manner that ensures that sunlight will not be reflected on to adjacent properties.

3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.

The utilities, access roads, and drainage are existing and adequate.

4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.

The proposed solar energy system does not alter the capacity of the site to handle traffic congestion nor does it contribute to congestion in the public streets.

5. Is consistent with the applicable policies of the comprehensive plan.

The use is consistent with the following applicable policies of the comprehensive plan:

Land Use Policy 1.4: Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.

Environment Policy 6.3: Encourage sustainable design practices in the planning, construction and operations of new developments, large additions and building renovations.

Implementation Step 6.3.4 Encourage developments to utilize renewable energy sources, including solar, wind, geothermal, hydro, and biomass.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit.

The use will conform to the applicable regulations of the zoning district in which it is located. Staff recommends emphasizing the need for the solar energy system to meet all required setbacks. In this case the north interior side yard setback on the property is 7 feet.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the Conditional Use Permit:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the conditional use permit to allow installation of a solar energy system for the property located at 5357 Penn Avenue South, subject to the following conditions.

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
2. The solar energy system shall comply with all required setbacks.
3. The solar energy system shall not reflect sunlight on to adjacent properties.

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Attachments:

1. Statement of use
2. Findings
3. Correspondence
4. Zoning map
5. Plans
6. Photos