

ITEM: Conditional Use Permit for a Solar-powered Heating System at 1800 Larpenteur Avenue

SUBMITTED BY: Deborah Jones, Zoning and Planning Director

**REVIEWED BY: Justin Miller, City Administrator
Roger Knutson, City Attorney**

Background:

1800 West Larpenteur is an R-4 multi-family residential property containing an 18-unit apartment building constructed in 1969. It is located on the south side of Larpenteur Avenue east of the Fairview Avenue intersection and across the street from University of Minnesota fields. It is adjacent to the Hermes office building on the east, University of Minnesota fields on the south and a similar building at 1818 Larpenteur on the west. All properties within 350 feet are commercial, institutional or multi-family. The nearest single family zone is over 540 feet from the property.

The owner of 1800 West Larpenteur Avenue, Falcon Heights, has submitted an application to build an active solar-powered system for domestic hot water and space heat in the building. An active system is defined as one that includes mechanical components such as pumps. The Falcon Heights city code Section 113-393 requires a conditional use permit for all active solar power systems. The proposed system meets the definition, so a conditional use permit is required, in addition to the building permits and any other permits that may be required.

The application for a conditional use permit for this solar installation included a provision for height in excess of 10 feet above the roof, which also requires a conditional use permit under Section 113-243. As the height in the final design is now established at lower than 10 feet above the roof, the applicant has withdrawn the height portion of the conditional use permit application.

Analysis:

As allowed by Section 113-84(b), the zoning administrator waived those application requirements and development requirements that do not apply to this project. Please see the attached summaries for the status of requirements in Sections 113-84(b) and 113-85(c) pertaining to this proposed project.

Staff finds that the remaining requirements have been met. Staff also finds that this project conforms to the new municipal comprehensive plan adopted by the City Council on June 24, 2009, in particular to the objective of *“becoming a sustainable, energy efficient community.”*

Staff Recommendation:

Staff recommends approval of the Conditional Use Permit.

Attachments:

- Conditional Use Permit application for 1800 West Larpenteur
- Site Map of 1800 West Larpenteur
- Project drawings for the proposed solar installation
- Application and development requirement summaries
- Planning Commission Findings of Fact and Recommendation
- Conditional Use Permit document
- Published notice of the hearing (published 8/11/09).
- Map of properties within 350 feet for notice mailed August 11, 2009

Actions Requested:

- Hold a public hearing on the Conditional Use Permit
- Vote on a recommendation to the City Council

**CITY OF FALCON HEIGHTS
RAMSEY COUNTY, MINNESOTA**

CONDITIONAL USE PERMIT

CUP NO. 09-01

1. Permit. Subject to the terms and conditions set forth herein, the City of Falcon Heights grants a conditional use permit for an active solar system, in accordance with the plans on file at City Hall.
2. Property. The permit is for property located in the City of Falcon Heights, Ramsey County, Minnesota, legally described on the attached Exhibit "A".
3. Conditions. The permit is issued subject to the following stipulations:
 - a) The applicant shall receive a building permit from the City, prior to construction.
 - b) The proposed active solar system when installed on top of the home may not exceed 42 feet in height which includes the combined height of the building and the active solar system.
 - c) The active solar system must be constructed and maintained in accordance with the plans on file at City Hall.
4. Termination of Permit. The City may revoke the permit following a public hearing for violation of the terms of the permit.
5. Lapse. If within one year from the issuance of this permit the conditional use has not been completed or the use commenced, this permit shall lapse.
6. Criminal Penalty. Violation of the terms of this conditional use permit is a criminal misdemeanor.

Date: _____, 2009.

CITY OF FALCON HEIGHTS

BY: _____
Peter Lindstrom, Mayor

AND _____
Justin Miller, City Administrator/Clerk

EXHIBIT "A"

Legal Description of the Property

The east 282.36 feet of the west 542.15 feet of the north half of the northeast quarter of Section 21, Township 29, Range 23, Ramsey County, Minnesota, except the South 1026.66 feet thereof.

CITY OF FALCON HEIGHTS
RAMSEY COUNTY, MINNESOTA

IN RE:

Application of John Stiehm, owner of
1800 Larpenteur Ave., Falcon Heights,
for a conditional use permits for an
active solar energy system

**FINDINGS OF FACT
AND RECOMMENDATION**

On August 25, 2009, the Falcon Heights Planning Commission met at its regularly scheduled meeting to consider the application of John Stiehm (“Applicant”), owner of 1800 W. Larpenteur Avenue, Falcon Heights, MN 55113 (“Subject Property”), for a conditional use permit for an active solar energy system. The Planning Commission conducted a public hearing on the proposed conditional use permits preceded by published and mailed notice. The Applicant was present and the Planning Commission meeting and heard testimony from all interested persons wishing to speak. The Planning Commission now makes the following Findings of Fact and Recommendation.

FINDINGS OF FACT

1. The Subject Property is zoned R-4.

2. The Subject Property is legally described as:

The east 282.36 feet of the west 542.15 feet of the north half of the northeast quarter of Section 21, Township 29, Range 23, Ramsey County, Minnesota, except the South 1026.66 feet thereof.

3. The Applicant desires to install an active solar energy system on the roof of an existing multi-family residence. Section 113-393 of the City Code allows an active solar system by conditional use permit.

4. The development standards for conditional use permits prescribed by City Code Section 113-85 have been satisfied or are not applicable.

RECOMMENDATION:

The Falcon Heights Planning Commission hereby recommends approval of the Applicant's request for conditional use permits for an active solar system pursuant to City Code Section 113-393 in accordance with the plans on file with the City.

ADOPTED by the Falcon Heights Planning Commission on this 25th day of August, 2009.

**FALCON HEIGHTS PLANNING
COMMISSION**

By: _____
Eric Watkins, Chair

ATTEST:

By: _____
Deborah Jones
Director of Zoning and Planning /
Staff Liaison



City of Falcon Heights Planning Application

Action Requested By:

Name of Property Owner: 1800 Carpenter LLC
 Phone (h): 612-770-5737 (w): 612-920-9118
 Address of Property Owner: 1836 Queen Ave. S.
 Name of Applicant (if different): _____
 Address _____ Phone _____

Property Involved:

Address: 1800 Carpenter
 Legal Description: sect. 21 Twp. 029 Range 083
Section 27 Twp. 29 Range 23
Sub TD CO rd A and Ex 3
 Property Identification Number (PIN): 21-29-23-12-0004 2771000

Present Use of Property (check one):

- | | |
|--|---|
| <input type="checkbox"/> Single Family Dwelling | <input type="checkbox"/> Business/Commercial |
| <input type="checkbox"/> Duplex/Two Family Dwelling | <input type="checkbox"/> Government/Institutional |
| <input checked="" type="checkbox"/> Multi Family Complex | <input type="checkbox"/> Vacant Land |

Action Requested (NON-REFUNDABLE):

- | | |
|---|--|
| <input type="checkbox"/> Variance (\$150.00) | <input type="checkbox"/> Lot Split (\$250.00) |
| <input checked="" type="checkbox"/> Conditional Use Permit (\$165.00) | <input type="checkbox"/> Site Plan Review (\$100.00) |
| <input type="checkbox"/> Rezoning (\$500.00) | <input type="checkbox"/> Other (Please Specify) |

Brief Summary of Request (applicant may submit letter to Planning Commission with details of request):

Installation of a 40 panel solar
thermal system (Active). Also the
height of the panels may be more than
ten feet above the roof surface - currently
under review

I certify that all statements on this application are true and correct:

John Stubbs
 Signature of Property Owner (required)

John Stubbs
 Signature of Applicant (if applicable)



INNOVATIVE POWER SYSTEMS

Renewable Energy Design & Installation
www.ips-solar.com

City of Falcon Heights
2077 Larpenteur Ave W
Falcon Heights, MN 55113

July 30, 2009

Re: Job at: 1800 Larpenteur Ave W
Falcon Heights, MN 55113

Enclosed is an application for a building permit for installation of a solar thermal system at the above address. Innovative Power Systems plans on installing 40 new solar thermal panels for domestic water and space heat on the 18 unit apartment building. Innovative Power Systems will oversee the installation of the roof curbs and install the metal racking system as directed by the structural engineer.

We will be working with Ridler Plumbing and Heating who will be responsible for applying for their own permit(s) and will be responsible for all piping and plumbing.

Please visit www.ips-solar.com for an overview of our company and the type of solar work we have done all over Minnesota and western Wisconsin.

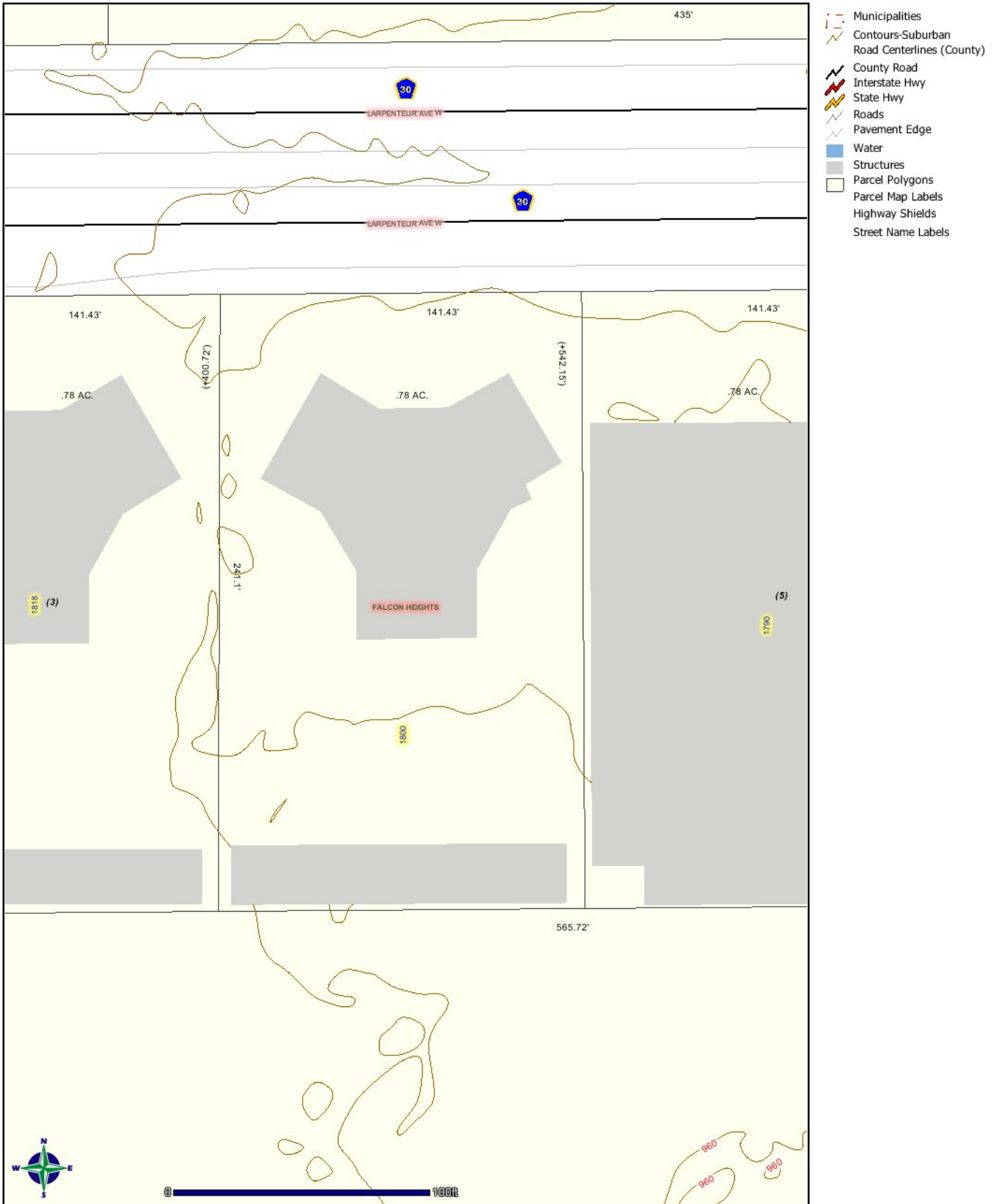
Please call or email if you have any questions. Thank you.

Regards,

Matthew Miller
Operations Manager
Innovative Power Systems
612-623-3246
mattm@ips-solar.com

1800 W. Larpenteur Avenue, Falcon Heights, MN 55113

Conditional Use Permit Application - Solar Energy Installation - August, 2009



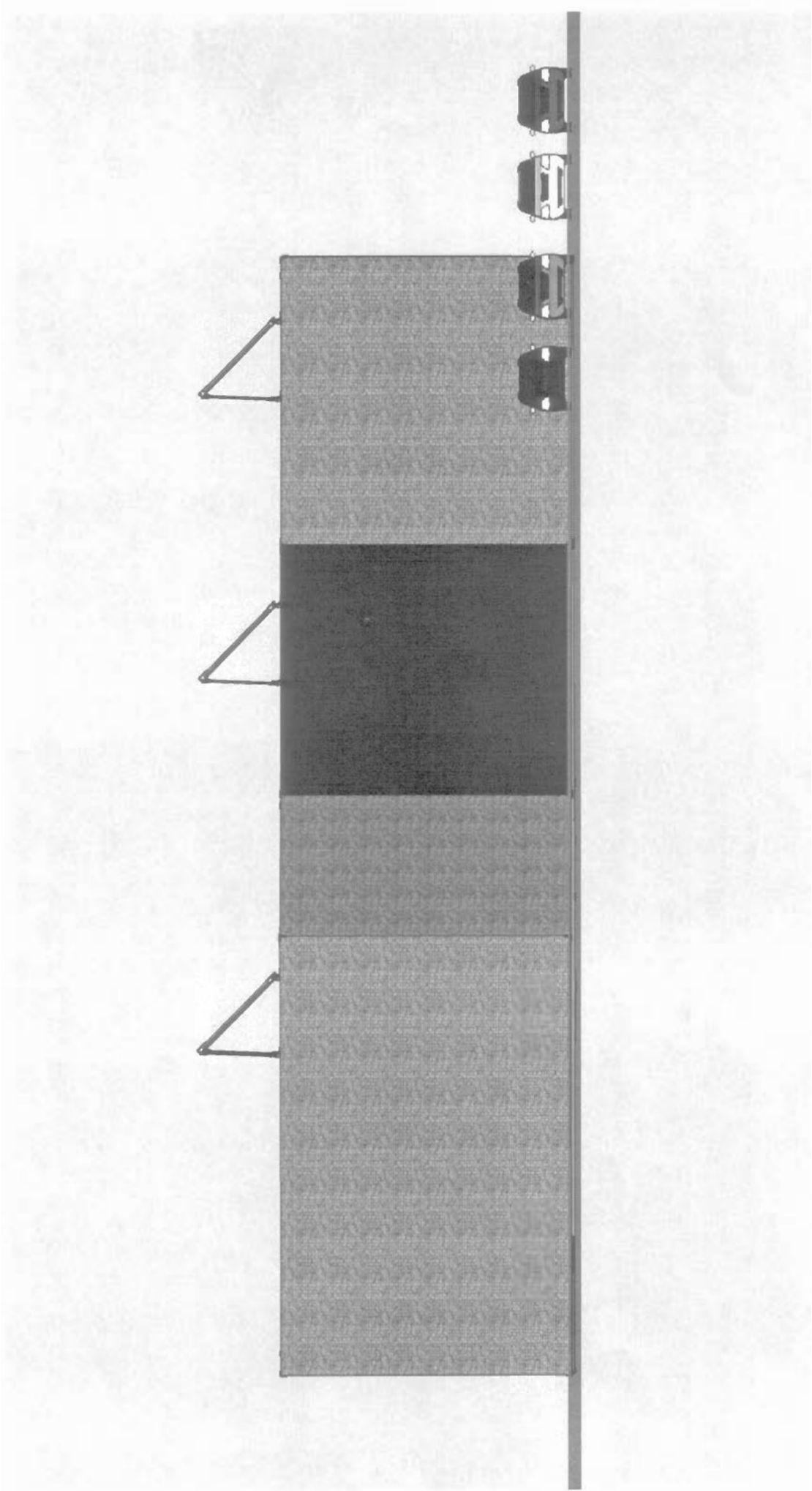
DISCLAIMER: This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only.
SOURCES: Ramsey County (August 3, 2009), The Lawrence Group; August 3, 2009 for County parcel and property records data; August 2009 for commercial and

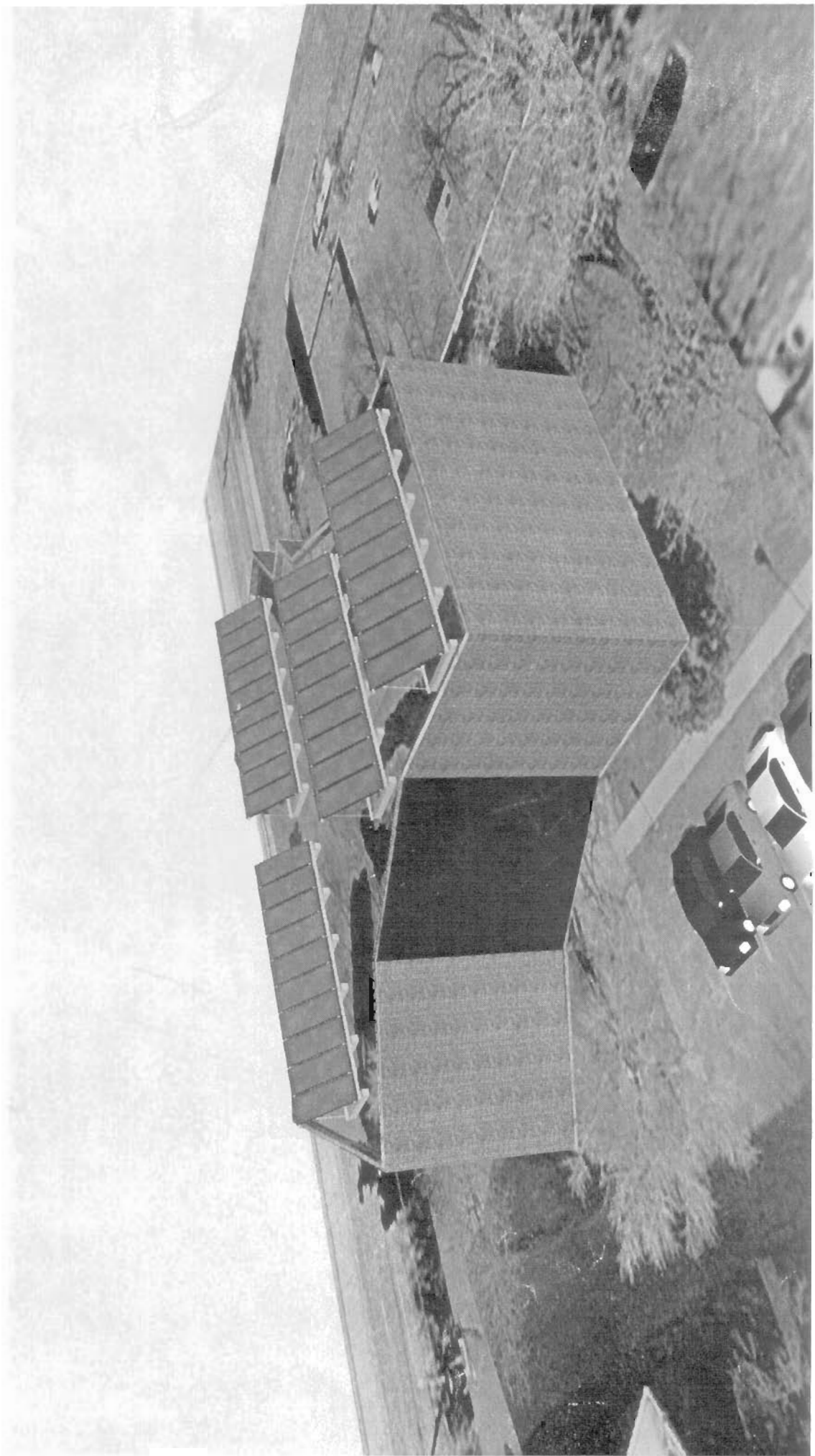
1800 W. Larpenteur Avenue, Falcon Heights, MN 55113

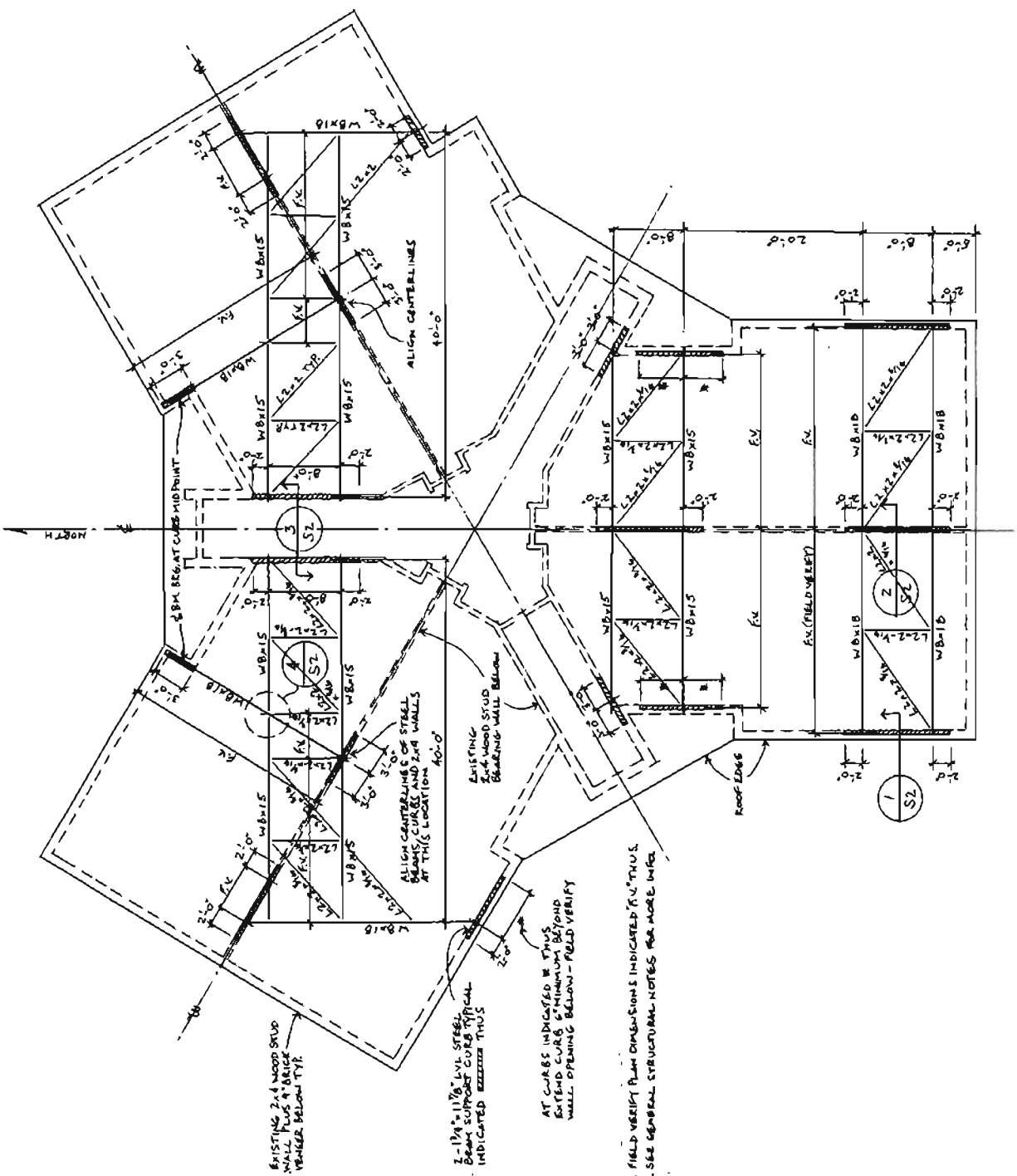
2008 Aerial Photo - Ramsey County/Pictometry



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- NOTES:
1. FIELD VERIFY PLAN DIMENSIONS INDICATED "A" THUS.
 2. SEE GENERAL STRUCTURAL NOTES FOR MORE INFO.

SOLAR ARRAY SUPPORT FRAMING PLAN
1/8" = 1'-0"

PROJECT: THERMAL SOLAR PANEL INSTALLATION FOR INNOVATIVE POWER SYSTEMS AT 1600 LAURENTEUR AVENUE	SHEET: SOLAR ARRAY SUPPORT FRAMING PLAN	David B. Morris P.A. Structural Engineering 1840 Thompson Trail Eden Prairie, MN 55346 Phone: 952-935-0351 Email: DBM@dbm.com	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 Engineer under the laws of the state of Minnesota. RES. # 19146
SIGNATURE: <i>David B. Morris</i> DATE: 7.27.09		DAVID B. MORRIS P.A.	
ISSUE: 07.27.09		SHEET:	
		S1	

Conditional Use Permit for Solar Installation at 1800 W. Larpenteur Avenue, August 25, 2009
Application Requirements Summary – Section 113-84(b)

(b) <i>Site plan and graphic or written material; location map, etc.</i> A site plan and supplementary graphic or written material shall be provided with the application, containing the following information and/or such additional or lesser information as may be required by the zoning administrator:	
(1) Name, address, and legal description of project/development.	Provided by applicant
(2) Location map, showing zoning district boundaries including area within one-half mile of the site.	City GIS
(3) Name and mailing address of developer/owner and engineer/architect.	Provided by applicant
(4) Date of plan preparation.	Provided by applicant
(5) Scale and a north point indicator.	City GIS
(6) Boundary line of property with their dimensions.	City GIS
(7) Location identification and dimensions of existing and proposed:	
a. Topographic contours of minimum intervals of two feet.	City GIS
b. Adjacent streets and on-street right-of-way.	City GIS
c. On-site streets and street right-of-way.	Not applicable
d. All utility and utility right-of-way easements.	Not applicable
e. Lighting plan, showing the lighting of parking areas, walks, security lights and driveway entrance lights.	Not applicable
f. Buildings and structures including:	Provided by applicant
1. Elevation drawings of all proposed building and structures with dimensions.	Provided by applicant
2. Elevation, height above mean sea level of all floors and roofs, when structure is sited in an area prone to flooding as determined by the city engineer.	Not applicable
3. Gross square footage of existing and proposed buildings and structures.	Not applicable
4. Exterior finish materials.	Not applicable
5. Type of business, proposed number of employees, and times of operations.	Not applicable
g. All parking facilities.	Not applicable
h. Water bodies and drainage ditches.	Not applicable
i. Fences and retaining walls.	Not applicable

j.	Landscape plan, showing size and species of each planting.	Not applicable
k.	On- and off-site traffic flow.	Not applicable
l.	Parking plan.	Not applicable
(8)	Site statistics including square footage, percentage of coverage, dwelling unit density, and percentage of park or open space.	City GIS
(9)	Names and addresses of the owners of all property abutting the subject property, as contained in the current real estate tax rolls, including property located across the street, avenue or alley from the subject property.	Ramsey County GIS

Conditional Use Permit for Solar Installation at 1800 W. Larpenteur Avenue, August 25, 2009
Development Standards: General Requirements Summary (Section 113-85(c))

General Requirements	Status
(1) The land area and setback requirements of the property containing such a use or activity meet the minimums established for the district.	No change to existing use or setback
(2) When abutting a residential use, the property shall be screened and landscaped.	Not applicable
(3) Where applicable, all city, county, state and federal laws, regulations and ordinances shall be complied with and all necessary permits secured.	Required permits will be secured.
(4) Signs shall not adversely impact adjoining or surrounding residential uses.	Not applicable
(5) Adequate off-road parking and loading shall be provided. Such parking and loading shall be screened and landscaped from abutting residential uses.	No change
(6) The road serving the use or activity must be of sufficient design to accommodate the proposed use or activity, and such use or activity shall not generate such additional extra traffic as to create a nuisance or hazard to existing traffic or to surrounding land use.	No change
(7) All access roads, driveways, parking areas, and outside storage, service, or sales areas shall be surfaced or grassed to control dust and drainage.	No change
(8) All open and outdoor storage, sales and service areas shall be screened from view from public streets and from abutting residential uses or districts.	Not applicable
(9) All lighting shall be designed to prevent any direct source of light being visible from adjacent residential areas or from the public streets.	No change
(10) The use or activity shall be properly drained to control surface water runoff.	No change
(11) The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area as to cause impairment in property values or constitute a blighting influence.	Staff finds that the plan will not cause impairment to property values or constitute a blighting influence
(12) The proposed water, sewer and other utilities shall be capable of accommodating the proposed use.	Staff finds that the use will be so accommodated.
(13) That the proposed use conforms to the comprehensive municipal plan.	Staff finds that the use conforms to the comprehensive plan.

CITY OF FALCON HEIGHTS, MINNESOTA

PUBLIC HEARING NOTICE

NOTICE IS HEREBY GIVEN, that the Falcon Heights Planning Commission will meet on August 25, 2009, at approximately 7:00 p.m. at Falcon Heights City Hall, 2077 Larpenteur Avenue West, Falcon Heights, Minnesota 55113, to consider a conditional use permits for a active solar energy system and a structure that exceeds height limitations for property located at 1800 West Larpenteur Avenue, Falcon Heights, Minnesota, legally described as:

The east 282.36 feet of the west 542.15 feet of the north half of the northeast quarter of Section 21, Township 29, Range 23, Ramsey County, Minnesota, except the South 1026.66 feet thereof.

All persons who desire to speak on this issue are encouraged to attend and will be given an opportunity to be heard at this meeting. Additional information can be obtained by contacting the City of Falcon Heights at (651) 792-7613.

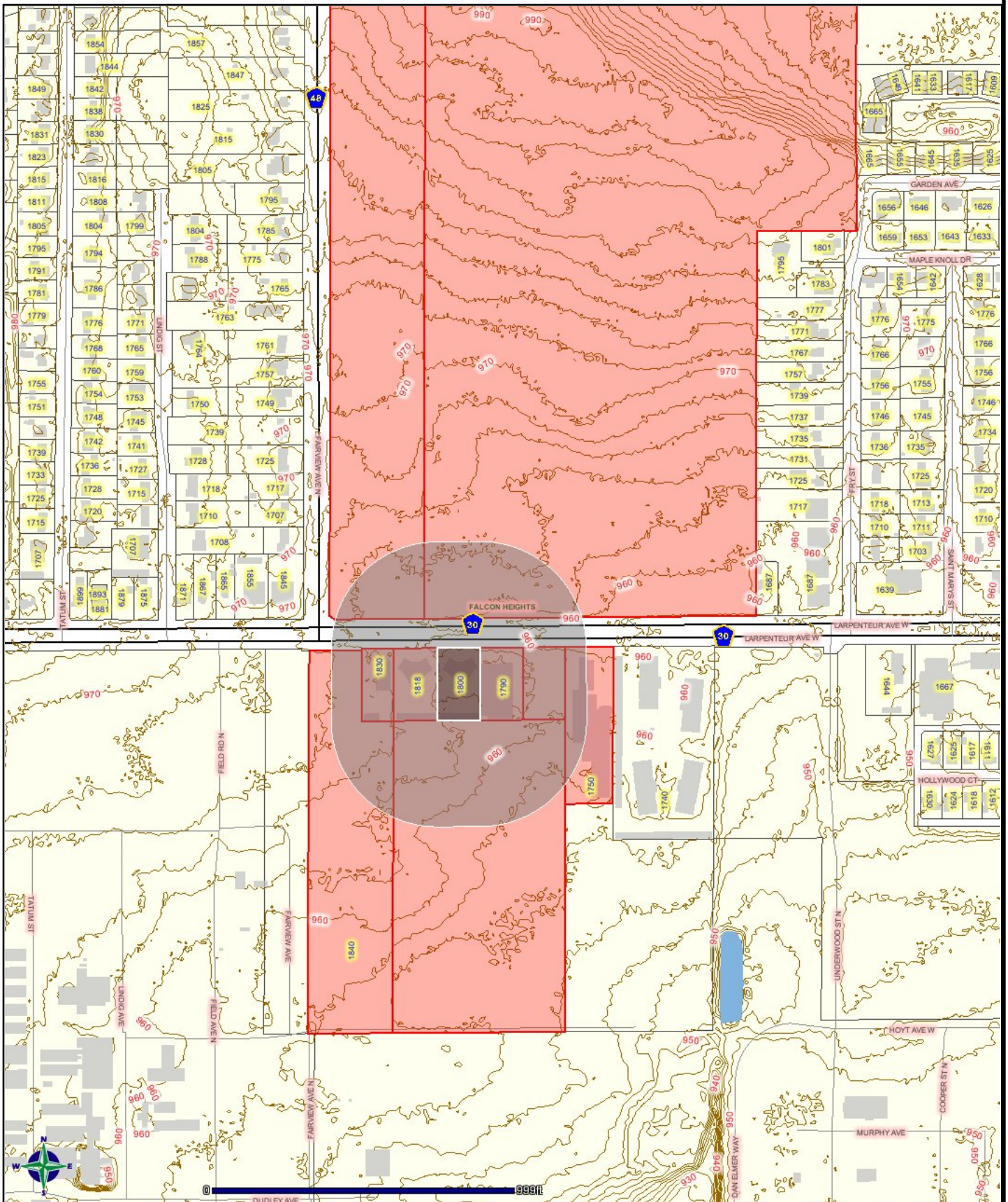
Dated: August 10, 2009



Justin Miller, City Administrator/Clerk
City of Falcon Heights, Minnesota

1800 Larpenteur

Properties Within 350 Feet



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