



**Lakewood**  
Colorado

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**PLANNING COMMISSION REPORT**

**MAJOR WAIVER CASE NO.:** WA-17-001

**REPORT DATE:** October 18, 2017

**CASE NAME:** Green Force Electric Solar Flower  
Major Waiver

**PLANNING COMM. DATE:** Nov. 1, 2017

**ADDRESS OF MAJOR WAIVER REQUEST:** 1755 S. Sheridan Blvd., Lakewood, CO 80215

**APPLICANT:** Patrick Honegger, Green Force Electric

**REQUEST:**

The applicant is requesting a Major Waiver to the maximum height of a solar ground mounted collection system in the Large Lot Residential (R-1-12) zone district. The request is a 6-foot increase to the solar collection system height allowance.

**CITY STAFF:**

Kara Mueller, Planning – Development Assistance

**STAFF RECOMMENDATION:**

That the Planning Commission approve Major Waiver Case No. WA-17-001 to allow for a solar collection system at a maximum height of 16 feet located in the rear yard at 1755 S. Sheridan Blvd.

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Kara Mueller, Senior Planner  
Planning – Development Assistance

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Paul Rice, Manager  
Planning – Development Assistance

**ATTACHMENTS TO THE REPORT:**

- Attachment A – Aerial Map
- Attachment B – Zoning Map
- Attachment C – Conceptual Site Plan
- Attachment D – Applicant’s Responses to Waiver Criteria

## I. SUMMARY OF REQUEST

The applicant is requesting approval of a Major Waiver to allow a ground mounted solar collection system in the Large Lot Residential (R-1-12) zone district at a maximum height of 16 feet. The solar collection system will be located in the rear yard of the property located at 1755 S. Sheridan Blvd.

A ground mounted solar collection system is allowed in residential zone districts to a maximum height of 10 feet and must to be located a minimum of 5 feet from a side or rear property line per Section 17.5.5.3.A.1.e of the Lakewood Zoning Ordinance. The applicant is seeking a major waiver to allow a ground mounted solar collection system, known as the "Smart Flower", to be installed at a height of 16 feet. The Smart Flower will rotate with the trajectory of the sun and range in height from less than 10 feet when closed to a maximum of 16 feet when completely open. The applicant is also proposing to locate this ground mounted solar collection system at least 15 feet from the rear and side property lines, providing additional separation from the neighboring properties. The Smart Flower provides a renewable energy option different from the traditional roof mounted and ground mounted solar collection systems. The conceptual site plan (Attachment C) depicts the existing buildings on site and the location of the proposed ground mounted solar collection system.

## II. PROCESS – REQUIRED CITY APPROVALS

The applicant has followed the procedures for submitting a Major Waiver application as specified in Article 2 of the Lakewood Zoning Ordinance. These procedures include the submittal of an application, submittal of a conceptual site plan, and holding a public hearing before the Planning Commission.

The City Council has designated the Planning Commission as the body to conduct a public hearing on applications for Major Waivers and render a decision. The decision of the Planning Commission is final.

Major Waiver applications are required to include a conceptual site plan (Attachment C). The conceptual site plan is intended to supply enough information about the proposed development for the Planning Commission to make a decision upon the request. While the conceptual site plan is provided for review during the Major Waiver process, many details of the proposed development will be finalized and reviewed as part of the building permit approval process.

If the Major Waiver request for the property is approved, the applicant will need to obtain building permit approval by the Building Department to ensure that the new ground mounted solar collection system conforms to zoning and building codes. Commitments made in support of the Major Waiver will be verified and documented on the building permit application at that time. The building permit approval is an administrative process handled by city staff.

## III. ZONING AND LAND USE

	<b>North</b>	<b>South</b>	<b>West</b>	<b>East</b>
<b>Adjacent Zoning Designation</b>	Large Lot Residential (R-1-12)	Large Lot Residential (R-1-12)	Large Lot Residential (R-1-12)	Single Unit D (S-SU-D)
<b>Adjacent Land Uses</b>	Single Family Residential	Single Family Residential	Single Family Residential	Single Family Residential (Denver)

See Attachment A - Aerial Map and Attachment B - Zoning Map.

The project site located at 1755 S. Sheridan Blvd. is completely surrounded by single family residential uses. All of the surrounding properties are zoned Large Lot Residential (R-1-12), except the properties east of South Sheridan Boulevard in Denver that are zoned Single Unit D (S-SU-D).

#### IV. PUBLIC NOTIFICATION, AGENCY REVIEW AND NEIGHBORHOOD COMMENTS

Notices for the neighborhood meeting and for the Planning Commission public hearing were mailed to 44 tenants and owners of property within 300 feet of the subject property and to 3 registered neighborhood organizations within ¼ of a mile of the subject property, as required by the Lakewood Zoning Ordinance.

The project material was not sent to outside agencies for review, and the applicant will need to locate the ground mounted solar collection system outside of any easements.

Agency	Notification Sent	Referral Sent	Comments Received
South Lakewood Business Association	X		
Greenbrier - Cloverdale	X		
Bit-O-Sea Association	X		
Property Owners and tenants within 300 feet	X		

#### V. ANALYSIS – MAJOR WAIVER CRITERIA

Article 2 of the Lakewood Zoning Ordinance provides specific review criteria for major waivers. Each review criteria is shown below in bold text and staff's analysis follows each criterion in standard text.

**A. The waiver will result in a superior development or design than if the strict application of this Zoning Ordinance is applied.**

The waiver to the maximum height standard for a ground mounted solar collection system in a residential zone district will allow for a more efficient solar collection system that will rotate with the sun allowing more direct sunlight to be captured and processed throughout the day. Further the proposed location of the Smart Flower provides more separation from adjacent residential properties equal to or greater than that required for the principal use, which is a single-family home.

**B. The waiver will better serve the intent of the zone district in which the property is located.**

The waiver will allow an alternative to standard ground and roof mounted solar collection systems that will be less than the maximum height allowed for a majority of the day as the solar flower will rotate with the sun and change height throughout the day, closing at night. Further the applicant is proposing to locate the Smart Flower a minimum of 15 feet from the side and rear property lines providing greater separation from adjacent properties.

**C. The waiver will not substantially impair the appropriate use or development of adjacent property.**

The proposed location of the Smart Flower and maximum height will be less impactful than an allowed ground mounted solar collection system that could be located within 5 feet of a side or rear property line and a maximum of 10 feet in height.

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**D. The waiver will not alter the character of the neighborhood or area where the project is proposed.**

The waiver allows for an efficient ground mounted solar collection system that is smaller than its standard counterparts and located three times further from adjacent properties than what is required by the zoning ordinance. The combination of the size of the solar panels, change in height throughout the day and location will aid in the smart flower not changing the residential character of the area.

**E. The waiver is consistent with the development patterns of the existing neighborhood.**

The Lakewood Zoning Code allows for single-family residential properties to have large accessory structures that meet the principal structure side and rear setbacks and do not exceed 20 feet in height. The waiver will allow for a ground mounted solar collection system that promotes renewable energy while being consistent with the setback and height standards of a large accessory structure within the R-1-12 zone district. The Smart Flower will be far less impactful in size and height than other structures required to meet the principal structure setbacks within the R-1-12 zone district.

**F. The proposed project with a waiver will conform with the policies of the Comprehensive Plan.**

The waiver conforms to the Comprehensive Plan and Sustainability Plan policies in that it promotes new technology for renewable energy and provides another option for solar collection systems that are different from standard roof and ground mounted solar collection systems.

**G. The proposed project with a waiver will meet the intent of the applicable zone district.**

The proposed ground mounted solar collection system maximum height waiver will meet the intent of the Large Lot Residential zone district in that the proposed location of the Smart Flower will minimize the impacts of the increased height on the adjacent residential properties.

**VI. FINDINGS OF FACT AND ORDER**

Based upon the information and materials provided by the applicant and the staff report, staff supports the Major Waiver request. Therefore, the City of Lakewood staff recommends that the Planning Commission find that:

1. Patrick Honegger (property owner representative), is requesting approval of a Major Waiver to allow a solar collection system at a height of 16 feet on the property at 1755 S. Sheridan Blvd.; and
2. Notice of the public hearing was sent to residents and owners of properties within 300 feet of the site and to registered homeowner associations within ¼ mile of the site as required by the Lakewood Zoning Ordinance; and
3. Notice of the public hearing was posted on site, as required by the Lakewood Zoning Ordinance; and
4. The request was reviewed by the appropriate referral agencies; and
5. The waiver will result in a superior development or design than if the strict application of this Zoning Ordinance is applied; and
6. The waiver will better serve the intent of the zone district in which the property is located;

and

7. The waiver will not substantially impair the appropriate use or development of adjacent property; and
8. The waiver will not alter the character of the neighborhood or area where the project is proposed; and
9. The waiver is consistent with the development patterns of the existing neighborhood; and
10. The proposed project with a waiver will conform with the policies of the Comprehensive Plan; and
11. The proposed project with a waiver will meet the intent of the applicable zone district.

**THEREFORE**

The Planning Commission adopt the findings of fact and order as presented in the staff report and **APPROVE** Case No. WA-17-001 for a Major Waiver as required under the Zoning Ordinance.

Cc: Case Files: WA-17-001  
Patrick Honegger, Applicant

