



CPED STAFF REPORT
Prepared for the Board of Adjustment

BOA Agenda Item #4
September 11, 2014
BZZ-6735

LAND USE APPLICATION SUMMARY

Property Location: 2544 Oakland Avenue
Project Name: Ebenezer Generator
Prepared By: Shanna Sether, Senior City Planner, (612) 673-2307
Applicant: Blumentals/Architecture, Inc.
Project Contact: Andrew Schwartz
Request: To allow for a new emergency generator for an existing board and care home.
Required Applications:

Variance	To reduce the front yard setback along Oakland Avenue from 15 feet to approximately 9 feet for a new emergency generator accessory to a board and care home on a through lot.
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SITE DATA

Existing Zoning	R6 Multiple Family District
Lot Area	71,503 square feet / 1.64 acres
Ward(s)	6
Neighborhood(s)	Phillips West Neighborhood Association
Designated Future Land Use	Urban Neighborhood
Land Use Features	Not applicable
Small Area Plan(s)	Phillips West Master Land Use Plan

Date Application Deemed Complete	August 12, 2014	Date Extension Letter Sent	Not applicable
End of 60-Day Decision Period	October 11, 2014	End of 120-Day Decision Period	Not applicable

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The subject property is approximately 1.64 acres and is the site of Ebenezer Care Center a board and care facility. This facility is a nursing and memory care facility with 118 rooms.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The surrounding area includes a range of residential densities, congregate living facilities, offices and commercial uses.

PROJECT DESCRIPTION. The adjacent property to the north is Ebenezer Tower Apartments. This property is currently being renovated and will no longer be able to provide emergency backup power to the Ebenezer Care Center. The applicants are required to provide emergency backup power for critical life safety and nursing systems to the current residents. Therefore, the applicants are proposing to add an emergency generator to their property. The subject property is a through/corner lot with front yard requirements along Park and Oakland Avenues and a corner side yard requirement along 26th Street East. The proposed emergency generator requires regular inspections and separation from the buildings. Therefore, the proposed generator would be located 9 feet from the front property line along Oakland Avenue. There is a minimum of a 15 foot front yard setback along Oakland Avenue, because this is a through lot. The applicant is seeking a variance to reduce the front yard setback along Oakland Avenue from 15 feet to approximately 9 feet to allow for the new emergency generator. The applicant is proposing to screen the proposed generator with a steel and wood fence with tall native grasses and will be providing a landscaped yard with mulch where there is presently concrete and asphalt.

RELATED APPROVALS.

Planning Case #	Application	Description	Action
BZV – 432	Variances to reduce the front yard setback for a new gazebo, walkway and fence.	New gazebo, walkway and fence.	Approved by the Zoning Board of Adjustment in 2001.

PUBLIC COMMENTS. Staff has not received public comments at the time of writing the staff report. Any correspondence received prior to the public meeting will be forwarded on to the Board of Adjustment for consideration.

ANALYSIS

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance to reduce the front yard setback along Oakland Avenue from 15 feet to approximately 9 feet for a new emergency generator accessory to a board and care home on a through lot based on the following findings:

1. *Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.*

Staff finds that practical difficulties exist in complying with the ordinance due to the type of lot and the function of Oakland Avenue on this block. The subject property is both a through lot and a corner lot, with front yard requirements along Park and Oakland Avenues and a corner side yard requirement along 26th Street. The existing site is fully developed and the locations for providing the required emergency generator are limited. Oakland Avenue functions similarly to an alley for this block, with all of the parking and loading occurring off of this street.

2. *The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.*

The applicant is proposing to provide a new emergency generator to provide backup power supply for critical life safety and nursing systems to the current residents in the existing board and care home. The purpose of required yards is to provide for orderly development and use of land and to minimize conflicts among land uses by providing adequate light, air, open space and separation of uses. The existing location for the emergency generator is off-street parking. The proposed emergency generator requires regular inspections and separation from the buildings. Therefore, the proposed generator would be located 9 feet from the front property line along Oakland Avenue. There is a minimum of a 15 foot front yard setback along Oakland Avenue, because this is a through lot. The applicant is seeking a variance to reduce the front yard setback along Oakland Avenue from 15 feet to approximately 9 feet to allow for the new emergency generator. The applicant is proposing to screen the proposed generator with a steel and wood fence with tall native grasses and will be providing a landscaped yard with mulch where there is presently concrete and asphalt. Staff would prefer that the applicant provide taller and more seasonal landscaping material and relocate the proposed native grasses to the landscaped yard adjacent to the public sidewalk. Staff finds that with the proposed landscape improvements, the applicant is proposing to use the property in a reasonable manner consistent with the spirit and intent of the ordinance and the comprehensive plan.

3. *The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.*

Staff finds that the granting of the variance would not be injurious to the use or enjoyment of other property in the vicinity. The proposed location of the emergency generator is to the rear of the Zuhrah Shrine Center and Mansion, which front along Park Avenue. Oakland Avenue functions similarly to an alley for this block, with all of the parking and loading occurring off of this street. Additionally, the diesel generator will be fitted with a painted steel case with the highest available level 2 acoustic attenuation to minimize sound from the generator. The applicant is proposing to screen the proposed generator with a steel and wood fence with tall native grasses and will be providing a landscaped yard with mulch where there is presently concrete and asphalt. Staff would prefer that the applicant provide taller and more seasonal landscaping material and relocate the proposed native grasses to the landscaped yard adjacent to the public sidewalk. Staff finds that the proposed variance will not alter the essential character of the locality with tall, dense columnar shrubbery to screen the proposed generator.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development for the Variance:

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt the above findings and **approve** the application for a variance to reduce the front yard setback along Oakland Avenue from 15 feet to approximately 9 feet to allow for a new emergency generator accessory to an existing board and care home located at 2544 Oakland Avenue (2545 Portland Avenue) in the R6 Multiple-Family District, subject to the following conditions:

1. Approval of the final site and landscaping plans by the Department of Community Planning and Economic Development.
2. Columnar arborvitae or similar evergreen landscaping a minimum of 6 feet in height shall be installed between the proposed screen and Oakland Avenue.
3. The applicant shall provide the tall grasses in the landscaped yard adjacent to the public sidewalk.

ATTACHMENTS

1. Written description and findings submitted by applicant
2. Zoning map
3. Site plan
4. Site survey
5. Plans
6. Renderings
7. Photos
8. Oblique aerials

Optimal Location

The design team, working with the owner, has determined the optimal location for generator will be along Oakland Ave, away from adjacent residential properties with no impact on the Care Center nor the adjacent properties. While the zoning regulations would allow a generator to be placed along 26th Street within a side yard setback, **this location is not considered viable as it would block resident views**, along with being more of the public, abuts an adjacent residential property, and would compromise the aesthetics of the streetscape of existing residences, landscaping, and the nearby Turnblad mansion.

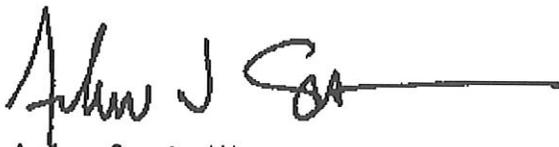
Required Setback Variance

As discussed the Oakland Avenue frontage is also considered a front yard setback. To place the generator on the site with proper separation from the building, a variance to encroach approximately 6' into the 15' setback is required. The generator location, behind the administration/service side of the building, will be screened from the sidewalk with a steel and wood fence and landscaping. Additionally, the diesel generator will be fitted with a painted steel case with the highest available Level 2 acoustic attenuation to minimize sound from the generator.

We understand and respect the intent of building setbacks to uphold the character of our built environment while protecting adjacent landowner's interests. **In keeping with the spirit and intent of the ordinance**, the proposed location best serves the Care Center facility, its residents, and the ultimately adjacent landowners and public by placing the generator along the non-residential, service oriented Oakland Avenue, rather than the landscaped yard along the residential 26th Street. Finally, the proposed variance, if granted, **will not be detrimental to the health, safety or welfare of the general public or those utilizing the property.**

Respectfully,

Blumentals/Architecture Inc.



Andrew Swartz, AIA
Principal/Vice President

CC: Kyal Klwatter, Owners Representative, Walker Associates. kklawitter@walkerus.com
Karen O'Toole, Director of Affordable Housing, Ebenezer Society, kotoole2@Fairview.org



Blumentals/Architecture, Inc

August 11, 2014

Council Member Abdi Warsame

Via Email: abdi.salah@minneapolismn.gov, marcela.sotela@minneapolismn.gov

Phillips West Neighborhood Organization

Via Email: PWNO2005@yahoo.com

Re: Ebenezer Care Center Variance Application, Emergency Generator Replacement

Jim Moy, AIA
Principal/President &
Chief Executive Officer

Andy Swartz, AIA
Principal/Vice President

Janis Blumentals, AIA
Principal/Founder

Dear **Councilperson Warsame and Phillips West Neighborhood Organization Members,**

Blumentals/Architecture would like to notify you, on behalf of our client, Ebenezer Society, of our intent to submit a variance application to the City of Minneapolis to place a new emergency backup power generator for the Ebenezer Care Center nursing facility at 2545 Portland Ave S within the allowable building setback. The proposed generator location behind the building along Oakland Ave S would encroach on the 15' front yard setback, reducing it to 9' from property line to the proposed generator.

We understand and respect the intent of building setbacks to enhance our built environment, and protect adjacent landowners. However in this case, we feel the proposed location best serves the Care Center facility, its residents, and the ultimately adjacent landowners and public by placing the generator along the non-residential, service oriented Oakland Avenue, rather than the landscaped yard areas along Portland and 26th St.

Background

The Ebenezer Care Center is a skilled nursing care and memory care facility, occupying the south end of the 2500 Block of Portland Ave S, bordered by Portland Ave on the west, 26th St E. to the South, and Oakland Ave S on the east. To the north, the Care Center abuts the Ebenezer Tower Apartments property, a complex which we are undertaking a \$9.6 million renovation starting this fall. As a consequence of the renovation, the Care Center will no longer be able to receive emergency backup power from the Tower Apartments, necessitating a new on-site generator to provide backup power for critical life safety and nursing systems.

Residential neighborhoods border the west and south of the Care Center site, while commercial uses are to the east along Oakland Ave. The care center is oriented with its true front entrance on Portland Avenue, with the extensive landscaping and park-like setting wrapping around the building along 26th. Oakland Ave, by contrast, is a utilitarian service street with smaller setbacks and limited if any landscaping. Oakland serves as the back service entrance to Care Center and the other properties on the block. It should be noted the property directly across Oakland Ave appears to exhibit no setback from the property line, with older and newer building abutting the sidewalk.

1600 Marshall St NE
Suite 1
Minneapolis, MN
55413

612.331.2222
612.331.2224 FAX

info@blumentals.com

www.blumentals.com

Optimal Location

The design team, working with the owner, has determined the optimal location for generator will be along the utilitarian Oakland Ave, away from adjacent residential properties with no impact on the Care Center residents and facility operation. While the zoning regulations would allow a generator to be placed along 26th Street within the side yard setback, this location is not feasible as it blocks Care Center residents views, along with being visible to more of the public, abuts an adjacent residential property, and would compromise the aesthetics of the streetscape of existing residences and landscaping.

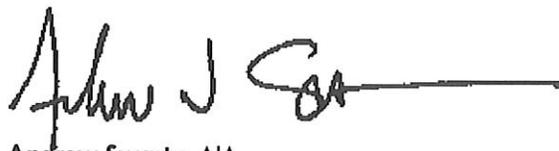
Required Setback Variance

Despite the building's orientation towards Portland Avenue, The Oakland Avenue frontage is also considered a front yard with respect to setbacks. To properly place the generator on the site with proper separation from the building, a front yard setback variance to encroach approximately 6' into the 15' setback is required. The location, behind the administration/service side of the building, be screened from the sidewalk with a steel and wood fence and landscaping. Additionally, the diesel generator will be fitted with a painted steel case with the highest available level 2 acoustic attenuation to minimize sound from the generator.

We are currently working with Shanna Sether, Minneapolis Senior City Planner on the variance process. We welcome any comments, questions, or requests for additional information—please don't hesitate to contact us.

Respectfully,

Blumentals/Architecture Inc.

A handwritten signature in black ink, appearing to read "Andrew Swartz", followed by a horizontal line extending to the right.

Andrew Swartz, AIA
Principal/Vice President

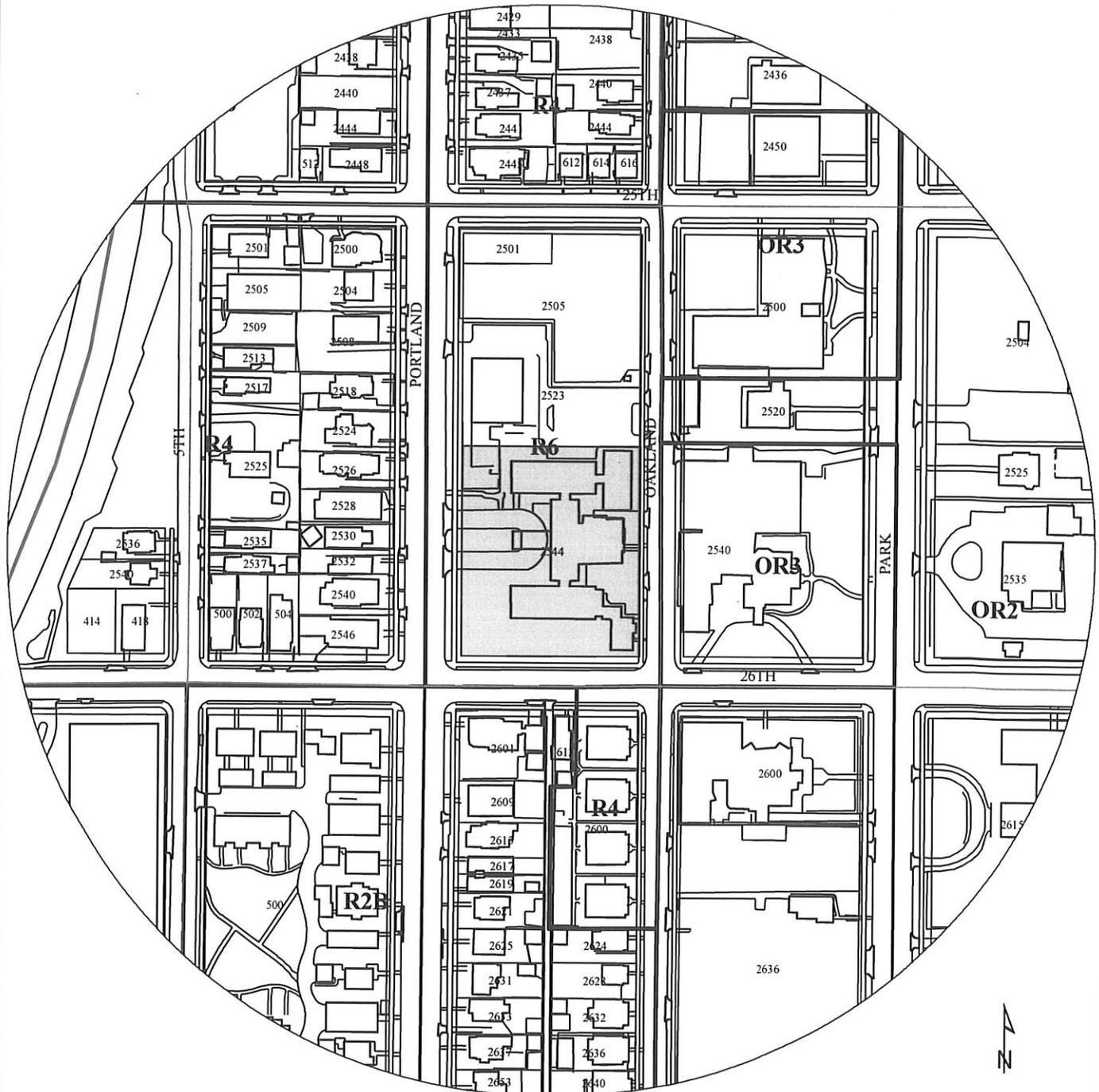
CC: Shanna Sether, City of Minneapolis Senior Planner. Shanna.Sether@minneapolismn.gov
Kyal Klwatter, Owners Representative, Walker Associates. kklawitter@walkerus.com
Karen O'Toole, Director of Affordable Housing, Ebenezer Society, kotoole2@Fairview.org

Ebenezer Care Center

6th

NAME OF APPLICANT

WARD

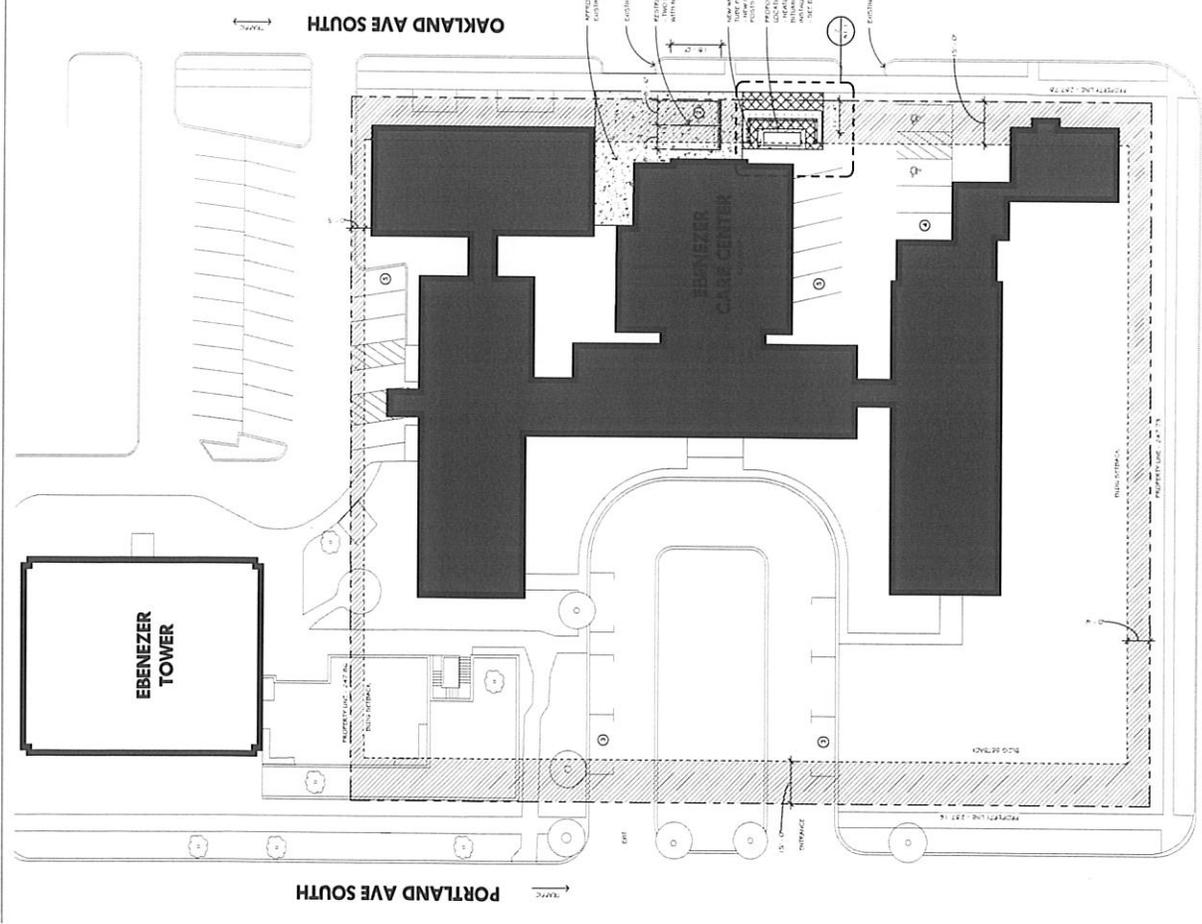


PROPERTY ADDRESS

2544 Oakland Avenue (2545 Portland Avenue)

FILE NUMBER

BZZ-6735



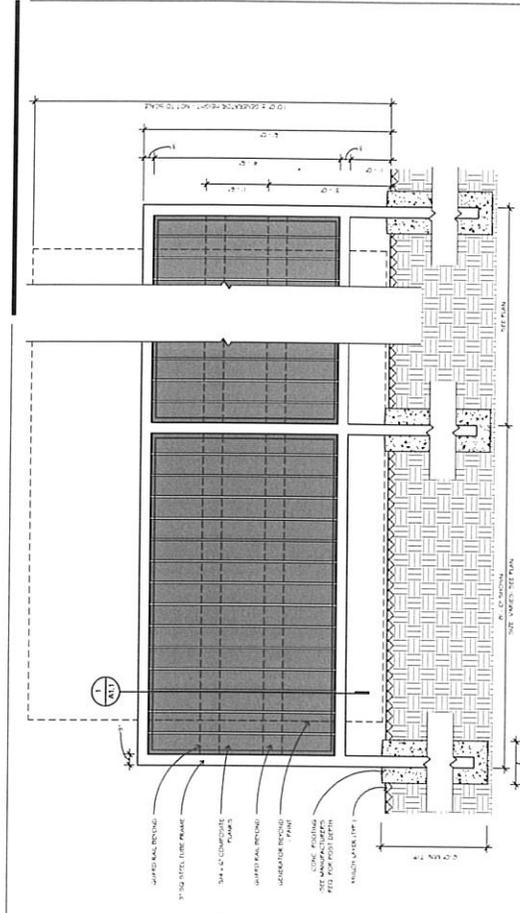
3 SITE PLAN
1" = 20'-0"

26TH STREET EAST

NORTH

2 ENLARGED PLAN AT GENERATOR
1/8" = 1'-0"

1 SECTION AT SCREEN
1" = 1'-0"



5 ELEVATION AT SCREEN - EAST
3/4" = 1'-0"

SITE DATA

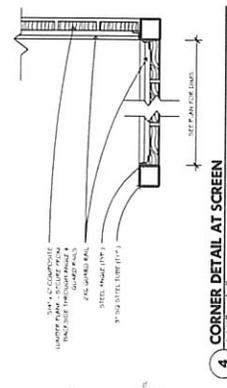
OWNER: EBENEZER CARE CENTER
 SITE AREA: 1.64 ACRES (71,563 SQ FT)
 BUILDING FOOTPRINT: 22,600 SQ FT (18,100 SQ FT PERMITTED)
 UNIMPAVED AREA: 47,970 SQ FT (18,100 SQ FT PERMITTED)
 PARKING: 100 SPACES (100 PERMITTED)
 UTILITIES: SEE ATTACHED PLANS

EXISTING CONDITIONS

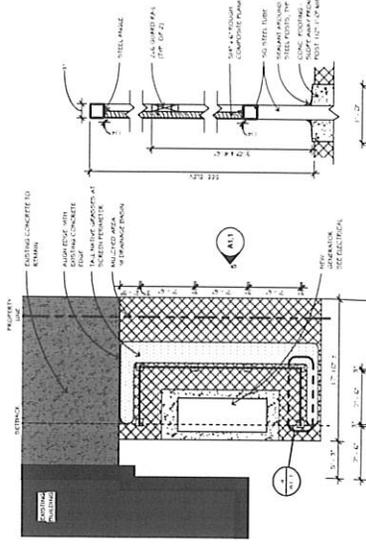
VERIFY ALL EXISTING CONSTRUCTION DIMENSIONS, ELEVATIONS AND CONDITIONS BEFORE STARTING ANY CONSTRUCTION. ADVISE ANY DISCREPANCIES WITH THE ARCHITECT. ADJUST NEW CONSTRUCTION AS REQUIRED.

Blumentals / Architecture Inc.
 412 331 2224 FAX
 412 331 2224 FAX
 info@blumentals.com

PROJECT NUMBER: 613-24
 DATE: 8/12/14
 DRAWN BY: JG
 CHECKED BY: JG
 PROJECT REVISIONS: SEE SCHEDULE



4 CORNER DETAIL AT SCREEN
1/12" = 1'-0"



1 SECTION AT SCREEN
1" = 1'-0"

2 ENLARGED PLAN AT GENERATOR
1/8" = 1'-0"

NORTH

26TH STREET EAST

3 SITE PLAN
1" = 20'-0"

LEGAL DESCRIPTION:
 LOTS 8, 9, 10, 11, 14 AND 15, AUDITOR'S SUBDIVISION NO. 212, HENNEPIN COUNTY, MINNESOTA

CERTIFICATION:
 I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the State of Minnesota.

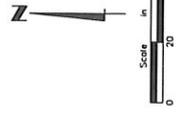
Paul Thorp, Land Surveyor
 Minnesota License Number 13637
 DATE: _____

NOTES:

- All distances are in US Survey feet.
- The basis of bearings is Hennepin County Coordinate System MAD 83 1986 adjustment.
- Area of the property described above is 31,459 square feet or 0.7222 acres.
- Exterior dimensions of all buildings are at ground level.
- There are a total of 47 parking spaces.
- The locations of underground utilities are based on field locations, available maps, and records. The locations may not be exact. State law requires you to verify the location of any underground utility by digging at 800-552-1166 OR 651-454-0002 (metro) or on the internet at www.mn.gov/underground.
- This survey was completed without the benefit of title work.

BENCHMARKS:

- TOP NUT HYDRANT AT SW QUADRANT OF PORTLAND AVENUE AND EAST 25TH STREET. ELEVATION 864.80
- SCRIBED X IN LIGHT POLE BASE (DENOTED AS BM #2) ELEVATION 867.93

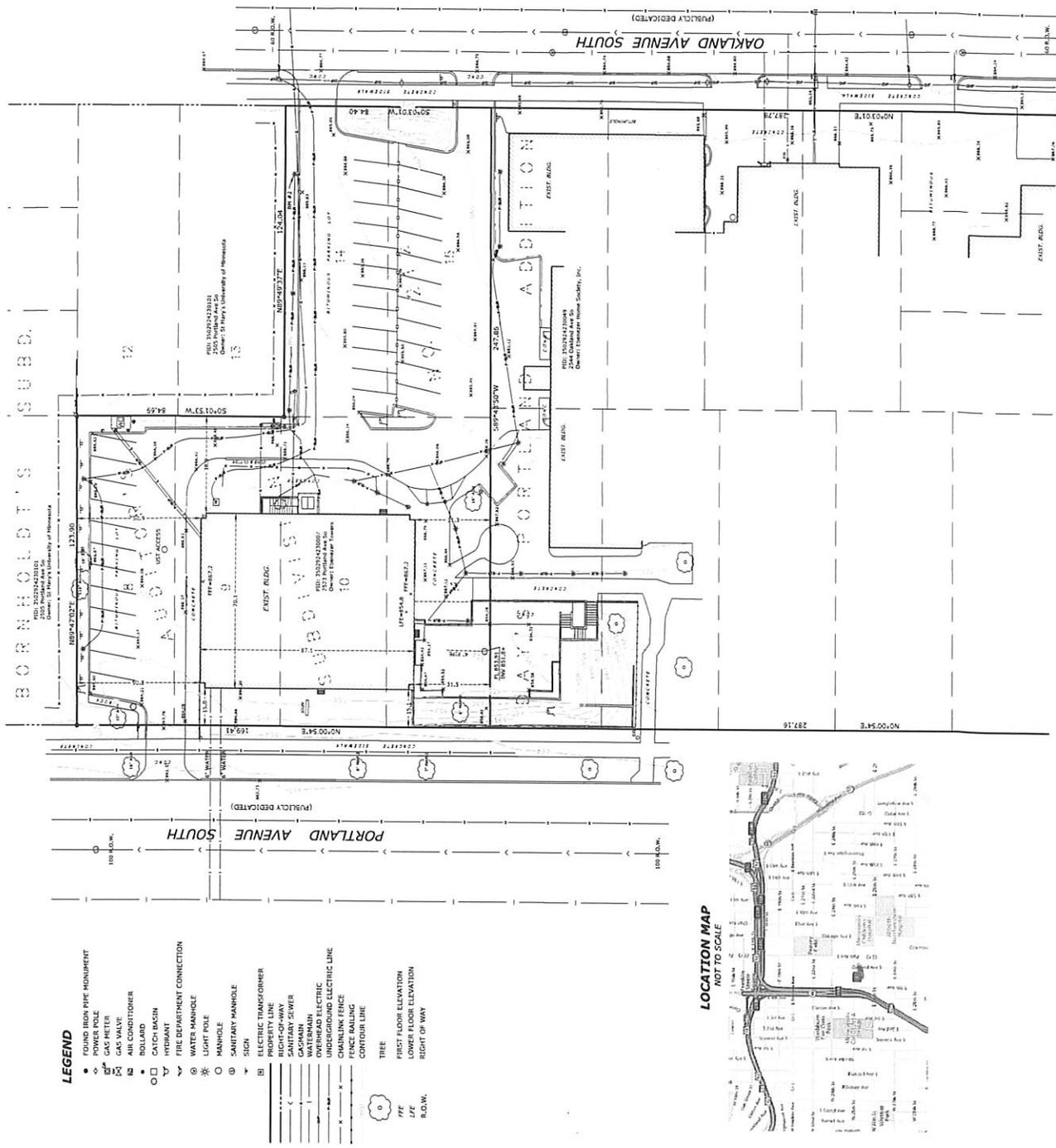


BOUNDARY TOPOGRAPHIC SURVEY

**2523 PORTLAND AVENUE SOUTH
 MINNEAPOLIS, MN.
 TOWER SITE**

HIT Engineering, Surveying
 Landscape Architecture
 Planning
 HANSEN, THORP, PETERSON, OLSON, INC.
 1111 W. MARKET STREET, SUITE 100, MINNEAPOLIS, MN 55404
 TEL: 612-338-1111 FAX: 612-338-1112

Project No. 142123
 Drawn by: DSC/JB
 Checked by: PPT
 Date: 10/20/11
 Scale: AS SHOWN
 Date:

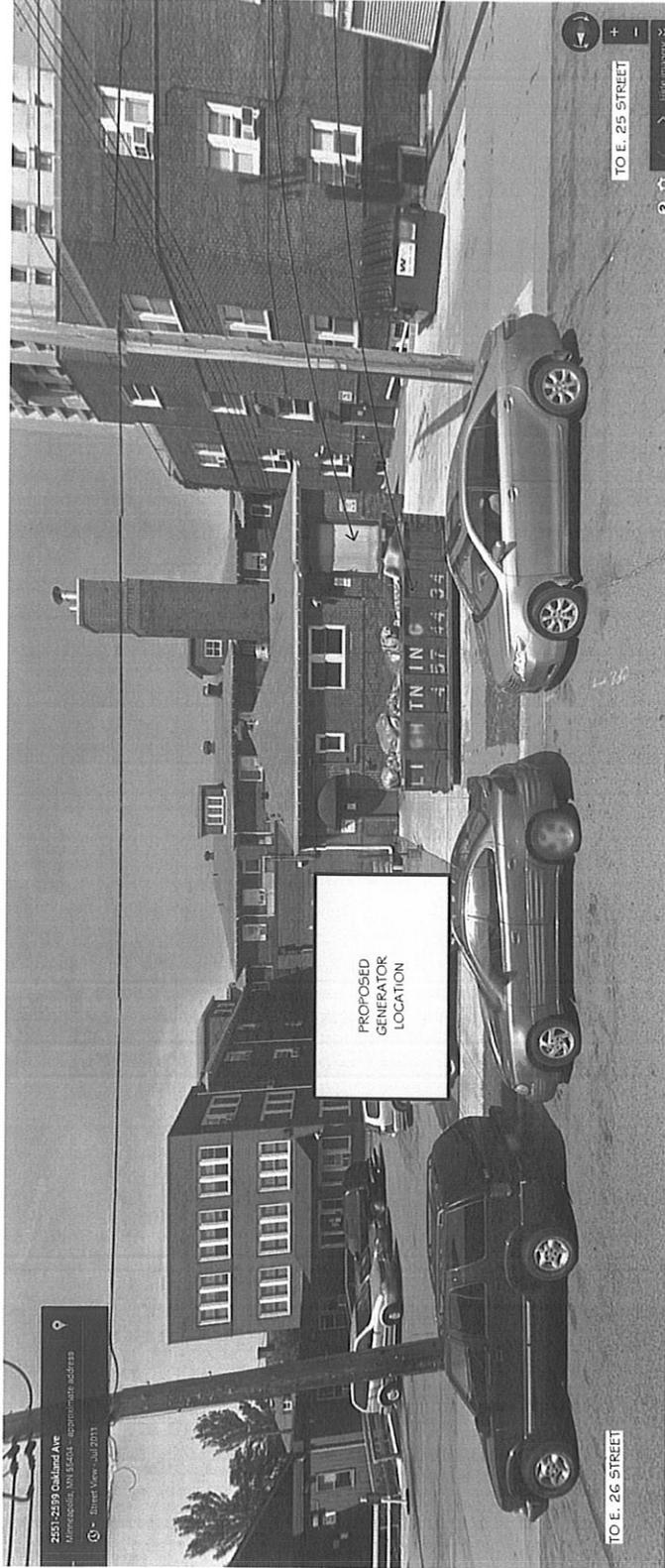


**LOCATION MAP
 NOT TO SCALE**



LEGEND

- FOUND IRON PIPE MONUMENT
- POWER POLE
- GAS METER
- GAS VALVE
- AIR CONDITIONER
- REFRIGERATOR
- COACH RASH
- HYDRANT
- FIRE DEPARTMENT CONNECTION
- WATER MANHOLE
- MANHOLE
- SANITARY MANHOLE
- SIGN
- ELECTRIC TRANSFORMER
- PROPERTY LINE
- RIGHT-OF-WAY
- SANITARY SEWER
- WATERMAIN
- OVERHEAD ELECTRIC
- UNDERGROUND ELECTRIC LINE
- FENCE RAILING
- CONTOUR LINE
- TREE
- FFF FIRST FLOOR ELEVATION
- LFL LOWER FLOOR ELEVATION
- RFW RIGHT OF WAY
- B.O.W.



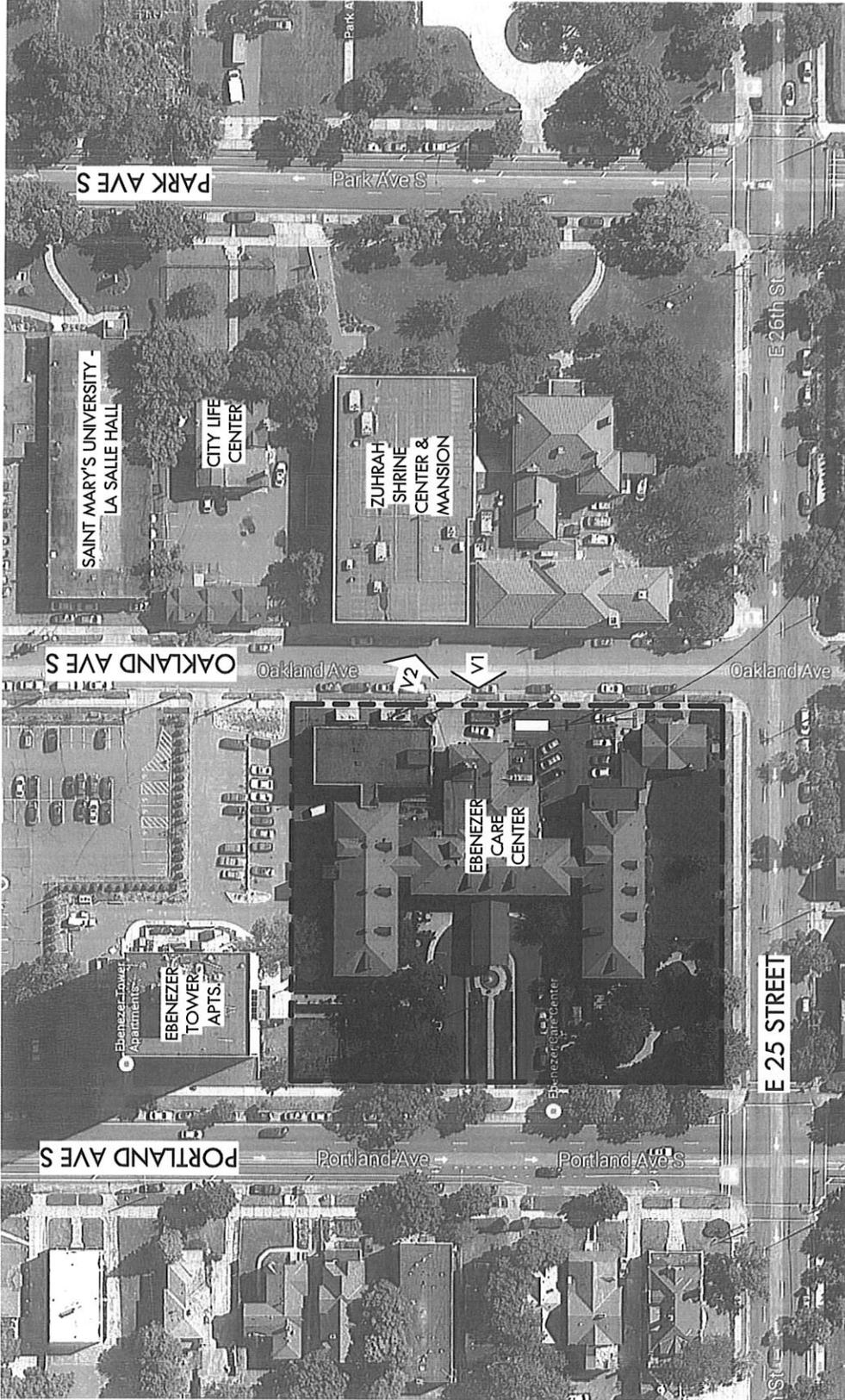
1 REF1 - VIEW WEST OF PROPOSED LOCATION FROM OAKLAND AVENUE
 NOT TO SCALE

EBENEZER CARE CENTER GENERATOR
 2722 PARK AVE S.
 MINNEAPOLIS, MN 55407

8/12/14

Blumentals / Architecture Inc.





PROPOSED GENERATOR LOCATION

1 REFERENCE MAP
NOT TO SCALE



NORTH

EBENEZER CARE CENTER GENERATOR
2722 PARK AVE S.
MINNEAPOLIS, MN 55407

8/12/14

Blumentals / Architecture Inc.





1 REF2 - VIEW EAST OF WEST FRONTAGE ON OAKLAND AVENUE
NOT TO SCALE

EBENEZER CARE CENTER GENERATOR
2722 PARK AVE S.
MINNEAPOLIS, MN 55407

8/12/14

