



**To:** MAYOR AND COUNCIL

**Agenda Item #:** VIII.C.

**From:** Cary Teague, Community Development Director

**Action**

**Date:** July 15, 2014

**Discussion**

**Information**

**Subject:** Sketch Plan Review – 4121 West 50<sup>th</sup> Street.

**Action Requested:**

Provide non-binding comments regarding the proposed Sketch Plan.

**Information / Background:**

The City Council is asked to consider a sketch plan request to allow a change in use of the existing two-story apartment building at 4121 West 50<sup>th</sup> Street. (See location on pages A1-A3 of the Planning Commission Memo.) The proposal is to continue the multi-family use on the first floor and lower level, and remodel the second floor into office space. A PUD rezoning is therefore proposed to allow for the mixed use within the building.

The existing building contains nine residential units. Most units have 2 bedrooms, with 1.5 bathrooms and are roughly 1,000 square feet in size. The building recently was significantly remodeled. (See the applicant narrative and building plans on pages A5-A15 in the Planning Commission memo.) There are no plans to expand or modify the exterior of the building. The proposal would simply be for a remodel of the 2<sup>nd</sup> floor interior and change of use. The proposed plan would maintain the two residential units in the basement or lower level; maintain the four units on the first floor; and remodel the three units on the third floor into office space (4,250 s.f.).

The property is currently zoned Planned Residential District 4, PRD-4 and is guided, MXC, Mixed Use Center. The MXC allows multifamily residential and office space. Therefore, the proposed use would be consistent with the Comprehensive Plan. (See page A3.)

The following would therefore be required to accommodate the request:

- Rezoning from PRD-4, Planned Residential District-4 to PUD, Planned unit development to write a specific zoning ordinance for the site to allow the proposed uses.

This property is located within an area of the City that is designated as a "Potential Area of Change" within the 2008 Comprehensive Plan. (See page A4.) The Comprehensive Plan states that within the Potential Areas of Change, "A development proposal that involves a Comprehensive Plan Amendment or a rezoning will require a Small Area Plan study prior to planning application.

However, the authority to initiate a Small Area Plan rests with the City Council.” The City Council is therefore requested to determine if a Small Area Plan is necessary.

Planning Commission Consideration: On June 25, 2014, the Planning Commission considered the sketch plan proposal. (See attached minutes.)

Concerns/issues raised by the Planning Commission included:

- Lack of parking.
- Introducing office use in the neighborhood could change the character. Access is off a residential street.
- What is the public benefit in using a PUD to allow the use?
- Concern over the previous use of the space as an office.

**ATTACHMENTS:**

- Minutes from the June 25, 2014 Edina Planning Commission meeting
- Planning Commission Memo, June 25, 2014

## **B. Sketch Plan – 4121 West 50<sup>th</sup> Street**

### **Planner Presentation**

Planner Teague said the Planning Commission is being asked to consider a sketch plan request to allow a change in use of the existing two-story apartment building at 4121 West 50<sup>th</sup> Street. The proposal is to continue the multi-family use on the first floor and lower level, and remodel the second floor into office space. A PUD rezoning is therefore proposed to allow for the mixed use within the building.

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The following would therefore be required to accommodate the request:

- Rezoning from PRD-4, Planned Residential District-4 to PUD, Planned unit development to write a specific zoning ordinance for the site to allow the proposed uses.

Planner Teague concluded that this property is located within an area of the City that is designated as a “Potential Area of Change” within the 2008 Comprehensive Plan. The Comprehensive Plan states that within the Potential Areas of Change, “A development proposal that involves a Comprehensive Plan Amendment or a rezoning will require a Small Area Plan study prior to planning application.

### **Appearing for the Applicant**

Matt Duffy

### **Discussion**

Commissioner Olsen asked Planner Teague if the “uses” are already present on the site. Planner Teague responded in the affirmative. He said the request would formalize the current use of the building.

Commissioner Carr questioned if soundproofing would occur to mitigate noise from the office use. Planner Teague responded he is not certain how that would be handled; pointing out the use already exists.

## **Applicant Presentation**

Mr. Duffy explained that Dromoland, LLC currently owns the land and building, adding the current zoning of the site is PRD-4, Planned Residence District-4. Duffy further explained the history of the site and that the owner would like to continue to use the second floor as his office space. He added all units are insulated for noise and the use of the 2<sup>nd</sup> floor as office space would only occur during the daytime hours. Duffy said there would be no retail customer traffic, reiterating the office use would operate during regular office hours, excluding typical bank and exchange holidays.

Concluding, Duffy said in 2009 the building was remodeled to accommodate eight residential units with a lower level unit remodeled to accommodate handicap accessibility. Concluding, Duffy noted the property owner resides in the neighborhood and would enjoy having his family and friends stop by for a visit while he is at work in the building.

## **Discussion**

Commissioner Scherer questioned the number of units. Mr. Duffy responded he believes there will be six units.

Chair Staunton said he has a concern that the requested change in use introduces an element in the area that's not typical, adding parking could also present an issue. Staunton acknowledged that the requested change in use makes him a little nervous; pointing out it could be considered "commercial creep". Staunton suggested engaging the neighborhood to discuss the proposed use.

Commissioner Schroeder pointed out that this location isn't commercial and the proposed change in use in his opinion isn't compatible with the nature of Indianola.

Commissioner Forrest questioned the applicant on the timing of this request pointing out the renovations occurred a number of years ago. Mr. Duffy responded that the scale of the property owners business is changing and he would like to formally accommodate this change.

Commissioner Forrest acknowledged she resides in the neighborhood and did inquire about the use of the residential building as office. Continuing, Forrest pointed out the permitted use of this site is only residential- permitting apartment units; not office, and asked Mr. Duffy how many residents now reside in the building. Mr. Duffy responded he is unaware of the current tenant count; but did acknowledge the nature of the residential tenants is mostly transient. Concluding, Forrest said she is concerned that presently there is a violation of use occurring on this site, adding her main concerns are that at present the building appears deserted and rezoning the site to PUD would be an extension of commercial creep. Forrest stated she would keep an open mind if the rezoning moves forward; however, reiterated she doesn't like the introduction of commercial into this area.

Chair Staunton explained to the applicant in a request to rezone a site to PUD there needs to be a community benefit. Staunton said when a formal application is made the applicant needs to

address what the benefit to the community would be if this property was rezoned from residential to PUD. Staunton thanked the applicant for his presentation.

DRAFT

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Fax 952-826-0389 • www.CityofEdina.com



**Date:** June 25, 2014

**To:** Planning Commission

**From:** Cary Teague, Community Development Director

**Re:** Sketch Plan Review – 4121 West 50<sup>th</sup> Street

The Planning Commission is asked to consider a sketch plan request to allow a change in use of the existing two-story apartment building at 4121 West 50<sup>th</sup> Street. (See location on pages A1-A3.) The proposal is to continue the multi-family use on the first floor and lower level, and remodel the second floor into office space. A PUD rezoning is therefore proposed to allow for the mixed use within the building.

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However, the authority to initiate a Small Area Plan rests with the City Council.” The City Council is therefore requested to determine if a Small Area Plan is necessary.

The following is a compliance table that demonstrates how the proposed building would comply with the PRD-4 standards and show residential densities in Edina. The proposed office use is currently not allowed in the existing PRD-4 Zoning District.

**Compliance Table**

	City Standard (PRD-4)	Proposed
Front – 50 <sup>th</sup> Street	35 feet	30 feet*
Front – Indianola	35 feet	25 feet*
Side – south	35 feet	40+ feet
Side – east	35 feet	20 feet*
Building Height	4 stories or 48 feet, whichever is less	2 stories
Building Coverage	30%	21%
Density – Comp. Plan	12-30 units max	12 units/acre
Parking Stalls (Commercial District)	1.25 enclosed space + .75 surface spaces per unit 1/200 s.f. for office  25 surface +8 enclosed required	<b>9 enclosed = 11 surface**</b>

\* Existing condition

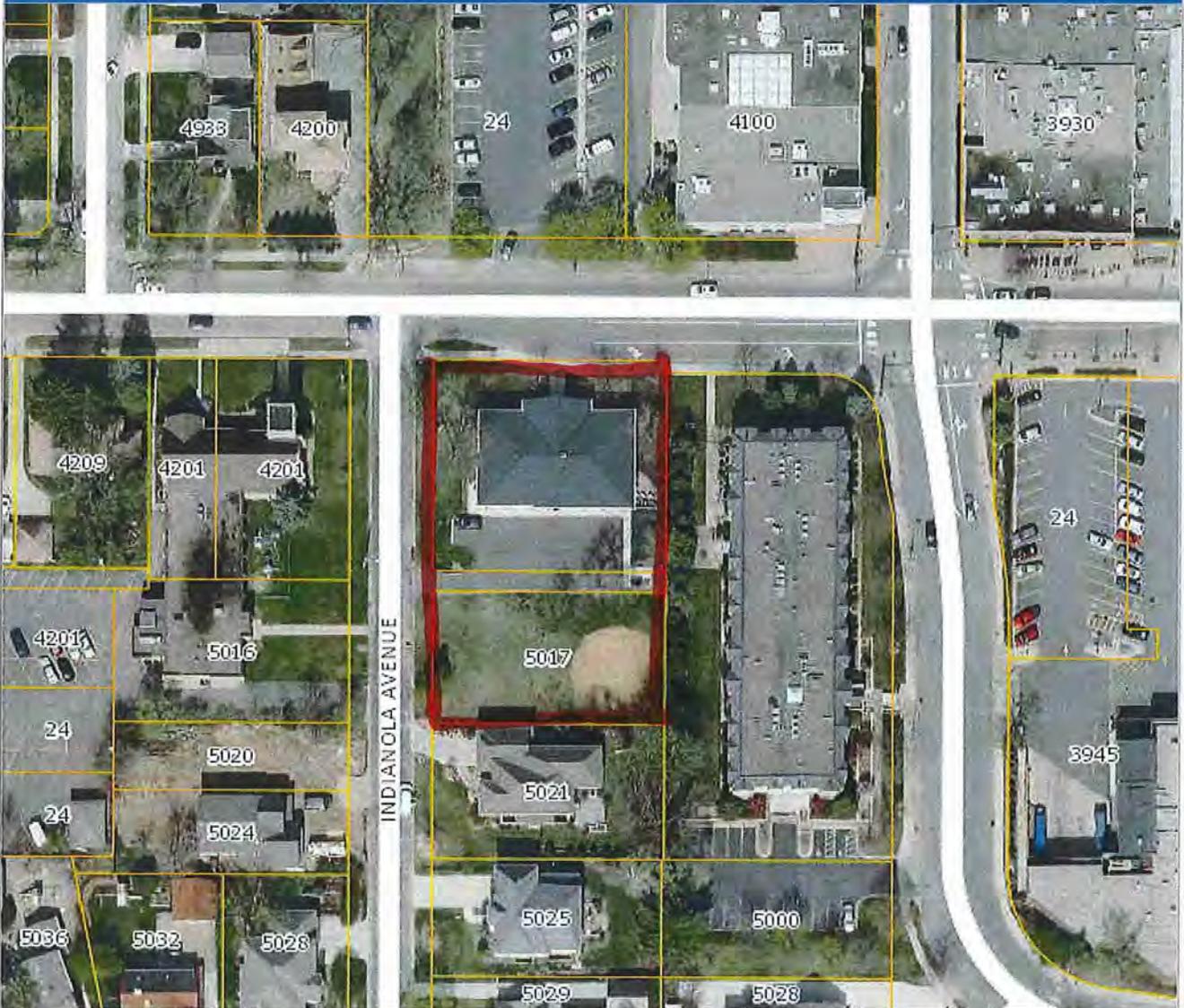
\*\*Variance Required

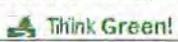
Staff has some concern in regard to potential future lack of parking. However, the vacant lot to the south, owned by the applicant could however, serve as proof-of-parking if needed. (See page A2.) For now the applicant would continue to maintain this open lot as open space for the neighborhood. (See narrative.) This vacant site however, is zoned and guided for low density residential use.

As part of any rezoning application a site plan would have to be provided to show parking stall and drive-aisle circulation. A traffic study would be required to determine impact on the adjacent roadways.

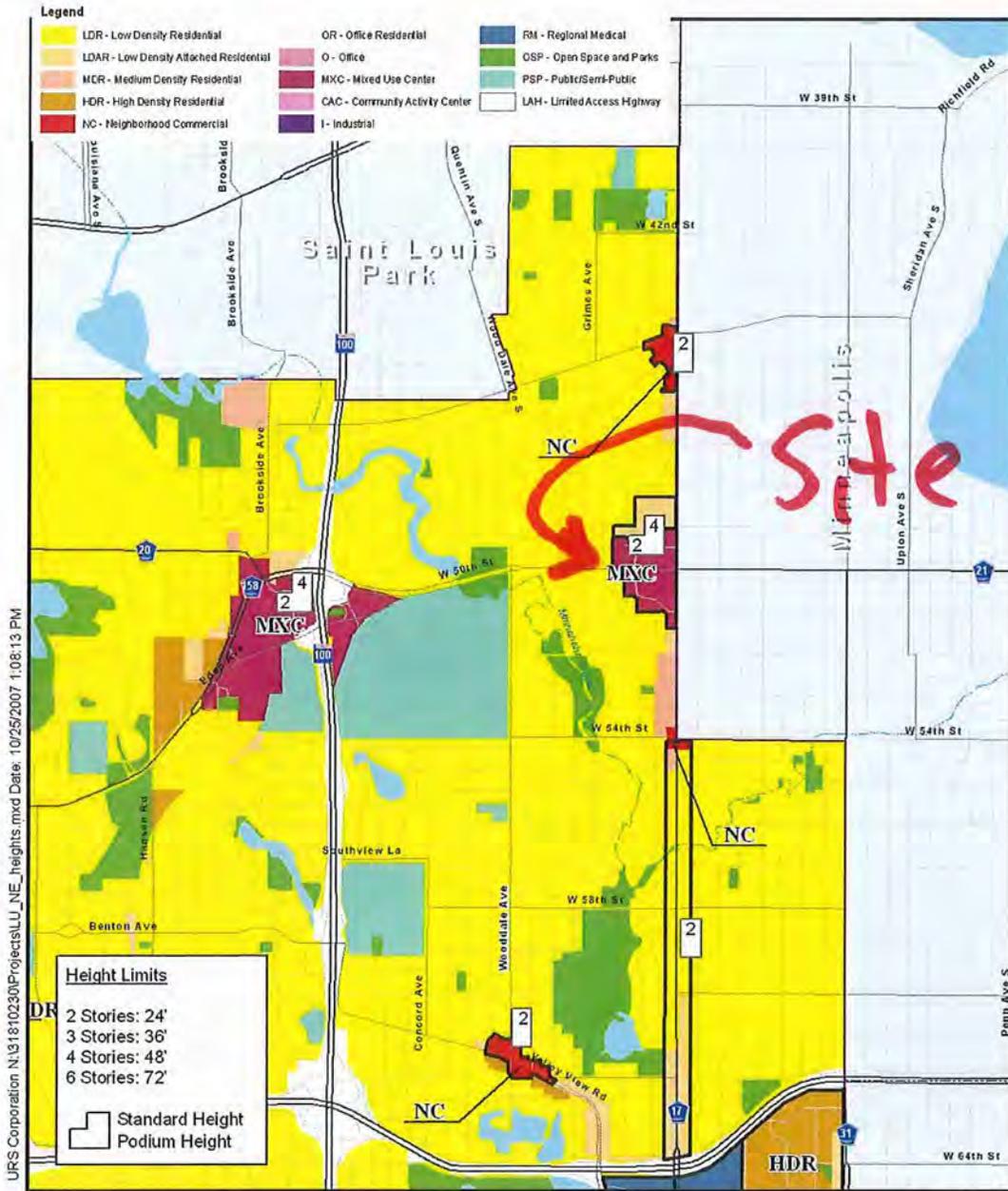


<p><b>Parcel ID:</b> .....</p> <p><b>Owner Name:</b></p> <p><b>Parcel Address:</b></p> <p><b>Property Type:</b></p> <p><b>Home-stead:</b></p> <p><b>Parcel Area:</b></p>	<p><b>A-T-B:</b></p> <p><b>Market Total:</b></p> <p><b>Tax Total:</b></p> <p><b>Sale Price:</b></p> <p><b>Sale Date:</b></p> <p><b>Sale Code:</b></p>	<p>Map Scale: 1" ≈ 200 ft.</p> <p>Print Date: 6/20/2014</p> <div style="text-align: right;">  </div> <p>This map is a compilation of data from various sources and is furnished "AS IS" with no representation or warranty expressed or implied, including fitness of any particular purpose, merchantability, or the accuracy and completeness of the information shown.</p> <p>COPYRIGHT © HENNEPIN COUNTY 2014</p> <p style="text-align: right;"></p>
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Parcel ID:	A-T-B:	Map Scale: 1" ≈ 100 ft.	
Owner Name:	Market Total:	Print Date: 6/20/2014	
Parcel Address:	Tax Total:	<p>This map is a compilation of data from various sources and is furnished "AS IS" with no representation or warranty expressed or implied, including fitness of any particular purpose, merchantability, or the accuracy and completeness of the information shown.</p> <p>COPYRIGHT © HENNEPIN COUNTY 2014</p> <p> Think Green!</p>	
Property Type:	Sale Price:		
Homestead:	Sale Date:		
Parcel Area:	Sale Code:		

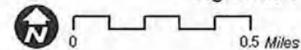
A2

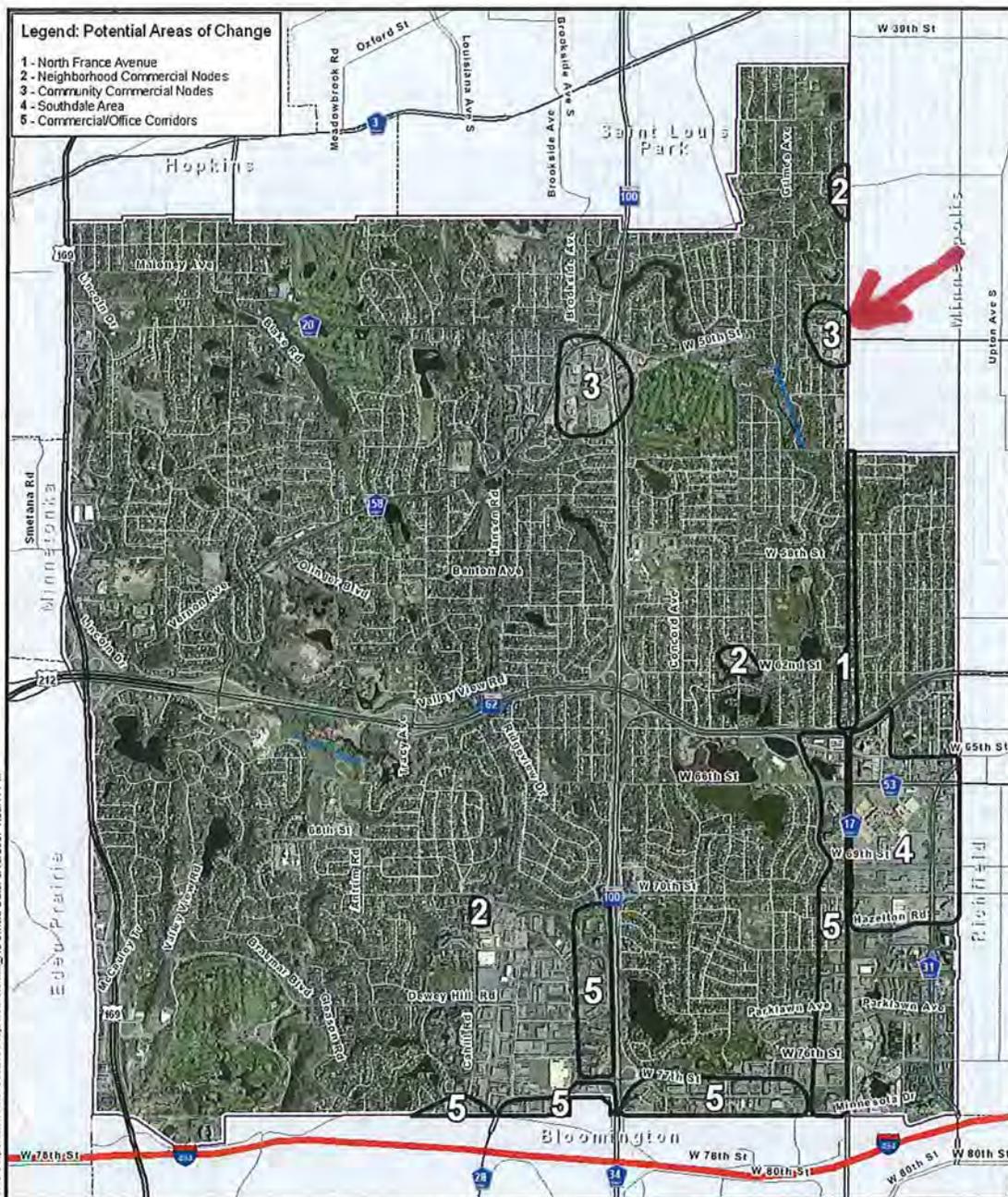


**City of Edina**  
2008 Comprehensive Plan Update

Data Source: URS

**Future Land Use Plan with Building Heights**  
Northeast Quadrant  
Figure 4.6A





URS Corporation N:\31810230\Projects\Potential\_AOC.mxd Date: 8/13/2007 1:05:11 PM

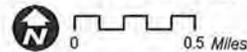
Figure 4.4



**City of Edina**  
2008 Comprehensive Plan Update

Date of Aerial Photography: August 2006

**Conceptual Land Use Framework:  
Potential Areas of Change**



AC

4121 West 50<sup>th</sup> Street  
Dromoland, LLC's Proposed Planned United Development

Planned Unit Development – Proposed Use Description

Dromoland, LLC currently owns the land and the building located at 4121 West 50<sup>th</sup> Street, Edina, Minnesota 55424 (the "Property"). Dromoland, LLC is a wholly-owned subsidiary of EGO Holdings, LLC, a single member LLC owned solely by Edgar Gerald (Jerry) O'Brien.

The Property is currently zoned PRD-4. Historically, the building's primary use since Dromoland has owned it has been as a multi-unit residential building with limited professional space on the second floor used as the building's management and leasing office. However, Mr. O'Brien would now like to use the existing second floor space and obtain approval for the second floor use, as may be necessary, for institutional (non-retail) investment management business purposes, resulting in the Planned Unit Development ("PUD") proposal that follows.

Dromoland's proposed PUD would seek rezoning the Property to a mixed use classification. Such a change would accommodate both the building's current primary use as a multi-unit residential building as well as allow for the use of the existing second floor office space to house a proposed institutional investment business. The proposed PUD would also allow for the repurposing, as necessary, of a portion of the building's second floor that currently includes the building's management/leasing office, a large gathering area, and two fully equipped and rentable residential units. The repurposing would take advantage of the existing configuration and, with minor renovations, allow for the entire second floor space to be used for institutional investing purposes to the extent the entire second floor is needed for such purposes. If not, the two residential units would remain for lease to individual residential tenants.

To the extent expansion is someday required, the modest renovations would include converting the two existing residential units into office space by removing non-load bearing walls, and creating walkways between what are now separate units. Such changes would not include any modifications to the exterior of the building. The total square footage of the proposed complete second floor office space would be approximately 4,250 square feet.

Unlike many financial service and investment brokerage offices, Dromoland's proposed use will have no retail customer traffic although it will maintain normal business hours of approximately 7:00 a.m. to 7:00 p.m., Monday-Friday, excluding typical bank and exchange holidays. The work hours will co-exist well with the residential uses of the building, because the tenants typically would be gone during the workday when employees would be working in the office. Dromoland anticipates a maximum of 20 employees in the event a full expansion of the second floor is completed for business uses.

As for parking, the Property currently can accommodate approximately 19-20 parking spaces (9 interior and 10-11 exterior). If further parking is required, Dromoland is willing to explore several options, including, but not limited to, approaching the neighboring church to lease parking spaces in the church's lot as well as looking into similar arrangements with other commercial neighbors.

## **The Building**

In 2009, Dromoland remodeled both the exterior and interior of the 1950s Georgian multifamily building. The exterior façade was enhanced with the addition of a front porch including white columns and a functional balcony on the second floor. Inside, the building was completely renovated into eight residential units. Most of the units have two bedrooms and 1 ½ bathrooms. The lower level unit recently was renovated into a handicap accessible unit, including a walk-out patio. Since the renovation, the building has been used as temporary housing for Edina residents who typically are remodeling their permanent homes, executive transfers searching for homes, or, in one recent situation, by a family renovating their home to accommodate accessibility needs of their son who suffered a debilitating sports injury.

During the extensive 2009 renovation of the Property, great care was taken to promote energy efficiency, accessibility and reuse and repurposing of the existing building. The remodel included energy efficient appliances and windows, LED lighting, and abundant natural light that was maximized by the building's enhanced design. In fact, the design work was so meticulous that it won the 2010 ROMA design award from the Builders Association of the Twin Cities (details at: <http://www.stoneheartheremodeling.com/awards.html>).

## **Civic Involvement**

As long-time residents of Edina, Mr. O'Brien and his wife, Lisa, are actively involved in the community. From sponsoring Edina events and projects to hosting numerous neighborhood events for residents, the O'Briens are inextricably intertwined in the community. In addition to the O'Briens' city involvement, the O'Briens host many community gatherings where neighbors have a chance to meet and interact with local, state and national policymakers. Similarly, the O'Briens are long-time financial supporters, board members and volunteers with Greater Minneapolis United Way; Greater Minneapolis Crisis Nursery; Edina Public School District; Minnesota Community Foundation & St. Paul Foundation; University of Minnesota Weisman Museum of Art; and are dependable contributors to the Edina Community Foundation and Edina Ed Fund.

## **Mr. O'Brien's Background**

Mr. O'Brien has lived in the Twin Cities for more than 20 years and in Edina since 1995. Mr. O'Brien was recruited to the area by Cargill where he worked in its financial businesses for 17 years. Mr. O'Brien left Cargill with the goal of creating a new company, in partnership with Warren Staley (retired CEO and Chair of Cargill and an Edina homeowner for decades). Since leaving Cargill, Mr. O'Brien has managed investments for himself and Mr. Staley, but was limited by a non-compete from managing third party capital. Mr. O'Brien has fully satisfied the terms of his non-compete and now has the opportunity to expand his investment activity to include managing investments for select institutional investors (e.g. college endowment, state retirement plans, family offices).

**Neighborhood Amenity**

Dromoland also owns the vacant lot adjacent and behind the Property. The vacant lot is currently used as neighborhood green space. The lot is zoned for a single-family residence, although Dromoland has converted the lot into a T-ball field for use by the building's tenants and neighborhood children (by invitation) and as a neighborhood amenity. The field was recently resurfaced with new infield dirt and re-seeded for use this summer. For the foreseeable future, Dromoland plans to keep the T-ball field as is.

**Neighborhood Discussions about Proposed Use**

In preparation for the anticipated PUD rezoning request, Mr. O'Brien has spoken to several neighbors about his proposed use. To date, Mr. O'Brien's proposed use has been well-received and Mr. O'Brien is not aware of any negative comments.

**Personal Reasons for Proposed Use**

On a personal level, Mr. O'Brien wants to use this existing space because he lives in the neighborhood, his mother-in-law resides in the condominiums next door to the Property (the Henley), and he enjoys having his family and friends pop-in to visit while walking around 50<sup>th</sup> & France.

MMB: 4811-3004-6235, v. 1



Beautiful downtown Edina, Minnesota

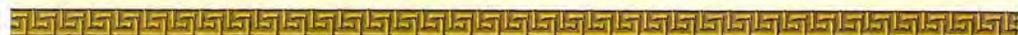


**EDENDERRY**  
OF EDINA

Featuring ROMA award-winning design modeled in classical style, Edenderry of Edina features high executive apartment units that accentuate a "workable" lifestyle while allowing short driving distances within the entire Minneapolis/St. Paul region.



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NS



Executive Unit



Guest Suite

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OF EDINA

The Edenderry of Edina uniquely offers premium, well-appointed apartments that are within walking distance to shops, restaurants, grocery and entertainment establishments.

Located in the heart of historic Edina, Minnesota, living in comfort and luxury has never been more accessible.



Edenderry of Edina wants to work with you to customize the right lease to fit your unique needs. Flexible options include:

- Fully-furnished or Vacant
- Short Term, Long Term, or Seasonal
- Kids or Dog Friendly
- Outdoor Patio
- Supplemental Storage Lockers

We're sorry, but the Edenderry of Edina is a no smoking building

*Ordnatio* | *Symmetria* | *Eurythmia*  
Order      Symmetry      Grace



The timeless ideals of order, symmetry and grace are reflected throughout the property. Every Edenderry of Edina unit enjoys:

- 2 Bedroom, 1½ Bath
- In-unit Laundry
- ±1,000 square feet
- Granite Countertops
- Hardwood Floors
- LG Appliances
- Award Winning Design
- Abundance of Natural Light
- Spacious Grounds
- Walking Distance to Shops
- Edina School District
- Heated Parking Option



INTERIOR PHOTOS OF EDENDERRY OF EDINA, UNIT 300



Hallway leading to Unit 300



Unit 300, Seating Area



Unit 300 Kitchenette



Unit 300 Seating Area & Admin Area



Unit 300 Personal Office



Unit 300 Dining/Meeting Room



Unit 300 Bath 1



Unit 300 Bath 2

# CIC NUMBER 1935

## A CONDOMINIUM

### THE EDENDERRY OF EDINA

#### CIC PLAT

### FLOOR PLAN

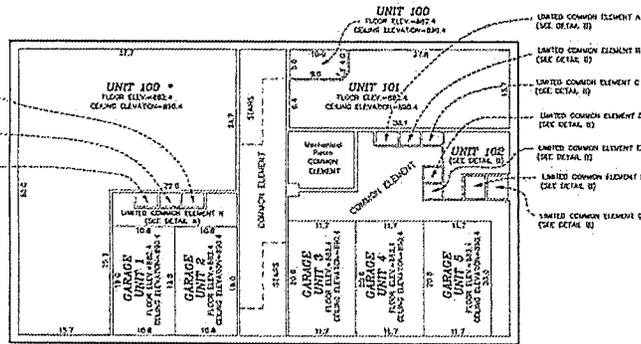
ELEVATIONS SHOWN ARE REFERENCED TO A BENCHMARK AS NOTED ON SHEET 1 OF 2

L.C.E. - DENOTES LIMITED COMMON ELEMENT  
C.E. - DENOTES COMMON ELEMENT

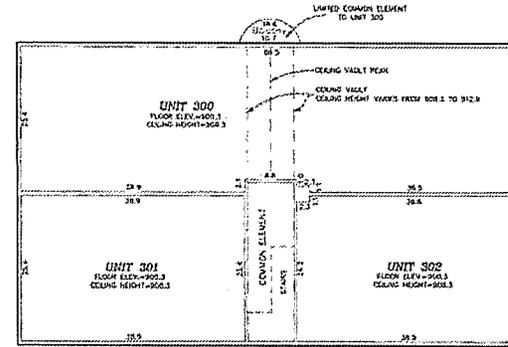
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A11

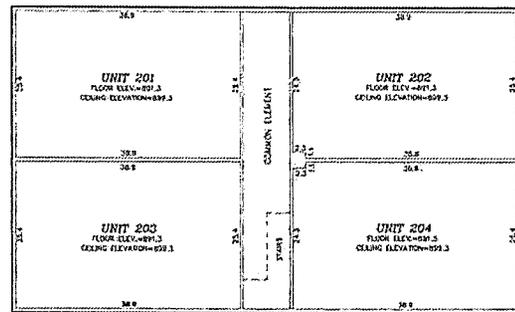
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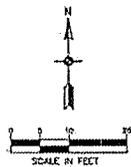
**BASEMENT**



**SECOND FLOOR**

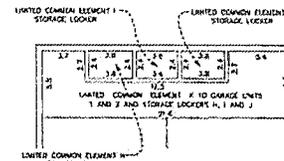


**FIRST FLOOR**

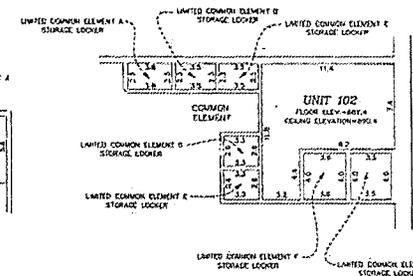


**GARAGE**

**DETAIL A**  
(NO SCALE)



**DETAIL B**  
(NO SCALE)



\* Declarant may subdivide, combine or convert units into additional units, common elements or limited common elements.

SITE PLAN

- - DENOTES SET 1/2" BY 14" IRON MONUMENT CAPPED WITH RLS 40361
- - DENOTES CHEELED "C" IN CONCRETE
- - DENOTES FOUND IRON MONUMENT
- ▭ - DENOTES EXISTING CONCRETE SURFACES
- DENOTES EXISTING 1.0 FT. BLOCK RETAINING WALL - COMMON ELEMENT
- L.C.E. - DENOTES LIMITED COMMON ELEMENT
- C.E. - DENOTES COMMON ELEMENT

CIC NUMBER 1935  
 A CONDOMINIUM  
 THE EDENDERRY OF EDINA  
 CIC PLAT

This CIC PLAT is part of the Declaration Recorded as Doc. No. 1456255 on this 18<sup>th</sup> day of DECEMBER, 2009  
*James Brown*  
 Hennepin County Recorder

I, Thomas R. DeJuff, do hereby certify that the work was undertaken by or reviewed and approved by me for the CIC Plat of CIC NUMBER 1935, A CONDOMINIUM, THE EDENDERRY OF EDINA, being located upon the westerly 80 feet of Lot 2 and all of Lot 3, Block 1, "STEVENS 1ST ADDITION TO MINNEAPOLIS" and that this CIC plat fully and accurately depicts all information required by Minnesota Statutes, Section 5132.2-116(6), and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Dated this 24<sup>th</sup> day of NOVEMBER, 2009.

*Thomas R. DeJuff*  
 Thomas R. DeJuff, Land Surveyor  
 Minnesota License Number 40361

STATE OF MINNESOTA  
 COUNTY OF HENNEPIN

The foregoing instrument was acknowledged before me this 24<sup>th</sup> day of NOVEMBER, 2009 by Thomas R. DeJuff, Land Surveyor, Minnesota License No. 40361.

*Stephanie A. Symonick*  
 Stephanie A. Symonick  
 Notary Public, Hennepin County, Minnesota  
 My Commission Expires JANUARY 6, 2012

I, Brian J. Krystofek, pursuant to Minnesota Statutes, Section 5159.2-110(c), do hereby certify that all structural components of the structures containing the units and the mechanical systems serving more than one unit are substantially completed, and that I am a duly Professional Engineer under the laws of the State of Minnesota.

Dated this 24<sup>th</sup> day of NOVEMBER, 2009.

*Brian J. Krystofek*  
 Brian J. Krystofek, Registered Engineer  
 Minnesota License Number 20063

STATE OF MINNESOTA  
 COUNTY OF HENNEPIN

The foregoing instrument was acknowledged before me this 24<sup>th</sup> day of NOVEMBER, 2009, by Brian J. Krystofek, a Professional Engineer, Minnesota License No. 20063.

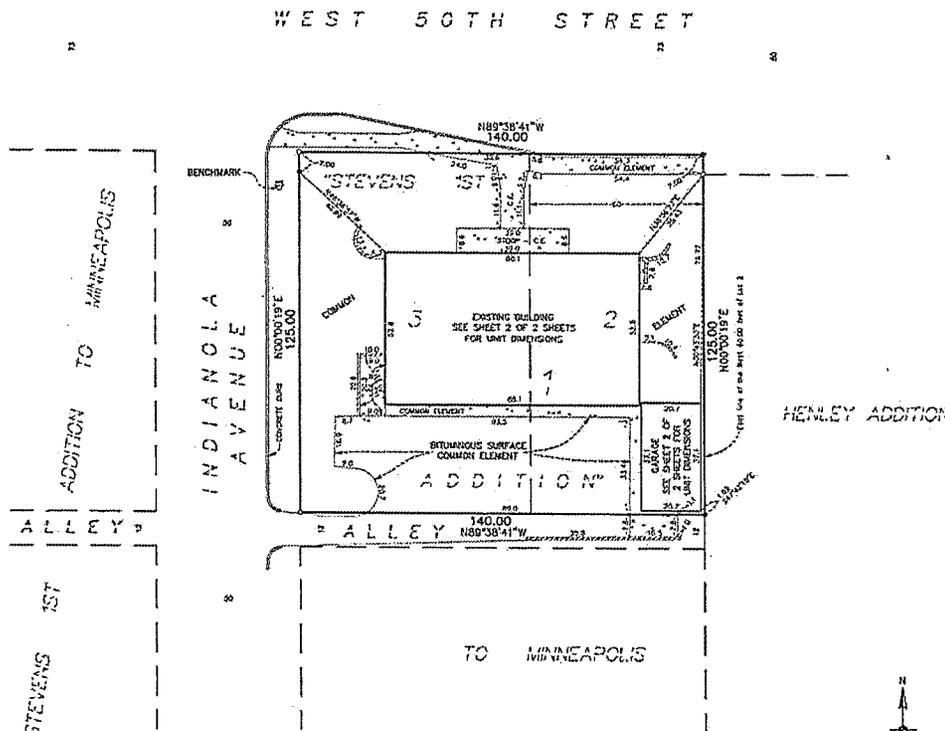
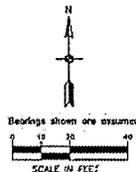
*Stephanie A. Symonick*  
 Stephanie A. Symonick  
 Notary Public, Hennepin County, Minnesota  
 My Commission Expires JANUARY 6, 2012

SURVEY DIVISION, Hennepin County, Minnesota

The CIC Plat has been reviewed and approved this 18<sup>th</sup> day of DECEMBER, 2009.

Wilson P. Brown, Hennepin County Surveyor

By *Philip A. Nelson*



BENCHMARK: TOP INJUT OF HYDRANT AT SOUTHEAST QUADRANT OF WEST 50TH STREET AND INDIANOLA AVENUE. ELEVATION = 809.14 FEET (I.G.V.D. 1925)

BUILDING DIMENSIONS ARE TO OUTER EDGE OF FOUNDATION.

EASEMENT FOR CABLE/TELECOMMUNICATIONS DATED AUGUST 24, 1998, FILED SEPTEMBER 13, 1998 AS DOCUMENT NO. 6907600 IS BLANKET IN NATURE AND IS NOT TRACEABLE.

FILE # 749

A/R

9-085





OFFICIAL

FILE # 749

GR

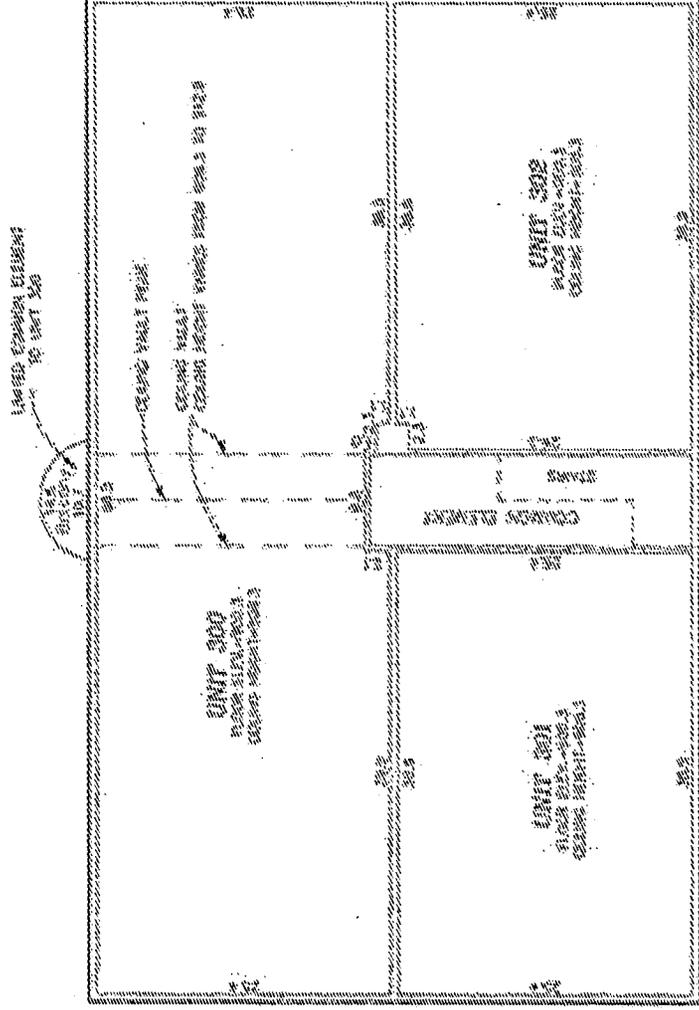
# MEMBER 1935

## CONDOMINIUM

### JERRY OF EDINA

#### IC PLAT

- COMMON ELEMENT A  
FIG. 10
- COMMON ELEMENT B  
FIG. 11
- COMMON ELEMENT C  
FIG. 12
- COMMON ELEMENT D  
FIG. 13
- COMMON ELEMENT E  
FIG. 14
- COMMON ELEMENT F  
FIG. 15
- COMMON ELEMENT G  
FIG. 16

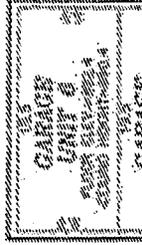


SECOND FLOOR

DETAIL A  
(NO SCALE)

A14

DETAIL  
(NO S)



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