REPORT/RECOMMENDATION

To:	**MAYOR AND COUNCIL**	**Agenda Item**	**Item No. VI.A**
From:	**Cary Teague, Community Development Director**	☒	**Action**
		☐	**Discussion**
Date:	**March 6, 2012**	☐	**Information**
Subject:	**Public Hearing – Conditional Use Permit And Lot Width Variance, 5421 France and 3717 Fuller Street, St. Peter's Lutheran Church, Resolution No. 2012-37 & Resolution No. 2012-38**		
Deadline for a City Decision:	**May 1, 2012**		

ACTION REQUESTED:
Adopt the attached resolutions approving the Conditional Use Permit & 15-foot Lot Width Variance.

INFORMATION/BACKGROUND:
St. Peter's Lutheran Church is requesting a 15-foot lot width variance to build on their vacant property located at 3717 Fuller Street. This site (3717 Fuller) is currently encumbered by a proof-of-parking plan that was required for a parking stall Variance granted to St. Peter's in 1983. A revised Conditional Use Permit is therefore required to change the proof-of-parking plan.

The Church campus consists of property both north and south of Fuller Street between France and Drew Avenue. The site includes the church, a parking lot east of the church, two platted lots east of the parking lot at 3700 and 3704 Fuller Street, and property south of Fuller inculding a south parking lot, and three platted lots east of the south parking lot at 3713, 3717 and 3721 Fuller Street. (See page A4 of the attached staff report.)

Planning Commission Review: On January 25, 2012, the Planning Commission unanimously recommended approval of the requested Conditional Use Permit & Variance. (See the attached minutes.)

ATTACHMENTS:

- Resolution 2012-37 & 2012-38, approving the CUP and Variance
- Minutes from the January 25, 2012 Edina Planning Commission meeting
- Planning Commission Staff Report, January 25 22, 2012

RESOLUTION NO. 2012-37
APPROVING A CONDITIONAL USE PERMIT
AT 5421 FRANCE

BE IT RESOLVED by the City Council of the City of Edina, Minnesota, as follows:

City of Edina

Section 1. BACKGROUND.

1.01 St. Peter's Lutheran Church is requesting a 15-foot lot-width variance to build on their vacant property located at 3717 Fuller Street. This site (3717 Fuller) is currently encumbered by a proof-of-parking plan that was required for a parking stall Variance granted to St. Peter's in 1983. A revised Conditional Use Permit is therefore, required to change the proof-of-parking plan.

1.02 The Church campus consists of property both north and south of Fuller Street between France and Drew Avenue. The site includes the church, a parking lot east of the church, two platted lots east of the parking lot at 3700 and 3704 Fuller Street, and property south of Fuller, including a south parking lot, and three platted lots east of the south parking lot at 3713, 3717 and 3721 Fuller Street.

1.03 In August of 2011, the Church received a 15-foot lot-width variance for 3713 Fuller Street. (A vacant lot east of the subject 3717 Fuller lot.)

1.04 The purpose of the current request is to create another lot in which the Church intends to sell to JMS Homes. JMS would then build two new single-family homes.

1.05 All of the church property, with the exception of 3700 Fuller, (north of Fuller and west of Drew) and 3713 Fuller, (the property that has already received a width variance), is dedicated to a proof-of-parking agreement filed as a condition of variances granted for an expansion of the Church that occurred in 1983. A parking lot plan was attached to the 1983 agreement providing an ultimate build-out plan of the south parking lot over two lots east of the parking lot including the subject vacant lot. The proof-of-parking plan would be implemented in the event that the City Manager and City Planner determine that additional parking spaces would be required for the Church use. The lot at 3717 Fuller is encumbered by the 1983 parking agreement and may not be sold without a lot width variance and an amendment to the Church's Conditional Use permit to include a re-assessment of the parking needs of the Church and revised proof-of-parking plan.

1.06 SRF Consulting Group, Inc. has submitted a parking study dated November 22, 2011 and revision dated January 16, 2012. The parking study includes a new proof-of-parking plan that would rebuild the south parking lot to provide 86 stalls in a new south lot build-out and include the 46 existing stalls in the north lot for a total of 132 parking stalls. The ordinance requires parking must be provided for one third the maximum seating capacity for the largest place of assembly. The Church use requires a minimum of 131 parking stalls. The sanctuary is the largest place of assembly providing capacity for 393 persons. The build-out plan provides 132 parking stalls and conforms to the required setbacks.

1.07 The seating capacity of the Church was reduced from 470 to 393 persons as part of a 1990 interior renovation. The number of parking stalls required by ordinance reflects the capacity decrease by a reduction in parking required from 156, (as required in 1983), to 131 stalls.

1.08 SRF Consulting Group has indicated the average weekly parking demand is approximately 73 stalls with 91 stalls currently provided in the north and south lots combined. It isn't anticipated that the south lot will need any improvement in the near future given current lower demand and reduced attendance as indicated in the SRF study. No additional parking has been needed over the last 29 years since the 1983 agreement was put in place. Exercising the current parking agreement has never been considered.

1.09 On January 25, 2012, the Planning Commission unanimously recommended approval of the conditional use permit request.

Section 2. FINDINGS

2.01 Approval is based on the following findings:

1. The proposal meets the Conditional Use Permit conditions per Section 850.04 Subd.5.E, of the Edina Zoning Ordinance.

2. The proposal meets all applicable Zoning Ordinance requirements.

3. The revised proof of parking plan allows the release of 3717 Fuller Street from the 1983 proof of parking agreement allowing the Church opportunity for alternative options for use of the property.

Section 3. APPROVAL

NOW THEREFORE, it is hereby resolved by the City Council of the City of Edina, approves the Conditional Use Permit to revise the proof-of-parking plan at 5421 France Avenue, subject to the following conditions:

1. Recording of a revised proof-of-parking agreement with attached parking plan by SRF Consulting Group, Inc. dated: January 17, 2012, with Hennepin County.

2. Execution of a proof-of-parking agreement.

Adopted by the City Council of the City of Edina, Minnesota, on March 6, 2012.

ATTEST:_____ _____
Debra A. Mangen, City Clerk James B. Hovland, Mayor

STATE OF MINNESOTA)
COUNTY OF HENNEPIN)SS
CITY OF EDINA)

CERTIFICATE OF CITY CLERK

I, the undersigned duly appointed and acting City Clerk for the City of Edina do hereby certify that the attached and foregoing Resolution was duly adopted by the Edina City Council at its Regular Meeting of March 6, 2012, and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this ____ day of _____, 2012.

_____
City Clerk

RESOLUTION NO. 2012-38
APPROVING A LOT WIDTH VARIANCE
AT 3717 FULLER STREET

City of Edina

BE IT RESOLVED by the City Council of the City of Edina, Minnesota, as follows:

Section 1. BACKGROUND.

1.01.1 St Peter's Lutheran Church/JMS Custom Homes, LLC has requested a 50 foot lot-width variance from the City Code to build a new single dwelling unit home.

1.02 The following described tract of land is requested for variance:

The East 60-feet of the West 393-feet of the North half of the South half of the Northwest Quarter of the Northwest Quarter of Section 20, Township 38 North, Range 24 West of the Fourth Principal Meridian, Hennepin County, Minnesota. Torrens Certificate No. 503646.

1.03 City Code Section 850.11, requires a lot width of 75-feet.

1.04 The applicant is proposing a 60-foot lot width. This requires a variance of 15 feet

1.05 On January 25, 2012, the Planning Commission recommended approval of the Variances on a Vote of 7-0.

Section 2. FINDINGS

2.01 Approval is based on the following findings:

1) With the exception of the variance requested, the proposal would meet the required standards and ordinances for the R-1, Single Dwelling Unit District.

2) The proposal would meet the required standards for a variance, because:

   a. The proposed use of the property is reasonable; as it is consistent with the Comprehensive Guide Plan.

   b. The request is reasonable given that a home had occupied the lot in the past.

   c. The lot width of the subject property is consistent and similar to those near it.

3) The proposal is in harmony with the intent of the ordinance since it will allow replacement of a home that had occupied the lot in the past and was originally platted for that purpose.

4) The unique circumstances are that the property is not needed for future parking demands of the Church, however, may not be sold for redevelopment without the benefit of a lot width variance.

Section 3. APPROVAL

NOW THEREFORE, it is hereby resolved by the City Council of the City of Edina, approves the Variance for the property located at 3717 Fuller Street, Edina, MN.

Approval is subject to the following Conditions:

1. Recording of a revised proof-of-parking agreement with attached parking plan by SRF Consulting Group, Inc. dated: January 17, 2012, with Hennepin County.

Adopted this 6th day of March, 2012.

ATTEST:_____ _____
Debra A. Mangen, City Clerk James B. Hovland, Mayor

STATE OF MINNESOTA)
COUNTY OF HENNEPIN)SS
CITY OF EDINA)

CERTIFICATE OF CITY CLERK

I, the undersigned duly appointed and acting City Clerk for the City of Edina do hereby certify that the attached and foregoing Resolution was duly adopted by the Edina City Council at its Regular Meeting of March 6, 2012, and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this ____ day of _____, 2012.

_____
City Clerk

MINUTES
CITY OF EDINA, MINNESOTA
PLANNING COMMISSION
CITY COUNCIL CHAMBERS
JANUARY 25, 2012
7:00 P.M.

I. CALL TO ORDER

Chair Grabiel called the meeting of the Edina Planning Commission to order at 7:00 PM.

II. ROLL CALL

Answering the roll call were Commissioners Scherer, Forrest, Schroeder, Potts, Platteter, Carpenter, Staunton, Fischer, Grabiel.

Absent from the roll call were Commissioners Cherkassky and Rock.

III. APPROVAL OF MEETING AGENDA

Commissioner Carpenter moved approval of the January 25, 2012 meeting agenda. Commissioner Platteter seconded the motion. All voted aye; motion carried.

IV. APPROVAL OF CONSENT ITEMS

Commissioner Platteter moved approval of the January 11, 2012, meeting minutes. Commissioner Scherer seconded the motion. All voted aye; motion carried.

V. COMMUNITY COMMENT

No comment.

VI. PUBLIC HEARINGS

2011.0001.12a **Conditional Use Permit with Variances**
St. Peter's Lutheran Church/JMS Custom Homes
3717 Fuller Street, Edina, MN

Planner Presentation

Planner Aaker informed the Commission that St. Peter's Lutheran Church is requesting a 15-foot lot width variance to build on their vacant property located at 3717 Fuller Street. This site

(3717 Fuller) is currently encumbered by a proof-of-parking plan that was required for a parking stall Variance granted to St. Peter's in 1983. A revised Conditional Use Permit is also required to change the proof-of-parking plan.

Planner Aaker explained that the Church campus consists of property both north and south of Fuller Street between France and Drew Avenue. The site includes the church, a parking lot east of the church, two platted lots east of the parking lot at 3700 and 3704 Fuller Street, and property south of Fuller inculding a south parking lot, and three platted lots east of the south parking lot at 3713, 3717 and 3721 Fuller Street.

Planner Aaker pointed out that in August of 2011, the Church recieved a 15-foot lot width variance for 3713 Fuller Street. The purpose of the current request is to create another lot in which the Church intends to sell to JMS Homes. JMS would then build two new single-family homes.

The zoning ordinance requires a minimum 75 foot lot width. The lot is 60 feet in width requiring a 15-foot lot width variance to allow the sale of the lot. The lot conforms to the depth and area requirements. The lot was platted prior to the current width requirements, is legally nonconforming, however, cannot be sold without the benefit of a width variance.

Continuing, Planner Aaker said all of the church property, with the exception of 3700 Fuller and 3713 Fuller, (the property that has already received a width variance), is dedicated to a proof-of-parking agreement filed as a condition of variances granted for an expansion of the Church that occurred in 1983. A parking lot plan was attached to the 1983 agreement providing an ultimate build-out plan of the south parking lot over two lots east of the parking lot including the subject vacant lot. The proof-of-parking plan would be implemented in the event that the City Manager and City Planner determine that additional parking spaces would be required for the Church use. The lot at 3717 Fuller is encumbered by the 1983 parking agreement and may not be sold without a lot width variance and an amendment to the Church's Conditional Use permit to include a re-assessment of the parking needs of the Church and revised proof-of-parking plan.

Planner Aaker noted that SRF Consulting Group, Inc. has submitted a parking study dated November 22, 2011 and revision dated January 16, 2012. The parking study includes a new proof-of-parking plan that would rebuild the south parking lot to provide 86 stalls in a new south lot build-out and include the 46 existing stalls in the north lot for a total of 132 parking stalls. The ordinance requires parking must be provided for one third the maximum seating capacity for the largest place of assembly. The Church use requires a minimum of 131 parking stalls. The sanctuary is the largest place of assembly providing capacity for 393 persons. The build-out plan provides 132 parking stalls and conforms to the required setbacks.

It should be noted that the seating capacity of the Church was reduced from 470 to 393 persons as part of a 1990 interior renovation.

SRF Consulting Group has indicated the average weekly parking demand is approximately 73 stalls with 91 stalls currently provided in the north and south lots combined. It isn't anticipated that the south lot will need any improvement in the near future given current lower demand and reduced attendance as indicated in the SRF study. No additional parking has been needed over the last 29 years since the 1983 agreement was put in place. Exercising the current parking agreement has never been considered.

Planner Aaker concluded that staff recommends that the City Council approve the Conditional Use Permit to modify the 1983 proof-of-parking agreement.

Approval is based on the following findings:

1. The proposal meets the Conditional Use Permit conditions per Section 850.04 Subd.5.E, of the Edina Zoning Ordinance.
2. The proposal meets all applicable Zoning Ordinance requirements.
3. The revised proof of parking plan allows the release of 3717 Fuller Street from the 1983 proof of parking agreement allowing the Church opportunity for alternative options for use of the property.

Approval is also subject to the following condition:

1. Recording of a revised proof-of-parking agreement with attached parking plan by SRF Consulting Group, Inc. dated: January 17, 2012, with Hennepin County.
2. Execution of a proof-of-parking agreement.

Staff further recommends that variance approval is based on the following findings:

1) With the exception of the variance requested, the proposal would meet the required standards and ordinances for the R-1, Single Dwelling Unit District.
2) The proposal would meet the required standards for a variance, because:
   a. The proposed use of the property is reasonable; as it is consistent with the Comprehensive Guide Plan.
   b. The request is reasonable given that a home had occupied the lot in the past.
   c. The lot width of the subject property is consistent and similar to those near it.
3) The proposal is in harmony with the intent of the ordinance since it will allow replacement of a home that had occupied the lot in the past and was originally platted for that purpose.
4) The unique circumstances are that the property is not needed for future parking demands of the Church, however, may not be sold for redevelopment without the benefit of a lot width variance.

Approval is also subject to the following condition:

1. Recording of a revised proof-of-parking agreement with attached parking plan by SRF Consulting Group, Inc. dated: January 17, 2012, with Hennepin County.

Appearing for the Applicant

Jeff Schoenwetter, JMS Custom Homes, Inc. and Jim Ravelle

Applicant Comments

Jeff Schoenwetter presented a power point presentation on his proposal.

Jim Ravelle informed the Commission that 3721 Fuller Street was no longer a day care; it was rented by a teacher, adding there is no issue with parking for that property.

Public Comment

Wendy Brockman, 3624 Fuller Street told the Commission that she is worried about storm water fun-off and the impact these new houses would have on the environment.

Director Teague assured Ms. Brockman that the Engineering Department would review all water run-off related issues.

Motion

Commissioner Carpenter moved to close the public hearing. Commissioner Platteter seconded the motion. All voted aye; motion carried.

Further Comments

Commissioner Forrest said she was familiar with the area and had observed that traffic in the immediate area has increased. Forrest asked if it was feasible to require an informal traffic study or site circulation study of the church campus when/if it becomes apparent that the Proof of Parking needs to be implemented.

Chair Grabiel asked what the City would require if the Proof of Parking Agreement was triggered. Planner Teague responded that if the Proof of Parking was implemented that would trigger a Conditional Use Permit (parking lot expansion) process and traffic, parking and circulation would need to be included in their application submittal.

Motion

Commissioner Carpenter moved to recommend Conditional Use and Variance approval based on staff findings and subject to staff conditions noting the request was consistent with recent development. Commissioner Platteter seconded the motion. All voted aye; motion carried.

VII. REPORTS/RECOMMENDATIONS

- **Expansion of the TIF District**

Planner Presentation

Planner Teague explained that staff was directed to investigate the process necessary to expand the Centennial Lakes Tax Increment Financing (TIF) Project Area. The purpose of this request was to enable the City to expand the area in which the City could expend funds from the Centennial Lakes TIF District.

As part of the process, the Planning Commission is required to pass a resolution stating that the expansion of the TIF Project Area is in compliance with the Comprehensive Plan. To give an example if the Centennial Lakes TIF District Project Area was expanded the monies from the original Centennial Lakes TIF could be spent on items associated with the GrandView District.

Concluding Teague said at this time the Planning Commission needs to make the determination and adopt a resolution finding that the Plan for the expansion of the Centennial Lakes TIF Project Area conforms to the general plans for the development and redevelopment of the City, is compatible with the Redevelopment Plan for east Edina and is not in conflict with the Comprehensive Plan.

Planner Teague introduced Jessica Cook from Ehlers & Associates to further speak on the issue.

Jessica Cook addressed the Commission and explained in 1988 a TIF District was created for Centennial Lakes and since that time the laws regulating TIF Districts have changed. Cook said the TIF District for Centennial Lakes expires in 2014. Cook explained that at this time the City has the opportunity of making those resources available to a broader area within the city.

Discussion

Commissioner Fischer commented that in a sense this creates a TIF district within the district; however, it only expands the project area; not the TIF district.

PLANNING COMMISSION STAFF REPORT

Originator **Kris Aaker** **Assistant Planner**	Meeting Date **January 25, 2012**	Agenda # **2012.0001.12a**

INFORMATION & BACKGROUND

Background Information

St. Peter's Lutheran Church is requesting a 15-foot lot width variance to build on their vacant property located at 3717 Fuller Street. (See site location on pages A1–A4.) This site (3717 Fuller) is currently encumbered by a proof-of-parking plan that was required for a parking stall Variance granted to St. Peter's in 1983. (See 1983 proof-of-parking plan on page A44.) A revised Conditional Use Permit is also required to change the proof-of-parking plan. (See applicant narrative and plans on pages A5–A20.)

The Church campus consists of property both north and south of Fuller Street between France and Drew Avenue. The site includes the church, a parking lot east of the church, two platted lots east of the parking lot at 3700 and 3704 Fuller Street, and property south of Fuller inculding a south parking lot, and three platted lots east of the south parking lot at 3713, 3717 and 3721 Fuller Street. (See page A4.)

In August of 2011, the Church recieved a 15-foot lot width variance for 3713 Fuller Street. (A vacant lot east of the subject 3717 Fuller lot.) The purpose of the current request is to create another lot in which the Church intends to sell to JMS Homes. JMS would then build two new single-family homes.

The zoning ordinance requires a minimum 75 foot lot width. The lot is 60 feet in width requiring a 15-foot lot width variance to allow the sale of the lot. The lot conforms to the depth and area requirements. The lot was platted prior to the current width requirements, is legally nonconforming, however, cannot be sold without the benefit of a width variance.

All of the church property, with the exception of 3700 Fuller, (north of Fuller and west of Drew) and 3713 Fuller, (the property that has already received a width variance), is dedicated to a proof-of-parking agreement filed as a condition of

variances granted for an expansion of the Church that occurred in 1983. A parking lot plan was attached to the 1983 agreement providing an ultimate build-out plan of the south parking lot over two lots east of the parking lot including the subject vacant lot. (See page A55.) The proof-of-parking plan would be implemented in the event that the City Manager and City Planner determine that additional parking spaces would be required for the Church use. The lot at 3717 Fuller is encumbered by the 1983 parking agreement and may not be sold without a lot width variance and an amendment to the Church's Conditional Use permit to include a re-assessment of the parking needs of the Church and revised proof-of-parking plan.

SRF Consulting Group, Inc. has submitted a parking study dated November 22, 2011 and revision dated January 16, 2012. (See pages A21–A44.) The parking study includes a new proof-of-parking plan that would rebuild the south parking lot to provide 86 stalls in a new south lot build-out and include the 46 existing stalls in the north lot for a total of 132 parking stalls. The ordinance requires parking must be provided for one third the maximum seating capacity for the largest place of assembly. The Church use requires a minimum of 131 parking stalls. The sanctuary is the largest place of assembly providing capacity for 393 persons. The build-out plan provides 132 parking stalls and conforms to the required setbacks.

It should be noted that the seating capacity of the Church was reduced from 470 to 393 persons as part of a 1990 interior renovation. The number of parking stalls required by ordinance reflects the capacity decrease by a reduction in parking required from 156, (as required in 1983), to 131 stalls.

SRF Consulting Group has indicated the average weekly parking demand is approximately 73 stalls with 91 stalls currently provided in the north and south lots combined. It isn't anticipated that the south lot will need any improvement in the near future given current lower demand and reduced attendance as indicated in the SRF study. No additional parking has been needed over the last 29 years since the 1983 agreement was put in place. Exercising the current parking agreement has never been considered.

Surrounding Land Uses

Northerly:	Gas Station; zoned PCD-4 and guided NC neighborhood Commercial, Single-family homes; zoned and guided low-density residential.
Easterly:	Single-family homes; zoned and guided low-density residential.
Southerly:	Church parking lot, zoned and guided low-density residential.
Westerly:	Condominiums; zoned PRD-3 and guided medium density residential

Existing Site Features

The existing site contains St. Peter's Church, two parking lots and five platted single dwelling unit lots.

Planning

Guide Plan designation:	Public/Semi-public
Zoning:	R-1, Single-dwelling district

Parking

The parking calculations are based on the capacity of the largest place of assembly. Parking spaces equal to one-third the maximum seating capacity of the largest place of assembly requires the church to provide131 stalls. The proof-of-parking plan illustrates a build-out of 132 stalls that could be accomplished by expanding the south parking lot over one vacant lot east of the south parking lot at 3721 Fuller Street. The proposed proof-of-parking plan does not require improvements on the lot in question at 3717 Fuller Street. The Church can accomplish the parking required by ordinance without having to use the subject lot. Any modification to the parking agreement is an amendment to the St. Peter's Conditional Use Permit.

Conditional Use Permit

Per Section 850.04 Subd. 5.E, the City Council shall not grant a Conditional Use Permit unless it finds that the establishment, maintenance and operation of the use:

1. ***Does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements;***

The proposal will not change the existing conditions of the Church parking lots. The revised proof-of-parking demonstrates a conforming plan if needed in the future.

2. ***Will generate traffic within the capacity of the streets serving the property;***

The proposal will not generate additional traffic. The parking regulation is generated by the maximum capacity of the largest place of assembly which is not changing with this plan. The proof-of-parking plan would provide the required parking for the largest place of assembly in the event that additional parking would be necessary.

3. ***Does not have an undue adverse impact on the public health, safety or welfare;***

Again there would be minimal impact, as the use of the property will not change with the exception of new homes south of Fuller Street.

4. ***Will not impede the normal and orderly development and improvement of other property in the vicinity;***

The proposed modification to the parking plan will not impede development or improvements to surrounding property. The plan will allow for new home construction adjacent to other single family homes.

5. ***Conforms to the applicable restrictions and special conditions of the district in which it is located as imposed by this Section; and***

The proof-of-parking plan would provide the required number of parking stalls without the need to use property at 3717 Fuller. The proposed new home at 3717 Fuller would conform to all applicable zoning ordinance requirements.

6. ***Is consistent with the Comprehensive Plan.***

A Church is a conditionally permitted use in the R-1 District, and therefore, consistent with the Comprehensive Plan. A single dwelling unit building as proposed is a permitted use in the R-1 zoning district

Lot width variance request – Building Design

The proposed home would be two stories with an attached three car garage. The plans would conform to the zoning ordinance requirements. (See pages A13–A20 and the compliance table on the following page.)

Compliance Table New Home

	City Standard	Proposed
Front – Side yard– Rear –	Average of adjacent homes 5 feet, plus height 25 feet	41.2 feet 5 feet west, 6 feet east 38.6 feet
Building Height	30 feet to mid-point, 35 feet to ridge	23.75 mid-point, 30.6 feet to ridge
Lot Coverage	25%	21.6%
Lot Dimensions Minimum width Minimum depth	 75 feet 120 feet	 ***60 feet** 165

* ***Variance Required***

Compliance Table Parking Plan

	City Standard	Proposed
Street setback	20 feet	20 feet, proof of parking south lot
Interior lot setback	10 feet	10 feet, proof of parking south lot
Parking	1/3rd the max. capacity of the largest place of assembly ***(131spaces required)**	**91 existing parking spaces** ***132 spaces in proof-of-parking** north and south lot

***Proof of parking plan**

Primary Issues

- **Is the proposed proof-of-parking agreement reasonable for this site?**

  Yes. Staff believes the proposal is reasonable for the following reasons:

  1. The proposal meets the Conditional Use Permit findings. As demonstrated on pages 3-4 of this report, the six findings for a Conditional Use Permit would be met.

2. The proposal meets all minimum Zoning Ordinance standards with the proof-of-parking agreement in place. All setback requirements would be met.

- **Is the proposed development reasonable for this site?**

Yes. Staff believes the proposal is reasonable for four reasons:

1. The proposed new home is permitted in the R-1, Single Dwelling Unit Zoning District.

2. The lot is appropriate in width given adjacent lot widths and lot configurations within the neighborhood.

3. The home demonstrated would conform to the ordinance requirements.

- **Is the proposed variance justified?**

Yes. Per the Zoning Ordinance, a variance should not be granted unless it is found that the enforcement of the ordinance would cause practical difficulties in complying with the zoning ordinance and that the use is reasonable. As demonstrated below, staff believes the proposal does meet the variance standards, when applying the three conditions:

Minnesota Statues and Edina Ordinances require that the following conditions must be satisfied affirmatively. The Proposed Variance will:

1) ***Relieve practical difficulties that prevent a reasonable use from complying with ordinance requirements.***

Reasonable use does not mean that the applicant must show the land cannot be put to any reasonable use without the variance. Rather, the applicant must show that there are practical difficulties in complying with the code and that the proposed use is reasonable. "Practical difficulties" may include functional and aesthetic concerns.

Staff believes the proposed variance is reasonable. The lot was developed with single family home previously. It has been demonstrated that a new home may be built within the current standards required by the city. The practical difficulty is that the width requirement for lots has changed since the time when the lot was subdivided.

2) ***There are circumstances that are unique to the property, not common to every similarly zoned property, and that are not self-created?***

Yes. The lot was platted prior to the Church's ownership and at a time when 60-foot lot widths were acceptable. Lots within the surrounding neighborhood provide similar lot widths and do not require a variance for construction. The variances would allow construction on the property with a new conforming single family home similar to homes nearby.

3) ***Will the variance alter the essential character of the neighborhood?***

No. The proposed improvements would not alter the essential character of the neighborhood. The modification to the proof-of-parking plan and the lot width variance will allow the opportunity for a home to be built on an existing platted lot consistent with the other single dwelling units within the neighborhood. The sale of the lot will not affect the status of the Church property or ability in the future to provide required parking.

Staff Recommendation Conditional Use Permit

Recommend that the City Council approve the Conditional Use Permit to modify the 1983 proof-of-parking agreement.

Approval is based on the following findings:

1. The proposal meets the Conditional Use Permit conditions per Section 850.04 Subd.5.E, of the Edina Zoning Ordinance.

2. The proposal meets all applicable Zoning Ordinance requirements.

3. The revised proof of parking plan allows the release of 3717 Fuller Street from the 1983 proof of parking agreement allowing the Church opportunity for alternative options for use of the property.

Approval is subject to the following condition:

1. Recording of a revised proof-of-parking agreement with attached parking plan by SRF Consulting Group, Inc. dated: January 17, 2012, with Hennepin County.

2. Execution of a proof-of-parking agreement.

Staff Recommendation lot width variance

Recommend that variance approval is based on the following findings:

1) With the exception of the variance requested, the proposal would meet the required standards and ordinances for the R-1, Single Dwelling Unit District.

2) The proposal would meet the required standards for a variance, because:

   a. The proposed use of the property is reasonable; as it is consistent with the Comprehensive Guide Plan.

   b. The request is reasonable given that a home had occupied the lot in the past.

   c. The lot width of the subject property is consistent and similar to those near it.

3) The proposal is in harmony with the intent of the ordinance since it will allow replacement of a home that had occupied the lot in the past and was originally platted for that purpose.

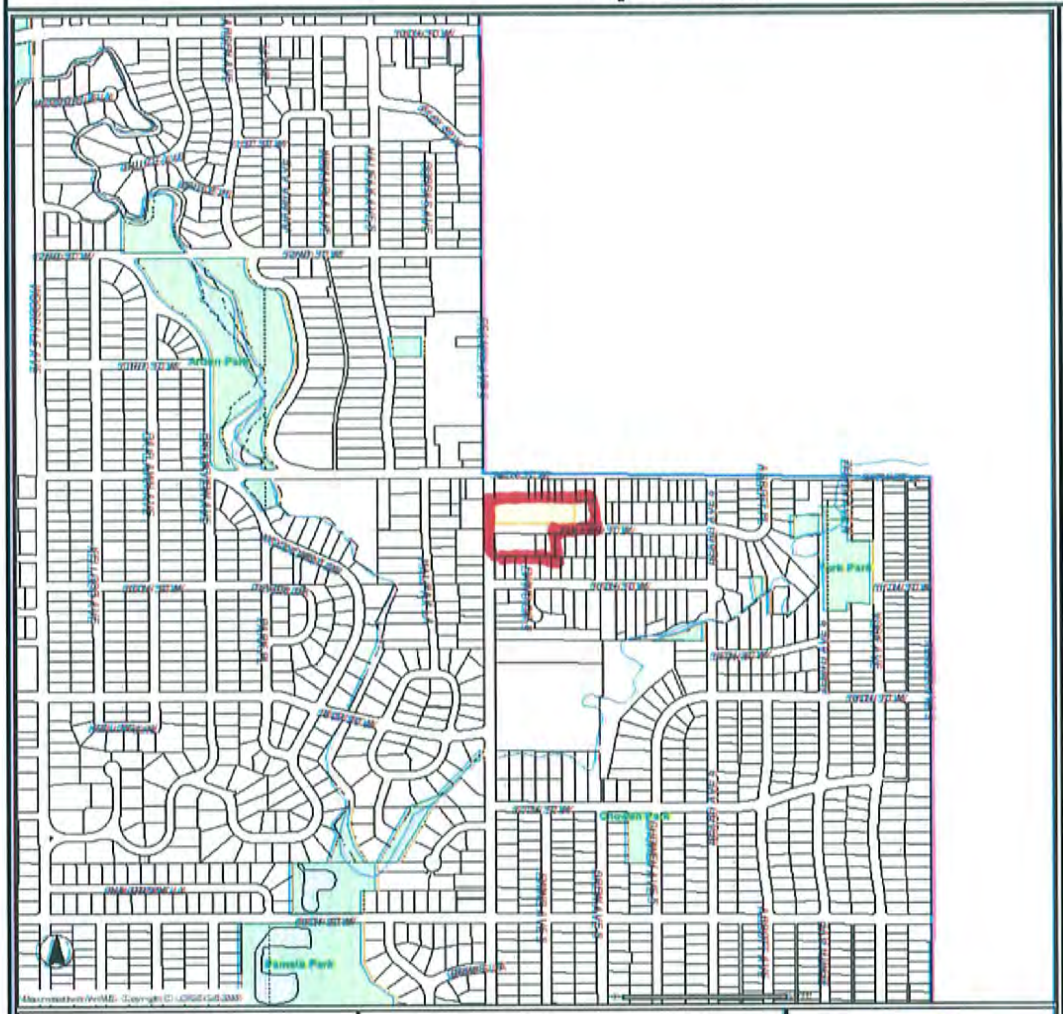
4) The unique circumstances are that the property is not needed for future parking demands of the Church, however, may not be sold for redevelopment without the benefit of a lot width variance.

Approval is subject to the following condition:

1. Recording of a revised proof-of-parking agreement with attached parking plan by SRF Consulting Group, Inc. dated: January 17, 2012, with Hennepin County.

Deadline for a city decision: February 20, 2012

City of Edina



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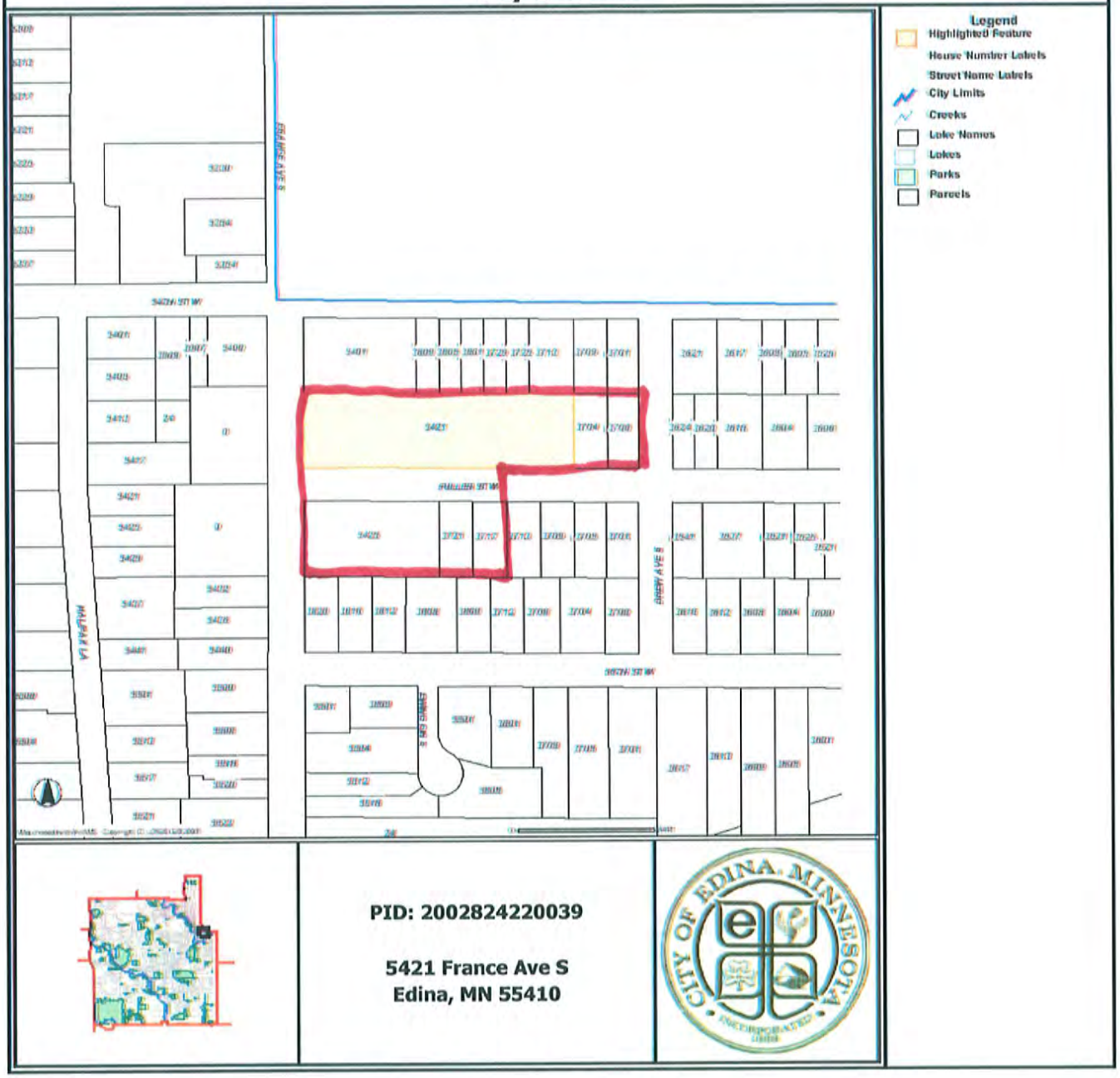
5421 France Ave S
Edina, MN 55410

City of Edina



PID: 2002824220039

5421 France Ave S
Edina, MN 55410

A2

City of Edina

Legend
- House Number Labels
- Street Name Labels
- City Limits
- Creeks
- Lake Names
- Lakes
- Parks
- Parcels
- 2000 Aerial Photo

PID: 2002824220039

5421 France Ave S
Edina, MN 55410

City of Edina

Legend
- House Number Labels
- Street Name Labels
- City Limits
- Creeks
- Lake Names
- Lakes
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- Parcels
- 2000 Aerial Photo

PID: 2002824220039

5421 France Ave S
Edina, MN 55410

APPLICANT NARRATIVE

City of Edina – Conditional Use Permit Application
Explanation of Request
St. Peter's Evangelical Lutheran Church
December 22, 2011

The City of Edina (the City) and St. Peter's Evangelical Lutheran Church (St. Peter's or the Church) entered in an agreement dated May 22, 1983 (the Agreement) in which the City granted certain variances, including a variance to allow St. Peter's to maintain 102 parking spaces, a variance of 54 spaces from the number required by City ordinances. All property then owned by St. Peter's was subject to the Agreement, and the Agreement provides a parking plan for additional spaces, if and when needed.

St. Peter's is contemplating the sale of one parcel of its property subject to the Agreement (3717 Fuller Street) to a third-party developer. However, the Agreement provides that the Church "shall not sell, convey, transfer, mortgage or encumber, in any way or by any means, less than all the Property, in its entirety, at one time and to one person, without receiving in each instance the prior written consent of City..."

St. Peter's believes retaining 3717 Fuller Street is not necessary for its present and future parking needs, and through this application is requesting that this parcel be released from the terms and conditions of the Agreement. To support this request, St. Peter's retained SRF Consulting Group, Inc. (SRF) to document the existing and anticipated future parking demand of the Church and identify whether this demand can be accommodated by its existing parking supply. SRF's report accompanies this application.

St. Peter's request to release 3717 Fuller Street from the Agreement is based on the following:

- The Church's off-street parking lot space has not changed since 1983 and has been adequate to support its worship attendance and other activities since then, including in 1989 when the weekly worship attendance average was two and one-half times the current weekly average.
- The two existing off-street parking lots are currently striped to accommodate 91 vehicles. This total could be increased to the 102 spaces per the Agreement by re-striping.
- St. Peter's 91 current off-street parking spaces exceed the current zoning requirement of 77 spaces (by variance), the current average weekly peak demand of 73 spaces (during the one weekend worship service), and the 85th percentile weekly peak demand of 82 spaces.
- 120 on-street spaces exist within one block of the Church. These spaces are adequate to accommodate potential parking demand during higher attendance services.
- The Church's worship sanctuary is limited in its seating (approximately 255 persons). Increasing church attendance would be accommodated through additional worship services at different times, further easing parking requirements.

PLANNING DEPARTMENT
DEC 22 2011
CITY OF EDINA

A5

The Church has no further plans to sell additional property and specifically will retain 3721 Fuller Street for future off-street parking expansion. St. Peter's agrees with SRF's conclusion that the release of 3717 Fuller Street from the terms and conditions of the Agreement will not have an adverse impact on the City or neighborhood adjacent to the Church.

St. Peter's has prepared a preliminary redesign of its east parking lot, as referred to in SRF's report. This redesign would add five spaces to the overall parking capacity of the Church. Construction of this redesign is dependent upon fundraising efforts, and is expected to commence within the next two years.

This application request addresses only the release of 3717 Fuller Street from the terms and conditions of the Agreement. Any further considerations regarding this property will be addressed through additional variance requests, if needed.

PLANNING DEPARTMENT
DEC 22 2011
CITY OF EDINA

The proposed variance will:

1. **Relive practical difficulties in complying with the zoning ordinance and that the use is reasonable.**

   This application is required due to lot width being less than 75'. Before any building permit is issued on any lots less than 75' a variance must be issued. Alternatively, had there been a prior house on this lot the size would have been grandfathered and a traditional 'over the counter' application would be the correct path, just like so many other sites.

2. **Correct extraordinary circumstances applicable to this property but not applicable to other property in the vicinity or zoning district.**

   The scope of work contemplated is consistent with the surrounding neighborhood and virtually identical in scope to dozens of other new construction projects that have occurred over the last few years within Edina.

3. **Be in harmony with the general purposes and intent of the zoning ordinance.**

   This project is absolutely consistent with the surrounding residential single-family uses in this neighborhood. This project is consistent in both size of land and size of structure.

4. **Not alter the essential Character of the neighborhood.**

   This project is consistent with the neighborhood and does not in any way alter the integrity of the community.

PLANNING DEPARTMENT
DEC 22 2011
CITY OF EDINA

SRF Consulting Group, Inc. | ENGINEERS PLANNERS DESIGNERS

SRF No. 7603

MEMORANDUM

TO: Cary Teague
City Planner, City of Edina

FROM: Nicholas Erpelding, P.E., PTOE

DATE: January 16, 2012

SUBJECT: ST. PETER'S CUP APPLICATION/PARKING STUDY
RESPONSE TO JANUARY 11, 2012 COMMENTS

Cary,

In response to your comments on the St. Peter's Conditional Use Permit (CUP) application (received via email by St. Peter's representatives on January 11, 2012), we offer the following clarifications/responses:

> 1. The proof-of-parking plan does not show the code required parking stalls of 131 as indicated in the parking study. The previous plan that was reviewed as part of the variance in 1983 was 156 stalls. We are not sure why it is less now, but we are guessing that the seating capacity of the sanctuary has changed since 1983? In any event, the proof-of-parking plan must be revised to show at least 131 stalls. You may wish to create a plan to match the 156 stalls required in 1983. That would demonstrate that the church could provide the number of stalls necessary by City Code in 1983 in the original variance. The parking study done by SRF provides the proposed justification to not require the proof-of-parking plan to be constructed at this time.

In regards to why parking requirements have decreased since the 1983 variance agreement, St. Peter's representatives indicate that renovations were completed in the late 1990s that reduced the seating capacity of the sanctuary by approximately 75 persons.

On the issue of a 156-stall proof of parking plan: such a plan was included in the parking study completed by SRF as part of the CUP application. The plan was included on the last page of the report, in Appendix as an exhibit in the variance agreement.

A8

SRF has prepared a proof of parking plan that shows how the 131-stall parking requirement could be met, if needed. The plan (attached) meets all current setback requirements. The 131-stall count is able to be met by expanding the south parking lot to the east onto 3721 Fuller Street, in the same way that the 1983 156-stall proof of parking plan showed use of both 3721 and 3717 Fuller Street. No modifications to the north parking lot are required.

Since the 131-stall proof of parking plan confirms that 3717 Fuller Street is not required to provide land area for the 131-stall proof of parking plan, the requirement from the 1983 variance agreement that this parcel be held in reserve can be eliminated without adverse impacts to the City or adjacent neighborhood, following the reasoning from the November 22, 2011 parking study.

> 2. The plan shows an addition to the church. That should be removed so not to add any confusion that it is part of the proof-of-parking plan.

Comment noted. No changes to the church site are proposed as part of this CUP application. Specifically, the addition to the church shown on the site plan (Figure 6) in the parking study is a potential future addition not being proposed at this time. The Future Conditions section of the parking study, where the site plan (Figure 6) is located, was included only to provide a forward-looking view for the St. Peter's site for planning purposes. None of the modifications to the site (building or parking) are being proposed as part of this CUP application. The primary conclusion from the parking study that the existing parking supply is adequate to serve the existing site remains valid.

> 3. The access point on to Drew Avenue would not be allowed per our City Engineer. This was suggested by staff as an arrangement that would not be permitted several months ago. That access point should be removed.

Comment noted. The response to this comment is similar to the response to Comment 2. No changes to the church site are proposed as part of this CUP application. Specifically, the modifications to the north parking lot shown on the site plan (Figure 6) in the parking study are potential future modifications not being proposed at this time.

> 4. There is no setback shown for the parking along the north lot line. A 10-foot setback is required. Should the lot ever be reconfigured, that 10-foot area would need to provide screening by landscaping and/or fencing.

Comment noted. Again, the response to this comment is similar to the responses to Comments 2 and 3. The modifications to the north parking lot shown on the site plan (Figure 6) in the parking study are potential future modifications not being proposed as part of this CUP application.

In summary a revised parking plan must be submitted to include the following:

- A minimum of 131 stalls. You may wish to submit a plan that shows 156 stalls as that was the requirement and what is shown on the existing proof of parking plan.
- A 10-foot setback for the parking lot on the north lot line, and a 20-foot setback for the parking lot on the south lot line.
- No access onto Drew Avenue.
- Remove the addition to the church.

When/if the church would like to make actual changes to the existing parking lot on the church site, another amendment to the CUP would be required at that time to look at access points, landscaping/screening, circulation and setbacks etc…

A proof of parking plan has been prepared and is attached to this memo. The plan shows how 131 stalls can be accommodated on site, if and when necessary. As noted in the parking study, the existing parking configuration is acceptable – accordingly no changes to the configuration of the parking lots are proposed. The proof of parking plan is rather a worst case look at how parking could be reconfigured if necessary.

The proof of parking plan follows all applicable setback requirements where modifications to existing parking are proposed. Specifically, 10-foot setbacks to side lots and a 20-foot setback to the France Avenue and Fuller Street public rights-of-way are included, pursuant to current City Zoning Code requirements. The proof of parking plan assumes that the north parking lot will be preserved as is, with no modifications.

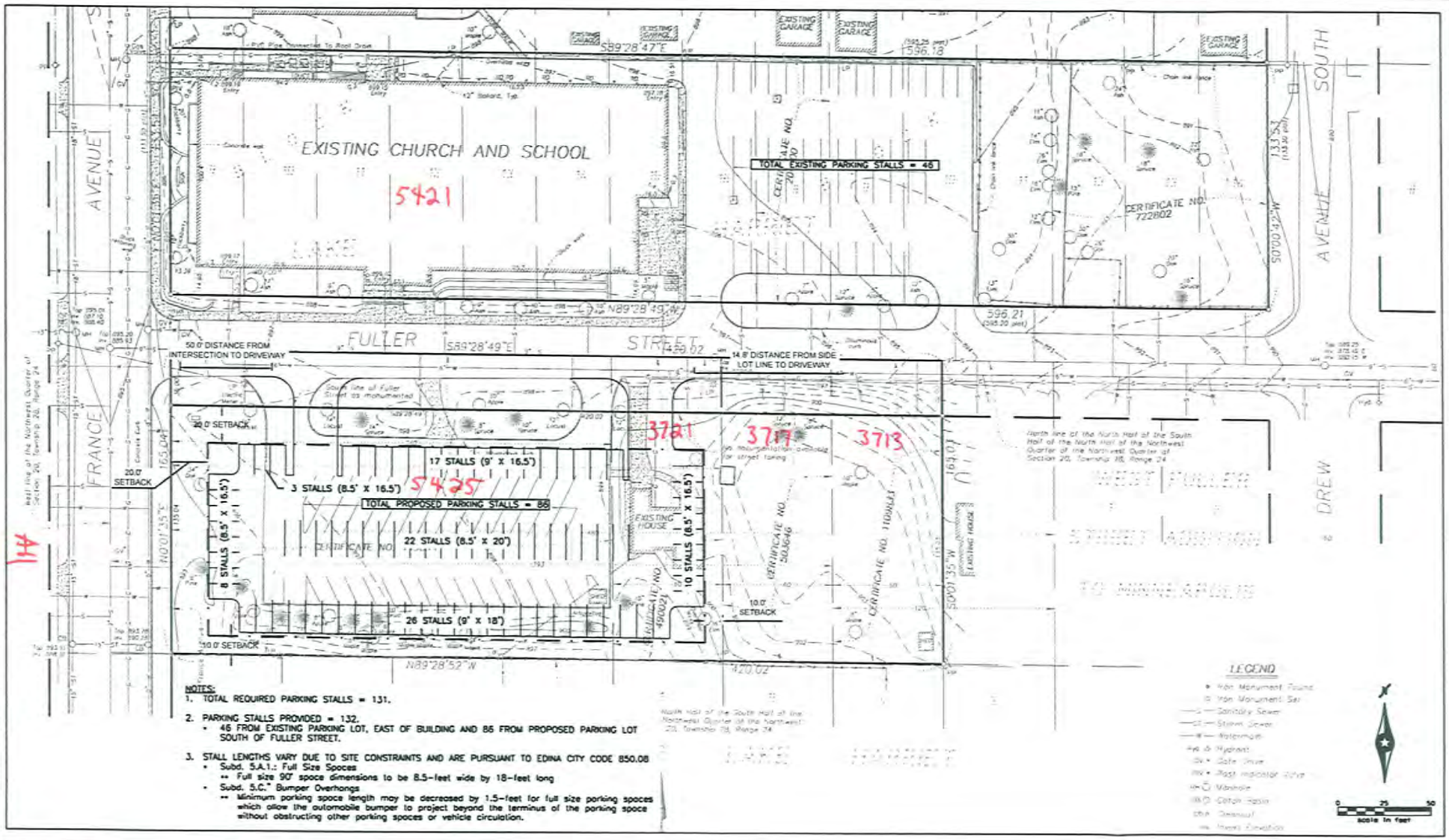
St. Peter's representatives have acknowledged and understand that future modifications, if any, to the north parking lot will include all necessary setbacks and other requirements indicated above, and will comply with the requirements of the proof of parking plan submitted herein. A separate CUP will be prepared and submitted to address any future design considerations of the north parking lot.

NE

Attachments:

1. St. Peter's 131-stall Proof of Parking Plan

cc: Jim Ravell, St. Peter's Lutheran Church



NOTES:

1. TOTAL REQUIRED PARKING STALLS = 131.
2. PARKING STALLS PROVIDED = 132.
   - 46 FROM EXISTING PARKING LOT, EAST OF BUILDING AND 86 FROM PROPOSED PARKING LOT SOUTH OF FULLER STREET.
3. STALL LENGTHS VARY DUE TO SITE CONSTRAINTS AND ARE PURSUANT TO EDINA CITY CODE 850.08
   - Subd. 5.A.1.: Full Size Spaces
     - Full size 90° space dimensions to be 8.5-feet wide by 18-feet long
   - Subd. 5.C.7 Bumper Overhangs
     - Minimum parking space length may be decreased by 1.5-feet for full size parking spaces which allow the automobile bumper to project beyond the terminus of the parking space without obstructing other parking spaces or vehicle circulation.

SRF Consulting Group, Inc.

0117603
January 17, 2012

PROOF OF PARKING PLAN - 131 STALLS

St. Peter's Lutheran Church Parking Study
5421 France Avenue S., Edina, Minnesota

January 17, 2012

PROOF-OF-PARKING PLAN

Boundary and Topographic Survey for:
ST. PETER'S EVANGELICAL LUTHERAN CHURCH

NOTES

PROPERTY DESCRIPTION

Abstract Property

Certificate Number 204400

Certificate Number 722107

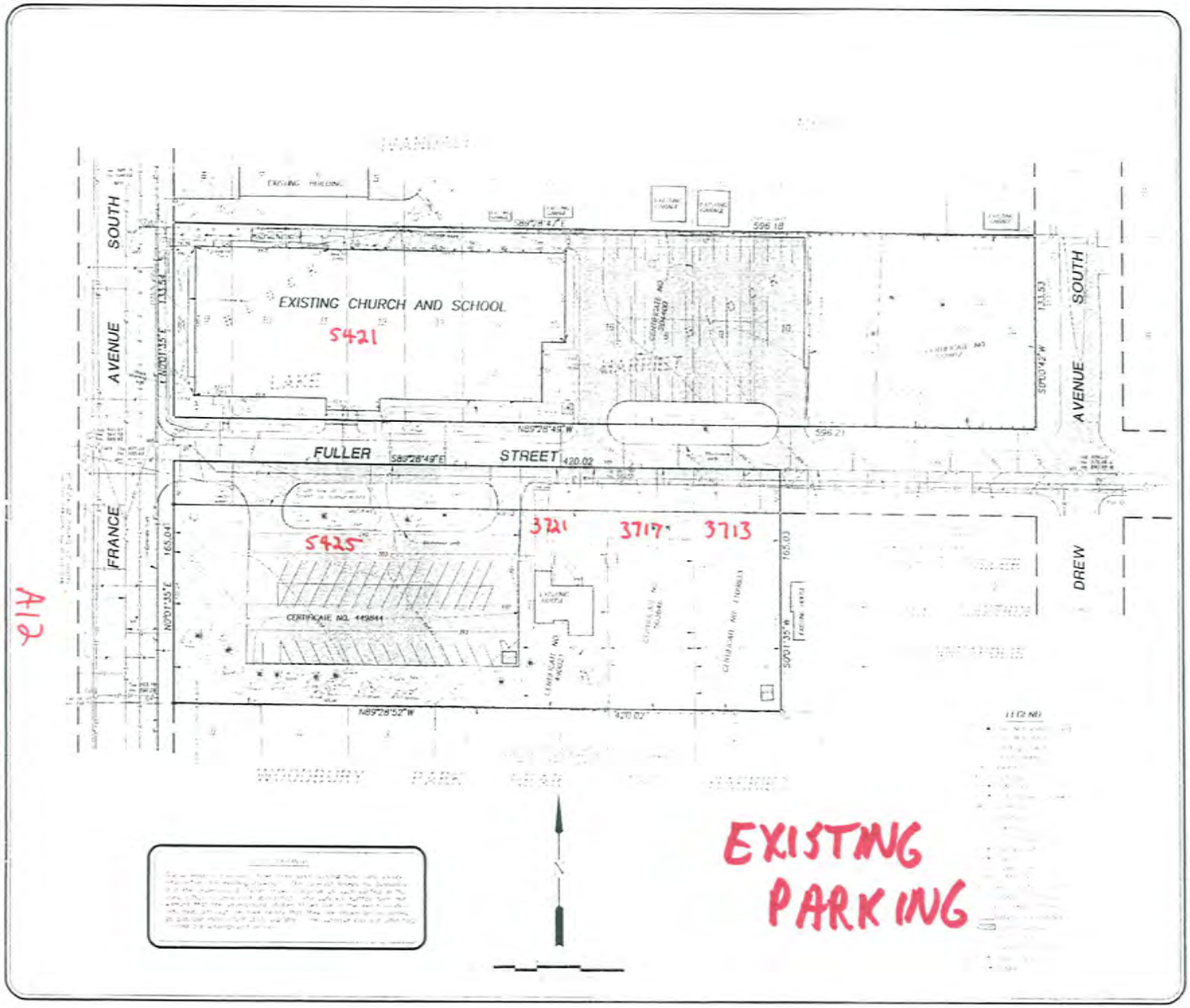
Certificate Number 449844

Certificate Number 490021

Certificate Number 503846

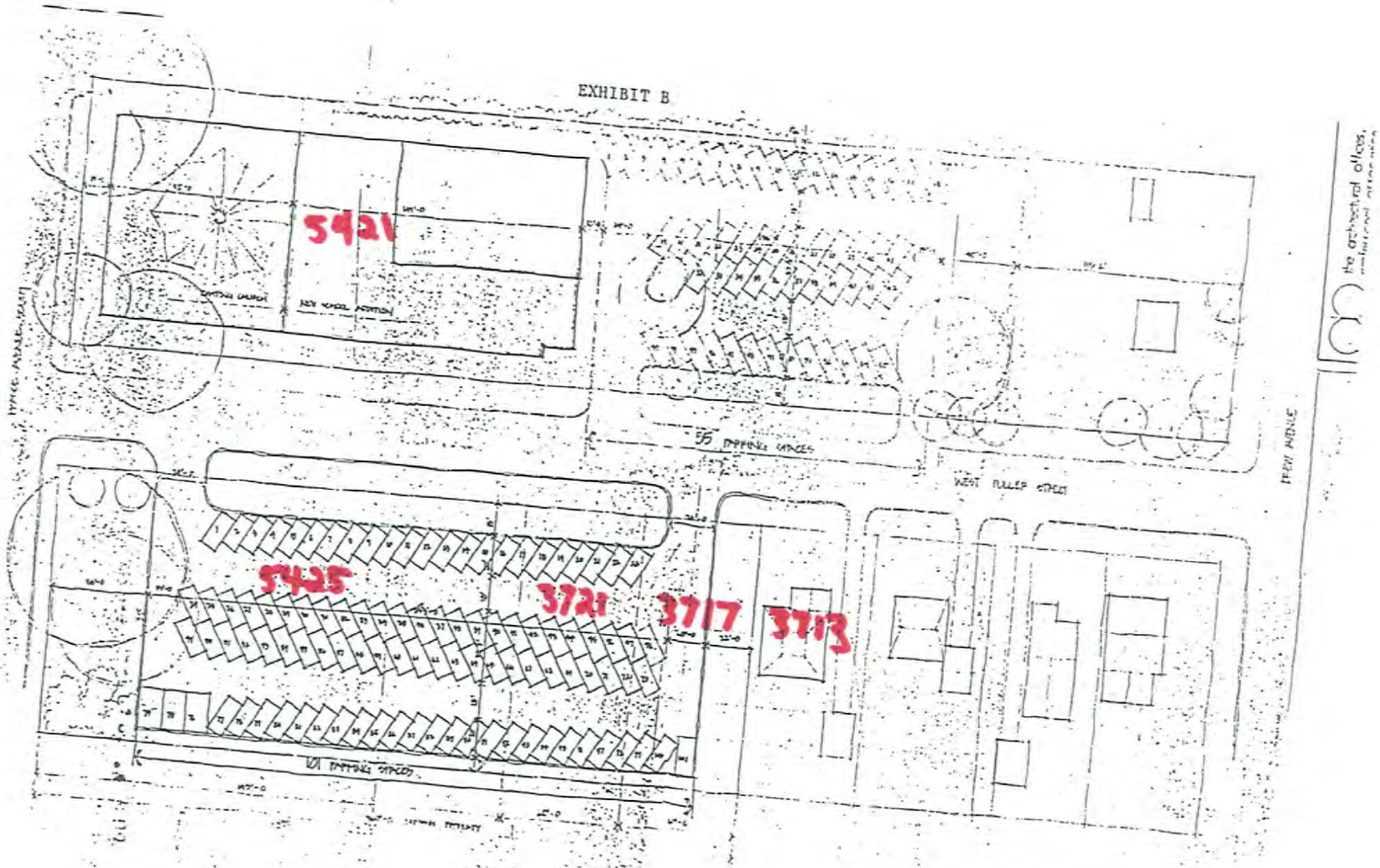
Certificate Number 110833

Rehder and Associates, Inc.



A12

EXHIBIT B



ULTIMATE PARKING PLAN
SITE PLAN

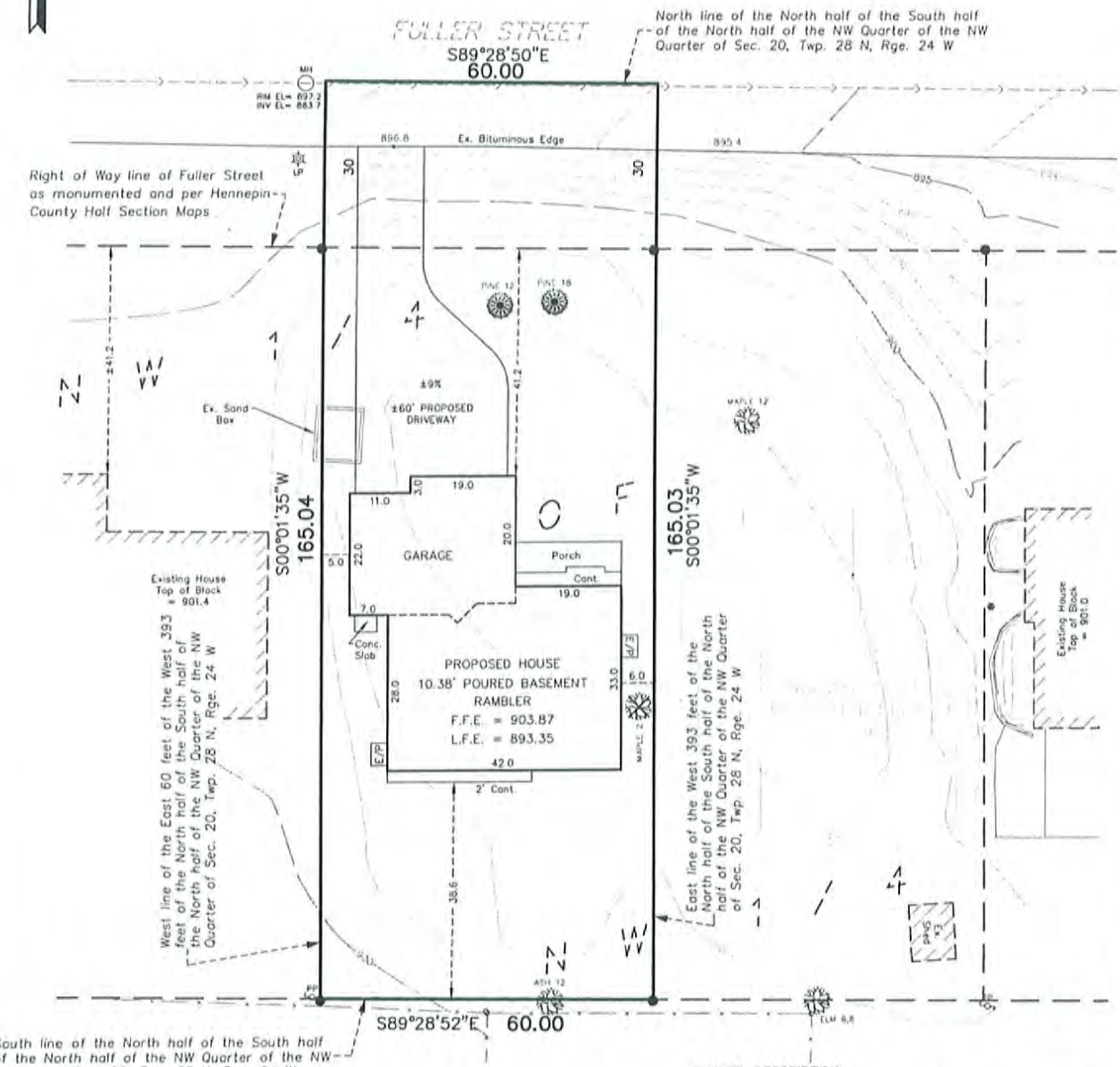
EXISTING PROOF-OF-PARKING PLAN

A12

Variance Exhibit for:
JMS CUSTOM HOMES, LLC

House Address:
3717 Fuller Street, Edina, MN

Located in the NW 1/4 of Sec. 20, Twp. 28, Rge. 24



BUILDING COVERAGE CALCULATIONS

Total Lot Area	±9,902 sq. ft.
Total lot area, less Fuller Street	±8,102 sq. ft.
Building Coverage	±2,140 sq. ft.
House	±1,988 sq. ft.
Porch	±152 sq. ft.
Total Coverage Percentage	±21.6%

—●— Denotes Iron Monument

Bearings shown are assumed

GRAPHIC SCALE
0 10 20 40
(IN FEET)

* DROP GARAGE 1.0 FT. DOWN *

PROPOSED BUILDING ELEVATIONS

Lowest Floor Elevation: 893.35
Top of Foundation Elevation: 903.43
Garage Slab Elevation (at door): 902.03
First Floor Elevation: 903.87

A13

PARCEL DESCRIPTION:

The East 60 feet of the West 393 feet of the North half of the South half of the North half of the Northwest Quarter of the Northwest Quarter of Section 20, Township 28 North, Range 24 West of the Fourth Principal Meridian, Hennepin County, Minnesota.

Torrens Certificate No. 503646

NOTES:

1. Parcel description and easements shown hereon are those listed in Title Commitment No. HB-20586A with an effective date of May 12, 2011 at 7:00 AM prepared by Custom Home Builders Title, LLC as issuing agent for Stewart Title Guaranty Company.

2. No record easement was provided for Fuller Street crossing this parcel.

3. Front yard setback for this parcel was established by matching the front house setback from the adjacent house lying westerly of this property.

404 | 3470.001

Carlson McCain
ENVIRONMENTAL • ENGINEERING • SURVEYING
248 Apollo Dr, Suite 100, Lino Lakes, MN 55014
Phone: 763-489-7900 Fax: 763-489-7959

I hereby certify to JMS Custom Homes, LLC 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.

Dated this 11th day of January, 2012.

PLANNING DEPARTMENT
JAN 17 2012
CITY OF EDINA

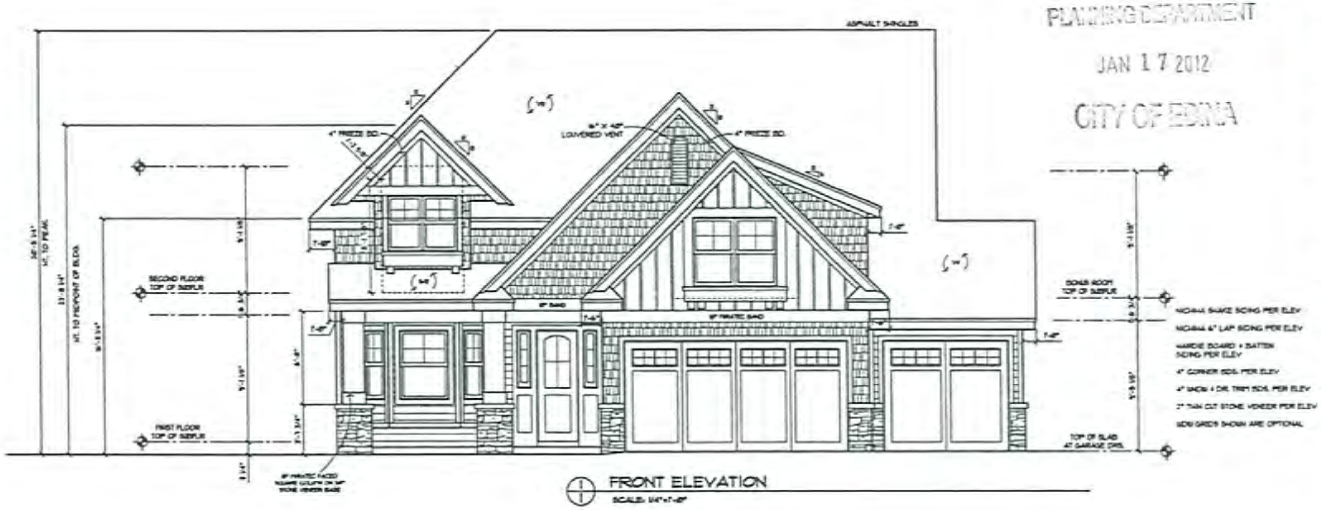
Revised: Move House 1/13/12

Signed: Carlson McCain, Inc.

By: Thomas R. Balluff

Thomas R. Balluff, L.S. Reg. No. 40361

PLANNING DEPARTMENT
JAN 17 2012
CITY OF EDINA



1 FRONT ELEVATION
SCALE: 1/4"=1'-0"

2 REAR ELEVATION
SCALE: 1/4"=1'-0"

ALEXANDER DESIGN GROUP

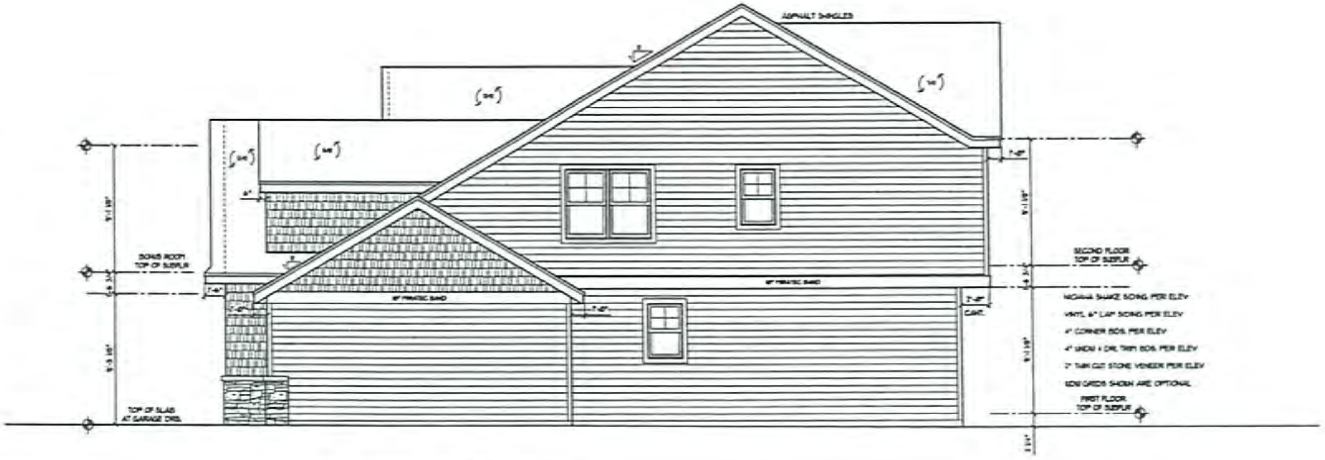
ISSUE DATE: 13 JAN 2012
REVISIONS ISSUE DATES:
11 NOV 8
8 JAN 12

DRAWING DESCRIPTION:
BUILDING ELEVATIONS
FRONT AND REAR

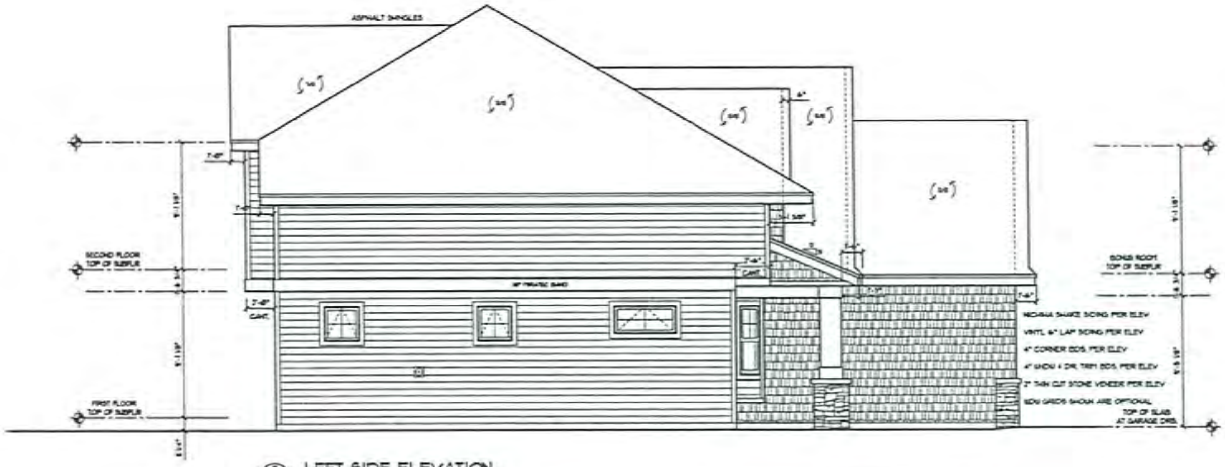
O'NEILL RESIDENCE
JMS CUSTOM HOMES
3717 FULLER ST.
EDINA, MN

1
1 OF 7

A14



1/2 RIGHT SIDE ELEVATION
SCALE: 1/4"=1'-0"



2/2 LEFT SIDE ELEVATION
SCALE: 1/4"=1'-0"

PLANNING DEPARTMENT
JAN 17 2012
CITY OF EDINA

ALEXANDER DESIGN GROUP
401 EAST LAKE STREET
WAYZATA, MN 55391
Phone: 952.473.8777
FAX: 952.473.8222

ISSUE DATE: 13 JAN 2012
PREVIOUS ISSUE DATES: 11 NOV 1 9 JAN 12

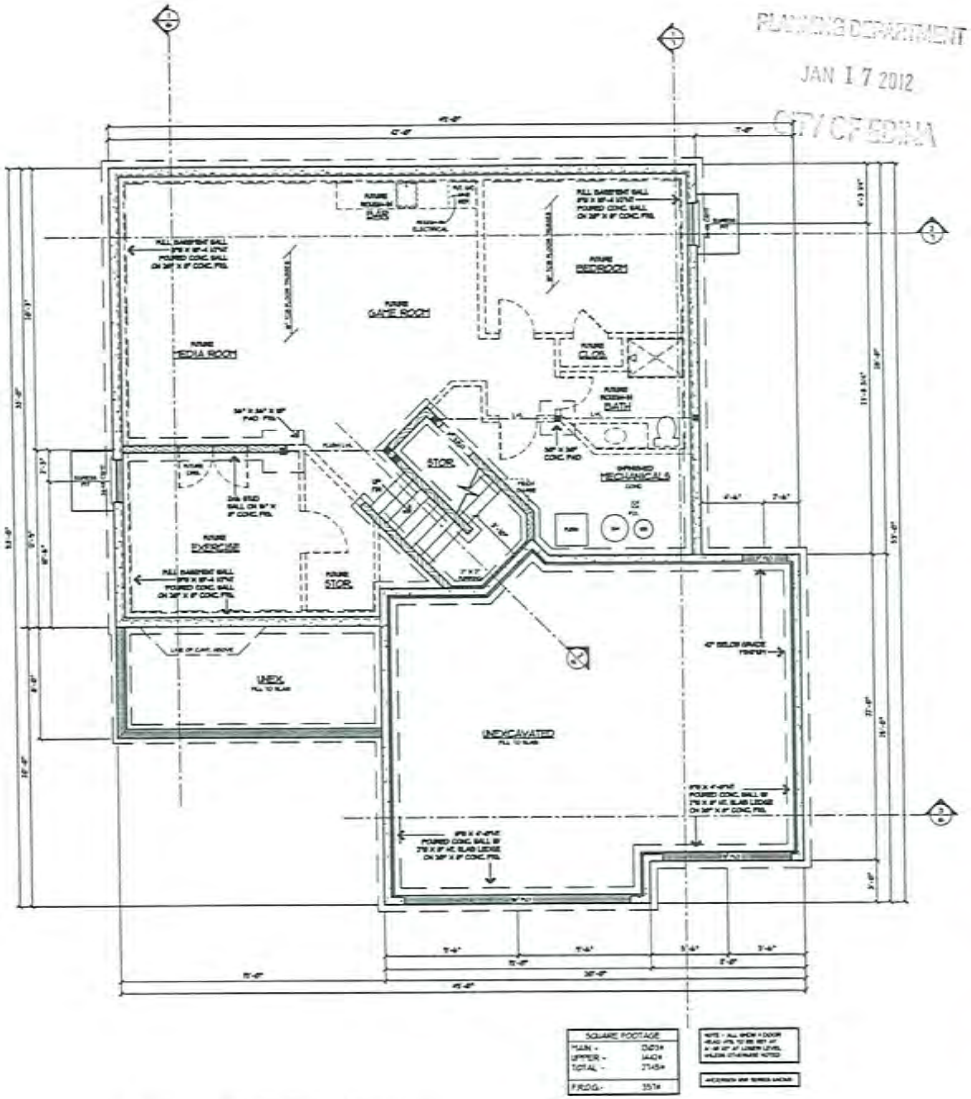
DRAWING DESCRIPTION: BUILDING ELEVATIONS SIDE ELEVATIONS

O'NEILL RESIDENCE
JMS CUSTOM HOMES
3111 FULLER ST.
EDINA, MN

2
2 OF 7

A15

PLANNING DEPARTMENT
JAN 17 2012
CITY OF EDINA



1/3 LOWER LEVEL FLOOR PLAN

SCALE: 1/4"=1'-0"

A16

ALEXANDER DESIGN GROUP

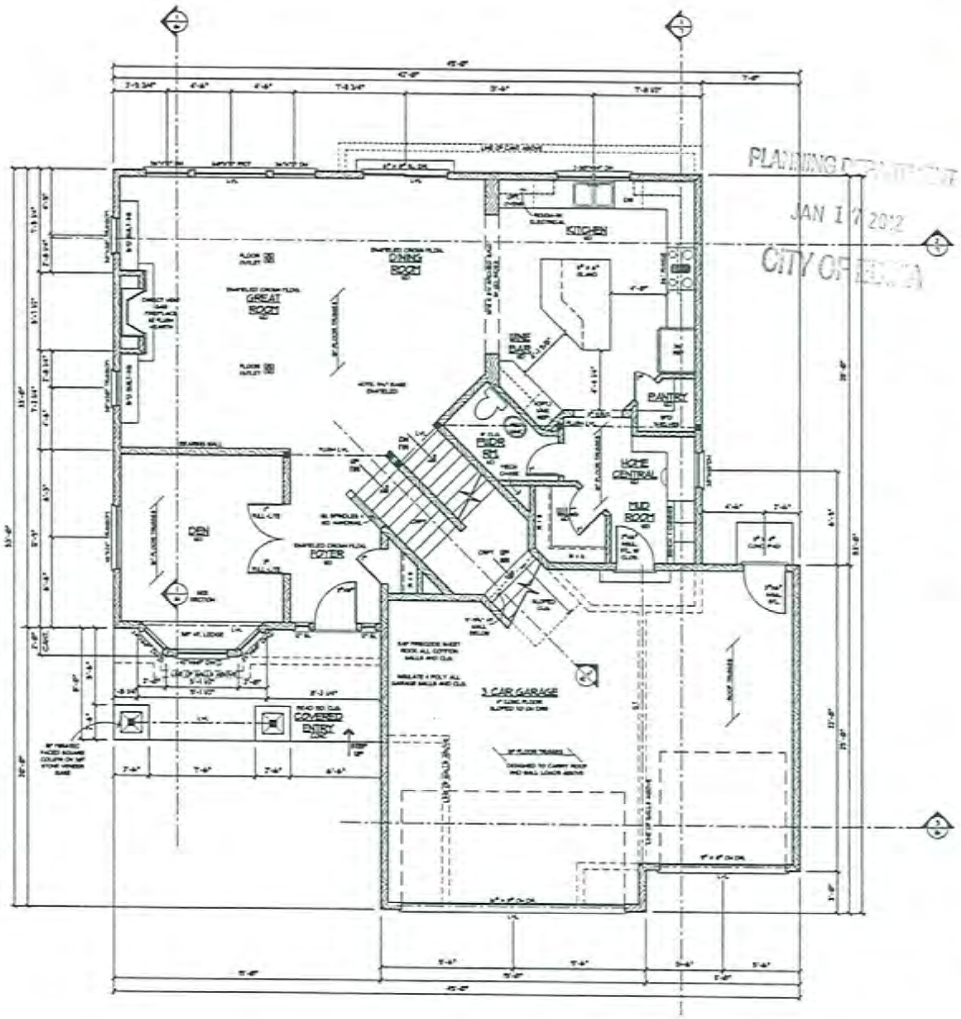
ISSUE DATE: 13 JAN 2012

PREVIOUS ISSUE DATES: 11 NOV 11, 9 JAN 12

DRAWING DESCRIPTION: LOWER LEVEL FLOOR PLAN

O'NEILL RESIDENCE
JHB CUSTOM HOMES
3111 FULLER ST.
EDINA, MN

3
3 OF 7



PLANNING DEPARTMENT
JAN 17 2012
CITY OF EDINA

SQUARE FOOTAGE	
MAIN -	[illegible]
UPPER -	[illegible]
TOTAL -	[illegible]
F.R.O.G. -	[illegible]

NOTE - ALL WINDOW & DOOR HEAD HTS. TO BE SET AT 8'-0" AT MAIN LEVEL UNLESS OTHERWISE NOTED

ANCHORAGE AND SERIES ABOVE

1/4 MAIN LEVEL FLOOR PLAN
SCALE: 1/4"=1'-0"

ALEXANDER DESIGN GROUP

401 EAST LAKE STREET
WAYZATA, MN 55391
Phone: 952.473.8777
FAX: 952.473.8222

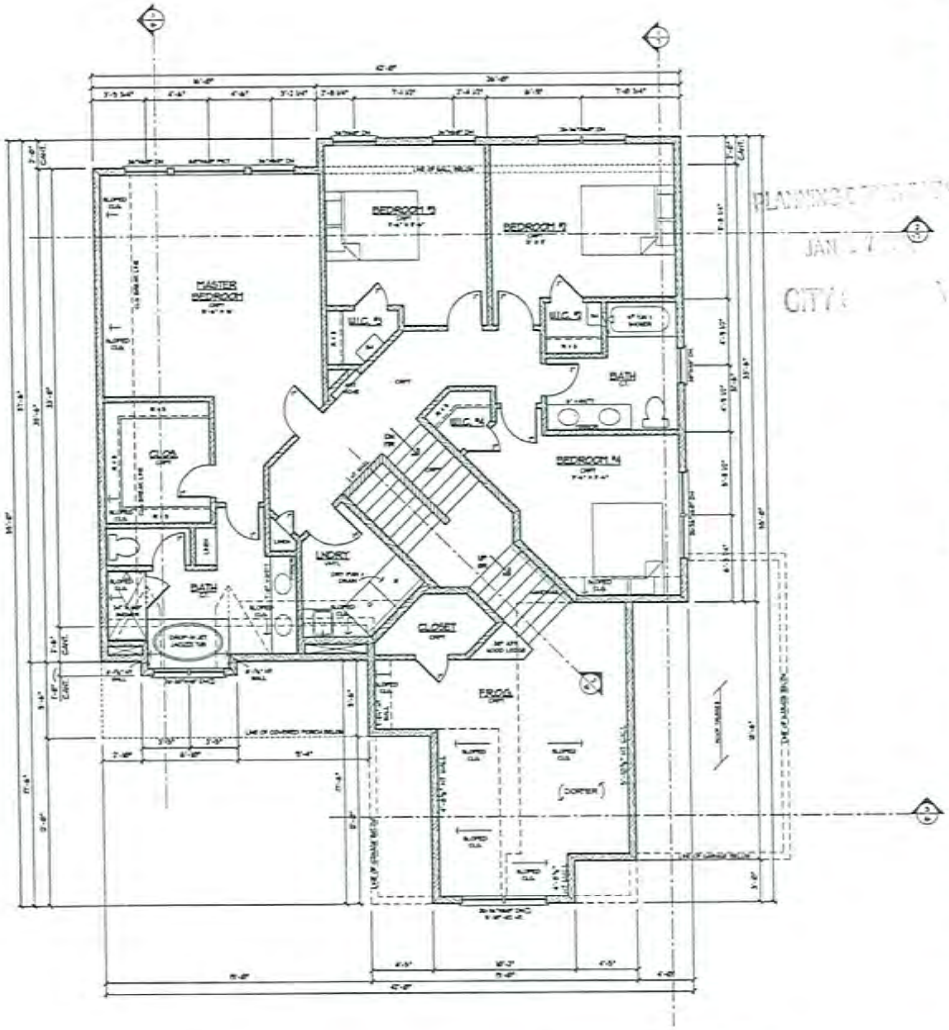
ISSUE DATE:
13 JAN 2012
PREVIOUS ISSUE DATES:
11 NOV 8
9 JAN 9

DRAWING DESCRIPTION:
MAIN LEVEL FLOOR PLAN

O'NEILL RESIDENCE
JMS CUSTOM HOMES
3717 FULLER ST.
EDINA, MN

4

A17



SQUARE FOOTAGE	
MAIN -	1523#
UPPER -	1442#
TOTAL -	2745#
F.R.O.G. -	357#

NOTE - ALL SHOWN + DOOR HEAD HTS. TO BE SET AT 7'-0" AT UPPER LEVEL UNLESS OTHERWISE NOTED

ANCHORAGE AND SERIES MATERIAL

1/5 UPPER LEVEL FLOOR PLAN

SCALE: 1/4"=1'-0"

PLANNING DEPARTMENT
JAN 17
CITY

ALEXANDER DESIGN GROUP

401 EAST LAKE STREET
WAYZATA, MN 55391
Phone 952.473.8777
FAX 952.473.8223

ISSUE DATE: 13 JAN 2012
PREVIOUS ISSUE DATES: 11 NOV 11 / 9 JAN 12

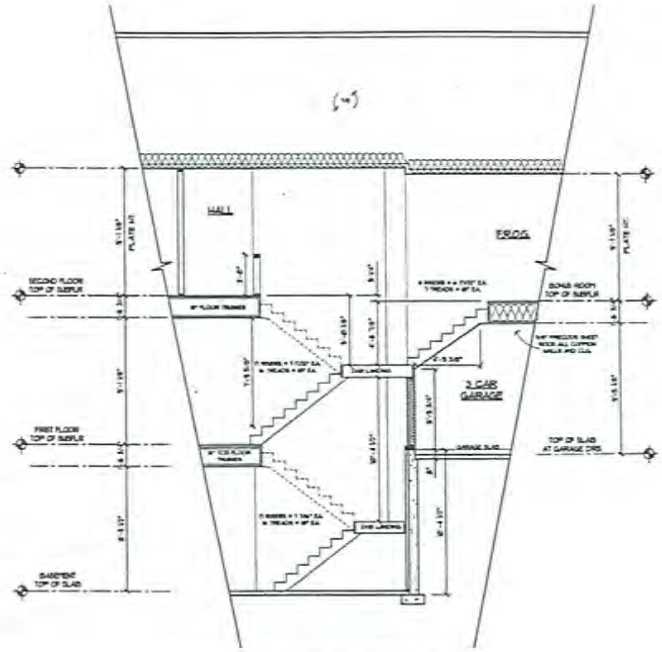
DRAWING DESCRIPTION: UPPER LEVEL FLOOR PLAN

O'NEILL RESIDENCE
JMS CUSTOM HOMES
3117 FULLER ST.
EDINA, MN

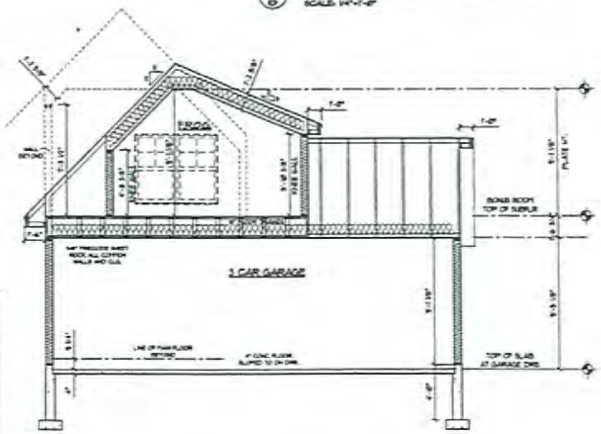
5
5 OF 7

A18

A-1



2/6 BUILDING SECTION @ STAIR
SCALE: 1/4"=1'-0"



3/6 BUILDING SECTION @ BONUS AREA
SCALE: 1/4"=1'-0"

GENERAL CONSTRUCTION NOTES:

ALL DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED DRAWING.
ALL DIMENSIONS & CONDITIONS TO BE VERIFIED BY GENERAL CONTRACTOR.
ALL STRUCTURAL COMPONENTS & CONNECTIONS TO BE ENGINEERED BY SUPPLIER.
ALL NEW HEADERS TO BE 3- 2 x 10 IN UNLESS OTHERWISE NOTED
ALL WOOD ABUTTING CONCRETE TO BE TREATED
ALL ANGLES TO BE 45°
CONSTRUCTION SHOULD BE PERFORMED TO CURRENT STATE OF MINNESOTA BUILDING AND ENERGY CODES AND LOCAL INDUSTRY STANDARDS AND STANDARD INDUSTRY PRACTICES
ALL WINDOWS AND DOORS SHOULD BE INSTALLED PER MANUFACTURES INSTALLATION REQUIREMENTS AND THE MINNESOTA LATH AND PLASTER BUREAU REQUIREMENTS
ALL STUCCO SHALL BE INSTALLED PER MINNESOTA LATH AND PLASTER BUREAU GUIDELINES
ALL WEATHER RESISTIVE BARRIERS SHALL BE INSTALLED PER IRC SEC. R703.6 AS AMENDED BY THE STATE OF MINNESOTA RULES SECTION 2909.0947

NOTE: VERIFY WITH TRUSS/JOIST SUPPLIER GIRDER OR POINT LOADS ASSOCIATED WITH STRUCTURE NOT INDICATED ON PLANS SUCH CANNOT BE SUPPORTED ON TYP SPREAD FOOTING. NOTIFY ROOTING & FOUNDATION SUPPLIER PRIOR TO PROCEEDING WITH WORK.

ROOF CONSTRUCTION:

ROOF VENTS AS REQ'D. - USAB
ASPHALT SHINGLES- PER MANUF. INSTALL. REQUIREMENTS
30 FELT PAPER W/ ICE & WATER SHIELD
5-30" OSB FLTED ROOF SHEATHING
SOOD TRUSSES @ 24" OC.
ENGINEERED BY SUPPLIER
SUPPLE & EACH TRUSS SPACE
R-44 BLOWN-IN INSULATION
POLY VAPOR BARRIER - & FIL.
5/8" GYP. BD. CEILING- POS & KNOCK DOWN

SOFFIT/FASCIA CONSTRUCTION:

ALUMINUM SOFFIT W/ CONC. VENTS
STEEL FASCIA

WALL CONSTRUCTION:

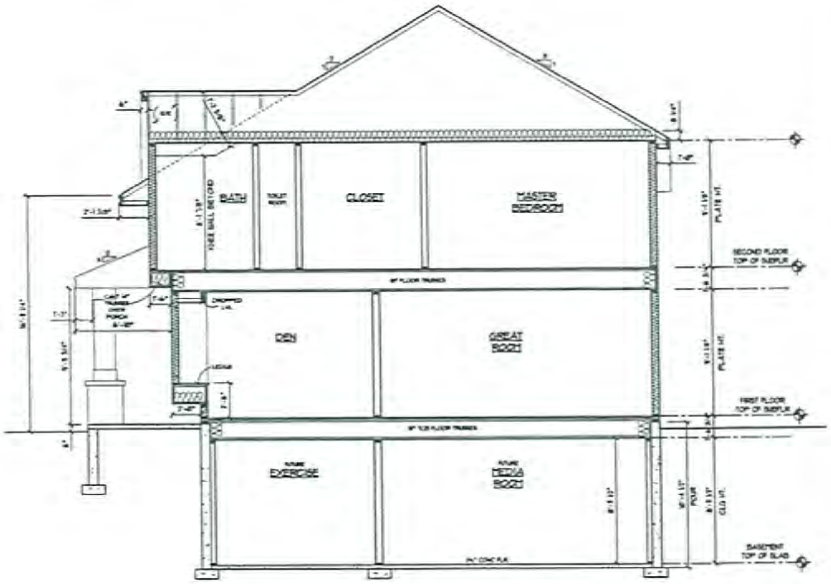
SIDING PER ELEVATIONS
HOUSE WRAP
1/2" SHEATHING OR OSB.
2 x 6 STUDS @ 16" O.C.
R-19 INSULATION
CONC. POLY VAPOR BARRIER- & FIL.-
SEAL ALL SEAMS & PENETRATIONS
1/2" GYP. BD. - TAPED, SANDED, PAINTED

FLOOR CONSTRUCTION:

FINISHED FLOOR
3/4" T. & G. OSB SUBFLOOR
16" FLOOR TRUSSES
16" TOP CHORD BEARING FLOOR TRUSSES
SPACED @ 24" OC. MAX. + KEY BLOC
3/4" GYP. BD. + FINISHED AREAS + CEILING

FOUNDATION:

1/2" X 10" ANCHOR BOLTS @ 5' O.C.
2 X 6 TREATED SILL + SEALER
8" X 16"-4 (12") POURED CONC. SILLS (TYPICAL) (SEE DETAILS)
1-1/2" FOILFACED THERMAX INSULATION W/ TAPED SEAMS
8" X 36" CONC. FTG. (2'-0"-10") CONT.
DAMPPROOFING
3 1/2" CONC. SLAB
POLY VAPOR BARRIER
CRUSHED ROCK DRAIN FIELD BELOW SLAB
4" DRAIN TILE TIERED IN FTGS + 6'-0" O.C.



1/6 BUILDING SECTION
SCALE: 1/4"=1'-0"

ALEXANDER DESIGN GROUP

40 EAST LAKE STREET
WAYZATA, MN 55391
Phone: 952.473.5777
FAX: 952.473.6722

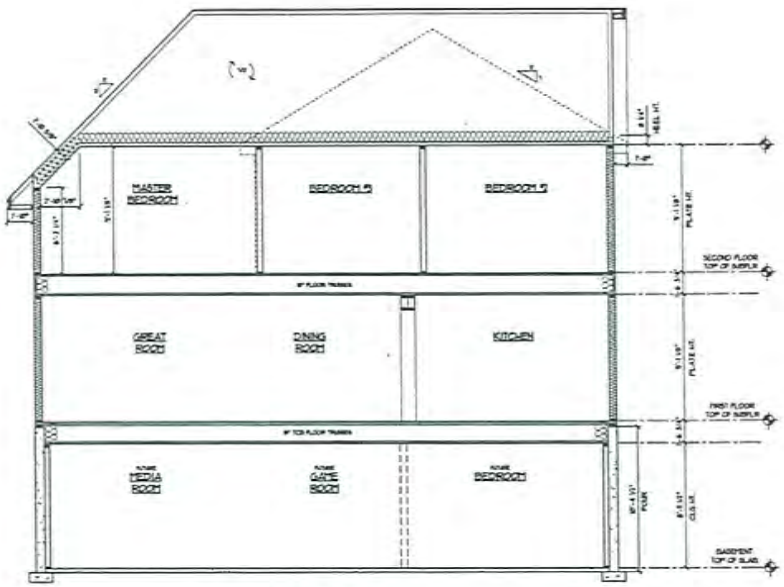
ISSUE DATE:
13 JAN 2012

PREVIOUS ISSUE DATES:
13 NOV 9
9 JAN 0

DRAWING DESCRIPTION:
BUILDING SECTIONS

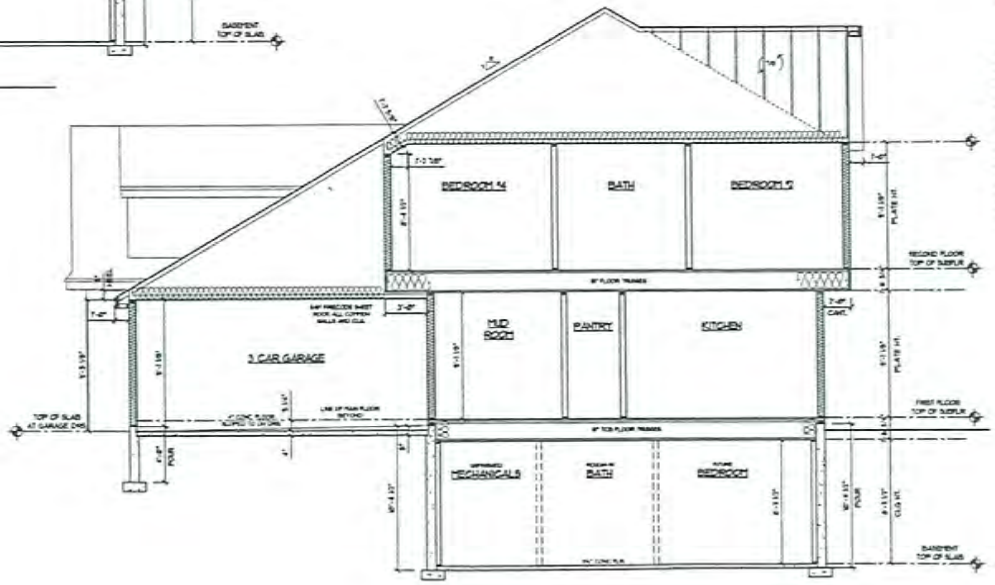
O'NEILL RESIDENCE
JHG CUSTOM HOMES
3717 FULLER ST.
EDINA, MN

6
6 OF 7



2/7 BUILDING SECTION

SCALE: 1/4"=1'-0"



1/7 BUILDING SECTION

SCALE: 1/4"=1'-0"

GENERAL CONSTRUCTION NOTES:

ALL DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED DRAWINGS.
ALL DIMENSIONS & CONDITIONS TO BE VERIFIED BY GENERAL CONTRACTOR.
ALL STRUCTURAL COMPONENTS & CONNECTIONS TO BE ENGINEERED BY SUPPLIER.
ALL NEW HEADERS TO BE 3- 2 X 10 UNLESS OTHERWISE NOTED
ALL WOOD ADJTING CONCRETE TO BE TREATED
ALL ANGLES TO BE 45°
CONSTRUCTION SHOULD BE PERFORMED TO CURRENT STATE OF MINNESOTA BUILDING AND ENERGY CODES AND LOCAL INDUSTRY STANDARDS AND STANDARD INDUSTRY PRACTICES
ALL WINDOWS AND DOORS SHOULD BE INSTALLED PER MANUFACTURES INSTALLATION REQUIREMENTS AND THE MINNESOTA LATH AND PLASTER BUREAU REQUIREMENTS
ALL STUCCO SHALL BE INSTALLED PER MINNESOTA LATH AND PLASTER BUREAU GUIDELINES
ALL WEATHER RESISTIVE BARRIERS SHALL BE INSTALLED PER IRC SEC. R703.2 AS AMENDED BY THE STATE OF MINNESOTA RULES SECTION 1309.0707

NOTE: VERIFY WITH TRUSS/JOIST SUPPLIER GIRDER OR POINT LOADS ASSOCIATED WITH STRUCTURE NOT INDICATED ON PLANS WHICH CANNOT BE SUPPORTED ON TYP SPREAD FOOTING- NOTIFY FOOTING & FOUNDATION SUPPLIER PRIOR TO PROCEEDING WITH WORK

ROOF CONSTRUCTION:

ROOF VENTS AS REQ'D. - 1/300
ASPHALT SHINGLES- PER MANUF. INSTALL REQUIREMENTS
30 FELT PAPER W/ ICE & WATER SHIELD
5/8" OSB PLYWD ROOF SHEATHING
WOOD TRUSSES @ 24" O.C.-
ENGINEERED BY SUPPLIER
BAFFLE @ EACH TRUSS SPACE
R-44 BLOWN-IN INSULATION
POLY VAPOR BARRIER - 6 MIL
5/8" GYP. BD. CEILING- TOS & KNOCK DOWN

SOFFIT/FASCIA CONSTRUCTION:

ALUMINUM SOFFIT W/ CONT. VENTS
STEEL FASCIA

WALL CONSTRUCTION:

SIDING PER ELEVATIONS
HOUSE WRAP
1/2" SHEATHING OR OSB.
2 X 6 STUDS @ 16" O.C.
R-19 INSULATION
CONT. POLY VAPOR BARRIER- & TAPE- SEAL ALL SEAMS & PENETRATIONS
1/2" GYP. BD. - TAPED, SANDED, PAINTED

FLOOR CONSTRUCTION:

FINISHED FLOOR
3/4" T & G OSB SUBFLOOR
30" FLOOR TRUSSES
30" TOP CHORD BEARING FLOOR TRUSSES
SPRAYED U-FOAM INSUL. @ R21 R-21
5/8" GYP. BD. @ FINISHED AREAS @ CEILING

FOUNDATION:

1/2" X 10" ANCHOR BOLTS @ 6' O.C.
2 X 6 TREATED SILL & SEALER
8" X 16"-4 (CTH) POURED CONC. BALLS TYPICAL! (SEE DETAILS)
1-1/2" POLYISOCYANURATE THERMAL INSULATION W/ TAPED SEAMS
8" X 36" CONC. FTG. 3/8- 4/3 CONC.
OVERPOURING
3 1/2" CONC. SLAB
POLY VAPOR BARRIER
CRUSHED ROCK DRAIN FIELD BELOW SLAB
4" DRAIN TILE TUBES IN FTGS @ 6'-0" O.C.

PLANNING DEPARTMENT
JAN 17 2012
CITY OF EDINA

A20

ALEXANDER DESIGN GROUP
10 EAST LAKE STREET
WAYZATA, MN 55391
Phone 952.473.4777
FAX 952.473.8222

ISSUE DATE:
13 JAN 2012
PRELIMINARY SHOP DRAWINGS

11 NOV 9
11 JAN 12

DRAWING DESCRIPTION:
BUILDING SECTIONS

O'NEILL RESIDENCE
JPB CUSTOM HOMES
3111 FULLER ST.
EDINA, MN

7
7 OF 7

SRF Consulting Group, Inc. | Engineers Planners Designers

SRF No. 0107603

MEMORANDUM

TO: Jim Ravell
St. Peter's Lutheran Church

FROM: Craig Vaughn, P.E., PTOE, Senior Associate
Nicholas Erpelding, P.E., PTOE, Associate

DATE: November 22, 2011

SUBJECT: ST. PETER'S LUTHERAN CHURCH PARKING STUDY

INTRODUCTION

As requested, we have completed a parking study for the St. Peter's Lutheran Church campus at 5421 France Avenue South in Edina. The purpose of this memo is to document the existing and anticipated future parking demand of the Church campus and identify whether this demand can be accommodated by the existing parking supply.

BACKGROUND

As stipulated in a 1983 agreement with the City of Edina as conditions of a zoning variance granted at the time, St. Peter's Church owns two parcels of land, set aside to provide extra parking if and when needed. St. Peter's is considering alternative options for these parcels (3717 and 3721 Fuller Street), including selling them to another party. Before allowing St. Peter's to end its agreement with the City, The City of Edina requested that St. Peter's document that the existing parking supply is adequate to accommodate current and anticipated future parking demand.

It should be noted that St. Peter's also owns an adjacent parcel, 3713 Fuller Street, which is not restricted by the 1983 agreement.

EXISTING CONDITIONS

Parking Supply

Parking for patrons of St. Peter's Lutheran Church is available both off-street and on-street. Two off-street lots are available. The "East Lot" is located immediately east of the church building north of Fuller Street. The capacity of this lot, based on observations made by SRF in October 2011, is 46 vehicles. The "South Lot," with a capacity of 45 vehicles, is located across Fuller Street from the church building.

A21

On-street parking is generally permitted in the vicinity of the church. The one notable exception is immediately in front of the church building on Fuller Street, between France Avenue and the East Parking Lot's westerly driveway.
On-Street parking stalls available within a roughly one-block radius from the church (counts approximate) include:

- France Avenue: 60 stalls between 54th and 55th Streets
- Fuller Street: 30 stalls between the East Lot westerly driveway and Drew Avenue
- Fuller Street: 60 stalls between Drew Avenue and Beard Avenue
- Drew Avenue: 60 stalls between 54th and 55th Streets

These parking facilities are illustrated in Figure 1. A detailed site plan of the existing St. Peter's off street lots is included as Figure 2.

Parking Demand

Parking demand for St. Peter's Lutheran church is generated via several church functions. These functions include Sunday church service, weekday daycare/preschool, and Wednesday night youth religious education.

Information provided by St. Peter's indicates that peak parking demand for the site is experienced between 9:30 and 10:30 a.m. on Sundays, corresponding with the time of the one weekend service. Parking demand for the daycare/preschool and youth education functions is significantly less because the number of employees is very low and children attending are primarily dropped off and picked up.

To gauge existing parking demand for the site, parking counts were completed during Sunday church service on the following dates in October 2011:

- Sunday October 9, 2011, 10:00 a.m.
- Sunday October 16, 2011, 10:00 a.m.

As a check, a count was also completed on a weekday during which daycare/preschool was in session:

- Friday October 7, 2011, 10:30 a.m.

The parking facilities were divided into on-street and off-street categories for the survey. On-Street spaces were counted block-by-block. The off-street spaces were grouped into the East lot and South lot. Table 1 provides the results of the parking count:

H:\Projects\7603\TS\Figure\FIG01_Existing Parking Plan.cdr

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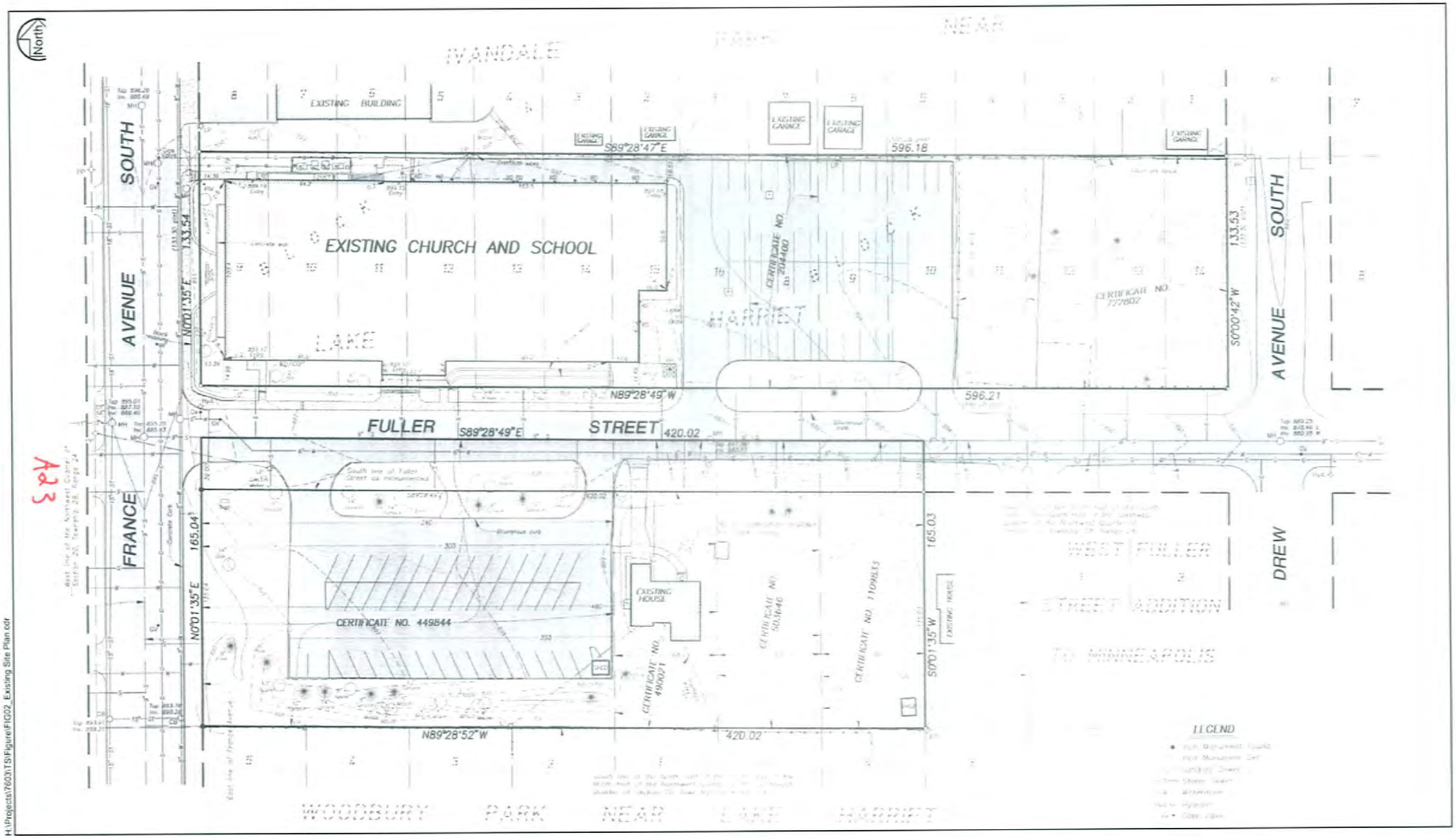
0117603
October 2011

Existing Parking Plan

St. Peter's Lutheran Church Parking Study
5421 France Avenue S., Edina, Minnesota

Figure 1



H:\Projects\7603\TS\Figure\FIG02_Existing Site Plan.cdr

SRF Consulting Group, Inc.

Existing Site Plan

St. Peter's Lutheran Church Parking Study
5421 France Avenue S., Edina, Minnesota

0117603
November 2011

Figure 2

Table 1
Parking Count Results

Parking Location	# Spaces Available	Number of Spaces Occupied		
		Fri 10/7/2011 10:30 AM	Sun 10/9/2011 10:00 AM	Sun 10/16/2011 10:00 AM
East Lot	46	Closed for use as playground	31	34
South Lot	45	28	33	32
France Ave - 54th to Fuller	30	1	1	1
France Ave - Fuller to 55th	30	1	0	1
Drew Ave - 54th to Fuller	30	1	1	1
Drew Ave - Fuller to 55th	30	1	0	0
Fuller St - France Ave to East Lot	Parking Prohibited	-	-	-
Fuller St - East Lot to Drew Ave	30	0	7	4
Fuller St - Drew to Beard	60	0	0	0
Totals	**301**	**32**	**73**	**73**

Table 1 confirms that parking demand on Sunday during the church service greatly exceeds parking demand during the midweek school/daycare time period. Parking demand overall was very light, with peak utilization for all parking (on-street and off-street) measured at approximately 25%.

Another significant finding is that peak parking demand could be accommodated solely in the off-street East and South parking lots. The total number of parking spaces available in these two lots is 91; the maximum number of parked vehicles observed was 73, including vehicles parked on-street. In addition, it should be noted that vehicles parked on-street within a one-block radius may not be St. Peter's patrons, but rather local residents. Despite this caveat, the on-street demand was highest on Fuller Street, in the spaces nearest the church.

Based on this information, the primary conclusion is that existing peak parking demand is currently accommodated by the existing parking supply.

ITE Parking Demand Comparison

To gauge whether the parking demand exhibited by St. Peter's is typical for a church, a comparison with data from the Institute of Transportation Engineers (ITE) Parking Generation Manual was completed. This manual provides average peak parking demand ratios for a variety of land uses. The various sites are compared using a number of independent variables. For churches, these variables include attendees, seats, and square footage, with attendees being the variable with the most data collected and highest correlation to peak parking demand.

To compare the ITE average peak demand rate to St. Peter's, attendance data was requested from the church. On the two Sundays during which counts were conducted, the attendance figures for the worship service were 150 and 151 persons. Incorporating this data, Table 2 identifies the

ITE average peak parking demand rate and the anticipated number of spaces resulting from application of this rate to the attendance figures at St. Peter's.

Table 2
ITE Average Peak Parking Demand Generation

Land Use	ITE Average Peak Parking Demand Rate	St. Peter's Average Attendance (2 Sundays)	Resulting ITE Average Peak Parking Demand for a Church of St. Peter's Average Attendance
Church	0.45 spaces per attendee	151 persons	68 spaces

Source: Institute of Transportation Engineers Parking Generation Manual 4th Edition (2010) & St. Peter's Lutheran Church.

Table 2 shows that St. Peter's actual peak parking demand (73 spaces) is slightly more than what might be expected using the ITE average peak parking demand rate for churches (68 spaces).

In terms of parking rate per attendee, The ITE average peak parking demand rate of 0.45 spaces per attendee is slightly less than the rate calculated for St. Peter's of 0.48 spaces per attendee.

Historical Parking Demand Review

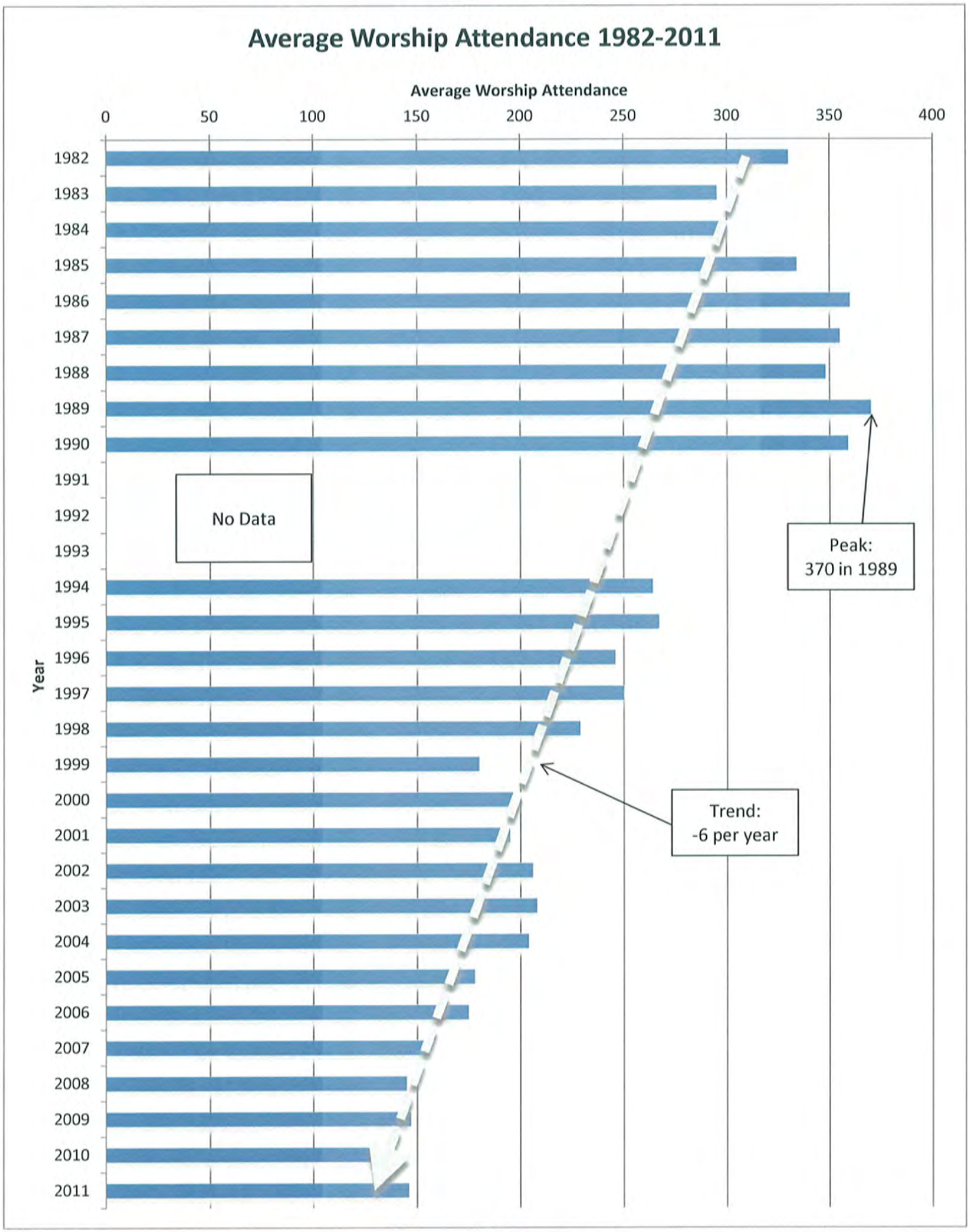
In order to assess whether the existing parking supply is likely to remain adequate into the future, a forecast of future attendance is needed. A typical method used to forecast future attendance is to review historical attendance trends. Historical attendance records were provided by St. Peter's for this task.

Figure 3 shows the average weekly worship attendance for St. Peter's, by year, going back to year 1982. While average weekly attendance peaked in 1989 at 370 persons, it has been in decline since that time. As noted on Figure 3, average attendance has been dropping off by an average of 6 persons per week per year. The attendance figures of 150 and 151 in October are near the 2011 average of 146.

To better understand the parking demand for St. Peter's, the week-to-week variation in parking was reviewed. Figure 4 shows weekly historical attendance data for year 2010 and year 2011 (through the end of October). Review of this data indicates that weekly attendance is very consistent, with 88% of worship services attended by less than 175 persons and 96% attended by less than 200. The peak attendance over the two year period was for Easter Sunday, 2011, with attendance at 246 persons. The 85th percentile attendance was 170 persons. Attendance of 188 persons, equivalent to a parking demand of 91 stalls at 0.48 stalls per attendee, is at the 89th percentile.

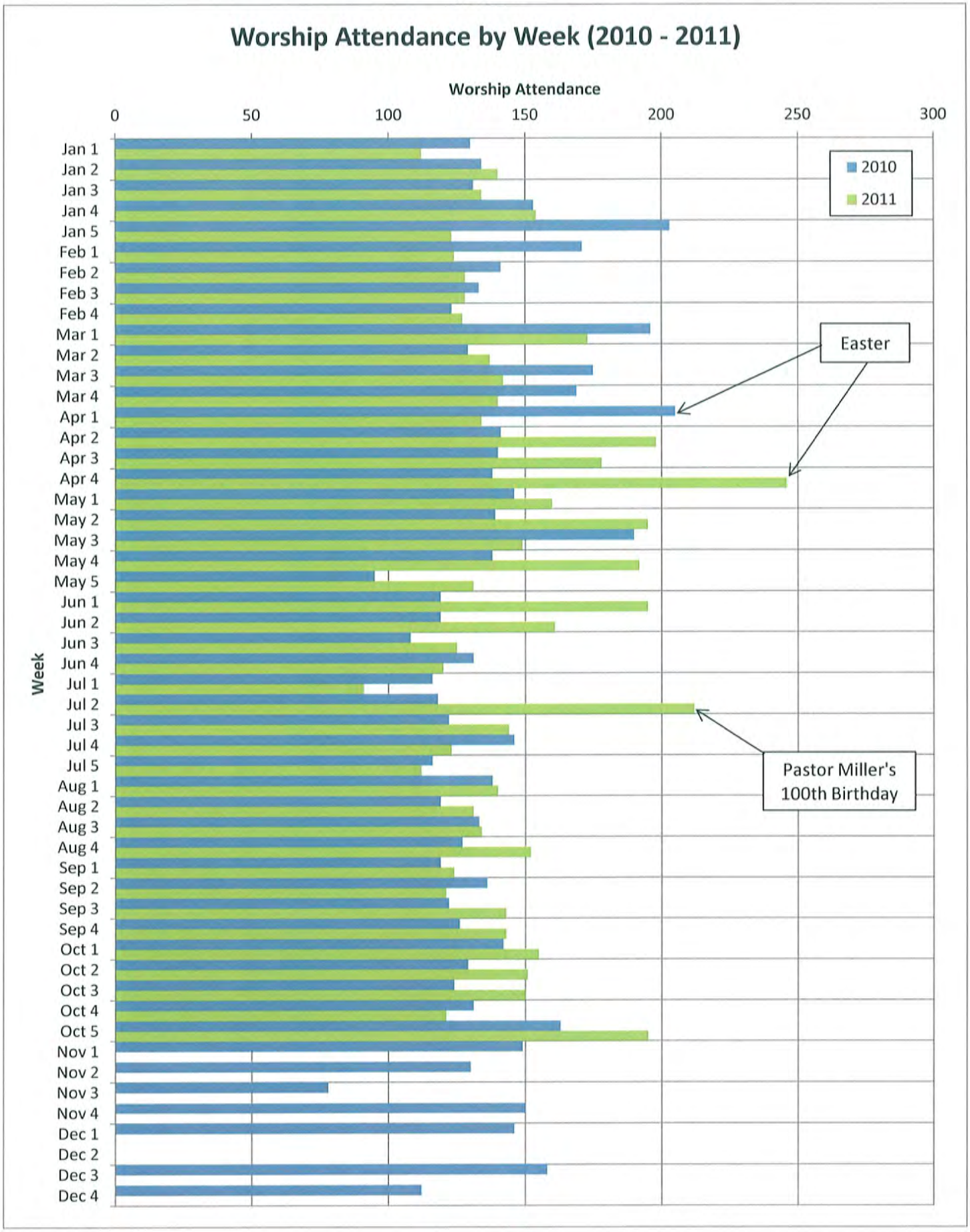
To gauge whether peak attendance is trending up or down, a more detailed look was taken at Easter and Christmas Eve worship service attendance since the year 2000. Figure 5 shows the results of this analysis. Since 2000, peak attendance for Christmas Eve has been approximately 275 persons, though trending downward. For Easter, the peak attendance of 246 persons occurred in year 2011.

Figure 3.


Average Worship Attendance 1982-2011
Average Worship Attendance
0
50
100
150
200
250
300
350
400
Year
1982
1983
1984
1985
1986
1987
1988
1989
1990
1991
1992
1993
1994
1995
1996
1997
1998
1999
2000
2001
2002
2003
2004
2005
2006
2007
2008
2009
2010
2011
No Data
Peak:
370 in 1989
Trend:
-6 per year

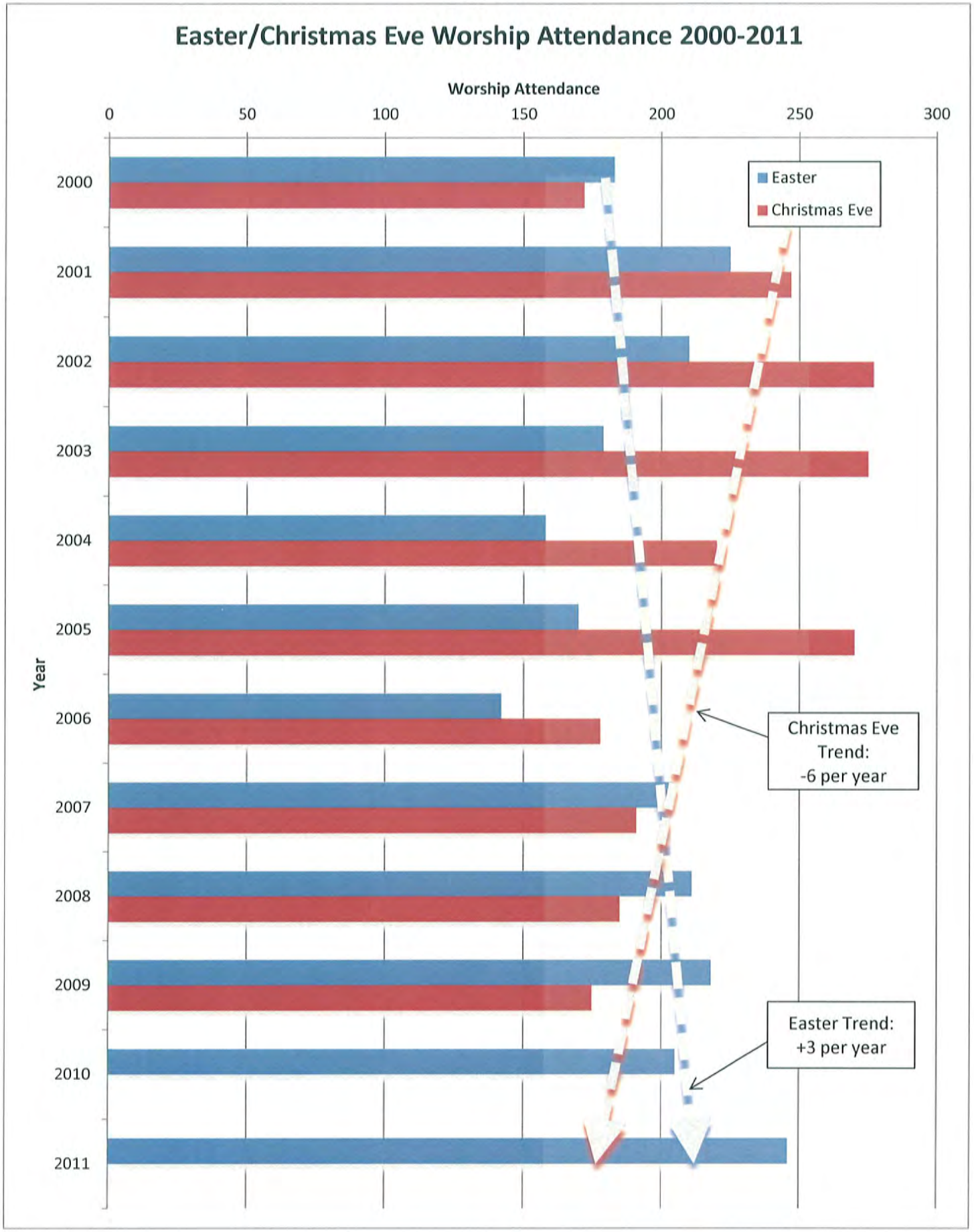
A25

Figure 4.


Worship Attendance by Week (2010 - 2011)
Worship Attendance
0
50
100
150
200
250
300
Week
Jan 1
Jan 2
Jan 3
Jan 4
Jan 5
Feb 1
Feb 2
Feb 3
Feb 4
Mar 1
Mar 2
Mar 3
Mar 4
Apr 1
Apr 2
Apr 3
Apr 4
May 1
May 2
May 3
May 4
May 5
Jun 1
Jun 2
Jun 3
Jun 4
Jul 1
Jul 2
Jul 3
Jul 4
Jul 5
Aug 1
Aug 2
Aug 3
Aug 4
Sep 1
Sep 2
Sep 3
Sep 4
Oct 1
Oct 2
Oct 3
Oct 4
Oct 5
Nov 1
Nov 2
Nov 3
Nov 4
Dec 1
Dec 2
Dec 3
Dec 4
2010
2011
Easter
Pastor Miller's 100th Birthday

A26

Figure 5.


Easter/Christmas Eve Worship Attendance 2000-2011
Worship Attendance
0
50
100
150
200
250
300
Year
2000
2001
2002
2003
2004
2005
2006
2007
2008
2009
2010
2011
Easter
Christmas Eve
Christmas Eve Trend: -6 per year
Easter Trend: +3 per year

A27

The expected parking demand for a worship service attended by 246 people, at 0.48 spaces per attendee, is 119 spaces. As noted in Table 1 above, 301 spaces are available within a 1-block radius including 91 off-street spaces.

The conclusions that can be drawn from analysis of the historical attendance and existing parking count data are as follows:

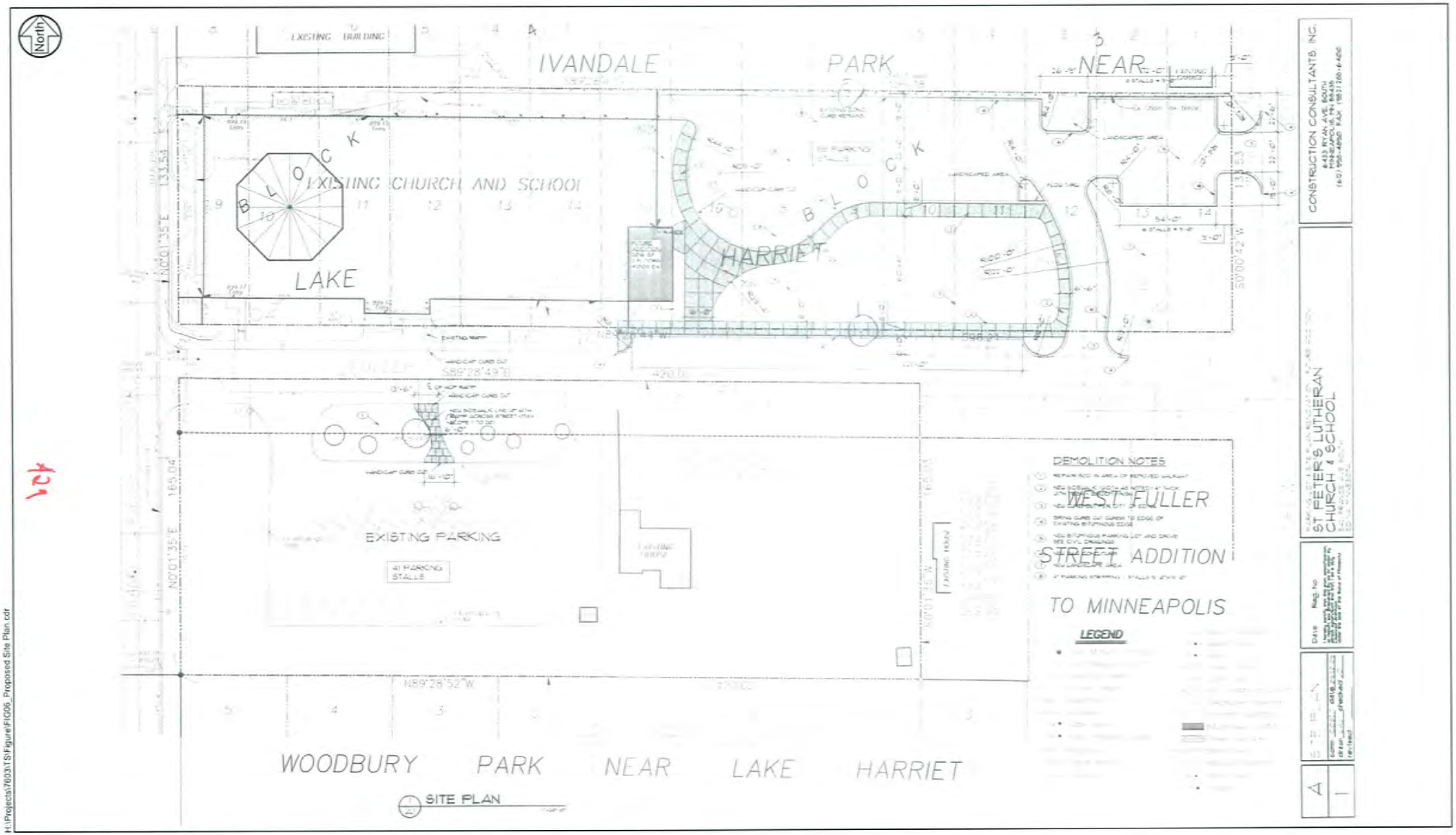
- Currently, average attendance for the Sunday worship service is 151 persons. Average parking demand is 73 spaces. 85th percentile demand is 82 spaces. The current off-street parking supply of 91 stalls exceeds both average demand and 85th percentile demand.
- Average attendance has been trending downward since peaking in 1989.
- Attendance is roughly constant throughout the year, with 11% of services (approximately 6 per year) exceeding 188 attendees, the number of attendees equivalent to a parking demand of 91 stalls.
- The on-street parking supply of 297 stalls within a one-block radius is more than enough to accommodate the potential parking demand during higher attendance services.

Therefore, the existing St. Peter's off-street parking lots are appropriately sized to accommodate typical parking demand currently and into the foreseeable future.

FUTURE CONDITIONS

St. Peter's is planning to improve their site. Plans include incorporation of accessible parking spaces in the South and East lots, reconstruction of the East lot to provide additional capacity, and creation of a designated on-street parking area along the north side of Fuller Street adjacent to the East lot. Figure 3 shows the proposed site plan for the improvements. The plan will reduce available parking in the South lot from 45 to 41 spaces, and increase available parking in the East lot from 46 to 55 spaces, resulting in a net increase in available off-street parking spaces from 91 to 96 spaces. Eleven marked on-street spaces along Fuller Street, adjacent to the East lot, would also be added.

As the number of off-street parking spaces would increase under the proposed plan, the earlier conclusion that the St. Peter's off-street parking lot supply can accommodate parking demand into the foreseeable future still holds. At the observed rate of 0.48 parking stalls per attendee, the number of attendees that could be accommodated by the off-street lots increases to 198. Based on the attendance data provided, attendance of 198 persons falls in the 96th percentile; this level of attendance is exceed approximately twice per year.



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Proposed Site Plan

St. Peter's Lutheran Church Parking Study
5421 France Avenue S., Edina, Minnesota

0117603
November 2011

Figure 6

CITY PARKING REQUIREMENTS

The City of Edina requires a certain number of parking spaces be provided for each land use. In section 850.08(1)(I), the requirement for churches is spelled out as follows:

> *Churches and Other Religious Institutions. Spaces equal in number to one-third the maximum seating capacity of the largest place of assembly, plus spaces for other church facilities which are used concurrently with the largest place of assembly, the number of which shall be determined by the Council in connection with the granting of a conditional use permit.*

The capacity of St. Peter's, assuming that the main assembly, an adjacent meeting room, and all classrooms are concurrently occupied, is 391 persons. By the language above, the minimum number of parking stalls required is equal to 131. Table 6 summarizes the City parking requirement.

Table 6
City Parking Requirements*

Use		Capacity	Off-Street Parking Requirement	Parking Required	Parking Provided
Church	Main Assembly	255 persons	1/3 * capacity	131 spaces	91 spaces
	Meeting Room	36 persons			
	Classrooms	100 persons			
Total		**391 persons**	**1/3 * capacity**	**131 spaces**	**91 spaces**

*Does not reflect 1983 St. Peter's variance agreement.

In 1983 St. Peter's entered into a variance agreement with the City of Edina. The agreement permitted St. Peter's to build 54 fewer stalls than the zoning code required number of parking stalls at the time (156) in exchange for setting aside land, including 3717 and 3721 Fuller Street, for future construction of additional parking if needed. Based on the existing (year 2011) zoning code parking requirement, as modified by the 1983 variance agreement, the minimum number of stalls that St. Peter's is required to have is 77 stalls; 131 spaces less 54 spaces. The current parking supply of 91 spaces exceeds this minimum requirement by 14 stalls.

In the 28 years since initiation of the variance agreement, no additional parking has been constructed. Based on the historical attendance data in Figure 3, St. Peter's has been able to accommodate attendance of two and one-half times the current average under the existing parking configuration.

CONCLUSIONS AND RECOMMENDATIONS

Based on our review and analysis, the following conclusions are offered for your consideration:

- The current combined capacity of the two St. Peter's off-street parking lots is 91 stalls. The proposed improvements to the lots would increase capacity to 96 stalls.

- Peak parking demand for St. Peter's church occurs on Sunday mornings during the one weekend worship service (9:30 – 10:30 a.m.). Average attendance for this service is 146 persons. Attendance is fairly consistent week-to-week.
- Average parking demand for the weekend worship service is 71 parking stalls.
- Parking demand for 89% of the weekend worship services can be accommodated by the existing 91 parking stalls. 96% of the weekends (50 out of 52) can be accommodated by expanding the off-street parking supply, as proposed, to 96 stalls.
- Peak parking demand (experienced on Easter Sunday) is estimated at 119 spaces. This demand can be accommodated through a combination of the off-street lots and on-street spaces within one block of the church (301 total spaces).
- St. Peter's has been able to accommodate attendance of two and one-half times the current average under the existing parking configuration.
- Based on our review and analysis, the existing 91 off-street stalls, combined with the 120 on-street stalls within one block of St. Peter's, are sufficient to accommodate parking demand without causing adverse impacts to the City or adjacent neighborhood.
- Further, eliminating the 1983 variance agreement requirement that states that 3717 and 3721 Fuller Street be held in reserve for future parking lot construction will not cause adverse impacts to the City or adjacent neighborhood.

APPENDIX A

1983 DEVELOPMENT AGREEMENT BETWEEN THE CITY OF EDINA AND ST. PETER'S LUTHERAN CHURH

2234

AGREEMENT
(Conditions to Zoning Variance)

THIS AGREEMENT, dated as of the 22nd day of May, 1983, between ST. PETER'S EVANGELICAL LUTHERAN CHURCH (also known as St. Peter's Lutheran Church) ("Church"), a Minnesota religious corporation, and the CITY OF EDINA ("City"), a Minnesota municipal corporation.

WHEREAS, the Church operates a church and church school on certain real estate situated in the City of Edina, County of Hennepin, State of Minnesota, legally described on Exhibit A attached hereto and hereby made a part hereof (the "Property"); and

WHEREAS, the Church proposes to construct a new school and additional parking lots (the "Improvements") on the Property in accordance with certain plans and specifications (the "Plans") prepared by The Architectural Offices, as Architect, dated March 25, 1983, entitled Education/Church Facility, heretofore submitted by the Church to the City, a copy of which Plans is on file with the City and which Plans are incorporated herein by reference; and

WHEREAS, in order to undertake the Improvements, certain variances in the City's ordinances are required; and

WHEREAS, the City did, on September 30, 1982, in Case No. B-82-10 grant certain variances (the "Variances") because strict enforcement of the City ordinances would, in this case, cause undue hardship because of the circumstances unique to the Property, and the grant of such variances has been determined by the City to be in keeping

TRANSFER ENTERED
DEPARTMENT OF PROPERTY TAXATION
JUN 1 1983
HENNEPIN COUNTY, MINN.
BY _____ DEPUTY

A33

with the spirit and intent of the applicable ordinances, but subject to the execution, delivery and recording of this Agreement, and only upon the conditions and agreements hereinafter set out in this Agreement, which the City deems necessary to impose to insure compliance with the applicable City ordinances and to protect adjacent properties; and

WHEREAS, the Church agrees to the granting of the variances subject to the conditions and agreements hereinafter set out, and is willing, and represents that it has the power and authority, to enter into this Agreement.

NOW, THEREFORE, in consideration of the granting by the City of the Variances, and of the mutual covenants and agreements hereinafter contained, it is hereby agreed, by and between the City and the Church, as follows:

1. The foregoing recitals are hereby made a part hereof.

2. The City hereby confirms that it did, as above stated, grant the Variances; that one of the Variances is a temporary fifty-four (54) space parking variance whereby there need now be constructed on the Property only one hundred two (102) exposed parking spaces, subject, however, to the following terms and conditions:

156 stalls REQ. 102 stalls provided 54 VARIANCE

(a) If the City Manager and City Planner shall hereafter determine that additional parking spaces are required on the Property, the Church will, at its sole cost and expense, construct such additional parking spaces as the City Planner and City Manager shall then require, up to a maximum of fifty-four (54) parking spaces, such additional parking spaces to be located as shown on the parking plan (the "Parking Plan") attached hereto as Exhibit B and hereby made a part hereof. The City Planner and City Manager need not require that all of the additional parking spaces be constructed at any one time, but may require additional parking spaces to be constructed from time to

time as they deem them necessary until a maximum number of fifty-four (54) additional parking spaces have been constructed in the locations shown on the Parking Plan. If, at any time, less than all fifty-four (54) parking spaces is required to be built pursuant hereto, Church shall decide where to locate such spaces, but such location shall be in conformance with the Parking Plan. The additional parking spaces from time to time required by the City Manager and the City Planner shall be built in full compliance with the Parking Plan and the then applicable City ordinances; provided, however, that Church, in connection with any additional parking spaces then required to be constructed, may prepare and present to the City a new parking plan for review and approval by the City, and if approved by the City (which approval may be withheld for any reason or cause), the additional parking spaces then required to be constructed may then be constructed pursuant to said new parking plan, as approved, and subject to the then applicable ordinances of the City, except as such ordinances may be waived by variances, if any, then granted.

(b) The City Manager and the City Planner shall give written notice to Church of their determination that additional parking spaces are then required, setting forth in said notice the number of spaces then required to be constructed, up to the maximum number of fifty-four (54). Church, within thirty (30) days after such notice is given, shall (i) give written notice to the City as to whether or not it will construct such additional parking spaces pursuant to the Plan or will submit a new plan as above allowed, or (ii) appeal such determination to the Board of Appeals and Adjustments of City (the "Board"), by filing a written appeal pursuant to the then applicable zoning ordinances of City. In the event a new plan is to be submitted, it shall accompany the notice given to the City. If no notice is given to the City, or appeal filed within said 30-day period, Church shall be deemed to have agreed to construct such additional spaces pursuant hereto and to the Parking Plan. Church, however, agrees, anything herein to the contrary notwithstanding, not to appeal any such determination on the grounds that construction of the additional parking will require removal of any homes or improvements now or hereafter existing, or unusual or extraordinary grading and/or landscaping, it being understood by Church that the Parking Plan provides for removal of two dwellings and a garage now existing on the Property and requires unusual landscaping and grading.

(c) If Church appeals to the Board, as above provided, Church, the City Manager or City Planner may appeal the decision of

the Board to the City Council by filing a written appeal pursuant to the then applicable zoning ordinances of City. If no such appeal is filed, the decision of the Board shall be final and conclusive on City and Church. If so appealed to the City Council, the decision of the City Council shall be final and conclusive on City and Church. Church agrees that the determination of the City Manager and City Planner shall be presumed to be correct and that Church shall have the burden of proof to rebut such presumption.

(d) Church shall commence construction of such additional parking spaces as are then required by the City Manager and the City Planner within ninety (90) days after said notice is given by the City Planner and the City Manager unless (i) Church elects to submit a new parking plan, in which case such construction shall commence within ninety (90) days after approval or rejection by the City of the proposed new plan, or (ii)) Church appeals such determination to the Board, in which case construction shall commence within ninety (90) days after decision of the Board (if the Board decision is that additional spaces must be constructed) or within ninety (90) days after decision of the City Council if the Board decision is appealed, as above allowed, to City Council, and if the City Council decides that additional spaces must be constructed. The 90-day period shall be extended for delays due to weather, labor disputes, material shortages or unavailability of material, unavoidable casualty, acts of God, the public enemy, or other causes beyond the reasonable control of Church, in which case the 90-day period shall be extended by a period of time equal to any such delays; provided, that no extension shall be given for any such delay unless written notice of such delay is given to the City within ten (10) days after the commencement of the delay. Once commenced, the construction shall be completed with all due diligence as soon as possible thereafter. The City shall be the sole judge of whether Church is using due diligence in completing such construction.

3. Church agrees that the Property is and shall be deemed a single site for purposes of application of the provisions of the zoning ordinances of City from time to time adopted by City. Church further understands and agrees that because of the Improvements and existing improvements on the Property, and because of the requirements of the

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zoning ordinances of City, as varied by the Variances, it is necessary that the entire Property not be used for any purposes other than school and church purposes, and be retained, owned, used and operated by one owner as one contiguous tract and one economic unit; provided, however, and it is understood and agreed by City and Church, that Parcels 2 and 4 on said Exhibit A are presently rented for residential uses, that Parcel 5 on said Exhibit A is presently being used for school purposes, and that any two of said three parcels may, from time to time, be rented by Church for residential uses when not used by Church for school and church purposes. Therefore, Church hereby agrees that it shall not use the Property for any purpose or use of any kind other than school and church uses, except, however, as otherwise provided in the immediately preceding sentence, and shall not sell, convey, transfer, mortgage or encumber, in any way or by any means, less than all of the Property, in its entirety, at one time and to one person, without receiving in each instance the prior written consent of City, which consent may be withheld for any reason or cause, and Church hereby expressly and unconditionally waives any and all provisions of applicable law which would otherwise, but for this waiver, allow Church to sell, convey, transfer, mortgage or encumber portions of the Property to different persons or at different times or without the prior written consent of City.

4. If any term, condition or provision of this Agreement, or the application thereof to any person or circumstance, shall, to any extent, be held to be invalid or unenforceable, the remainder hereof and the application of such term, provision and condition to persons or circumstances other than those as to whom it shall be held invalid or

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unenforceable, shall not be affected thereby, and this Agreement, and all the terms, provisions and conditions hereof, shall, in all other respects, continue to be effective and to be complied with to the full extent permitted by law. Provided, however, the foregoing to the contrary notwithstanding, if, for any reason, any term, condition or provision hereof should be determined by the legal counsel for City, or by a court of competent jurisdiction, not to be fully binding upon and fully enforceable against any owner of the Property, then, City, at its option, may determine, by resolution of the City Council, that all of the Variances shall wholly cease and terminate and, if such determination be made, the Property shall then and thereafter be used and useable only in full compliance with all applicable ordinances of the City.

5. In the event that Church fails or refuses to fully comply with all of its obligations under this Agreement, or violates any of the provisions hereof, and such failure, refusal or violation continues for a period of thirty (30) days after notice thereof is given to Church, then, in that event, in addition to any other remedies then available to the City at law or in equity, the City shall have the right to:

(a) Enter upon the Property with such personnel, equipment and materials as the City deems necessary for the purpose of performing the obligations of Church hereunder that it has failed or refused to perform, or, at the City's discretion, for the purpose of constructing some or all of the parking spaces shown on and pursuant to the Parking Plan, whether or not then required hereunder to be constructed, without liability or obligation of any kind to Church or any owner or occupant of the Property for trespass or damage to the Property, the Improvements or other property or improvements thereon or for loss of business or business interruption, or any other cause, all of which liability and obligation is hereby waived by Church, and if any person makes any claim against City for loss or damage to

property or business due to such entry, Church agrees to hold City harmless from and indemnified against any loss, cost, damage or expense, including reasonable attorneys' fees, whether suit be brought or not, arising out of such claim, and to pay to City, upon demand of City, any such loss, cost, damage or expense, including reasonable attorneys' fees, suffered or incurred by City, with interest at ten (10%) percent per annum from the dates suffered or incurred by City until paid.

(b) Obtain enforcement of this Agreement by court order for mandatory injunction or other appropriate relief.

(c) Withhold or deny any building permits, certificates of occupancy, utility connection permits and any other permits and approvals, then or thereafter to be issued or granted, by the City for the construction or occupancy of all or any part of the Improvements or other property or improvements on the Property, until such failure or refusal ends and Church fully complies with its obligations hereunder.

(d) Recover damages incurred by City as a result of such failure, refusal or violation.

All of the rights and remedies available to City shall be usable and enforceable by the City separately or concurrently as the City shall determine, and the use of one right or remedy shall not waive or preclude the use of any one or more of the other rights or remedies. Also, the failure to exercise, or delay in exercising, any right or remedy available to City in the event of a failure, refusal or violation by Church, shall not preclude City from thereafter exercising any of its rights or remedies for the same or a subsequent failure, refusal or violation. Church agrees to pay to City any and all costs and expenses incurred by City in enforcing this Agreement by the use of the rights and remedies above set out or by other rights, remedies or means available to the City at law or in equity, including reasonable attorneys' fees, whether suit be brought or not, and with interest on all such costs and

expenses at the rate of ten (10%) percent per annum from the dates incurred by the City until paid.

Church also agrees to pay all costs of collection of any moneys due to City from Church pursuant hereto, and of such costs and expenses incurred in enforcing this Agreement, or any of City's rights hereunder, with interest thereon, again including reasonable attorneys' fees, and whether suit be brought or not, with interest at the rate of ten (10%) percent per annum from the dates such costs of collection were incurred until paid.

6. All notices, reports or demands required or permitted to be given under this Agreement, including the determinations referred to in paragraph 2 hereof, shall be in writing and shall be deemed to be given when personally delivered to any officer of the party to which notice is being given, or when deposited in the United States mail in a sealed envelope, with registered or certified mail, postage prepaid thereon, addressed to the parties at the following addresses:

To City:	4801 West 50th Street Edina, Minnesota 55424 Attention: City Manager
To Church:	5421 France Avenue South Edina, Minnesota 55410

Such addresses may be changed by any party upon notice to the other party given as herein provided.

7. The terms and provisions hereof shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns, and shall run with the title to the Property and

be binding upon all present and future owners of the Property. If there be at any future time more than one owner of the Property, all of such then owners, while they are such owners, shall be jointly and severally liable for all obligations under this Agreement.

8. The conditions herein contained may be released or relaxed in whole or in part, as to all or any part of the Property, and as to any building or structure now or hereafter located thereon, by the sole act of the City. Any such release or relaxation shall be effective only upon the recording of a resolution of the City Council describing the condition or conditions released or relaxed in the same office in which this instrument has been recorded.

IN WITNESS WHEREOF, the parties hereto have causd this Agreement to be executed the day and year first above written.

ST. PETER'S EVANGELICAL LUTHERAN CHURCH

By Ileen A. Marsee
Its Secretary

And Donald O. Marose
Its Chairman of Trustees

CITY OF EDINA

By C. Wayne Cousterry
Its Mayor

And Kenneth Roslaff
Its Manager

STATE OF MINNESOTA)
) SS
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this 22nd day of May, 1983, by Ileen S. Marose, and by Donald O. Marose, the Secretary and the Chairman of Trustees respectively, of St. Peter's Evangelical Lutheran Church, (also known as St. Peter's Lutheran Church), a Minnesota religious corporation, on behalf of said corporation.

Notary Public

DANIEL A. UTTER
NOTARY PUBLIC—MINNESOTA
HENNEPIN COUNTY
My Commission Expires June 24, 1988

STATE OF MINNESOTA)
) SS
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this 3rd day of June, 1983 by C. Wayne Courtney and Kenneth Rosland the Mayor and the Manager, respectively, of the City of Edina, a Minnesota municipal corporation, on behalf of said corporation.

CRAIG L. LARSEN
NOTARY PUBLIC - MINNESOTA
HENNEPIN COUNTY
My Commission Expires Sept. 15, 1984

Notary Public

THIS INSTRUMENT DRAFTED BY:
DORSEY & WHITNEY
2200 FIRST BANK PLACE EAST
MINNEAPOLIS, MINNESOTA 55402

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EXHIBIT A
(the "Property")

Parcel 1 - 5421 France Avenue:

Lots 8, 9, 10, and 11, Block 3, and Lots 9 through 16 inclusive, Block 4, Ivandale Park near Lake Harriet, Hennepin County, Minnesota.

Parcel 2 - 3704 West Fuller Street:

Lots 12, 13, and 14, Block 3, Ivandale Park near Lake Harriet, Hennepin County, Minnesota.

Parcel 3 - 5425 France Avenue South:

The West 240 feet of the West 480 feet of that part of the North 1/2 of the South 1/2 of the North 1/2 of the Northwest quarter of the Northwest quarter lying East of the East line of France Avenue, as now laid out and traveled, in Section 20, Township 28 North, Range 24 West of the Fourth Principal Meridian, Hennepin County, Minnesota, all according to the Government survey thereof.

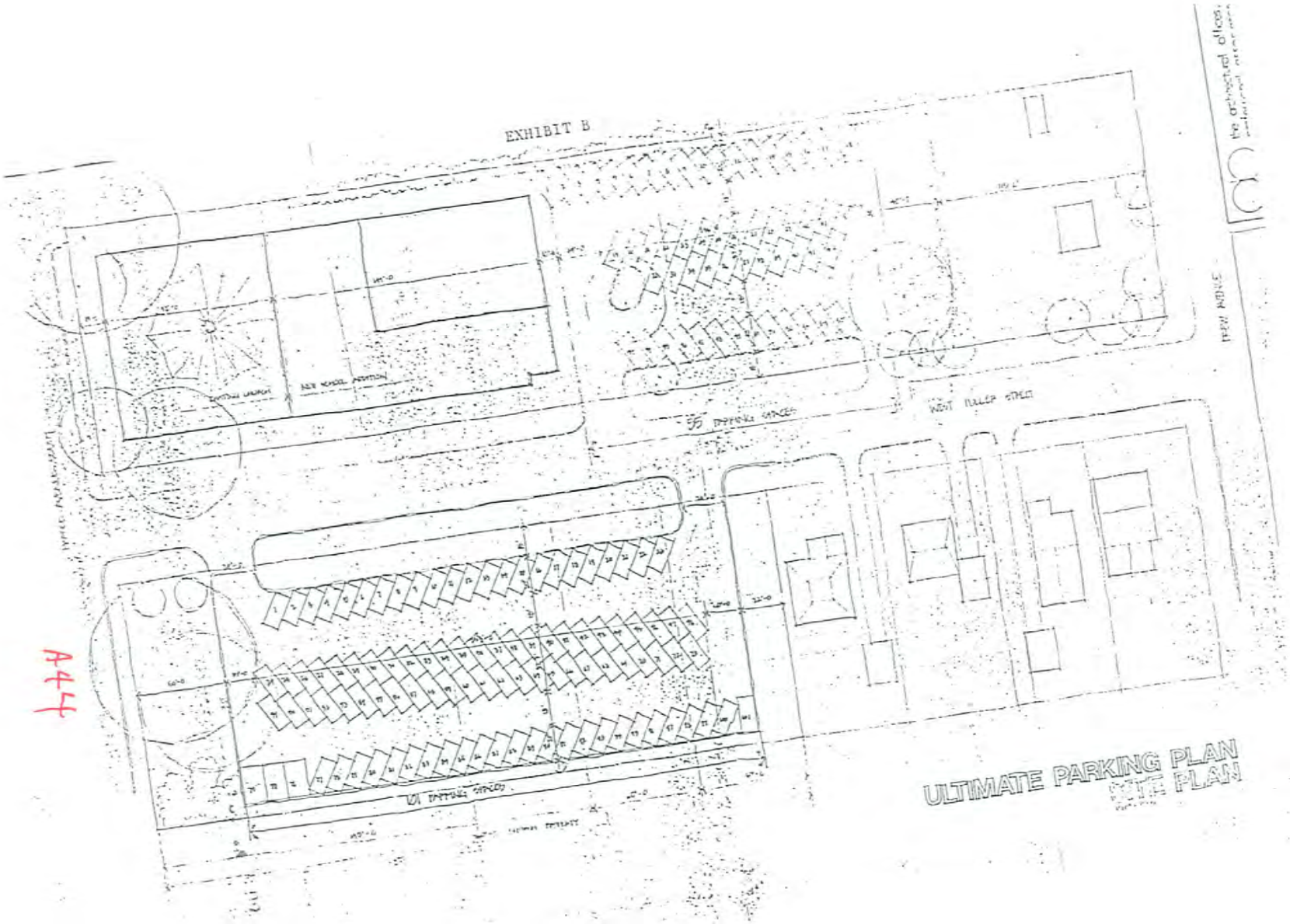
Parcel 4 - 3721 West Fuller Street:

The East 60 feet of the West 300 feet of that part of the North 1/2 of the South 1/2 of the North 1/2 of the Northwest Quarter of Northwest Quarter lying East of the East line of France Avenue as now laid out and traveled in Section 20, Township 28 North, Range 24 West of the Fourth Principal Meridian, Hennepin County, Minnesota, all according to the Government Survey thereof.

Parcel 5 - 3717 West Fuller Street:

The East 60 feet of the West 393 feet of the North half of the South half of the North half of the Northwest quarter of the Northwest quarter in Section 20, Township 28 North, Range 24 West of the Fourth Principal Meridian, Hennepin County, Minnesota.

EXHIBIT B



ULTIMATE PARKING PLAN
SITE PLAN

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