



City Council Work Session

Monday, September 21, 2026, 5:00 PM
106 Center Street

One or more members of the City Council may attend the meeting via interactive technology, and others will participate in person in Council Chambers at 106 Center Street, Excelsior, MN, during the meeting. Members of the public are welcome to attend. Any person wishing to monitor the meeting electronically from a remote location may do so by joining via Zoom either online or by telephone at:

<https://us02web.zoom.us/j/86346794494>

Meeting ID: 863 4679 4494

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AGENDA

1. Call to Order/Roll Call
2. Agenda Approval
3. New Business
 - a) East Lot Proposal - 5:00 - 5:45 PM
 - b) TIF Policy - 5:45 - 6:30 PM
4. Adjournment



Item: 3.a.

ITEM REPORT

To: City Council

From: Julia Mullin, Community Development Director

Meeting Date: September 21, 2026

Department/Office: Administration

Item Name: East Lot Proposal - 5:00 - 5:45 PM

Summary:

Background

The City received a proposal from Red Leaf Partners and Oppidan to develop the City's East Parking Lot (letter attached). The proposed concept is a new 3-story building with rooftop amenities, boutique office space, private club, and 200 stalls of structured public parking located on the main level and one level below ground. The developer plans to request Pay-As-You-Go Tax Increment Financing (TIF) from the City ("pay as you go" means the property tax revenue from the project pays the developer directly; the City would not take on the debt) to pay for the public parking provided. The developer also proposes a transfer of the land from the City to the developer at no cost and delivery of the public parking upon completion of the project for the City to own.

This proposal is an opportunity presented to the Council, not a project the City has sought out. Generally, when the City considers developing its property, the City issues a Request for Proposals and considers multiple proposals in order to choose the one that best meets the City's public policy and financial interests. However, development opportunities arise and the City is being asked to consider this one.

The East Parking Lot consists of 2 parcels, a total of approximately 1.17 acres, located in the downtown commercial area and the City's comprehensive plan guides the parcel as "public/semi-public". The parcel today has approximately 150 surface parking stalls.

Recommended Action:

The goal for tonight's Work Session is for the Council to discuss the development proposal as a group and to provide the developer and staff direction on how the Council wants to proceed.

For discussion tonight:

1. Does the Council want to develop the East Parking Lot in the near term?
 - a. To consider: need for additional public parking, cost of structured parking, TIF request and land transfer, proposed use, construction impacts.
 - b. Is this proposal in alignment with the City's goals for the East Lot parking lot and for downtown?
2. How would the Council like to consider this proposal?
 - a. Is there a comfort level in pursuing this presented opportunity or do you want to issue a request for proposals for development of the East Parking Lot and generate other proposals for comparison?
3. What additional information do you want from the developer, or staff, in order to make a determination?
 - a. To consider: environmental conditions of the parcel and need for remediation, appraised value of the parcel, cost to construct the parking, need for additional public parking, public infrastructure (stormwater, water/sewer, etc.) upgrades needed to support the project, building design concerns and City input.

Staff recommends that the Council use the above discussion questions to consider the redevelopment proposal for the East Lot and provide staff with direction on how to proceed.

Budget:

Attachments:

1. RLP Oppidan East Lot Proposal Letter

June 2, 2026

Members of the Excelsior City Council:

Vibrant commercial districts rely on a mix of live, work, and play spaces. We know Excelsior is a great place to live and visit. But we also believe Excelsior is a great place to work and think others will as well.

We have long advocated that the City champion expanding Excelsior's office base. The creation of professional daytime traffic in Excelsior is critically important to the success of our retail and restaurants, and as a result, the livability of our residents. But developing new office product is a highly contrarian activity in today's market and it comes with significant risks—changing attitudes toward dedicated office space, high skepticism in sourcing capital, and high construction costs—to name a few.

Red Leaf Partners and Oppidan are both Excelsior-based real estate developers and owners who have made significant contributions to the streetscape of Excelsior. Combined, we have led the investment in over \$70M in Excelsior adding retail, housing, office, and a grocery store. Together, we propose to jointly develop the following project on the City's East Lot:

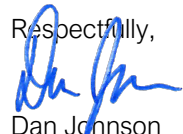
- 50,000-75,000 square feet of boutique Office and Club amenities. Office and Club to be owned by Red Leaf Partners/Oppidan affiliated entity.
- The building will be anchored by a tenancy with Oppidan for approximately 25,000 square feet, allowing Oppidan to more than double its footprint and continue to grow within the City of Excelsior.
- Maximum 3-story development plus rooftop. Anticipated to provide parking at grade and one level below grade, with office functions on levels two and three, and club amenities on rooftop.
- Rooftop amenities to include outdoor meeting areas, fitness and health amenities, and possible pool.
- Approximately 200 stalls of public parking on 2 levels to replace the 131 surface stalls. Parking to be supported by a covenant that requires that it remain free and with no reserved parking during business hours.
- In lieu of a purchase price, the City will initially transfer the land to the developer at no cost, the developer will privately fund the development and public improvements supported by pay-as-you-go tax increment financing (TIF), and the parking ramp will be delivered back to the City upon completion via a vertical registered land survey (VRLS).
- Depending on the pace of city approvals, the project could be delivered as early as 2028-2029.

We believe this proposal provides the following benefits to the City of Excelsior:

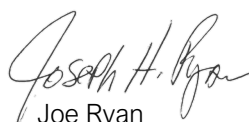
- Replaces and expands existing public parking on the east lot at developer's expense.
- Augments daytime professional traffic – a key component of vibrant commercial districts.
- Introduces a tree lined boulevard and sidewalk along East Drive, enhancing walkability.
- Converts a significant tax-exempt parcel to expand long term tax base.
- Engagement of MSR Architects ensuring an architecturally significant and contextually appropriate contribution to Excelsior's historic landscape.
- PUD zoning allows City to control design and scope of development.

We look forward to working together with the city on envisioning and activating this important piece of Excelsior.

Respectfully,



Dan Johnson
Red Leaf Partners
dan@redleafpartners.com



Joe Ryan
Oppidan
joe@oppidan.com



MEMORANDUM

Work Session: Creating a TIF Policy for Excelsior

Re:

Date: September 21, 2026

To: City Council

From:

Julia Mullin, Community Development Director

The goal at the Work Session is to discuss a Tax Increment Finance (TIF) policy for the City of Excelsior and direct staff to draft it and bring it back to an upcoming Council meeting for approval.

Background

Tax Increment Financing (TIF) is a tool available to cities to provide public financing to private development projects. At a high level, TIF dedicates future property tax revenue expected to be gained from a new development to pay a portion of the cost of that development. TIF essentially borrows against the increase in property tax revenue, or captures that gain, to pay some of the costs of doing development. The intent of TIF is to use it to help generate development that otherwise might not occur or development that cannot be completed without public assistance. TIF is used to pay for components of a development project that provide benefit to the public including, for example, public infrastructure, environmental remediation, costs associated with providing affordable housing, or public open space. A City can choose to grant TIF for a project or not.

As an aside, often, when TIF is used, the project under consideration is a Planned Unit Development (PUD). A PUD provides zoning flexibility for complex projects that must result in public benefit and be superior to what the city code requires. Because public benefit is required for approval of a PUD application it does not mean that TIF must be granted to pay for that public benefit. In fact, satisfying the public benefit requirement of a PUD application should occur without public financing. (The PUD section of the city zoning ordinance, Article 65, is attached for reference.)

TIF Policy

Cities create TIF Policies to align the use of TIF with the goals of the City. A TIF Policy identifies the goals the City is trying to advance through use of TIF and the types of development projects that may be eligible for TIF. When a TIF policy is in place, and a Council is presented with a request for TIF, Council Members and staff use the policy to evaluate the TIF request. A TIF policy can also be useful for developers because it provides some certainty about whether TIF will be an option for any given

project. An established TIF policy provides clarity of process and review requirements for Developers, Council, and staff.

TIF in Excelsior

In Excelsior, the City has used TIF in the past in the following projects:

Year	Amount of TIF	Length of TIF District	The Development	Use of TIF
2003	\$958,445	15 years	18-unit owner occupied housing and two condominium units in the Wyer-Peace house	Renovation and improvement of the historic Wyer-Pearce house with a Historic Preservation Conservation Easement over the property to ensure the site and structure are retained and maintained substantially for preservation purposes.
2017	\$2,750,00	26 years	115-unit senior housing facility with independent living, assisted living, and memory care units	Enhance pedestrian connectivity and safety by installing sidewalks along Water Street and College Avenue and pedestrian safety improvements at the intersection of Water and Oak Streets.
2023	\$6,325,00	26 years	49-unit multifamily rental housing development (row homes and apartments) and public parking garage	Increase the amount of parking downtown by constructing a public parking ramp with 244 parking stalls.

TIF Policies from Other Cities

Reviewing TIF Policies from other cities provides a sense of what is typically included in a TIF policy and what is unique to each individual City's policy. Cities have different priorities and goals; and therefore, goals for the use of TIF are unique to each City. The City of St. Louis Park has a TIF Policy that identifies for potential developers what City objectives must be met by a project in order to be eligible for TIF, and it states that proposed projects requesting TIF assistance must meet more than half of the TIF objectives identified in the policy.

Examples of St. Louis Park's 12 objectives are:

1. Retain and expand the city's businesses as well as attract new, complementary, investment and employment.
2. Retain local jobs and/or increase the number and diversity of quality jobs (e.g., stable employment and/or living wages and benefits).
3. Achieve any of the following housing-related goals:
 - Promote high quality housing for households with a variety of income levels, ages, and sizes to meet the city's goal of preserving and promoting economically diverse housing options in the community.
 - Provide a balance, broad range of both market rate and affordable housing stock to maintain a diverse population and provide quality housing for those who live or work in the city.
 - Encourage development incorporating green building components and processes that help achieve the city's Climate Action plan goals.

The policy also identifies project costs that qualify for TIF assistance. When the objectives and qualifying costs are identified by the City, uncertainty, always a part of a development project, and something that adds cost to the development process, is reduced for developers. Additionally, the City is consistent in offering the public funding assistance and working towards its public policy goals.

The City of Edina has a TIF policy and identifies the purpose of the policy:

1. Limit the use of TIF to only projects that deliver permanent benefits to the general public that are better than the minimum established in City Code.
2. Clarify that the use of TIF in Edina will be more limited than allowed by Minnesota Statute.
3. Establish criteria and guidelines for where new TIF Districts are established and how incremental taxes are utilized in Edina.
4. Ensure that TIF is used in a transparent, consistent and equitable manner to provide value to the community.
5. Ensure that TIF is used to deliver both short-term and long-term improvements that are a benefit to the general public of Edina.

Edina's TIF policy also identifies the public benefits that the City wants to pursue with TIF. Identifying these benefits in the TIF policy provide prospective developers with critical information as they create a financing plan for their project. Developers know up front whether TIF will be an option or not.

Edina's public benefits for TIF eligibility include:

1. Public realm improvements, including green space and placemaking elements including landscaping, streetscaping and public art.
2. Stormwater retention and detention systems that benefit more than one property.
3. Preservation of buildings that are historically or culturally significant to the community.
4. Creation and retention of long-term affordable housing at a variety of below-market price points.
5. Improvements to the multi-modal transportation network, including roads and infrastructure for motor vehicles, pedestrians, bicyclists and transit.
6. Public parking facilities that provide shared parking resources for more than one property.

Creating a Draft TIF Policy for Excelsior

A City's TIF policy is unique to that City. The policy identifies goals and public improvements that matter to that City and for which the City may contribute public funding assistance, identifies development costs to which TIF assistance may be applied (State law identifies eligible costs; the City can choose to be more restrictive.), and includes the TIF application process.

Recommended Council Action

Staff recommends that the Council discuss the idea of a TIF Policy, request additional information as needed, and provide initial direction, through discussion using the table below, on the purpose of an Excelsior TIF policy and the public benefits Excelsior wants when granting TIF assistance. (Staff has provided examples below.) Staff will then create a draft TIF policy and bring it to an upcoming Council meeting for review and approval.

The Purpose of Excelsior's TIF Policy
<i>Limit the use of TIF to projects that provide permanent benefits to the public and exceed the minimum standards established in city code.</i>
<i>Ensure that Excelsior uses TIF in a consistent and equitable manner that provides public benefit to the community.</i>
<i>Ensure that TIF is used to deliver both short-term and long-term improvements that are a benefit to the public.</i>
Public Benefits for TIF Eligibility (and how many must be met for a project to be eligible?)
<i>Improvement of Lake Minnetonka water quality.</i>
<i>Building design, size, and mass that creates compatibility with Excelsior's historic character.</i>
<i>Diversity of housing types including affordability, size, and type.</i>

<i>Renovations that maintain and protect historic buildings and sites.</i>
<i>Retention and expansions of the city's businesses, as well as attraction of new, complementary, investment and employment.</i>
<i>Remediation of environmental contamination.</i>
<i>Improvements with a regional benefit. For example, stormwater infrastructure that extends to parcels beyond the project parcel.</i>

Attachments

St. Louis Park TIF Policy

Edina TIF Policy

Article 65 PUD Ordinance



Tax Increment Financing (TIF) Policy

Adopted August 18, 1997

Amended and Restated December 6, 2021

St. Louis Park Economic Development Authority

Tax Increment Financing Policy

For the purpose of this policy, the "city" shall primarily mean the St. Louis Park Economic Development Authority (EDA), which serves in conducting various economic development, housing and redevelopment programs and activities within the City of St. Louis Park.

I. General policy

The purpose of this policy is to establish the city's position relating to the use of Tax Increment Financing (TIF) for private development. This policy shall be used as a guide in processing and reviewing applications requesting TIF assistance. The fundamental purpose of tax increment financing in St. Louis Park is to encourage desirable development that advances city interests and would not otherwise occur "but for" the assistance provided through TIF.

The St. Louis Park Economic Development Authority shall consider TIF for projects that serve to accomplish the city's goals for economic development, housing, and redevelopment as they may change over time. Generally, this means developments that help make the city more equitable, inclusive, sustainable, and economically resilient. Specifically, it means facilitating projects that result in the attraction, retention, and/or expansion of businesses, creation or retention of quality jobs (e.g., stable employment and/or attractive wages and benefits), remediation of contaminated properties, or development and renovation of market rate and affordable housing options in the city.

At the time of any application for a Comprehensive Guide Plan amendment, rezoning or site plan approval for a project, whichever occurs first, applicants must disclose that TIF will be requested.

II. EDA's Objectives for the use of TIF

As a matter of adopted policy, the St. Louis Park Economic Development Authority will consider using TIF to assist private development projects to achieve the following purposes:

- Foster racial equity and economic inclusion.
- Encourage development incorporating green building components and processes that help achieve the city's Climate Action Plan goals.

- Remove blight, substandard buildings, contamination, poor structural soils, and other undesirable property elements so as to encourage high quality development and revitalization in the city.
- Enhance the overall livability, growth, and economic vitality of the community.
- Retain and expand the city's businesses as well as attract new, complementary, investment and employment.
- Retain local jobs and/or increase the number and diversity of quality jobs (e.g., stable employment and/or living wages and benefits).
- Achieve any of the following housing-related goals:
 - to promote high quality housing for households with a variety of income levels, ages, and sizes in order to meet the city's goal of preserving and promoting economically diverse housing options in the community.
 - to provide a balanced, broad range of both market rate and affordable housing stock to maintain a diverse population and to provide quality housing for those who live or work in the city.
 - to promote neighborhood stabilization and revitalization by the removal of blight and the upgrading of existing housing stock.
 - to ensure all housing is safe and well maintained.
- Provide public amenities, improvements and/or placemaking features which benefit a larger area than the subject development site.
- Facilitate desired development or redevelopment on sites that otherwise would not be developed or redeveloped without TIF assistance.
- Meet other uses of public policy, as adopted by the council from time to time, including promotion of human-scaled urban design, quality architecture, environmental stewardship, energy conservation, enhanced connectivity, or decreasing the capital and operating costs of local government, etc.
- Encourage the application of Livable Communities, New Urbanism and Transit Oriented Development principles to a development project so as to create compact, efficient mixed-use development, quality amenities (e.g., public art), and attractive, pedestrian and transit friendly development.
- Spur additional unsubsidized private development in the area, either directly, or through secondary "spin-off" development.

III. Costs that qualify for tax increment financing assistance

The EDA will consider the following development costs eligible for reimbursement through tax increment financing:

- Land acquisition
- Demolition
- Site work including permits for site work, earthwork/excavation, soil correction, shoring, additional structural support systems such as pilings and related architectural and engineering fees
- Design and construction of utilities, stormwater systems, streets and roads, street/parking lot paving, curb and gutter, sidewalks, lighting, and landscaping
- Soil tests
- Environmental studies and remediation
- Replacement or clean-up of contaminated soils which would otherwise preclude redevelopment
- Parking structures
- Construction of affordable housing
- Rehabilitation of commercial and industrial buildings and multi-family housing facilities
- Relocation assistance
- Other costs allowable by Statute

IV. Projects that may qualify for tax increment financing assistance

All proposed projects requesting TIF assistance must meet more than half of the applicable Objectives for the use of TIF listed in Section II as well as all applicable Minimum Qualifications and the majority of the Desired Qualifications for assistance. However, it should not be presumed that a project meeting these requirements will automatically be approved to receive tax increment financing. Meeting the requirements creates no contractual rights on the part of any potential developer to have its application approved. The EDA reserves the right to accept or reject any application for TIF assistance as deemed in the city's best interests.

Minimum Qualifications

Proposed projects, at a minimum, shall:

- A. Be consistent with the city's Strategic Priorities, Comprehensive Plan, Zoning and Building Readiness Ordinances effective at the time of final TIF application submittal. The project shall also be consistent with any changes to the plan and ordinances under active consideration by the City at the time of final TIF application submittal and adopted during the period of negotiation of TIF assistance.

- B. Meet requirements of the city's Green Building, Inclusionary Housing, and Diversity, Equity, and Inclusion Policies (if applicable).
- C. Remove contamination, blight, poor soils, and/or encourage redevelopment in the commercial and industrial areas of the city in order to encourage high quality development or redevelopment and private reinvestment in those areas.
- D. Facilitate the development process and achieve desired development on sites which would not be developed without this assistance.
- E. Demonstrate to the satisfaction of the EDA's financial and legal consultants that the project is not financially feasible "but-for" the use of tax increment financing.
- F. Prior to approval of a TIF financing plan, the developer shall provide any requested market and financial feasibility studies, appraisals, soil boring, private lender commitment, and/or other information the City or its financial consultants may require in order to proceed with an independent underwriting of the proposal.
- G. The developer must provide adequate financial guarantees to ensure the repayment of the TIF loan and completion of the project. These may include, but are not limited to: assessment agreements, letters of credit, personal deficiency guarantees, guaranteed maximum cost contract, etc.
- H. Any developer requesting TIF assistance should be able to demonstrate past successful general development capability as well as specific capability in the type and size of development proposed. TIF will not be used when the developer's credentials, in the sole judgment of the city, are inadequate due to past track record relating to: completion of projects, general reputation and/or bankruptcy, or other problems or issues considered relevant by the city.
- I. All developers receiving TIF assistance will be required to agree to comply with all federal, state, and local labor laws in connection with the development, and to enforce compliance with such laws by all contractors and subcontractors retained for the project.
- J. The developer should retain ownership of the project at least long enough to complete it, to stabilize its occupancy, to establish the project management, and to initiate repayment of the TIF loan.

Desired Qualifications

Preference shall be provided to developments that meet a majority of the following:

- A. Create a higher ratio of property taxes paid before and after redevelopment. Given the different assessment circumstances in the city, this ratio will vary widely. A 1:2 ratio of property taxes paid before and after redevelopment is desired.
- B. Do not involve speculative industrial, commercial, or office development; however, any such speculative projects will be considered on a case-by-case basis. In general, the developer should be able to provide market data, tenant letters of commitment or finance statements which support the market potential/demand for the proposed development.
- C. Request TIF assistance not exceeding 10% of a project's Total Development Cost and not exceeding 15 years' worth of tax increment generated by the project unless there are mitigating circumstances in accordance with this policy which require these parameters to be exceeded.
- D. The proposed amount of TIF assistance or term of the TIF Note should be within range of similar developments which previously received TIF assistance.
- E. Do not involve an excessive land and/or property price i.e., where the acquisition price exceeds the property's market value by more than 20% as determined by an independent appraisal of the property.
- F. Have a ratio of total private development costs to city investment (TIF and grants) that is more than \$5 to \$1.
- G. Would not give a significant competitive financial advantage over similar projects in the area due to the use of tax increment subsidies. Developers should provide information to support that TIF assistance will not create such a competitive advantage. Priority consideration will be given to projects that fill an unmet market need.
- H. Would not likely generate significant environmental problems in the opinion of the local, state, or federal governments. Priority will be given to projects that aim to clean-up existing contaminated sites and facilitate the location of business or industry that has an environmentally sound track record.
- I. Meet good public policy criteria as determined by the EDA and city council, including:
 - High project quality (e.g., sound architectural design, quality construction and materials).

- Projects that complement and provide significant improvement to surrounding land uses, the neighborhood, and/or the city.
- Projects that provide a significant increase in tax base.
- Projects that provide new, or retained, employment (if applicable).
- Provides units for families (i.e., 3 & 4 bedrooms if applicable).
- Projects that meet financial feasibility criteria established by the City.
- Projects that provide optimal use for the property.
- Projects consistent with Livable Communities, New Urbanism, Transit Oriented Development, and Sustainable Design principles.
- Projects that complement and/or add value to neighborhood by providing public elements (if applicable).
- Projects that stimulate further investment in surrounding neighborhood.
- Projects that will generally have a positive community impact.

J. Would not likely place extraordinary demands on city services.

V. Form of assistance

Tax increment financing will generally be provided on a “pay-as-you-go” basis wherein the EDA reimburses the applicant for eligible project costs for a stated number of years, up to a predetermined maximum amount. The EDA will have the option to issue a TIF Note with or without interest, where the principal amount of the TIF Note is equal to the amount of eligible project costs incurred and proven by the developer. In all cases, semi-annual TIF payments will be based on available increment generated from the project. TIF payments will be made after collection of property taxes.

Any request for upfront assistance will be evaluated on its own merit in accordance with the city's general financing policies. Projects requesting pay-as-you-go financing will receive priority consideration.

VI. Evaluation process for all tax increment financing applications

The following four methods of analysis, as reflected in the TIF Policy Compliance Table attached as Exhibit B, will be used for all TIF applications:

1. Is the project consistent with the city’s Strategic Priorities, plans, ordinances, and policies?
2. Does the proposed project meet more than half of the applicable Objectives for the use of TIF?
3. Does the proposed project meet all applicable Minimum Qualifications and a majority of the Desired Qualifications?
4. Does the proposed project meet statutory qualifications and "but-for" analysis?

Please note that the evaluation methodology is intended to provide a balanced review. Each area will be evaluated individually and collectively and in no case shall one area outweigh another in terms of importance to determining the level of TIF assistance.

VII. Application for TIF assistance for all TIF districts

The tax increment financing program will be administered by the EDA. The EDA will require a non-refundable application fee for its processing of the application. The amount of the application fee will be determined from time to time by the EDA or city council. The application fee shall be paid to the EDA at the time a final TIF application is submitted.

At the time a final TIF application is submitted, the applicant shall also make an initial deposit with the EDA (depending on project size and complexity) to cover its legal, financial, and other necessary consultant costs incurred as part of establishing or amending a TIF district, drafting and negotiating a development agreement, and conducting any fiscal analysis that may be required to meet the requirements of utilizing TIF. If additional expenses are incurred beyond the initial deposit during the term of the development agreement, the EDA shall notify the applicant in writing and the applicant will be required to deposit additional funds upon notice.

If the project is approved and the applicant proceeds with the project, the EDA shall reimburse the applicant any unused portion of the deposit after issuance of the TIF Note. If the applicant does not proceed with the project, the EDA shall reimburse the applicant for the unused portion of the deposit as of the date that the EDA is notified in writing that the applicant desires to withdraw its application.

VIII. Application process and procedures

The application process is a two-step process and must be completed in accordance with the TIF application procedures outlined in Exhibit A. The purpose of this approach is to give an applicant the opportunity to present a development proposal without expending a great deal of money and time in pursuing a development that may conflict with the city's goals and objectives.

IX. Other policy issues

Fiscal disparities

It is the EDA's general policy to have tax increment financing districts contribute to fiscal disparities in accordance with applicable State law. Tax revenues for fiscal disparities generated by the project will be the responsibility of properties inside the TIF district. In the event a project cannot be completed as a result of this election, the city may re-evaluate the impact of this policy on the project within the framework of State statutes.

Public use of tax increment

The EDA and City shall follow applicable state laws in terms of potential public improvement financing with TIF. It shall be the general policy of the EDA and City to identify public improvements at the time of adoption or amendment of the TIF Plan.

ADDENDUM

The TIF Policy shall be implemented and administered in accordance with the requirements set forth in adopted EDA and city policies including the following:

- Green Building Policy adopted February 16, 2010, as updated September 16, 2014, and July 14, 2020, and as subsequently amended.
- Inclusionary Housing Policy adopted June 1, 2015, as amended May 15, 2017, September 6, 2018, September 2019, and July 2021 and as subsequently amended.
- Diversity, Equity, and Inclusion Policy as adopted March 29, 2022 and as subsequently amended.

Exhibit A

Application procedures for tax increment financing assistance

1. Meet with city economic development and planning staff to discuss the scope of the project, financial assistance being requested, time schedule, city policy requirements and other information as may be necessary before applying for tax increment assistance.
2. If the applicant plans to apply for tax increment assistance, the applicant must divulge that TIF will be requested at the time of any application for a Comprehensive Guide Plan amendment, rezoning or site plan approval for a project, whichever occurs first.
3. Preliminary project plans, requested planning applications, and indication of need for TIF assistance shall be submitted/presented in a staff report at a city council/EDA study session for initial concept review and feedback. The applicant may make a formal presentation of the project if necessary or requested. If the council/EDA's preliminary concept review is generally positive, and the EDA indicates that it is willing to consider a formal request for tax increment assistance then the applicant may file a formal application for TIF assistance. At the time of such application, the applicant is to submit the required application fee and initial escrow deposit to be placed in a segregated account to cover the EDA's financial and legal consulting fees associated with the application.
4. The application shall be reviewed by city staff and the EDA's financial consultant in a timely manner. Once an appropriate amount of assistance is determined, staff shall prepare a report with its findings of compliance with applicable city policies along with its recommendation for TIF assistance.
5. The staff report shall be submitted/presented at a city council/EDA study session. If the council/EDA wishes to proceed and formally consider providing assistance to the proposed project, staff will be directed to undertake the following steps:
 - schedule a public hearing for the establishment of the appropriate TIF district type.
 - have a tax increment financing plan prepared.
 - prepare business terms for the provision of the agreed upon amount of tax increment.
6. The proposed business terms shall be submitted/presented in a staff report at a city council/EDA study session. If the terms are found to be generally acceptable and the EDA wishes to formally consider them, staff shall be directed to incorporate the terms into a redevelopment contract.

7. A public hearing for the establishment of the proposed TIF district shall then be held in conjunction with formal consideration of the proposed TIF district and redevelopment contract.

Exhibit B

TIF Policy Compliance Table*

Factor	Requirement/Guideline	Proposed Project	Met?
Applicable TIF District	Redevelopment/Renewal & Renovation/ Housing/Economic Development		
Statutory TIF district requirements	Redevelopment District (example) 70% site coverage, More than 50% of bldgs structurally substandard & are reasonably distributed		
Use of TIF	Proposed costs are statutorily eligible for reimbursement through proposed TIF district.		
TIF Objectives	TIF Policy requires projects to meet over half of applicable objectives for use of TIF.		
Minimum qualifications	Applicable Strategic Priorities		
	Meets Green Building Policy requirements.		
	Meets Inclusionary Housing Policy requirements (if applicable).		
	Meets Diversity, Equity, and Inclusion Policy.		
	Consistent with city's Comprehensive Plan and Zoning Ordinance, or approvals pending.		
	Removes contamination, blight and/or will not generate significant environmental problems.		
	Helps facilitate desired development that would not occur without assistance.		
	Developer provided necessary documentation to evaluate TIF need and proposed project.		
	Determined not financially feasible "but-for" the use of tax increment financing.		
	Developer has experience and capability to construct proposed project.		
	Developer plans to retain ownership of project long enough to stabilize occupancy (if applicable).		
	Meets all Minimum qualifications.		
Desired qualifications	Incorporates Livable Communities, New Urbanism, TOD, Sustainable Design principles (i.e., mixed-use, urban design, human scale, walkable, public spaces, and sustainable design features).		
	High quality development (sound architectural design, quality construction and materials).		
	Provides rents at deeper affordability levels such as 30% or 50% AMI (if applicable).		

	Provides units for larger families (i.e., 3- & 4-bedroom units (if applicable)).		
	Complements and/or adds value to neighborhood by providing public elements or placemaking features (if applicable).		
	Proposed development will likely stimulate further investment in surrounding area/neighborhood.		
	Provides new, or retained, employment (if applicable).		
	The increase in market value of the property after redevelopment is more than 8 times the original market value.		
	Will have a positive community impact.		
	Will not place extraordinary demands on city services.		
	Will not likely generate significant environmental problems and/or cleans-up existing contamination.		
	Land price for project site is within market range.		
	Ratio of private to city investment (TIF and grants) is more than \$5 to \$1.		
	The proposed amount of TIF assistance or term of the TIF Note is within range of similar developments which received TIF assistance.		
	Proposed TIF assistance will be provided on a pay-as-you-go-basis.		
	Meets the majority of Desired qualifications.		

*This table may be revised from time to time to reflect changes to city policy and to provide additional clarity to applicants.



- ☒ City Council
- ☐ City-Wide
- ☐ Department

Approved: 2011
Revised: 12/20/2022

Tax Increment Financing Policy

BACKGROUND

The City of Edina has statutory authority to use Tax Increment Financing (TIF) pursuant to Minnesota State Statutes Section 469.174-469.1799 (the TIF Act). TIF uses the increased property taxes generated by new real estate development within defined geographic districts to pay for certain costs associated with new development (including but not limited to affordable housing) as well as related public infrastructure and public realm spaces.

The City's mission is "...to provide effective and valued public services, maintain a sound public infrastructure, offer premier public facilities and guide the development and redevelopment of lands, all in a manner that sustains and improves the health and uncommonly high quality of life enjoyed by our residents and businesses." (Source: 2015 Vision Edina).

The land within the City boundaries has been substantially built-out for more than a decade and many of the older properties are in the "redevelopment" phase. In order to construct a new structure, an older structure that is unsound, outdated, or obsolete must typically be removed.

In most cases, development projects in Edina are privately funded using traditional debt and equity sources. From time-to-time, however, the City has found it necessary to provide financial support for development projects that deliver outstanding benefits to the community and that could not be accomplished without public financial involvement.

As early as the 1970s, the City used TIF to help deliver desired commercial and multifamily development served by public infrastructure elements including roads, sidewalks, utilities, public parking, and public realm spaces like parks and plazas. TIF was essential to construct the commercial, residential and public elements at Edinborough Park and Centennial Lakes Park (including affordable housing). TIF was also essential to fund public parking at 50th and France and to transform the Grandview District from an industrial area to a mixture of residential, commercial and civic uses with public parking. Historically, Edina has taken a more restrictive view on the use of TIF than allowed by Minnesota Statute.

PURPOSE OF POLICY

While most redevelopment projects in Edina are privately financed, on certain occasions, the City may find it necessary to provide financial support in order to overcome unusual hurdles and to achieve extraordinary benefits to the general public. The purpose of this policy is to:

- Limit the use of TIF to only projects that deliver permanent benefits to the general public that are better than the minimum established in City Code
- Clarify that the use of TIF in Edina will be more limited than allowed by Minnesota Statute
- Establish criteria and guidelines for where new TIF Districts are established and how incremental taxes are utilized in Edina.
- Ensure that TIF is used in a transparent, consistent and equitable manner to provide value to the community.
- Ensure that TIF is used to deliver both short-term and long-term improvements that are a benefit to the general public in Edina.

This policy provides guidance to developers, property owners, staff, and the community at large regarding Edina's use of Tax Increment Financing as a public finance tool to attract and support high quality development that contributes to a strong property tax base and to the high quality of life in Edina. For the purpose of this policy, the "City" shall also mean the Edina Housing and Redevelopment Authority (HRA), which assists in a variety of housing, redevelopment, and economic development activities for the City of Edina.

PUBLIC BENEFITS PURSUED WITH TIF

In addition to the Minnesota TIF Statutes, Edina applies an additional expectation that the use of TIF will deliver permanent benefits to the general public other than tax base growth. Edina's Comprehensive Plan establishes guidance for the anticipated changes in land use and related systems for the next decade. Most land use changes are anticipated to occur in commercial and industrial areas. Many of the preferred outcomes identified in the Comprehensive Plan include changes to transform single use sites to mixed uses that provide a strong tax base, improved connectivity and access for drivers, bicyclists and pedestrians. When necessary, TIF can be used to achieve many benefits to the community, including:

- Transformational change of properties in a manner compatible with Comprehensive Plan, Small Area Plans, Development Framework, Sustainability Policy, New Multifamily Affordable Housing Policy and other Guidelines adopted by the City
- Improvements to the multi-modal transportation network, including roads and infrastructure for motor vehicles, pedestrians, bicyclists and transit

- Public realm improvements, including green space and placemaking elements including landscaping, streetscaping and public art
- Public parking facilities that provide shared parking resources for more than one property
- Improvements to public utility networks; including potable water, fire protection, storm sewer and sanitary sewer
- Stormwater retention and detention systems that benefit more than one property
- Removal of substandard buildings (as defined in MN Statute) that may have a blighting effect on the community
- Preservation of buildings that are historically or culturally significant to the community
- Remediation of environmental contamination
- Creation and retention of long-term affordable housing at a variety of below-market price points
- Creation and retention of permanent employment opportunities

I. PROCEDURAL CONSIDERATION OF TIF

- 1) Authority rests with City Council. Consideration to establish a new TIF District shall be at the sole discretion of the City Council. Administration and determine of specific uses of incremental property taxes generated therein shall be at the discretion of the City Council or HRA. Since each development project is unique, the use of TIF shall be considered on a case-by-case basis.
- 2) Preparation of TIF documents. The Edina Housing and Redevelopment Authority shall provide initial direction regarding the potential use of TIF, shall review the Term Sheet that identifies the proposed use of TIF on each project and shall review and approve the contractual documents such as TIF Agreements.
- 3) Eligible Applicants. Only current property owners or developers that have site control are eligible to apply for TIF. Evidence of site control shall be provided in the TIF Application.
- 4) Negotiation of TIF terms. After the TIF Application is submitted, the developer shall negotiate financing terms only with the City Manager, HRA Executive Director or designee. The prepared terms and proposed contract shall then be presented to the HRA Board and the City Council as a whole.
- 5) Application Form. Developers that request TIF shall submit a completed application in a form approved by the City Manager or HRA Executive Director. The application shall identify the anticipated financing sources, including equity, type of debt, external grants/contributions, and the amount and type of TIF support requested to resolve the financing gap. A complete development sources and uses pro forma shall

be submitted, as well as an operating pro forma based on a stabilized project. The application shall include calculations that identify the financing gap. This information is required to determine the “but for” test required under the TIF Act. The application shall also identify extra-ordinary costs to develop the project in Edina and shall also identify the exceptional public benefits that could be delivered if the project is completed. The Application shall also address other criteria identified in this document.

- 6) Application Fee. The application fee shall be \$10,000. Fifty percent (50%) of the fee shall accompany the initial application. The remaining fifty percent (50%) shall be due after the confirmation of a Term Sheet and prior to the preparation of full contractual documents. Application fees are non-refundable.
- 7) Use of Third-party Expert Advisors. Expert advisors shall be engaged by the HRA as necessary to ensure compliance with the TIF Act and to provide expertise to supplement the abilities and capacity of staff. Typical advisors have expertise in TIF law, public sector development finance, general development finance, property inspection as it pertains to TIF, and real estate valuation, among other redevelopment topics. All advisors shall be contracted to the HRA and shall uphold the interests of the HRA and the City while providing service.
- 8) Developer Responsible for Fees. The developer shall be solely responsible for the payment of third expenses pertaining to the developer’s request for TIF support from the time of the request to the delivery of the Certificate of Completion. Prior to preparation of the Term Sheet, the applicant shall submit to the City a deposit equal to the total estimated costs for legal and consultant fees. These funds will be held in a non-interest-bearing escrow and the City will draw upon these funds to pay all related expenses. Additional funds may be necessary if the scope of the work changes beyond the initial expectation. Any unused balance shall be returned to the developer upon completion of the process. The developer shall also be solely responsible for any costs related to requested amendments to the TIF District or TIF Agreements.
- 9) Initial Staff Response and Notification of HRA Board. City staff shall review and evaluate the Application for compliance with the City’s policies. Soon after receipt of a TIF Application, staff should advise the Edina HRA about the TIF request including the potential public benefits delivered if TIF would be provided. Staff will then seek approval to engage third party advisors to fully vet the merits of the TIF request.
- 10) Preparation of Term Sheet. Staff shall prepare a Term Sheet that summarizes the key terms by which TIF could be used for the project. The Term Sheet shall be submitted to the Edina HRA for review and consideration. The Term Sheet should generally be considered simultaneously or soon after preliminary zoning approval is obtained. The HRA should provide verbal indication whether they are agreeable to preparation of binding contracts (commonly known as TIF Agreements) based on the Term Sheet.
- 11) Creation of TIF District. After consideration of the Term Sheet, staff shall begin the process of establishing a TIF District to achieve the goals outlined in the Term Sheet.

- 12) TIF Agreement. Staff shall work with legal and financial advisors to prepare complete and binding legal agreements based on the Term Sheet. The TIF Agreement should be considered by the HRA Board and/or the City Council after final zoning approval is obtained.
- 13) Building and Zoning Approvals. The provision of TIF is contingent upon receiving all other necessary project approvals from the City.

II. FINANCIAL REPORTING AND TRANSPARENCY

- 1) Mandatory Reporting. The City shall submit all required reports on the use of Tax Increment Financing to Hennepin County and the Minnesota Office of the State Auditor using the format provided by those agencies.
- 2) Year in Review Report. Each year, staff shall publish a report that summarizes the use of TIF written in plain English style. This report shall include the following information for each active TIF District: start and end dates, debt and contractual obligations, tax collection status, tax base status, and other pertinent information. This report shall also quantify outcomes when TIF is used to achieve public benefits. This report should be delivered to the Edina HRA in January and shall be made available to the applicable School District(s) and to the general public upon request.
- 3) Website. The City shall post general information on the use of TIF in Edina on the City website.

III. ESTABLISHMENT OF TIF DISTRICTS

- 1) Preparation of TIF Plan. The HRA's Financial Advisor shall prepare the TIF Plan to satisfy the requirements of Minnesota TIF Statutes. The TIF Plan should be written in plain English style. The TIF Plan should describe the intended redevelopment and/or housing outcomes and should identify how the use of TIF will help achieve community goals as defined in the Comprehensive Plan and related plans.
- 2) Type of District. The type of District established shall be determined by the City Council in accordance with the limitations contained in Minnesota Statute.
- 3) Boundaries and Term. The boundaries of each new district should be as small as necessary to achieve the development goals of the subject properties and adjacent public areas. When establishing a new TIF District, the shortest statutory term to achieve the desired outcomes should be considered. A longer term should be considered when pooling is desired.
- 4) Impact on Municipal Services. The impact of the proposed project on the City's delivery of services, capital expenditures and operating expenditures shall be taken into consideration prior to the adoption of a TIF Plan.
- 5) Fiscal Disparities. Projects utilizing TIF are responsible for paying their share of the Fiscal Disparities contribution from the property taxes generated from the project and within the boundaries of the District.

- 6) Community engagement. The City shall follow standard protocol and processes for collecting community input on every proposed TIF district. At a minimum, this typically includes advance notice, online engagement and in person public meetings.
- 7) Input from School District and County. A draft of the TIF plan shall be provided to Hennepin County and to the school district where the district is located for review and comment prior to the public hearing.
- 8) Establishment of District. Unless unique circumstances apply, establishment of a TIF District should coincide with the execution of one or more TIF Agreements capable of satisfying the outcomes identified in the TIF Plan.
- 9) Early De-certification. Within one year after the 5-year statutory deadline, the City should consider early decertification of the District if no debts or contractual obligations for the incremental taxes remain. Within one year after all debts and obligations have been satisfied, the City should consider whether to de-certify the District early. Consideration should be given to the potential benefits from pooling available funds before the District is de-certified.

IV. EXPECTATIONS FOR TIF SUPPORTED REDEVELOPMENT PROJECTS

- 1) Site Plan. The site plan for any project supported with TIF shall be designed to substantially follow the regulations and guidelines as adopted in Edina's Comprehensive Plan, Small Area Plans, Development Framework and Southdale Design Experience Guidelines (where applicable). The expected quality and nature of site plan improvements is highest when TIF is contributed. Projects supported with TIF shall fully satisfy each of the following aspects as described in adopted plans and guidelines and as approved through the City's typical zoning review / site plan review process:
 - a. Subdivision of superblocks to establish a transportation grid with walkable, human-scale blocks appropriate for the size, length and width of the property
 - b. Creation of new streets, sidewalks and trails to allow through traffic by the general public (recognizing that redevelopment of neighboring parcels may be necessary to complete the through route)
 - c. Creation of new public realm spaces including streetscaping, lighting and public art
 - d. Minimum building setbacks (such as 30 ft and 50 ft in the Greater Southdale District) should be considered "build to" lines
 - e. Applicable street room typologies implemented
 - f. Massing, recessed upper floors, building articulation, and fenestration provided
 - g. Perimeter spaces that front a public street or similar route with public easement shall be occupiable and activated. Storage, parking, and utility spaces shall be kept to the bare minimum along public routes

The provisions of this policy are not intended to require an additional site plan review process. The City Council shall make the final determination of whether the site plans adequately abide by the Comprehensive Plan and other adopted codes, plans and guidelines to warrant the use of TIF.

- 2) Exterior Finish Materials. The types of finish materials on portions of the building directly visible from a street or other public realm space shall comply with Edina's City Code. For TIF supported projects, a high degree of stone, brick and other natural materials is preferred.
- 3) Public Realm Experience. A vibrant and welcoming public realm experience is essential for every project supported with TIF. Examples of contributing elements include (but are not limited to): sidewalks wider than required by City Code, public plaza, public seating areas, integrated transit shelters, landscaping, hardscaping, commercial storefronts and residential walk-up units that directly engage the public realm areas. Under the TIF Act, reimbursement through TIF for public realm amenities will need to be reviewed on a case-by-case basis, but will be required even if not subject to TIF reimbursement.
- 4) Public Art. Projects supported with TIF shall incorporate permanent public art as an integral part of the public realm experience. Each public art installation shall be secured with an easement that provides for the maintenance and permanence of the art element by the owner. The public art elements shall be consistent with those contained in the approved site plans. Additional art elements may be required when TIF is contributed. Examples of additional art elements include but are not limited to: sculptures, murals, sidewalk poetry, water features, light and sound displays, and rotating art installations. City Council shall make the final determination of whether the quantity and type of public art elements warrant the use of TIF. Under the TIF Act, reimbursement through TIF for public art will need to be reviewed on a case-by-case basis, but public art will be required even if not subject to TIF reimbursement.

Members from the Edina community shall be engaged as part of the artist-selection process and/or the art-selection process. The developer shall make the final art selection keeping in mind the recommendation and input from the community members.

- 5) Public dedication or public easements. All public benefits in TIF supported projects shall either be owned by the City or HRA, dedicated to the City or be secured with permanent easements (to the City) or restrictive covenants to ensure that the public has long-term access to and long-lasting benefits from the improvements.
- 6) Affordable Housing Units. Multi-family development projects supported with TIF should incorporate any required affordable units into the site, as opposed to providing the prescribed contribution to Edina's Affordable Housing Trust Fund.
- 7) Public Parking. Only those parking stalls that are available to the general public throughout all times of the day and year shall be considered to be supported with TIF. Parking stalls that are dedicated for the exclusive use by residents or tenants will not be eligible for TIF support. The public parking stalls shall be easily identified as public parking with exterior signage near the entrance and wayfinding signage on the site.
- 8) Environmental Sustainability. Edina's Sustainable Buildings Policy shall apply to all projects supported with TIF. For TIF-supported projects, the applicable Sustainable Building Rating System shall be LEED Silver or better. Additionally, electrification of heating systems and/or on-site renewable energy generation are preferred in TIF-

supported projects; projects should achieve at least 2 total LEED points between Grid Harmonization and Renewable Energy credits. Certification of the completed building(s) shall be required and compliance shall be renewed (by the owner) throughout at least the term of the TIF District at the frequency identified by the certifying agency.

- 9) Collaborative Partnerships. The developer should engage local neighborhood groups and other community and regional organizations to provide the highest reasonable level of collaboration to ensure a successful project. Community partners could include business and trade associations, private and non-profit groups and associations, governmental agencies and similar stakeholders and benefactors. Evidence of effective engagement should be provided in the TIF Application. This collaborative approach is also helpful to secure grants from other agencies.
- 10) Mitigation of Construction Disruption. As part of the Go-Ahead letter by which the developer commits to proceed with the project and prior to the site preparation and construction, a Construction Mitigation Plan (CMP) shall be submitted to the City that identifies the developer's and general contractor's strategies to address the inconveniences that occur to the neighbors and general public during the construction period. Topics to be addressed in CMP include: milestones and methods to provide advance notice to neighbors; off-street parking for contractors and suppliers; delivery routes for construction vehicles; queuing locations for large vehicles serving the construction site; temporary street, lane or sidewalk closures; temporary detours for vehicles, pedestrians, bicycles and transit vehicles; construction site security; and strategies to mitigate dust, vibrations and noise. The CMP must also identify the responsible person to be contacted by neighbors when questions or problems occur. Phone number and email address of the responsible job site person shall be made available.
- 11) Fair Labor standards. The developer and general contractor shall certify that all applicable state and federal labor laws have been satisfied and shall allow third party inspections or other means of confirming compliance. Failure to comply with applicable state and federal labor laws shall be considered a default with appropriate penalties.
- 12) Actions to Promote Diversity and Equity in Redevelopment. The development and construction of projects with TIF support shall include best efforts by the developer and general contractor to provide employment opportunities for people that are under-represented in the construction field, including women and people of color. Similar efforts shall be made to structure contracts so that businesses owned by people under-represented in the construction industry (including majority women-owned, majority minority owned, certified MBE, WBE and VBE) have a fair and realistic opportunity to provide goods and services to the project.

The developer's plan and strategy to achieve these goals (commonly referred to as Equity and Inclusion Outreach Plan or EIOP) shall be included in the TIF Agreement. The plan shall identify employment and contracting goals for women and people of color. The plan must also include an intentional strategy to pursue and achieve these goals to the greatest extent practical. The plan shall also include the developer's and general contractor's practices to pursue equity, including how they participate in workforce development programs and similar activities in the Twin Cities.

Standards and recommendations from State of Minnesota Department of Human Rights, Hennepin County and similar local and regional agencies and trade associations shall be considered as guidance when identifying these goals and strategies.

As a condition of the Certificate of Completion, the developer shall report on the implementation of the plan as well as the outcomes. Penalties shall apply when the developer fails to make a good faith effort to implement this plan.

V. USE OF TIF IN EDINA

- 1) TIF to deliver public benefits. TIF will only be used to enable a developer to complete a project that delivers exceptional public benefits. An increase in property tax base alone is not sufficient to warrant the use of TIF. TIF shall also be used as a means to finance public infrastructure improvements carried out by the City.
- 2) “But for” Test. Any use of TIF shall be subject to the “but for” test as prescribed in Minnesota Statute; meaning that “but for” the use of TIF, a project of the size, scale and quality proposed would not occur. The public benefits delivered by the project would also not occur on the site without the use of TIF.
- 3) Final Site Plan Approvals. Requests for TIF support after preliminary zoning has been granted may result in changes to the preliminary site plan to comply with this TIF policy. Any delays or costs due to a re-review are the sole responsibility of the developer.
- 4) Financial Gap. TIF should only be considered to fill a financial gap that is unable to be satisfied by traditional equity and debt sources. TIF assistance will not be provided to projects that have the financial feasibility to proceed without the use of TIF. TIF will not be provided solely to provide an excessive contingency to the project or broaden a developer’s profit margins on a project.
- 5) Developer’s Capital Stack. TIF should be considered the last money into the deal for market-rate projects provided with TIF support. This includes multi-family housing where 20% or fewer of the units are affordably priced in accordance with Edina’s multifamily affordable housing policy.
- 6) Pay as You Go TIF Notes. TIF should only be provided to developers of market-rate projects on a pay-as-you-go basis. In certain cases, up-front or other forms of assistance may be considered by the City but will be at the sole discretion of the City Council or HRA. Bonding or any other appropriate means of financing, supported with TIF revenue should be used by the City to carry out public infrastructure improvements within the TIF District.
- 7) Interest Rate. The interest paid on TIF Notes shall be consistent with the typical interest rate paid in the marketplace for the type of project. The interest rate paid on the TIF Note should not exceed the interest rate underwritten for the permanent financing.

- 8) Deviations from Policy. The City reserves the right to approve or reject the use of TIF, the amount of TIF, and the total term, on a case by case basis, taking into consideration established policies, project criteria, and demand on services in relation to the potential benefits from the project. Deviations from this policy shall be allowed if specifically approved by the City Council or HRA.
- 9) Impact on City Services. TIF will not be used to support development projects that place excessive demands on municipal services or other capital or operating expenditures of the City.
- 10) Financial Analysis. The applicant shall provide to the City and its financial advisor all information necessary to conduct a financial analysis of the proposed project. This information must be complete and accurate. Falsification or manipulation of the financial information shall be terms for immediate disqualification of consideration.
- 11) Financial Returns to Developer. The financial returns to the developer shall be within the typical industry norms for the type and scale of the project. The use of TIF shall be limited to increasing the returns to the lower level of the normal range.
- 12) Projections of Incremental Taxes. The Financial Advisor shall use realistic projections for the value of incremental taxes generated over time. The amount of TIF pledged shall not exceed the amount projected to be generated from the completed project.
- 13) Access to Complete Site and Project Information. Prior to approval of the Term Sheet, the developer shall provide any surveys, required market and financial feasibility studies, appraisals, environmental studies, soil boring information for the project, and other information or data that the City or its legal and financial consultants may require in order to proceed with an independent underwriting. Such information is subject to the Minnesota Government Data Practices Act and may be public information at the time of submission. Proprietary information will be kept non-public to the extent allowed by Minnesota statute.
- 14) Financial Guarantees. In the event that a type of TIF support other than Pay-as-you-go Note is used, the developer shall provide adequate financial guarantees to ensure completion of the project and the repayment of the tax increment financing in the event that the project fails to be completed. Types of guarantees may include, but are not limited to, assessment agreements, insurance, letters of credit, etc.
- 15) Developer experience and capacity. Any developer requesting TIF shall demonstrate past success in real estate development as well as specific capability in the type and scale of development proposed. As part of the TIF Application, the developer shall submit a list of critical members of the development team that identifies professional qualifications and references.
- 16) Inflated Fees not acceptable. The developer fees, soft costs and operating expenses included in the pro forma must be reasonable and typical for the industry. Inflated fees, unreasonable expense categories and excessive contingencies will not be accepted.

- 17) Look back. The TIF agreement will include “look back” provisions to ensure that the TIF was actually needed and shall include early termination of TIF Note payments and/or “claw back” provisions if it is determined that TIF was not needed at the level identified in the TIF Agreement. The clawback provision may be waived for tax-credit and similar affordable housing developments.
- 18) Real Estate Transactions. TIF shall not be used when land acquisition costs exceed market land costs. Acquisition costs shall be scrutinized to ensure that the purchase price is fair and reasonable in relation to recent comparable transactions. If deemed necessary by the City, a current real estate appraisal prepared by an independent appraiser selected by the City shall be provided to validate the fair market value of the land in as-is condition. A high purchase price alone is not sufficient to warrant the use of TIF.
- 19) New and Retained Job Opportunities. When jobs are created or retained, preference should be given to jobs that are not currently located within the City. TIF will not be used for projects that would give a significant financial advantage over similar businesses located in the City.
- 20) Maximum TIF contribution. The principal amount of TIF shall be justified by the “but for” evaluation and shall not exceed the value of exceptional public benefits delivered by the completed market rate project.
- 21) Delivery of TIF Note(s). TIF Notes shall only be delivered to the developer (and be interest-bearing and payable) after the completion of the full project, delivery of the public easements, issuance of Certificate of Occupancy, certification of final costs, documentation of final equity and inclusion outcomes and other key parameters identified in the TIF Redevelopment Agreement. A Certificate of Completion shall be issued by the City/HRA to confirm completion of all TIF related requirements.
- 22) Park Dedication Fees. When TIF is used to support development of new outdoor publicly available spaces such as public plaza, public courtyard or similar public space, the value of such spaces shall not be deducted from any Park Dedication Fees due from the market-rate redevelopment project.
- 23) Grant Funding. Grant funding from other agencies shall be pursued when TIF is used for a development project. The amount of TIF provided may be reduced depending on the amount of grant funding received. The total grant funding received shall be included in the pro formas when the “look back” is calculated.
- 24) Business Subsidy Laws. The City will require compliance with the State of Minnesota Business Subsidy Laws in Minnesota Statutes, Section 116J.993 through 116J.997, unless the project meets one of the business subsidy exceptions.
- 25) Pooling. When pooled TIF funds are available from a different TIF District, their use should be prioritized to provide affordable housing in a greater amount, longer term, or lower target income than what is usually achieved using other City policies. Other uses of pooled funds shall be at the direction of the City Council or HRA.

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ARTICLE 65. PUD, PLANNED UNIT DEVELOPMENT DISTRICT¹

Sec. 65-1. Purpose.

The purpose of the PUD, Planned Unit Development District, is to accommodate development that may be difficult to carry out under conventional zoning district standards, that results in public benefits as outlined in section 65-2, and provides comprehensive procedures and standards intended to allow more flexibility in the development of residential and/or non-residential areas. This flexibility should result in a development that is better planned and contains more amenities than one produced in accordance with conventional zoning ordinances and subdivision controls. While more lenient siting requirements may be granted, the planned unit development should contain features not normally required of traditional developments. The decision to approve a PUD is a public policy decision for the city council to make in its legislative capacity. The intent of this article is to:

- (a) Provide for the establishment of PUD districts in appropriate settings and situations to create or maintain a development pattern that complies with the city's comprehensive plan.
- (b) Allow for the mixing of land uses within a development when such mixing of land uses could not otherwise be accomplished under this Appendix E.
- (c) Provide for variations to the strict application of the land use regulations in this article in order to improve site design and operation while at the same time incorporating design elements (e.g. construction materials, landscaping, lighting, etc.) that exceed the City's standards to offset the effect of any variations.
- (d) Promote a more creative and efficient approach to land use within the City while at the same time protecting and promoting the health, safety, comfort, aesthetics, economic viability, and general welfare of the city.
- (e) Promote a design fully compatible with surrounding land uses, both existing and planned.
- (f) Preserve and enhance natural desirable site characteristics such as natural topography, geologic features, open spaces and prevention of soil erosion.
- (g) Maintain and improve the efficiency of public streets and utilities.
- (h) Ensure the establishment of appropriate transitions between differing land uses.

(Ord. No. 521, § 1, 1-19-2016; Ord. No. 592, § 2, 6-17-2019)

Sec. 65-2. Decision criteria.

City may approve or approve with modifications a planned unit development plan if:

- (a) The planned unit development is consistent with the comprehensive plan; and

¹Ord. No. 521, § 1, adopted Jan. 19, 2016, repealed former Art. 65, §§ 65-1—65-16, in its entirety and enacted new provisions as herein set out. Former Art. 65 pertained to similar subject matter and derived from the zoning ordinance of 2-9-2003; Ord. No. 364, 6-16-2003; Ord. No. 466, § 1, 5-2-2011; Ord. No. 473, § 3, 9-19-2011; Ord. No. 487, § 1, 8-20-2012)

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- (b) The planned unit development accomplishes, by the use of permitted flexibility and variation in design, a development superior to what would result if the property were developed under existing conventional zoning regulations. In determining whether a development is superior to what would result under conventional zoning, the city council shall evaluate and apply the following criteria, as are applicable, to determine with findings whether the proposal:
- (1) Includes structures that have the appropriate mass and scale relative to surrounding properties; and
 - (2) Interconnects usable interior or exterior open space; and
 - (3) Conserves or improves natural features such as public views, trees, wetlands or open space; and
 - (4) Provides additional aesthetic features and harmonious design; and
 - (5) Provides recreation, or other public facilities; and
 - (6) Includes an energy efficient site design or building features; and
 - (7) Uses low impact development techniques; and
 - (8) Includes sprinkler or other fire suppression systems in structures not otherwise required to have them.
- (c) The planned unit development provides one or more public benefits such as free public parking, public spaces, preservation of public views or long-term affordable housing units; and
- (d) The planned unit development results in no greater burden on present and projected public utilities and services than would result from development under existing conventional zoning regulations and the planned unit development will be served by adequate public or private facilities including streets, fire protection, and utilities; and
- (e) The perimeter of the planned unit development is compatible with the existing land use or property that abuts or is directly across the street from the subject property. Compatibility includes but is not limited to size, scale, mass, setbacks, building height and architectural design of proposed structures; and
- (f) Landscaping within and along the perimeter of the planned unit development is superior to that required by this Code, and enhances the visual compatibility of the development with the surrounding neighborhood; and
- (g) At least one major circulation point is functionally connected to a public right-of-way and the number of required parking spaces are met or exceeded on the site; and
- (h) Open space, where provided to meet the requirements of this Code within the planned unit development is an integrated part of the project rather than an isolated element of the project; and
- (i) The design is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity; and
- (j) Roads, parking lots, street lamps, parking lot lighting, off-street loading areas, trash receptacles, landscaping, fencing, outdoor storage, signage, and streets, whether public or private, within and contiguous to the site comply with city guidelines for construction and any applicable design standards or guidelines set forth by the design standards manual or preservation design manual; and
- (k) Streets and sidewalks, existing and proposed, are suitable and adequate to carry anticipated traffic within the proposed project and in the vicinity of the proposed project; and

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- (l) Each phase of the proposed development, as it is planned to be completed, contains the required parking spaces, open space, recreation space, landscaping and utility area necessary for creating and sustaining a desirable and stable environment; and
 - (m) The project, if within the Downtown Historic District or a designated historic landmark, is reviewed, approved, and complies with all city historic requirements as defined by existing City Code.

(Ord. No. 521, § 1, 1-19-2016; Ord. No. 592, § 2, 6-17-2019; Ord. No. 646, § 2, 1-9-2023)

Sec. 65-3. Eligible parcels.

A PUD shall not be established for parcels guided for low density residential land uses by the Excelsior Comprehensive Plan and zoned R-1 and R-2, or for parcels zoned P by this appendix, as amended from time to time. To be eligible for a PUD, a project must include multiple buildings or uses and may propose at least one use that is not allowed by the underlying zoning district, provided that nothing herein shall prohibit application for and approval of a PUD for a project proposing multiple residential units as part of an integrated unit.

(Ord. No. 521, § 1, 1-19-2016)

Sec. 65-4. Allowed uses.

All permitted uses, permitted accessory uses, conditional uses, interim uses, and uses allowed by administrative permit contained in the various zoning districts defined in this appendix shall be treated as potentially allowable uses within a PUD district, provided they would be allowed on the site under the Excelsior Comprehensive Plan, as amended from time to time.

(Ord. No. 521, § 1, 1-19-2016)

Sec. 65-5. Request for modification of zoning requirements.

The applicant may request a modification of the requirements and standards of the City Code as follows:

- (a) *Building height.* The maximum building height of any structure, building, or improvement shall conform to the requirements of this appendix. The city council may consider, as part of PUD approvals, building heights that vary from ordinance standards in cases of unique site topography with grades of 18 percent or more, or if the building includes below grade parking.
- (b) *Density.* The applicant may request an increase in the number of dwelling units permitted by the underlying zoning district; however, the applicant shall show that such excess will not have an undue or adverse impact upon existing public facilities and upon the reasonable use and enjoyment of neighboring property.

In determining the reasonableness of an increase in the authorized dwelling units per acre, the city council may require that increased density be compensated for by the provision of additional physical amenities, by increased efficiency in public facilities and services, or by preservation of natural resources and amenities beyond ordinance requirement. Such compensation for higher density may be achieved by:

- (1) The location, amount and proposed use of common open space;
- (2) The location, design and type of housing units; and
- (3) The physical characteristics of the site.

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- (c) *Other.* The city may approve a modification of building setbacks, number of parking spaces or building coverage, if all of the following conditions are satisfied:
 - (1) The modifications bear a demonstrable relationship to, and are consistent with, the goals and policies of the Comprehensive Plan.
 - (2) The adverse impact and effect of such modifications will be eliminated by screening landscaping, superior site and building design and other features related to planning, design and construction.
 - (3) The modification is necessary to achieve the purposes of this section.

(Ord. No. 521, § 1, 1-19-2016)

Sec. 65-6. Processing.

The PUD application process shall include the following steps:

- (a) *Pre-application conference:* Prior to the filing of an application for PUD, the applicant of the proposed PUD shall meet the zoning administrator or his or her designee. The primary purpose of the conference shall be to explain the PUD application process and obtain guidance as to the general suitability of the proposal for the area for which it is proposed and its conformity to the provisions of this Article before incurring substantial expense in the preparation of plans, surveys and other data. The applicant may also present a sketch plan as described in section 9-3 of the zoning ordinance which the zoning administrator may, as is provided in section 9-3, refer to the heritage preservation commission, planning commission and/or city council for review.
- (b) *Preliminary plan:* After the pre-application conference, if the applicant intends to proceed with a PUD application, the applicant shall submit a preliminary plan application. The preliminary plan provides an opportunity for the applicant to submit a plan to the city showing the basic intent and the general nature of the entire development.
- (c) *Final plan.* If a preliminary plan application is approved by the city council, the applicant shall submit a final plan application. If approved, the final plan serves as a complete, thorough and permanent public record of the PUD and the manner in which the property is to be developed. It shall serve in conjunction with other city ordinances as the land use regulation applicable to the PUD.
- (d) *Development agreement.* If the city council approves a final plan application, the applicant and the city shall enter into a development agreement. The development agreement shall incorporate the requirements of the final plan and shall be recorded in the chain of title for the property. The development agreement shall be approved by the city council no later than the date on which the final plan is approved by the city council.
- (e) *Rezoning.* If the city council approves the preliminary plan submitted by the applicant and the applicant submits an application for final plan approval and the preliminary plan contemplates a use or uses not permitted in the zoning district within which the property is located, the applicant shall, at the time the final plan application is submitted, also submit an application for rezoning of the property consistent with the final plan.

(Ord. No. 521, § 1, 1-19-2016)

Sec. 65-7. Preliminary plan.

- (a) *Submission requirements.* The preliminary plan application shall include as applicable, but not be limited to, the following submissions. The applicant is encouraged to submit more detailed plans as outlined in the final plan submittal process (section 65-7(e)).
- (1) A completed application. All applications shall be filed with the zoning administrator on an official application form at least 30 days in advance of the meeting at which it will first be considered. Such application shall be accompanied by a fee as provided by city council resolution. Unless modified by the zoning administrator, such application shall also be accompanied by one large scale (at least 22 inches by 34 inches) copy, 15 reduced scale (11 inches by 17 inches) copies of site plans and written materials fully explaining the proposed change, development, or use. The zoning administrator may waive or alter any of the submittal requirements of this appendix if not applicable to a project. The heritage preservation commission, planning commission or city council may also require the submission of any additional information or documentation that it may find necessary or appropriate for full consideration of the proposed PUD or any aspect or stage thereof.
 - (2) A Location map of the subject property and surrounding area, showing streets and zoning designations and existing land uses of adjacent properties.
 - (3) Narrative. The applicant shall supply a narrative explaining:
 - a. How proposed development will be superior to or more innovative than conventional development undertaken the city's land use regulations and how it accomplishes the goals outlined in section 65-1.
 - b. How the proposed PUD will provide a benefit to the public beyond that available through conventional development.
 - c. The market that the PUD is intended to serve and the market demand for the proposed PUD.
 - d. How the proposed development conforms to Article 62 of Appendix E if the subject property is located within the Excelsior Downtown Historic District or is a historic landmark.
 - (4) Boundary survey. A boundary survey prepared by a registered surveyor of the property and 100 feet beyond, showing:
 - a. Existing property lines and dimensions.
 - b. Ownership of all parcels.
 - c. Platting and easements.
 - d. Street and railroad rights-of-way.
 - e. Buildings.
 - f. Utility lines and facilities, including fire hydrants.
 - (5) Natural features. A map of the property in question and 100 feet beyond, showing:
 - a. Contours—Minimum two-foot intervals.
 - b. Location, type and extent of tree cover and vegetation.
 - c. Location and extent of water bodies, wetlands and streams and floodplains.
 - d. Existing drainage patterns.
 - e. Soil conditions as they affect development.

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- (6) General site plan. The proposed site plan shall be drawn at the same scale as the existing conditions and include the following information:
 - a. The proposed uses of all areas of the site.
 - b. Location of all proposed buildings on the site.
 - c. All public streets, entrance and exit drives, parking areas and walkway locations.
 - d. Parks and open space, public plazas and common areas.
 - e. A conceptual landscape plan, showing the proposed location and types of proposed vegetation.
 - f. Schematic utility plans indicating placement of water, sanitary and storm sewers.
 - (7) Preliminary Elevations. Preliminary elevations of proposed structures and improvements.
 - (8) If the subject property is located within the Excelsior Downtown Historic District, the application should indicate planned materials and exterior colors.
 - (9) Summary table. Summary table which includes total site area, gross floor area by use (i.e., residential, office, retail), itemized number of full size, compact, and handicap parking stalls and the collective total number, total lot coverage proposed, area devoted to public and/or private common space, and total number of residential units.
 - (10) Staging. When the PUD is to be constructed in stages, a schedule for the development of such stages shall be submitted stating the geographical sequence of construction and the number of dwelling units or square footage of non-residential property to be constructed in each stage.
 - (11) Covenants. A description of plans for covenants, restrictions, uses and continuous maintenance provisions for the project.
- (b) *Schedule.* A preliminary plan application shall proceed as follows:
- (1) Applicant/developer meets with the city staff to discuss the proposed preliminary plan application and the submissions necessary for the application. The pre-application conference mentioned in section 65-6(a) above may satisfy this requirement.
 - (2) The applicant shall provide the city with a preliminary plan application which shall include the submissions listed in section 65-7(a).
 - (3) The zoning administrator shall review the application and submissions to determine if they are complete and, if they are not complete, notify the applicant within ten business days of receipt of the application that the application is incomplete. Such notice shall identify the ways in which the application is incomplete. Once a complete application is received, the zoning administrator shall formally acknowledge filing and receipt of a complete application and set a public hearing following proper hearing notification. Notice of said hearing shall consist of a legal property description, description of request and property location, and be published in the official newspaper at least ten days prior to the hearing.

Written notification of said hearing shall be mailed at least ten days prior to all owners of land within 350 feet of the boundary of the property in question. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this appendix.
 - (4) If the subject property is located within Excelsior's historic district, then the preliminary plan shall be reviewed by the heritage preservation commission prior to the planning commission's review of the request. The heritage preservation commission shall make findings of fact on the project's conformity with approved design standards and guidelines and forward such findings to the city council.

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- (5) The applicant and/or their representative should appear before the planning commission, and heritage preservation commission if necessary, in order to answer questions concerning the proposed request.
 - (6) The planning commission shall conduct the public hearing and shall, as appropriate, recommend approval, denial, or modification of the request. Such recommendation shall be accompanied by the report and recommendation of the city staff, and shall be entered in and made part of the permanent written record provided to the city council.
 - (7) The city council shall not act upon an application until the planning commission has held a public hearing on the request. The public hearing conducted before the planning commission shall be continued until the city council takes action on the application. The city council shall act upon the amendment within 60 days from the date of submission of a complete application, unless an extension has been provided, pursuant to Minnesota Statute § 15.99, as amended from time to time.
 - (8) Subject to limitations of Minnesota Statute § 15.99, as amended from time to time, if, upon receiving said reports and recommendations of the planning commission, heritage preservation commission, and city staff, the city council finds that specific inconsistencies exist in the review process and thus the final recommendation of the city council may differ from that of the planning commission and heritage preservation commission, the city council may, before taking final action, refer the matter back to the planning commission and heritage preservation commission for further consideration.
 - (9) The affirmative vote of four-fifths of the city council shall be required for approval of a preliminary plan.
- (d) *Effect of preliminary plan approval.* Approval of the preliminary plan does not in any way bind the city to subsequent action on more detailed plans.
 - (e) *Limitation on preliminary plan approval.* Unless a final plan of development covering the area designated in the preliminary plan as the first stage of the PUD has been filed within six months from the date city council grants preliminary plan approval, or in any case where the applicant fails to file a final plan of development and to proceed with development in accordance with the provisions of this appendix and of an approved preliminary plan, the approval may be revoked by city council action. In such case, the city council shall forthwith adopt a resolution repealing the preliminary plan approval for that portion of the PUD that has not received final approval.

(Ord. No. 521, § 1, 1-19-2016)

Sec. 65-8. Final plan of development.

- (a) *Submission of final plan of development application.* Upon approval of the preliminary plan and within the time frame established by this article, the applicant/developer shall file with the zoning administrator a final plan of development application consisting of information and submissions required by this section of this appendix for the entire PUD or for one or more stages thereof in accordance with a staging plan approved as part of the preliminary plan.
- (b) *Conformity with approved preliminary plan.* The final plan of development shall refine, implement and be in substantial conformity with the approved preliminary plan. A final plan of development shall not be deemed to be in substantial conformity with an approved preliminary plan if it:
 - (1) Departs by more than five percent from the maximum density approved by the preliminary plan.
 - (2) Decreases by more than five percent the area approved for public and common open space or materially changes the general location of such area.

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- (3) Relocates approved circulation elements to any extent that would impair their functionality, adversely affect their relation to surrounding lands and circulation elements or reduce their effectiveness as buffers or amenities.
 - (4) Significantly alters the arrangement of land uses within the PUD.
 - (5) Delays by more than one year any stage of an approved staging plan.
 - (6) Departs from the preliminary plan in any other manner that the city council finds to materially alter the plan or concept for the proposed PUD.
- (c) *Time extension.* The final plan of development proposal shall be submitted within six months of approval of the preliminary plan unless a time extension is approved by the city council.
- (d) *Schedule.*
- (1) If a request for preliminary plan approval of a PUD project has been approved by the city council, as the next step in the application procedure, an applicant shall submit to the city an application form for final plan of development approval for the proposed project as required in section 65-8(e) of this appendix together with any applicable fee, as specified in section 10-2 of this appendix. The applicant shall submit with an application such information as is required by the City, such other information as deemed necessary to explain the general intent of the application, and a mailing list for all homes, businesses and property if different from that list created for the preliminary plan. The application shall also include any additional information required by the city council as a condition of preliminary plan approval.
 - (2) The zoning administrator shall review the application and submissions to determine if they are complete and, if they are not complete, notify the applicant within ten business days of receipt of the application that the application is incomplete. Such notice shall identify the ways in which the application is incomplete. Once a complete application is received, the zoning administrator shall formally acknowledge filing and receipt of a complete application and set a public hearing following proper hearing notification. Notice of said hearing shall consist of a legal property description, description of request and property location, and be published in the official newspaper at least ten days prior to the hearing. Written notification of said hearing shall be mailed at least ten days prior to all owners of land within 350 feet of the boundary of the property in question. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this appendix.
 - (3) Developer meets with the city staff to discuss specific development plans.
 - (4) Once the application for final plan of development has been declared complete by the zoning administrator, it shall be referred to the following city staff and/or official bodies for the indicated action:
 - a. The city attorney for legal review of all documents. In addition, the city attorney shall draw up a development agreement that stipulates the specific terms and conditions approved by the city council and accepted by the applicant. The development agreement shall include a clause that prevents assignment of the developer's rights prior to the satisfaction of the developer's obligations under the development agreement.
 - b. The city engineer for review of all engineering data for compliance with the requirements of this appendix and review of the city/developer agreement.
 - c. The zoning administrator and/or city building official for review of all plans for compliance with the requirements of this appendix, the State of Minnesota Uniform Building Code and any other applicable federal, state, or local codes.

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- d. The city planner for review of all plans for compliance with the intent, purpose and requirements of this appendix and conformity with the preliminary plan, comprehensive plan and design standards, if applicable.
 - e. The heritage preservation commission if the subject property is located within Excelsior's Historic District or is a historic landmark. This referral shall be in addition to any obligation created by Chapter 20 of the City Code or Article 62 of this Appendix E to file an application for a site alteration permit.
 - f. The planning commission for review and recommendation to the city council.
 - g. When appropriate, as determined by the zoning administrator, to the park commission for review and recommendations.
 - h. When appropriate, as determined by the zoning administrator, to other special review agencies such as the watershed districts, soil conservation service, highway departments, or other affected agencies.

All staff designated in paragraphs a. through d. hereof shall submit their reports in writing to the planning commission, heritage preservation commission if applicable. The zoning administrator shall provide copies of such reports to the applicant.

- (5) The zoning administrator sets a public hearing.
 - (6) The same notification procedure for this hearing and schedule shall be followed as was followed with respect to the applicant's preliminary plan as specified in section 65-7 of this appendix.
 - (7) If the subject property is within the downtown historic district or is a historic landmark, an application for a site alteration permit shall be submitted. The heritage preservation commission shall consider the site alteration permit application in accordance with approved design guidelines and standards. The heritage preservation commission shall either approve or deny the site alteration permit and make a recommendation to the city council on the final plan of development consistent with such approval or denial.
 - (8) The planning commission holds a public hearing and makes a recommendation to the city council on the final plan of development.
 - (9) The petitioner and/or their representative should appear before the planning commission, and heritage preservation commission if necessary, to answer questions regarding the proposed project.
 - (10) The planning commission makes a recommendation to the city council on the final plan of development.
 - (11) The city council reviews all recommendations and approves/denies the application(s). The affirmative vote of four-fifths of the city council shall be required for approval of a final plan of development. On or before the date on which the city council approves the final plan, it shall also approve a development agreement between the city and the applicant. The development agreement shall be approved by the city council by a four-fifths vote. The mayor of the City of Excelsior, city manager, and the applicant shall sign the development agreement. Nothing herein shall preclude the city council from considering and approving the development agreement prior to the time it approves the final plan but the development agreement shall be approved by the city council no later than the date on which the final plan is approved.
- (e) *Submission requirements.* The final plan of development should depict and outline the proposed implementations of the preliminary plan for the PUD. Information from the preliminary plan may be included for background and to provide a basis for the submitted plan. The final plan of development submissions shall include but not be limited to:

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- (1) All application(s) shall be filed with the zoning administrator on an official application form of this appendix, at least 30 days in advance of the meeting at which it will first be considered. Such application(s) shall be accompanied by a fee as provided by city council resolution. Unless modified by the zoning administrator, such application shall also be accompanied by one large scale (at least 22 inches by 34 inches) copy, 15 reduced scale (11 inches by 17 inches) copies of site plans, and written materials fully explaining the proposed change, development, or use. The zoning administrator may waive or alter any of the submittal requirements if not applicable to a project. The heritage preservation commission, planning commission and city council may excuse an applicant from submitting any specific item of information or document required in this section that it finds to be unnecessary to the consideration of the specific proposal for PUD approval.
 - (2) All submittal requirements of the preliminary plan, as specified in section 65-7 of this appendix if different from the preliminary plan submittal.
 - (3) Site alteration plan application if applicable.
 - (4) Survey consistent with Article 9 of this Appendix E.
 - (5) Site plan consistent with Article 9 of this Appendix E.
 - (6) Computer-generated architectural plans at an appropriate scale for the development, showing floor plans and elevations of all buildings, including building details, with all exterior building materials and colors clearly called out.
 - (7) Colored site plan, building elevations and perspective sketch.
 - (8) If the subject property is located within the Excelsior Downtown Historic District, the application should also include photographs and/or drawings adequately illustrating the scale and proportion of adjacent structures.
 - (9) Landscaping Plan consistent with Article 9 of this Appendix E.
 - (10) Utilities plans at scale of one inch equals 100 feet indicating size and placement of water, sanitary and storm sewer lines, fire hydrants, drainage facilities, and any other pertinent utility related information;
 - (11) A lighting plan compliant with section 16-5 of this Appendix E.
 - (12) Signage plan.
 - (13) Where applicable, a tabulation indicating the number of residential dwelling units by number of bedrooms and expected population/housing profile.
 - (14) Where applicable, a tabulation indicating the gross square footage, if any, of commercial floor space by type of activity (e.g. drug store, dry cleaning, supermarket).
 - (15) A traffic flow plan and analysis.
 - (16) A solid waste disposal procedures and provisions plan.
 - (17) Grading/stormwater drainage plan consistent with Article 9 of this Appendix E.
 - (18) A preliminary plat, if applicable, prepared in accordance with the Excelsior subdivision regulations.
 - (19) An environmental impact analysis and soil erosion control plan acceptable to the watershed district, department of natural resources, soil conservation service, or any other agency with review authority clearly illustrating erosion control measures to be used during construction and as permanent measures.

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- (20) Proposed final conditions, covenants and restrictions and other documents relating to operation and maintenance of the development, including all of its open areas and recreational facilities, which covenants and restrictions and other documents shall be recorded upon final PUD approval.
- (21) A statement summarizing all changes that have been made in any document, plan data or information previously submitted, together with revised copies of such document, plan, data, or information.
- (22) Such other and further information as the city staff, heritage preservation commission, planning commission, or city council shall find necessary to a full consideration of the entire proposed PUD or any stage thereof.
- (f) *Rezoning.* At the time that a final plan application is submitted, if it contemplates a use or uses not permitted in the zoning district within which it is located, the applicant shall also submit an application for rezoning of the property in question that seeks to amend the zoning for that property to PUD consistent with the final plan. Upon approval of the final plan, the city council shall consider the rezoning application pursuant to the procedural and substantive requirements of Article 3 of the zoning code. Approval of said application shall require the number of votes required by state law.
- (g) *Subdivision.* To the extent necessary, at or before the time that the final plan application is submitted, the applicant shall also submit an application for subdivision approval. If submitted before the application for final plan approval, said application shall not be considered complete until the final plan application is complete. Consideration of the subdivision application shall proceed on a parallel path with the final plan application and, upon approval of the final plan, the city council may approve the subdivision application if warranted under the terms of Chapter 30 of the Excelsior City Code.
- (h) *Recording of final plan.* Prior to issuance of any building permit for the PUD, the applicant shall cause the final plan, or such portions thereof as are appropriate, to be recorded with the Hennepin County Recorder.
- (i) *Building and other permits.* Except as otherwise expressly provided herein, upon receiving notice from the city manager that the approved final plan has been recorded and upon application of the applicant pursuant to the applicable ordinances of the city, the city may issue building and other permits to the applicant for development, construction and other work in the area encompassed by the approved final plan provided, however, that no such permit shall be issued unless all requirements of all codes and ordinances which are applicable to the permit sought have been satisfied and required performance bonds submitted.
- (j) *Limitation on final plan approval.* Within one year after the approval of a final plan for PUD, or such shorter time as may be established by the approved development schedule, construction shall commence in accordance with such approved plan. Consistent with section 65-10, failure to commence construction within such period shall, unless an extension shall have been granted as hereinafter provided, automatically render void the PUD and all approvals of the PUD plan and the area encompassed within the PUD shall thereafter be subject solely to those provisions of the zoning ordinances, and other ordinances, applicable in the district in which it is located. In such cases, the city council shall forthwith adopt an ordinance repealing the PUD and all PUD approvals and re-establishing the zoning and other ordinance provisions that would otherwise be applicable. The time limit established by this paragraph may, at the discretion of the city council, be extended for not more than one year by resolution duly adopted.
- (k) *Inspections during development.*
- (1) *Compliance with overall plan.* Following final plan approval of a PUD, or a stage thereof, the zoning administrator shall, at least annually until the completion of development, review all permits issued and construction undertaken and compare actual development with the approved plans for development and with the approved development schedule. If the Zoning Administrator finds that development is not proceeding in accordance with the approved schedule, or that it fails in any other respect to comply with the PUD final plan as approved, s/he shall immediately notify the city council. Within 30 days of such notice, the city council shall either by ordinance revoke the PUD and all PUD

approvals and re-establish the zoning and other ordinance provisions that would otherwise be applicable; or shall take such steps as it shall deem necessary to compel compliance with the final plan as approved; or shall require the applicant/developer to seek an amendment of the final plan.

(2) *Compliance with construction plans and drawings.*

- a. All improvements to be constructed or erected shall be subject to inspection by the zoning administrator. The cost attributable to all inspection required by this subparagraph shall be charged to and paid by the applicant/developer. Before any required inspections take place, the applicant/developer may be required to post a deposit with the zoning administrator to cover the cost of such inspections. The applicant/developer shall give at least 24 hours written notification to the zoning administrator prior to the performance of any of the following work:
 1. The surfacing of any roadway or street.
 2. The installation of any curbing or gutters.
 3. The grading or backfilling or any open trench or excavation in which any utility facilities, including but not limited to, water lines, sewer lines, gas lines and electrical cables, shall have been installed.
- b. If in the opinion of the zoning administrator, upon inspection, any work does not comply with the approved construction plans and drawings or the approved final plan, the zoning administrator shall have authority to order that all such work shall be terminated until such time as necessary steps are taken to correct any defects or deficiencies, the applicant/developer shall notify the zoning administrator and request a reinspection.
- c. Upon completion of all required improvements within the area covered by the approved final plan, the applicant/developer shall notify the zoning administrator who shall thereupon conduct a final inspection of all improvements as installed from the approved final plan, which defects will, in the opinion of the city building inspector, adversely affect the performance, suitability, or desirability of said improvements, the building inspector shall notify the applicant in writing of such defects, deficiencies or deviations and the owner or applicant shall, at their sole cost and expense, correct such defects or deviations within six months of the date of notification. When such defects, deficiencies or deviations have been corrected, the owner/applicant shall notify the zoning administrator that the improvements are again ready for final inspection.
- d. If a final inspection indicates that all improvements as installed contain no defects, deficiencies or deviations, the zoning administrator shall certify to the city council that all improvements have been installed in conformity with the construction plans and drawings and the final plan. Following certification of all improvements by the zoning administrator, the applicant shall have prepared and submitted to the city three (3) sets of "as-built drawings" of all improvements. The city council shall thereupon by resolution formally accept such improvements at which time they shall become the property of the city.

(Ord. No. 521, § 1, 1-19-2016)

Sec. 65-9. PUD zoning amendment.

A zoning amendment to rezone the subject property shall procedurally follow all provisions specified in Article 3 of this appendix. Consideration of all rezonings shall be based upon the criteria specified in subsection 3-3(e) of this appendix. Any zoning change approved in conjunction with the approval of a PUD shall be conditioned on completion of the PUD and, in the event that the PUD project is not completed within the time called for by the development agreement, the zoning change shall be rescinded and the property shall return to the pre-existing

zoning. When approved, a zoning amendment associated with a PUD approval shall be supplemental and be deemed to be superimposed over the basic zoning of the property under consideration. Where conflicts arise between the requirements of the PUD and the underlying zoning, the PUD requirements shall control. Where, however, the PUD is silent or does not conflict with the underlying zoning regulations, those regulations shall be applicable.

(Ord. No. 521, § 1, 1-19-2016)

Sec. 65-10. General standards.

By definition, the PUD ordinance emphasizes a regulatory process rather than regulations; however, certain minimal development standards are deemed necessary and shall apply to all PUD proposals. Such standards include sections 65-12 and 65-13, when applicable, and the following:

- (a) *Common open space.* Common private or public open space and facilities at least sufficient to meet the minimum requirements established in the comprehensive plan and such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the residents of the PUD shall be provided within the area of the PUD development. Whenever common private or public open space or facilities are provided within the PUD, the PUD shall contain provisions to assure the continued operation and maintenance of such open space and facilities to a predetermined reasonable standard. Common private or public open space and facilities within a PUD may be placed under the ownership of one or more of the following, as approved by the city council:
 - (1) Dedicated to public, where a community-wide use is anticipated and the city council agrees to accept the dedication.
 - (2) Landlord control, where exclusive use by tenants is anticipated.
 - (3) Property owners association, provided the same is in accordance with Minnesota law and all of the following conditions are met:
 - a. Prior to the use, occupancy, sale or execution of contracts for sale of an individual building unit, parcel, tract, townhouse, apartment, or common area, a declaration of covenants, conditions and restrictions or an equivalent document shall be filed with the city, prior to the filing of said declaration of covenants, conditions and restrictions or an equivalent document with Hennepin County.
 - b. The declaration of covenants, conditions, and restrictions or an equivalent document shall specify that deeds, leases or documents of conveyance affecting building units, parcels, tracts, townhouses, or apartments pertaining to said properties are subject to the terms of said declaration of covenants, conditions, and restrictions or an equivalent document.
 - c. The declaration of covenants, conditions and restrictions or an equivalent document shall be subject to the review and approval of the city attorney.
 - d. The declaration shall additionally amongst other things, provide that in the event the association or corporation fails to maintain properties in accordance with the application rules and regulations of the city or fails to pay taxes or assessments on properties as they become due and in the event the said city incurs any expenses in enforcing its rules and regulations, which expenses are not immediately reimbursed by the association or corporation, then the city shall have the right to assess each property its pro rata share of said expenses. Such assessments, together with interest thereon and costs of collection, shall be a lien on each property against which each such assessment is made.
 - e. Membership must be mandatory for each owner and any successive buyer.

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- f. The open space restrictions must be permanent and not for a given period of years.
 - g. The association must be responsible for liability insurance, local taxes, and the maintenance of the open space facilities deeded to it.
 - h. Property owner(s) must pay their pro rata share of the cost of the association by means of an assessment to be levied by the association which meets the requirements for becoming a lien on the property in accordance with Minnesota Statutes.
 - i. The association must be able to adjust the assessment to meet changed needs.
 - j. The by-laws and rules of the association and all covenants and restrictions to be recorded must be approved by the city council prior to the approval of final plan.
- (b) *Minimum lot area.* There shall be no minimum lot or area size required for a tract of land for which a PUD district project is proposed.
 - (c) *Minimum frontage.* There shall be no minimum frontage on a public street required for a tract of land for which a PUD district project is proposed.
 - (d) *Environmental.* Noise, odors, vibration, toxic or noxious substances related to a proposed PUD project and shall not have a detrimental effect on adjacent properties as provided for in Article 16 of this appendix.
 - (e) *Lighting.* All lighting proposed for a PUD project shall be consistent with section 16-5 of this appendix.
 - (f) *Energy.* All proposed structures shall meet state energy codes and shall be constructed in an energy-efficient manner. No structures shall cause a significant detrimental effect on the availability of sunlight to abutting properties. Energy conservation technologies will be given favorable consideration in review of the PUD proposal.
 - (g) *Utilities.* All utilities including telephone, electricity, gas, and telecable, must be furnished to the PUD site and installed underground at no cost to the city or adjacent landowners. The city shall require easements, as required by the city engineer, around the entire perimeter of the proposed PUD site for standard city and utility usage. The PUD site shall be served by city water and sewer system when available and fire hydrants shall be installed according to a plan approved by the city staff, the planning commission and the city council as to type and location.
 - (h) *Utility connections.* The tract of land for which a PUD project is proposed shall have municipal water and sewer available to it.
 - (1) *Water connections.* Where more than one unit is served from the same service line, a shut off valve must be located in such a way that each unit's service may be shut off by the city, in addition to the normally supplied shut off by the street.
 - (2) *Sewer connections.* Where more than one unit is served by a sanitary sewer lateral which exceeds 300 feet in length, provision must be made for a manhole to allow adequate cleaning and maintenance of the lateral. All maintenance and cleaning shall be the responsibility of the property owners association or owner.
 - (3) *Drainage.* The PUD project shall provide, at no cost to the city or adjacent landowners, adequate drainage and runoff accommodations, with no detrimental effect on adjacent properties. All storm water runoff must be hooked to a surface drainage system constructed according to a plan approved by city staff, the planning commission and the city council as to type of materials and location and to provide for runoff to flow into storm sewers and to avoid flow into the sanitary sewer system. Drainage plans and specifications must be certified by a registered engineer and reviewed by the Minnehaha Creek Watershed District and all other governmental agencies as applicable.

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- (i) *Shoreland management.* Provisions of article 60, Shoreland Management District of this appendix shall be complied with for all PUD projects. For mixed use projects, a blend of impervious surface coverage allowances may be utilized based upon lot area devoted to land uses. Maximum impervious surface coverage of lots within a PUD shall comply with the following:
- (1) R-3 and R-4 districts: 40 percent.
 - (2) Commercial: 90 percent.
 - (3) Commercial if previously zoned DC: 100 percent.
 - (4) Public buildings: 50 percent.
- (j) *Traffic flow and transportation.* PUD projects that will have any tendency to increase traffic shall be accompanied by traffic studies, including past and future traffic projections. Such studies and proposals shall include suggested methods that address anticipated increases in traffic. The city council may require a traffic plan for any proposed PUD to be submitted by the applicant. "Traffic" or "transportation" as used herein shall include, but not be limited to, movement of vehicles, goods, services and people. Transportation routes proposed as part of the PUD shall be designed to minimize the effect of traffic on neighboring zones within the PUD. The city council may impose additional requirements to ensure compliance with this standard.
- (k) *Roadways.*
- (1) All public streets shall conform to the design standards contained in the Excelsior subdivision regulations unless otherwise approved by the city council.
 - (2) Private roadways within the PUD site shall have an improved surface and shall be so designed as to permit fire trucks to provide protection to each building.
 - (3) All streets, sidewalks, curbs, gutters and other public improvements to be located on or in land to be dedicated to the public shall be ordered by the city council and financed by the proponent or landowner in accordance with the Excelsior Code or ordinances. The city council may impose additional requirements and treatment thereof or may waive particular requirements in view of the surrounding and abutting areas.
 - (4) It is the city's policy to discourage private roadways within a residential PUD project. Regardless if roads are private or dedicated to the public, they shall be designed to right-of-way widths and constructed to standards imposed by the Excelsior subdivision regulations.
- (l) *Parking.*
- (1) Parking areas shall be screened in accordance with the provisions of Article 21 of this appendix.
 - (2) Parking areas within a PUD shall comply with the parking requirements set forth in Article 19 of this appendix and all other parking requirements and policies of the city or as approved by the city council.
- (m) *Landscaping.* In any PUD, landscaping shall be provided according to a plan approved by the city council, which shall include a detailed planting list with sizes and species. In assessing the landscaping plan, the city council shall consider the natural features of the particular site, the architectural characteristics of the proposed structure and the overall scheme of the PUD plan consistent with Articles 21 and 22 of this appendix.
- (n) *Historic buildings and sites.* PUD projects that are in the downtown historic district or are historic landmark shall comply with the provisions and procedures found in Chapter 20 of the Excelsior Code of Ordinances and Article 62 of this appendix.

(Ord. No. 521, § 1, 1-19-2016; Ord. No. 657, § 1, 9-18-2023)

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Sec. 65-11. Residential project standards.

- (a) *Purpose.* The purpose of this section is to establish standards for multiple family, institutional and other residential PUD district projects, in addition to those standards contained elsewhere in the appendix for all PUD projects.
- (b) For multiple family residential PUD district projects, the normal standards of either the R-3 or R-4 zoning districts shall apply to each project, excepting usage standards, as determined by the city council and as provided above.
- (c) Multiple family residential projects shall maintain a quality standard of architectural and aesthetic compatibility with surrounding properties. All PUD residential projects shall maintain a high degree of design, architectural style, and quality of exterior building materials. Satisfaction of this standard shall be evaluated by the city council using the following criteria:
 - (1) The architectural features, materials, and the articulation of a façade of a building shall be continued on all sides visible from a public street.
 - (2) The front façade of any principal building shall face onto a public street, and shall not be oriented to face directly toward a parking lot.
 - (3) Porches, pent roofs, roof overhangs, hooded front doors or other similar architectural elements shall define the front entrance to all residences. Garage entrances shall not be a primary feature of the front façade of a principal building.
 - (4) Existing structures that are designated as historic shall be protected from encroachment by incompatible structures or landscape development.
 - (5) Significant environmental features and pedestrian orientation shall be incorporated into the site design.
 - (6) The primary material for the exterior of principal structures shall be brick, stone, wood, or other high quality materials which exceed the requirements of section 17-5(b)(1) of this appendix.
- (d) In addition to the above standards, the city council may impose such other standards for a residential PUD project as are reasonable and as the city council deems are necessary to protect and promote the general health, safety and welfare of the community and the surrounding area including, but not limited to, requiring sprinkler or other fire suppression systems in structures not otherwise required to have them.

(Ord. No. 521, § 1, 1-19-2016; Ord. No. 646, § 3, 1-9-2023)

Sec. 65-12. Non-residential project standards.

- (a) *Purpose.* The purpose of this section is to establish standards for non-residential projects, in addition to those standards contained elsewhere in this appendix for all PUD projects.
- (b) For non-residential PUD district projects, the normal standards of either the DC, CC, GC, or MU zoning classifications shall apply to each project, except usage standards, as determined by the city council and as provided above.
- (c) Non-residential projects shall be designed and constructed in conformance with the provisions of the design standards or, if applicable, the city's Heritage Preservation regulations. The projects shall maintain a quality standard of architectural and aesthetic compatibility with surrounding properties.
- (d) In addition to the above standards, the city council may impose such other standards for a non-residential PUD project as are reasonable and as the city council deems are necessary to protect and promote the

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general health, safety and welfare of the community and the surrounding area including, but not limited to, requiring sprinkler or other fire suppression systems in structures not otherwise required to have them.

(Ord. No. 521, § 1, 1-19-2016; Ord. No. 646, § 4, 1-9-2023)

Sec. 65-13. General requirements.

- (a) *Records.* The zoning administrator shall maintain a record of all PUD districts approved by the city council, including information on a project's permitted uses, all pertinent project plans, any conditions imposed on a project by the city council, and such other information as the zoning administrator may deem appropriate.
- (b) *Withdrawal of an application.* The applicant may withdraw any application under this section without prejudice at any time prior to final city council action thereon.
- (c) *Resubmission of an application.* Once an application for a PUD or an amendment to a PUD has been denied by the city council, that application may not be resubmitted for a period of six months from the date of such denial unless a decision to reconsider such matter is made by a four-fifths vote of the city council.
- (d) *Cancellation of a PUD.* Physical implementation of any approved PUD project must begin within 12 months following city council approval of the PUD for that project, unless in granting such PUD approval the city council shall specify a different period of time for project implementation. Failure to initiate project implementation within the appropriate time period automatically shall cancel the PUD for a project unless an extension is approved by the city council prior to the date of cancellation. An existing PUD also shall be canceled if any rezoning or other action by the city council shall occur which supersedes the permit.
- (e) *Qualifications of an applicant.* Any application under this article shall be made only by the owner of the property covered in the application or by duly authorized representative, provided, however, that an option-holder or a contract-holder also may submit such an application if it is accomplished by a fully executed agreement or document from the property owner stating that there are no objections to the proposed project and that the applicant is in fact joining in said application as their interest may appear.
- (f) *Development agreement.* Following the approval of the preliminary plan of development, but prior to final plan approval, the applicant shall enter into an agreement with the city relating to the terms of the PUD, and shall also provide such financial guarantees as the city requires or deems necessary. The agreement shall detail all use restrictions and required on and off-site improvements conditional to the PUD rezoning.
- (g) *Financial security to assure compliance.* To assure recovery of costs to the city and to ensure completion of any project by use of a PUD, the city may require an applicant for a PUD to post a financial surety in a form approved by the city attorney in an amount of up to ten percent of the proposed cost of the development. The financial surety shall guarantee the completion of all work on the development and the performance of all obligations undertaken by the developer as part of any agreements between the city and the developer. The financial surety may, at the city's discretion, be required for each separate facility, landscaping, installation of public improvements, utilities, and any other item for which the city determines it is necessary to guarantee performance. To the extent that any financial surety is required for landscaping, the city may require that the surety remain in effect for a sufficient period of time to ensure that all landscaping is installed and remains viable for a period of at least one year. Portions of the financial surety may be released by the city as work on the development is completed on recommendation of the city staff and approval of the city council.
- (h) *Platting of a PUD.* In the event that any approved PUD is to be subdivided into lots or parcels for the purpose of separate ownership, such a project first shall be platted under the platting procedures of the city and Hennepin County in effect at that time. The plat shall be processed according to standards contained in the Excelsior subdivision regulations and in conjunction within the general plan of development as outlined herein.

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- (i) *Conveyance of property within a PUD district.* In the event that any real property within an approved PUD district is conveyed in total or in part after completion of the PUD, the buyer(s) thereof shall be bound by all provisions of the PUD approval and the final plan of development for that project

(Ord. No. 521, § 1, 1-19-2016)

Sec. 65-14. Amendment of a PUD.

- (a) *Application procedures.* Any deviation or modification from the terms or conditions of an approved PUD district or any alteration in a project for which a PUD district has been approved shall require an amendment. An application for amendment of the original PUD specifying the proposed variance or alteration shall be submitted to the city, together with any applicable fee and such information as is required by the city or as the applicant deems necessary to fully explain the application. Should the applicant request an amendment of a PUD to erect an additional building or buildings, the applicant fee therefore shall be established as outlined in the Excelsior Code of Ordinances. In either case, the applicant also shall pay, as an additional fee, any consulting expenses that are incurred by the city in review of the application. The same application and hearing procedure for an amendment of a PUD shall be followed as was followed with respect to the applicant's preliminary plan.
- (b) *Action by the planning commission, heritage preservation commission if necessary, and city council.* The same review procedure by the planning commission, heritage preservation commission if necessary, and city council shall be followed for an amendment of a pud as was followed with respect to the applicant's preliminary plan, outlined herein. The affirmative vote of four-fifths of the city council shall be required for approval of an amendment of a PUD.

(Ord. No. 521, § 1, 1-19-2016)

Sec. 65-15. PUD progress evaluation.

If periodic review of a PUD project is included as a condition to the approval of a PUD, such a project shall be reviewed by the city council. The city council may, at its discretion, call a public hearing as part of its review. Notice of such hearing shall be given in the same manner as outlined for review of a preliminary plan.

(Ord. No. 521, § 1, 1-19-2016)

Sec. 65-16. Planned unit development districts.

The following properties have had supplemental zoning changes adopted as part of approval of a PUD:

PID #34-117-23-42-0026

PID #34-117-23-42-0044

PID #35-117-23-23-0098

PID #35-117-23-23-0099

PID #35-117-23-23-0093

PID #35-117-23-23-0090

PID #35-117-23-23-0091

PID #35-117-23-23-0092

PID #35-117-23-23-0093

PID #35-117-23-23-0094

PID #35-117-23-23-0095

PID #34-117-23-13-0035

PID #34-117-23-14-0035

PID #34-117-23-13-0070

PID #34-117-23-42-0045

PID #34-117-23-42-0053

PID #34-117-23-42-0067

PID #(TBD), located at 339 Third Street

(Ord. No. 521, § 1, 1-19-2016; Ord. No. 534, § 3, 10-5-2015; Ord. No. 549, § 3, 12-19-2016; Ord. No. 645, § 1, 2-21-2023)