

DISCUSSION

2025-0119 Discussion of Potential EGLE PUD Zoning Ordinance Amendment

(Memorandum by Roediger and McLeod dated 3-12-25 and Draft EGLE PUD Amendment dated 3-12-25 had been placed on file and by reference became a part of the record hereof.)

Ms. Roediger stated that the City has been working very diligently for the past year and a half on the historic \$75 million EGLE grant projects. She explained that the discussion upfront was very focused on the environmental cleanup and who would the City choose to award some of those funds to based on the level of cleanup that they were proposing. She noted that the questions raised included for instance whether it was worth \$10 million in City investment if they wanted to put up RV storage and whether that would be good use for the funds. She stated that the City has always taken the approach that the first and foremost goal of the grant is environmental cleanup, but second to that is the end use of the property.

She explained that most of the time so far has been focusing on assessments of the properties. She mentioned that the first application was for potentially a multiple-family development and they asked for \$10 million but did not yet know what they were dealing with on the property. She noted that counsel rightfully so told them to take a couple of steps backward to do some assessments on the property. She explained that to date they have spent less than \$500,000 on the property; however, they are now getting to where they can pinpoint what the remediation measures are going to be and what type of engineering controls they will be requesting. Now as they are getting to the point in the projects where they want to get into some of the uses at a very high level, Staff has been thinking about how they can keep the projects moving forward at a pace that can keep them within their time frame to get these constructed before the grant expires as it is a reimbursement program.

She explained that currently the grant expires in the fall of 2027, and while they are working on getting that date extended, they are operating under the September 2027 deadline for now. She noted that one of the things that she and Mr. McLeod have discussed with the EGLE Grant Committee is how to get to the level of detail they want from a land use kind of concept in a preliminary plan without requiring all of the specific traffic impact studies and all of the things that go into a full site plan at this phase. She mentioned that from experience, once the dirt is opened up sometimes it can be a whole new world. She noted that the City's only experience with this so far has been the Legacy project, and she reminded the Commission that this had a different guidebook as it was governed by a consent judgment. She pointed out that the high level discussions on that project happened with City Council where they locked in the preliminary concept plan, and added that this happened with Madison Park and with Grand Sakwa. She stated that a lot of these consent judgments left that level of responsibility with City Council, recognizing that the Planning Commission gets involved in their expertise when they get into the details of the site plan.

She stated that one of the ideas that they came up with is to process all of these EGLE Grant applications as PUDs (planned unit developments), recognizing that they already have an inherent public benefit of environmental improvements. She explained that this way they can be processed in a preliminary/final kind of two-step process. She noted that each of those preliminary and final phases require public hearings at Planning Commission and Council, which is time consuming; so Staff looked back at how they processed Legacy as it was the City's only really large-scale redevelopment of a large landfill property and it was a consent judgment. She pointed out that it started with Council, then Planning Commission, and then Council; and they thought how they could mimic that within the PUD process.

She explained that they met with the EGLE Grant Committee, which is comprised of City Staff, the City Attorney, the City's environmental consultants, and City Council, and the idea was to modify the process for those EGLE properties, which they already did with the tree requirements, as the sites generally cannot meet the 40 percent tree preservation because EGLE is going to require tree removal to get rid of the contamination. She pointed out that Legacy could not be built if they had to preserve 40 percent of the trees, so they allowed Council to override that.

She noted that it is proposed as a part of the EGLE land use applications that they are processed like a consent judgment through a modified PUD process that stays with Staff and the Grant Committee to do the preliminary review and recommendation to Council, where they basically lock in the use and the intent for what the project will be. She stated that this will constitute the preliminary approval, which will then be required before any funds are allocated for the remediation. She explained that this ties those millions of dollars in requests to the concept plan plus, and then enables them to go and start the process and get the remediation occurring, as she pointed out that a lot of the times at this point they do not know who their end user will be. She added that when they come back for their final PUD they will actually have users, and this is when it will be brought to the Planning Commission and Council as a part of that process.

Ms. Neubauer commented that what the City has been doing with EGLE is amazing, and the fact that the City got this grant from the State is a miracle. She stated that she is stressed about not getting an extension and thinks it is appropriate that the process be streamlined as it is a \$75 million grant. She commented that she would hate to see red tape and paperwork be the reason why these projects are not completed. She stated that speaking as City Council representative, she can say that as much as they hold people accountable at the Planning level, they do at Council as well. She stated that skipping over a couple of steps is only going to be an effective way of being efficient and making sure that the City does not lose this money; and as it has been seen even with the country since November a money promise unless it is spent is not actually the City's money. She stated that she would hate to lose any of the chances to do these redevelopments because of time. She commented that as she reads it over she would support it and stressed that her job on City Council is to make sure things are done the Planning way when they need to be. She mentioned

that the presentations that have been made at City Council relative to these grants have been awesome.

Ms. Roediger noted that Tom Wackerman has officially retired from PEA but has stayed on as a contract employee just to work with the City and see this project through because it is so historic.

Chairperson Brnabic stated that as she looks across the dais she can see nodding heads, so she would assume that everyone will be in support. She noted that this will not come back until next month and asked for a show of support or anyone who might be against it.

Ms. Roediger commented that this was a good straw poll, and stated that unfortunately this was not discussed prior so that it could have been a Public Hearing tonight. She explained that it will be on the Planning Commission agenda for the April meeting.

Mr. Weaver asked how much of the \$75 million has been earmarked or spent so far.

Ms. Roediger stated that there have been work plans submitted to ask for roughly \$62 million; and only about \$2 million have been approved because they are still in assessment. She noted that it has taken about a year-and-a-half to get through the assessment of two properties - Highland Park Woodfill and the Madison Park property. Both projects are about to get to the point where they are starting to ask for remediation money; and the City wanted to ensure that they would not be talking about giving tens of millions of dollars until there is a promise that it would not be something like a Costco, Chick-Fil-A or Amazon warehouse. She stated that this has to have some tie into the end product. She commented that the site plans do not have to be done by then, just the environmental work. She stressed that this is to get the first plan approved which is really key to starting the remediation work.

Discussed