

DESTINATION MEDICAL CENTER CORPORATION

RESOLUTION NO. 51-2017

Requiring Additional Review of Projects Upon Material Deviation from Approvals Granted

The following Resolution was offered by Tina Smith, seconded by James Campbell

BACKGROUND RECITALS

A. The Destination Medical Center Corporation (“DMCC”) is authorized by Minnesota Statutes Sections 469.40 *et seq.* to approve projects in the development district for consistency with the adopted development plan, as amended (the “Development Plan”).

B. The DMCC recognizes that economic development is a dynamic process and aspects of a project may change after an approval of a project; however, a material deviation from an approval warrants further consideration by the DMCC.

C. The DMCC desires to establish a policy to ensure that any change to a project after DMCC approval is not a material deviation from such approval and that the project remains consistent with the Development Plan.

D. The DMCC contemplates that its policy will complement similar measures established by the City of Rochester (the “City”), to ensure that “as built” projects are consistent with approvals granted.

NOW, THEREFORE, BE IT RESOLVED, by the Destination Medical Center Corporation Board of Directors that the DMCC Board or Executive Committee will reconsider a prior approval of a project upon a finding presented to the DMCC from either the City or the Destination Medical Center Economic Development Agency Board of Directors (“EDA”) that any of the following conditions have occurred:

1. A material deviation from the Development Plan;
2. In the case of residential development, an increase or decrease in the number of approved dwelling units by more than 10%;
3. In the case of hotel development, an increase or decrease in the number of approved hotel units by more than 10%;
4. An increase or decrease in the floor area ratio that results in more than 10% change in building coverage on the lot;
5. A significant change in the essence or character of the project as approved. Examples include, but are not limited to:

- a. Elimination of one of the major approved elements of the project, such as elimination of the residential, retail/commercial or hotel element;
 - b. Significant changes in either the durability or quality of building materials or landscaping; or
 - c. Material deviation from approved energy and sustainability measures.
6. A change to a project that requires approval by the City Planning and Zoning Commission and the City Council.
7. A significant decrease to overall project costs.

BE IT FURTHER RESOLVED that upon a finding by either the City or EDA that one or more of the conditions set forth in this Resolution has occurred, the City or EDA, either separately or jointly, shall submit such finding in writing to the DMCC, along with a recommended course of action.

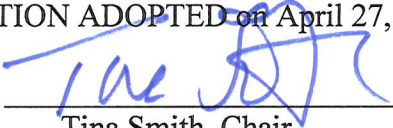
The question was on the adoption of the Resolution and there were 6 YEAS and 0 NAYS, as follows:

BOARD OF DIRECTORS

Destination Medical Center Corporation

	<u>YEA</u>	<u>NAY</u>	<u>OTHER</u>
James V. Bier	_____	_____	_____
Ardell F. Brede	<u> X </u>	_____	_____
James R. Campbell	<u> X </u>	_____	_____
Michael E. Dougherty	_____	_____	_____
Mark Hickey	<u> X </u>	_____	_____
Susan Park Rani	<u> X </u>	_____	_____
R. T. Rybak	<u> X </u>	_____	_____
Tina Smith	<u> X </u>	_____	_____

RESOLUTION ADOPTED on April 27, 2017.

ATTEST: 
 Tina Smith, Chair
 Destination Medical Center Corporation