



ST. CHARLES
SINCE 1834

AGENDA ITEM EXECUTIVE SUMMARY

Title:	Motion to approve a Resolution Granting a Third Extension to Begin Construction Following Recording of the PUD Final Plat for the First Street Redevelopment PUD Phase III
Presenter:	Rita Tungare, Community Development Director

Please check appropriate box:

<input type="checkbox"/>	Government Operations	<input type="checkbox"/>	Government Services
<input type="checkbox"/>	Planning & Development	<input checked="" type="checkbox"/>	City Council – New Business (1/17/12)

Estimated Cost:	N/A	Budgeted:	<input type="checkbox"/> YES	<input type="checkbox"/> NO
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If NO, please explain how item will be funded:

Executive Summary:

Phase III of the First Street Redevelopment PUD includes all of the property on the riverfront and includes Building 1 (River Terrace), Buildings 2 and 3 and the second parking deck (River Loft), the east plaza and river walk, and Building 9 (1 W. Main St/former Manor site).

The Final Plat of Subdivision for Phase III was recorded on December 8, 2008, and per Section 17.04.420 of the Zoning Ordinance, construction within the phase, as authorized by the issuance of a building permit, must begin within two years from the date of Final Plat recording for that specific phase. In 2010, the City Council granted a one-year extension, which extended the construction deadline to December 8, 2011 (Resolution #2010-44). In December 2011, the City Council granted a one-month extension to January 17, 2012 (Resolution #2011-106). To date, no building permits have been issued for construction on any portion of the Phase III site.

Without any further extension, approval of the PUD Preliminary Plans for the Phase III buildings and site improvements will lapse. The Special Use for PUD Ordinance, which established the Zoning Standards for the site, will remain in place. However, if no extension is granted, PUD Preliminary Plans (including building architecture, streetscape, and landscape designs) will require a new review and approval by the Plan Commission and City Council.

The Zoning Ordinance allows the City Council to grant no more than a one-year extension to begin construction. First Street Development LLC has requested a one-month extension to the City Council meeting date of February 21, 2012. SMN Development LLC has requested an extension for Building 9 (1 W. Main St) to December 12, 2012.

The City of St. Charles, as a landowner within the site, was a signatory to the Final Plat of Subdivision. City Council approval of the developer's extension request will constitute the City's authorization for the extension.

This approval relates only to the PUD plan approvals for the property and has no direct relation to the timing provisions of the Redevelopment Agreement.

Attachments: (please list)

Letters requesting the extension; Resolution

Recommendation / Suggested Action (briefly explain):

Staff recommends approval of a construction extension for Phase III of the First Street Redevelopment PUD to February 21, 2012.

For office use only

Agenda Item Number: IB

City of St. Charles, Illinois
Resolution No. _____

**A Resolution Granting a Third Extension to Begin Construction Following
Recording of the PUD Final Plat for the
First Street Redevelopment PUD Phase III**

**Presented & Passed by the
City Council on _____**

WHEREAS, on December 8, 2008, the Final Plat of Subdivision for Phase III of the First Street Redevelopment PUD was recorded in the Kane County Recorders Office as Document Number 2008K089916; and

WHEREAS, Section 17.04.420 of the St. Charles Zoning Ordinance requires that if construction for each phase of the PUD, as authorized by the issuance of a building permit, does not begin within two (2) years of the date of the recording of the PUD Final Plat for that phase, approval of the PUD Preliminary Plans for the phase shall lapse; and

WHEREAS, on November 10, 2010, the City Council approved Resolution No. 2010-44, granting a 12-month extension to begin construction, extending the date from December 8, 2010 to December 8, 2011; and

WHEREAS, on December 6, 2011, the City Council approved Resolution No. 2011-106, granting an extension to begin construction, extending the date from December 8, 2011 to January 17, 2012; and

WHEREAS, to-date no building permits have been issued for construction within said phase; and

WHEREAS, on January 6, 2012, Keith Kotche, on behalf of property owners First Street Development LLC, and Joseph Klein, on behalf of property owners SMN Development LLC, requested an extension to begin construction of buildings Phase III, due to the current economic conditions.

NOW THEREFORE, be it resolved by the Mayor and City Council of the City of St. Charles, Kane and DuPage Counties, Illinois that pursuant to Section 17.04.420 of the St. Charles Zoning Ordinance, an extension to begin construction following recording of the PUD Final Plat shall be granted for Phase III of the First Street Redevelopment PUD. Construction shall begin no later than February 21, 2012, and the PUD Preliminary Plan shall remain valid until February 21, 2012.

Resolution No. _____
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PRESENTED to the City Council of the City of St. Charles, Illinois, this 17th day of January 2012.

PASSED by the City Council of the City of St. Charles, Illinois, this 17th day of January 2012.

APPROVED by the Mayor of the City of St. Charles, Illinois, this 17th day of January 2012.

Donald P. DeWitte, Mayor

ATTEST:

City Clerk

COUNCIL VOTE:

Ayes:

Nays:

Absent:

Abstain:

*Leavitt Offices of
Levato & Kotche*

1060 LAKE STREET • SUITE 200 • HANOVER PARK, ILLINOIS 60133
(630) 736-0300 • FAX: (630) 736-0400

*Edward M. Levato
Keith J. Kotche*

January 6, 2012

Via Regular Mail and Fax

The Honorable Mayor Don DeWitt
City Council Members
City of St. Charles
2 East Main Street
St. Charles, Illinois 60174

RE: PUD CONSTRUCTION EXTENSION FOR FIRST STREET PHASE III

Dear Mayor DeWitt and City Council Members:

Per Section 17.04.420 of the St. Charles Zoning Ordinance, on behalf of First Street Development, I hereby request an extension of the construction period for Phase III of the First Street Redevelopment PUD, to extend the deadline for beginning construction to February 21, 2012. Phase III includes all of the property on the riverfront including Buildings 1, 2 and 3, the second parking deck and east Plaza and river walk. Without any further extension, approval of the PUD Preliminary Plans for the buildings and site improvements in this phase will lapse on January 17, 2012.

The Final Plat of Subdivision of Phase III was recorded on December ⁸~~12~~, 2008 and per Section 17.04.420 of the St. Charles Zoning Ordinance, construction on a specific phase of a PUD as authorized by the issuance of a building permit, must begin within two (2) years from the date of Final Plat recording for that specific phase. To date, no building permits have been issued for construction on any portion of the site.

Pursuant to a recent informal presentation before the P & D Committee planning is underway to modify the concept of Buildings 1, 2 and 3 and proceed with construction. We remain committed to moving forward with the project.

We will be present at the City Council meeting when you consider this request and answer any questions that you might have with regard to Phase III. Thank you for your consideration of this request.

Very truly yours,


KEITH J. KOTCHE

KJK:mks

KLEIN, DADAY, ARETOS & O'DONOGHUE, LLC

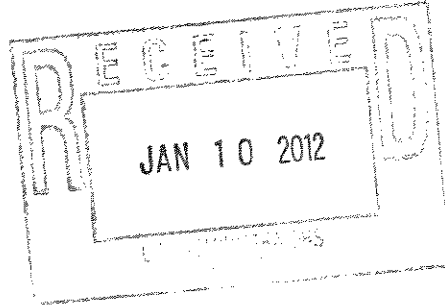
Joseph J. Klein
Stephen G. Daday
Michael G. Aretos
Timothy J. O'Donoghue

Jonathan N. Rogers
Christopher N. Ackeret
Katherine A. Kuzmickas
Shayna T. Williams
Hazem Isawi
Danica L. Werhand
Robyn K. Kish
Daniel J. Lee

Attorneys and Counselors
2550 W. GOLF RD., SUITE 250
ROLLING MEADOWS, IL 60008
(847) 590-8700
FAX (847) 841-3636

Of Counsel
Nancy S. Scotillo
Carrissa Mazzeffi Alvers
James M. Nelis
Hon. John J. Scotillo (ret.)

Chicago Loop Office
One N. LaSalle St.
Suite 450
Chicago, IL 60602



January 6, 2012

Via US Certified and Regular Mail

City Of St. Charles
Mayor Donald DeWitte
2 E. Main Street
St. Charles, IL 60174

City of St. Charles
Mr. Brian Townsend
2 E. Main Street
St. Charles, Il 60174

Re: PUD Construction Extension for First Street Phase III

Dear Mayor DeWitte and Mr. Townsend:

It is my understanding that the PUD Preliminary Plan Approvals for the First Street Redevelopment were recently extended by the City Council for a period of 45 days. Per Section 17.04.420 of the St. Charles Zoning Ordinance, I hereby request an extension of the construction period for Building 9 (1 W. Main St/former Manor site) in Phase III of the First Street Redevelopment PUD, to extend the deadline for beginning construction to December 12, 2012. Phase III includes all of the property on the riverfront and includes Building I (River Terrace), Buildings 2 and 3 and the second parking deck (River Loft), the east plaza and river walk, and Building 9 (1 W. Main St/former Manor site). Without any further extension approval of the PUD Preliminary Plans for the buildings and site improvements in this phase will lapse on December 12, 2012.

The Final Plat of Subdivision for Phase III was recorded on December 8, 2008, and per Section 17.04.420 of the St. Charles Zoning Ordinance, construction on a specific phase of a PUD as authorized by the issuance of a building permit, must begin within two years from date of Final Plat recording for that specific phase. To date, no building permits have been issued for construction on any portion of the site.

Despite marketing the property with a commercial real estate broker, we were unable to secure lease commitments for Building 9. As you know, current economic conditions have severely curtailed retail and office expansion. Consequently, we are unable to secure financing to

begin construction on Building 9. We remain committed to moving forward with the construction of Building 9. We remain convinced that the location of our site, the success of new First Street businesses , and the continue “pro-business” efforts of the St. Charles City Council will allow us to succeed in our efforts to lease the Building and begin construction.

We will be present at the City Council meeting when you consider this request and answer any questions that you might have with regard to Building 9 in Phase III. Thank you for your consideration of this request.

Very truly yours,

Joseph J. Klein

Joseph J. Klein

JJK: sh