



ST. CHARLES  
SINCE 1834

## AGENDA ITEM EXECUTIVE SUMMARY

Title:	Motion to approve a Resolution Granting a Ninth Extension to Begin Construction Following Recording of the PUD Final Plat for the First Street Redevelopment PUD Phase III
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Presenter:	Rita Tungare
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*Please check appropriate box:*

	Government Operations		Government Services				
	Planning & Development	X	City Council – New Business (11/18/13)				
Estimated Cost:	N/A	Budgeted:	<table style="display: inline-table; border: none;"> <tr> <td style="width: 20px; text-align: center;">YES</td> <td style="width: 20px; text-align: center;"><input type="checkbox"/></td> <td style="width: 20px; text-align: center;">NO</td> <td style="width: 20px; text-align: center;"><input type="checkbox"/></td> </tr> </table>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
YES	<input type="checkbox"/>	NO	<input type="checkbox"/>				

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. On August 20, 2013, the City Council granted an eighth construction extension, which extended the deadline to November 19, 2013 (Resolution #2013-95).

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.

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.

Staff is recommending an extension to February 18, 2014. As a part of the motion to approve this extension, the City Council can request the developers, First Street LLC and SMN Development, to attend the February 10, 2014 Planning and Development Committee meeting to individually provide a status update.

(This extension 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)*

Resolution, staff memo

**Recommendation / Suggested Action** *(briefly explain):*

Motion to approve a Resolution Granting a Ninth Extension to Begin Construction Following Recording of the PUD Final Plat for the First Street Redevelopment PUD Phase III. The extension will be to February 18, 2014.

*For office use only*

*Agenda Item Number:*

**City of St. Charles, Illinois  
Resolution No. \_\_\_\_\_**

**A Resolution Granting a Ninth 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 November 18, 2013**

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, on January 17, 2012, the City Council approved Resolution No. 2012-2, granting an extension to begin construction, extending the date from January 17, 2012 to February 21, 2012; and

WHEREAS, on February 21, 2012, the City Council approved Resolution No. 2012-15, granting an extension to begin construction, extending the date from February 21, 2012 to May 7, 2012; and

WHEREAS, on May 7, 2012, the City Council approved Resolution No. 2012-36, granting an extension to begin construction, extending the date from May 7, 2012 to July 17, 2012; and

WHEREAS, on, July 16, 2012, the City Council approved Resolution No. 2012-89, granting an extension to begin construction, extending the date from July 17, 2012 to May 7, 2013; and

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WHEREAS, on, May 6, 2013, the City Council approved Resolution No. 2013-44, granting an extension to begin construction, extending the date from May 7, 2013 to August 20, 2013; and

WHEREAS, on, August 19, 2013, the City Council approved Resolution No. 2013-95, granting an extension to begin construction, extending the date from August 20, 2013 to November 20, 2013; and

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

WHEREAS, Keith Kotche, on behalf of property owners First Street Development LLC, and Joseph Klein, on behalf of property owners SMN Development LLC, have requested an extension to begin construction of buildings in Phase III.

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 18, 2014, and the PUD Preliminary Plan shall remain valid until February 18, 2014.

PRESENTED to the City Council of the City of St. Charles, Illinois, this 18th day of November 2013.

PASSED by the City Council of the City of St. Charles, Illinois, this 18th day of November 2013.

APPROVED by the Mayor of the City of St. Charles, Illinois, this 18th day of November 2013.

\_\_\_\_\_  
Raymond P. Rogina, Mayor

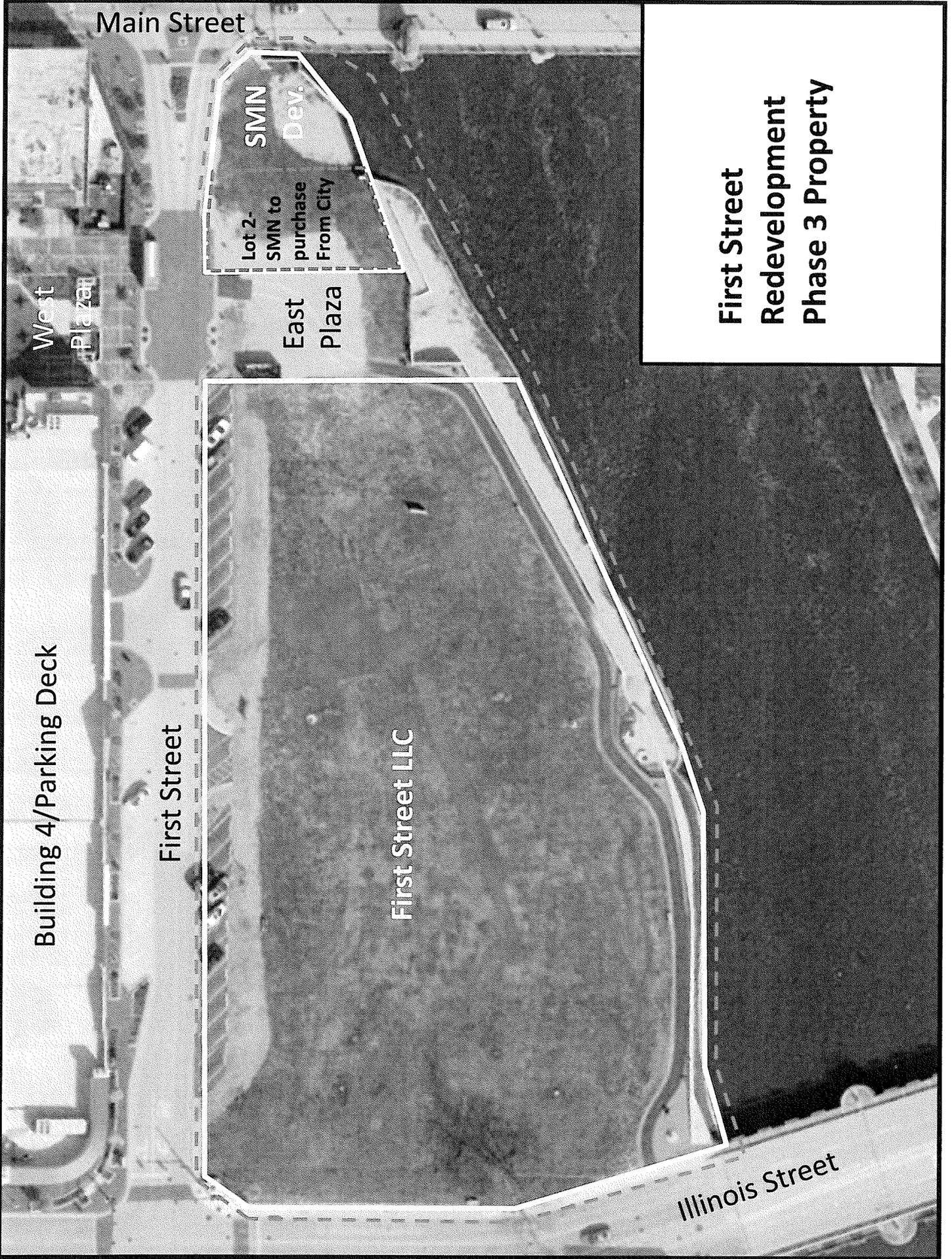
ATTEST:

\_\_\_\_\_  
City Clerk

COUNCIL VOTE:

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Ayes:  
Nays:  
Absent:  
Abstain:



Main Street

West  
Plaza

East  
Plaza

Lot 2- SMIN to purchase From City  
SMIN Dev.

Building 4/Parking Deck

First Street

First Street LLC

Illinois Street

**First Street  
Redevelopment  
Phase 3 Property**



## Staff Memo

**TO:** Mayor Rogina and Members of the City Council  
**FROM:** Mark Koenen, Rita Tungare  
**RE:** First St. Phase 3 Construction extension  
**DATE:** November 14, 2013

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The City Council is being asked to grant an extension for construction to commence within Phase 3 of the First Street Redevelopment PUD. Without an extension, the PUD Preliminary Plan approval will lapse on November 19, 2013.

In conjunction with this request, the Council may wish to consider setting certain objectives for the developers to demonstrate progress on or have accomplished prior to the staff recommended extension deadline of February 18, 2014.

Suggested objectives:

1. First Street LLC to file an application for Concept Plan on or before December 2, 2013, complete the Concept Plan review process, and subsequently file a complete application for a revised PUD Preliminary Plan for Phase 3, with the goal of providing the City Council with the opportunity to consider a revised PUD Preliminary Plan at or before the February 18, 2014 deadline.
2. First Street LLC to negotiate with staff and reach agreement on terms for amending the Redevelopment Agreement (RDA), to include the following:
  - a. Transfer of the former Harris Bank property to the City to be completed on or before February 3, 2014.
  - b. Amending the conditions and requirements for Phase 3 of the RDA to conform to the new First Street LLC Concept Plan.
  - c. Deletion of the later phases of the project (Phase 4 and 5) from the RDA to allow the City greater flexibility in offering those phases for alternate development.
3. SMN Development to provide an assessment of the financial viability and marketability of the proposed One West Main building. SMN would also provide a schedule for project implementation, including marketing, leasing and commencement of construction.

As a part of the motion to approve this extension, the City Council can request the developers, First Street LLC and SMN Development, to attend the February 10, 2014 Planning and Development Committee meeting to individually provide a status update.