

MEMORANDUM

TO: Scott R. Niehaus, Village Manager

FROM: William J. Heniff, AICP, Director of Community Development 

DATE: January 21, 2016

RE: **PC 15-21: 611 E. Butterfield Road: Sam's Club Sales Tax Revenue Sharing Agreement & Zoning Actions – Request for Third Continuance**

At the October 15, 2015 meeting were two items pertaining to the proposed Sam's Club retail store at 611 E. Butterfield Road. The first item was approval of all zoning actions on second and final reading. In addition, a resolution to approve a companion Sales Tax Revenue Sharing Agreement was also advanced for approval. At the November 5 meeting, the Village Board continued all matters to the November 19 meeting and approved a second continuance to the January 19, 2016 meeting.

Per the attached request by the petitioner's attorney, they are seeking a third continuance of the matter to resolve outstanding development issues that have arisen relative to the companion NiCor tract that will be incorporated into the development. As previously noted, the petitioner seeks assurances that the project can be approved for construction essentially as proposed prior to the Village Board takes any final actions on the matter. A further narrative of the actions the petitioner has taken throughout the extension period is noted as well. Staff stresses that these extension requests are solely pertaining to the actions the petitioner needs to complete and that the Village has taken all steps to bring the petition and the companion economic incentive agreement to a final resolution.

ACTION REQUESTED

The three Ordinances on second and final reading and pertaining to the zoning matters are being requested to be continued to the March 17, 2016 Village Board meeting. The companion Sam's Club Sales Tax Revenue Sharing Agreement will be reintroduced at such time that the Ordinances approving the companion zoning matters are brought before the Village Board for final approval.



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January 14, 2016

William J. Heniff
Director of Community Development
Village of Lombard
255 East Wilson Avenue
Lombard, IL 60148

RE: Sam's Club/Lombard, Illinois

Dear Bill:

On behalf of the Petitioner, Sam's Real Estate Business Trust, I request a continuance of the Sam's Club matter (PC15-21) from the Village Board meeting of January 21, 2016 to March 17, 2016. This current request for a continuance is solely based upon the need for additional time to receive comments from Nicor on the project plans, review and evaluate the comments, revise plans as necessary and acceptable, and obtain approval of the revised project plans by Nicor.

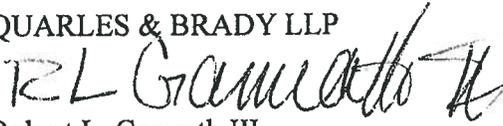
Please be assured that Sam's Club remains committed to the proposed project but must complete its required due diligence which includes complying with Nicor's right to approve the project plans on the portion of its property that it is a part of the project site. While obtaining Nicor's approval has taken longer than expected, there has been regular activity with respect to the project since the first reading of the approval ordinance by the Village Board in October. Nicor has conducted initial reviews of the project plans, provided preliminary comments, and additional information has been supplied to Nicor by Manhard, the project engineer. There also continues to be ongoing dialogue with Nicor indicating its willingness to try and progress the project forward towards approval. In addition, discussions continue with the Illinois Department of Transportation regarding the Intersection Design Study so that the review and approvals required from IDOT continue to progress forward. Finally, Manhard continues to evaluate plan refinements and discuss any such refinements with the Village. Since October, the only item outstanding with the Village has been the second reading of the approval ordinances by the Village Board and Sam's Club appreciates the Village's continued cooperation and understanding while Sam's Club works through the process of obtaining approval from Nicor.

William J. Heniff
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Please contact me with any questions. Thank you for your consideration.

Very truly yours,

QUARLES & BRADY LLP



Robert L. Gamrath III

cc (via email):
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Michelle Caraballo
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Greg Cresto