

MEMORANDUM

TO: David A. Hulseberg, Village Manager

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

DATE: August 20, 2009

SUBJECT: **Further Extension of Ordinances 5358, 5550, 5717, 5918 and 6236 (PC 03-27; 240 Progress Road)**

The Board of Trustees approved Ordinance 5358 (PC 03-27) on September 18, 2003 which granted conditional use approval for a planned development for the property at 240 Progress Road. Time extensions to this ordinance were granted on September 16, 2004 (Ordinance 5550), September 15, 2005 (Ordinance 5717), September 21, 2006 (Ordinance 5918) and September 18, 2008 (Ordinance 6236). Per the conditional use provisions, if construction has not begun within one (1) year from the date of approval, the conditional use is null and void unless an extension is granted by the Board of Trustees.

After being advised that the conditional use was about to expire, the petitioner is requesting a further time extension of the conditional use, as stated in the attached letter. The petitioner notes that the developer, Beacon Builders, has delayed the development due to current economic conditions.

Staff believes that granting an extension is in the best interest of the Village, provided that the petitioner adheres to conditions incorporated in the original Ordinance. Moreover, staff believes it is in the best interest of the Village to extend the previous approvals, as it ties future development proposals to the approved planned development site plans and will allow the property owner to be able to market a "pre-approved" plan to prospective developers that addresses Village concerns. Without such an extension, the property would revert to its underlying I District zoning, which would allow for any permitted use and plan, provided that the plan met code provisions.

While the petitioner is requesting that the extension period be for twenty-four months rather than the customary twelve month period, staff believes that a twelve month extension should be sufficient to commence construction.

Recommendation

Staff recommends that the Village Board approve an Ordinance extending the time period for construction of the conditional use an additional twelve (12) months, until August 20, 2010. A copy of Ordinances 5358, 5550, 5717, 5918 and 6236 are also attached.

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