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February 27, 2024

Mr. Charles Witherington-Perkins
Director of Planning and Community Development
Village of Arlington Heights
33 S. Arlington Heights Road
Arlington Heights, Illinois 60005

**Re: Arlington 425 Planned Unit Development Ordinance 19-
Ordinance 21-013)
Request for Extension**

Dear Charles,

Reference is made to Village Ordinance 19-019 enacted on June 3, 2019 (“Original Ordinance”) as amended by Village Ordinance 21-013 passed and approved on May 3, 2021 (“Amended Ordinance”).

Section 5.K. of the Amended Ordinance set a deadline for both issuance of building permits as well as expiration of the preliminary plat of subdivision, as May 2, 2023. This date was extended to May 2, 2024 viva voce at the meeting of the Board of Trustees on April 17, 2023.

Section 5.L. of the Amended Ordinance set a similar automatic expiry for submission of a building permit application for the Chestnut building on or before April 30, 2028 (effectively 5 years thereafter). Those minutes also extended this date to April 30, 2029, but this request is in no way a request to extend this date.

Section 9.12 (“Enforcement of Development Schedule) of the Village’s Zoning Code (as amended) provides for a 12-month extension through submittal to your department for final approval by the Village Board of Trustees. Technically, as such, we understand that the extensions granted on April 17, 2023, are the only extensions that can be granted without further consideration by the Board of Trustees.

Based on staff’s suggestion, the Developer hereby requests a **SIX (6) MONTHS’** extension pursuant to Section 9.12 of the deadline provided for in Section 5.K. of the Amended Ordinance, through **November 2, 2024**. The Developer recognizes that the Village’s grant of extension of April 17, 2023 was fraught with frustration; you may trust it was mutual. However, if there is any way that the Developer can assist in shortening the requested extension’s time period, you may be assured of its commitment to that as well.

As of February 20, 2024, your staff confirmed that the Developer has submitted all of the documents required under Section 5. (“Conditions”) of the Amended Ordinance to have the

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process for finalization of the Final Plat of Subdivision commence. However, the Developer is advised that the timeline for staff comments, possible revisions to the Final Plat and supporting documentation, and being able to be placed on the agendas for both the Plan Commission and Board of Trustees meetings required prior to April 30, 2024, are problematic.

The Developer also will file building permit applications for Phase I no later than Monday, March 4, 2024. The Developer has arranged a “Teams” meeting with the Building Department today to assure a complete submittal. The Developer is advised that filing by the March 4 date will allow an eight-weeks’ period for review, revisions and issuance of building permits by the May 2, 2024 deadline. However, the Developer is also advised that permits cannot be issued prior to Board approval of the Final Plat along with finalization of certain other administrative matters. In this regard, getting ComEd, Nicor and the MWRD in particular fully on board create their own issues.* Hence, issuance of building permits by that deadline now are equally problematic.

But these are explanations, and not intended as excuses. The Developer is on track to obtain Final Plat approval and building permits, but timing is simply “off”.

Since the Board of Trustees’ meeting of April 17, 2023, when the potential reality of the development was in jeopardy, the Developer assembled a team of the best professionals and consultants to value engineer and price the cost of Arlington 425 Phase I. Frankly, that initial pricing was not available until January 29, 2024. That is how long it sometimes takes to obtain clarity so that good things become technically and economically feasible and ascertainable. The hope, of course, is that with the economy generally improving and with both inflation abating and interest rates stabilizing, the financial community will agree so that construction may commence.

Please let us not allow frustration to dictate how the Village and the Developer will proceed with Arlington 425 to a successful conclusion.

Please let us know what, if any, further documentation or information you will need to support this request and to recommend approval by the Village Board of Trustees. We trust in your Department’s support for the requested six months’ extension.

Lastly, the Developer wants to assure the Village of two additional points of importance relating to when construction will commence, when lease-up and occupancy can occur, and how it will be financed:

* As an example, despite having contracted with ComEd for dry utilities services nearly 3 years ago, at this juncture it has taken a month for ComEd even to find the paperwork including the receipt for the payment that the Developer made at that time, for that work. The Developer appreciates the Village’s assistance in getting this back on track.

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1. The Developer has bid the construction work that would need to start earliest, based on a presumed July 1, 2024 start date, with a timeline of approximately 18 months to commencement of occupancy.

2. With pricing identified, the Developer is circulating a reliable pro forma for financing purposes. The Developer reached out to a number of prospective lenders, who now are awaiting the pro forma for underwriting purposes.

Should you have any questions regarding this matter, please also do not hesitate to contact the undersigned by email or my DID telephone number below.

Respectfully,



Stephen S. Messutta

General Counsel

DID: 847-655-7716

cc: Bruce J. Adreani