

VILLAGE OF LOMBARD  
REQUEST FOR BOARD OF TRUSTEES ACTION  
For Inclusion on Board Agenda

  X   Resolution or Ordinance (Blue)  
       Recommendations of Boards, Commissions & Committees (Green)  
       Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES  
FROM: David A. Hulseberg, Village Manager  
DATE: December 12, 2012 (B of T) Date: December 20, 2012  
TITLE: PC 09-08: 331 W. Madison (CPSA School), Time Extension Request

SUBMITTED BY: William J. Heniff, Community Development Director *WJH*

BACKGROUND/POLICY IMPLICATIONS:

Please find attached, an Ordinance requesting further time extension of Ordinances 6347, 6481, 6625 & 6721. (DISTRICT #6)

Staff recommends denial of this request.

Please place this item on the agenda for the December 20, 2012 Board of Trustees meeting.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X	_____	Date	_____
Finance Director X	_____	Date	_____
Village Manager X	_____	Date	_____

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



## MEMORANDUM

**TO:** David A. Hulseberg, Village Manager

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

**DATE:** December 20, 2012

**SUBJECT: PC 09-08: 331 W. Madison (CPSA School)  
Further Time Extension of Ordinances 6347, 6481, 6625 & 6721**

The Board of Trustees approved Ordinance 6347 (PC 09-08) on June 18, 2009 which granted conditional use approval for a planned development with companion deviations and variations, and a conditional use for a school, private, full-time: Elementary, Middle and High, for the property at 331 W. Madison St. Three time extensions were granted after the adoption of Ordinance 6347 -- May 20, 2010 (Ordinance 6481), June 2, 2011 (Ordinance 6625) and May 17, 2012 (Ordinance 6721). Ordinance 6721 was approved by the Board of Trustees for a six-month period. As such, construction was required to commence on the project prior to December 18, 2012. To date, the Village has yet to receive any final engineering or building permit submittals needed in order to commence construction.

Staff sent several correspondences advising of the impending timeline. Staff first informed the petitioner that staff would not be supportive of any further time extensions prior to the approval of Ordinance 6721 (third extension) as it would be four years removed from the original approval of the project. Furthermore, follow-up letters were sent to the petitioner on July 19, 2012 and November 26, 2012 advising of the Ordinance expiration. In the motion of the time extension approval earlier this year, the trustee of the district also stated his desire not to grant further extensions.

The petitioner has submitted the attached request seeking additional consideration in the form of a fourth extension of the conditional use approval, citing severe financial difficulties in project fund raising as the rationale. While staff recognizes the impact of recent economic difficulties on fundraising efforts, staff believes that it is in the best interest of the surrounding neighborhood and Village to not extend the relief. If such relief were to expire, CPSA would still have the opportunity to apply for zoning approvals in the future.

Time extensions to previously granted relief would be a discretionary item of the Village Board. Should the Village Board desire to approve a further Ordinance extension, staff has attached a draft ordinance for an additional one-year period, thus expiring December 31, 2013.

### **RECOMMENDATION:**

Please place this on the December 20, 2012 Village Board agenda. Staff recommends that the Village Board deny an Ordinance further extending the time period for the previously approved conditional use.

**COLLEGE PREPARATORY SCHOOL OF AMERICA  
(CPSA)**

**331 West Madison Street, Lombard, Illinois 60148**

December 5, 2012

Mr. William Heniff  
Director of Community Development  
Village of Lombard  
255 East Wilson Avenue  
Lombard, Illinois 60148

Re: PC 09-08: 331 W. Madison (CPSA School Addition)

Dear Mr. Heniff:

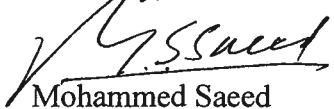
We acknowledge receipt of the correspondence from Village of Lombard advising CPSA to submit the permit application for CPSA school building addition.

We appreciate the help we received from the Village staff and we are thankful to the Board of Trustees for granting a further time extension to Ordinances 6347 and 6625 to December 18, 2012.

We regretfully submit to the Village Board of Trustees that CPSA is still facing severe financial difficulties to raise funds for this construction project. As any other small community, CPSA is facing challenges and going through financial difficulties. As such, CPSA has not submitted an application for permit prior to construction commencement.

Based on the financial situation and the overall economic down turn, we respectfully seeking your advice and guidance as how to retain the approval of planned development granted by the Board of Trustees without going through the public hearing process the second time.

Sincerely,



Mohammed Saeed  
President, CPSA Board

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE GRANTING A FURTHER  
TIME EXTENSION TO ORDINANCES 6347, 6481, 6625 & 6721**

(PC 09-08: 331 W. Madison – CPSA School)

WHEREAS, on June 18, 2009, the President and Board of Trustees of the Village of Lombard adopted Ordinance 6347, granting a conditional use for a planned development with companion deviations and variations, and a conditional use for a school, private, full-time: Elementary, Middle and High, for the property at 331 W. Madison St; and

WHEREAS, pursuant to Section 155.103 (F)(12) of the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois, conditional uses are null and void if the conditional use ceases for more than one year from the date of granting thereof, unless further action is taken by the Village Board; and,

WHEREAS, on May 20, 2010, the President and Board of Trustees of the Village of Lombard adopted Ordinance 6481 granting an extension to the conditional use approval for a one year period (June 18, 2011); and

WHEREAS, on June 2, 2011, the President and Board of Trustees of the Village of Lombard adopted Ordinance 6625 granting a further time extension to the conditional use approval for a one year period (June 18, 2012); and

WHEREAS, on May 17, 2012 the President and Board of Trustees of the Village of Lombard adopted Ordinance 6721 granting a further time extension to the conditional use approval for a six month period (December 18, 2012); and

WHEREAS, construction has not commenced and no building permit has been issued for the development granted by Ordinances 6347, 6481, 6625 and 6721; and

WHEREAS, the Village has received a letter requesting a further extension of Ordinances 6347, 6481, 6625 and 6721; and

WHEREAS, the President and Board of Trustees have determined that it is in the best interests of the Village of Lombard to grant said extension.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: Ordinances 6347, 6481, 6625 and 6721 are hereby amended and extended and shall be null and void unless a building permit is obtained and the project is substantially underway within one (1) year of the date of adoption of this Ordinance (i.e., December 31, 2013).

SECTION 2: That all other provisions associated with Ordinances 6347, 6481, 6625 and 6721, not amended by this Ordinance, shall remain in full force and effect.

SECTION 3: This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved this \_\_\_\_\_, day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Peter Breen  
Acting Village President

ATTEST:

\_\_\_\_\_  
Brigitte O'Brien  
Village Clerk

Published by me in pamphlet from this \_\_\_\_\_ day of \_\_\_\_\_, 2012

Ordinance No. \_\_\_\_\_  
Re: PC 09-08 – Time Extension  
Page 3

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Brigitte O'Brien  
Village Clerk