

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION

For Inclusion on Board Agenda

 X

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: David A. Hulseberg, Village Manager

DATE: May 8, 2012 (BOT) Date: May 17, 2012

TITLE: PC 09-08: 331 W. Madison Street (CPSA)

SUBMITTED BY: Department of Community Development *WLS*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Department transmits for your consideration an ordinance granting a further time extension to Ordinances 6347, 6481 and 6625 extending the time period for construction of the conditional use for a planned development and a school an additional six-month period (December 18, 2012).

Staff recommends approval of this request with a waiver of first reading.

Please place this item on the May 17, 2012 Board of Trustees agenda.

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 *WJA*

DATE: May 17, 2012

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

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. One-year time extensions to this ordinance were granted on May 20, 2010 (Ordinance 6481) and on June 2, 2011 (Ordinance 6625). Per the provisions of Sections 155.103 (F)(11) and (C)(10) of the Zoning Ordinance, if construction has not begun within one (1) year from the date of approval, a conditional use is null and void unless an extension is granted by the Board of Trustees.

After being advised that the relief was about to expire, the petitioner submitted a letter requesting an extension of the relief to allow the school more time to raise funds for the expansion project. While one-year time extensions were previously granted, staff believes that granting a six-month time extension would be in the best interest of the Village provided that the petitioner adheres to the conditions incorporated in Ordinance 6347. Granting a six-month time extension would allow the petitioners to continue their fundraising efforts and start the project this season. However, further extensions may not be desirable given the time delay between the initial approval in 2009 and may warrant further review of the petition.

RECOMMENDATION:

Please place this on the May 17, 2012 Village Board agenda. Staff recommends that the Village Board approve an Ordinance extending the time period for the previously approved conditional use for an additional six-month period from the original Ordinance expiration date, thus expiring December 18, 2012. Staff is also requesting a waiver of first reading.

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

331 West Madison Street, Lombard, Illinois 60148

Phone Number: (630) 889-8000

Fax Number: (630) 889-8012

April 3, 2012

Mr. Bill Haniff
Director of Community Development
Village of Lombard
255 E. Wilson Avenue
Lombard, Illinois 60148

Subject: CPSA School Building Expansion Project

Dear Mr. Haniff:

The College Preparatory School of America (CPSA) is thankful to the Village of Lombard Board of Trustees and the staff for their support and cooperation with our building expansion project from the beginning.

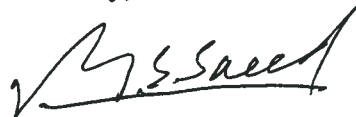
It is needless to say that the economy overall is at alarming stage and has affected adversely to the construction projects of almost every community including CPSA's building expansion project. We are pursuing diligently to make this project a reality but the obstacles in our way to move forward are insurmountable. Because of the bad economy our fund raising efforts are not producing fruitful results. As a result of this weak economy we were not able to move forward with our construction project this year.

Based on the prevailing poor economic situation the CPSA board is requesting to the Village of Lombard to grant a time extension to Ordinance 6347.

The CPSA board is looking forward to receiving a favorable response from the Village.

We thank you again for your continued support to CPSA's building expansion project.

Sincerely,



Mohammed Saeed
President, CPSA Board



ORDINANCE NO. 6625

**AN ORDINANCE GRANTING
A TIME EXTENSION TO ORDINANCE 6347**

(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, on May 6, 2010, the President and Board of Trustees of the Village of Lombard further extended Ordinance 6347 to allow the school an additional year from the original date of approval (June 18, 2009) for the expansion project; and

WHEREAS, the petitioner is now requesting an additional one year time extension for the expansion project; 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, construction has not commenced and no building permit has been issued for the development granted by Ordinances 6347; and,

WHEREAS, the Village has received a request for a time extension of said Ordinances; 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: Ordinance 6347 is hereby amended and extended and shall be null and void unless a building permit is obtained and the project is substantially underway within twelve (12) months of the previous Ordinance extension (i.e., June 18, 2012).

SECTION 2: That all other provisions associated with Ordinance 6347, 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 19th day of May, 2011.

First reading waived by action of the Board of Trustees this ____ day of _____, 2011.


Passed on second reading this 2nd day of June, 2011.

Ayes: Trustees Gron, Giagnorio, Wilson, Breen, Fitzpatrick and Ware

Nays: None

Absent: None

Approved this 2nd, day of June, 2011.




William J. Mueller
Village President

ATTEST:



Brigitte O'Brien
Village Clerk

Published by me in pamphlet from this 3rd day of June, 2011



Brigitte O'Brien
Village Clerk

ORDINANCE NO. 6481

**AN ORDINANCE GRANTING
A TIME EXTENSION TO ORDINANCE 6347**

(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, construction has not commenced and no building permit has been issued for the development granted by Ordinances 6347; and,

WHEREAS, the Village has received a request for a time extension of said Ordinances; 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: Ordinance 6347 is hereby amended and extended and shall be null and void unless a building permit is obtained and the project is substantially underway within twelve (12) months of the date of the adoption of the original Ordinance (i.e., June 18, 2011).

SECTION 2: That all other provisions associated with Ordinance 6347, 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.

Ordinance No. 6481
Re: PC 09-08 – Time Extension
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Passed on first reading this 6th day of May, 2010.

First reading waived by action of the Board of Trustees this _____, 2010.

Passed on second reading this 20th day of May, 2010.

Ayes: Trustees Gron, Wilson, Moreau, Fitzpatrick and Ware

Nays: None

Absent: None

Approved this 20th, day of May, 2010.



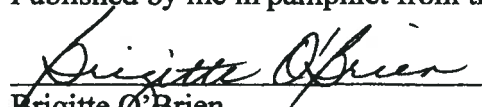
William J. Mueller
Village President

ATTEST:



Brigitte O'Brien
Village Clerk

Published by me in pamphlet from this 21st day of May, 2010



Brigitte O'Brien
Village Clerk



FRED BUCHOLZ
DUPAGE COUNTY RECORDER
JUL 28, 2009 10:38 AM
OTHER 06-18-200-008
008 PAGES R2009-116705

ORDINANCE 6347

**GRANTING 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**

PIN: 06-18-200-008, -009, -010, -011, and -012

Address: 331 W. Madison Street, Lombard, IL

60148

Return To:

prepared by
**Village of Lombard
255 E. Wilson Avenue
Lombard, IL 60148**

ORDINANCE NO. 6347

**AN ORDINANCE GRANTING 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**

PC 09-08: 331 W. Madison

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois; and,

WHEREAS, the subject property is zoned R2 Single Family Residential District; and,

WHEREAS, an application has been filed requesting approval of a conditional use for a planned development with deviations and variations, and a conditional use for a School, Private, Full-time: Elementary, Middle and High described herein; and,

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on May 4, 2009 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of a conditional use for a planned development with deviations and variations, and a conditional use for a School, Private, Full-time: Elementary, Middle and High described herein; and,

WHEREAS, at the Village Board meeting on May 21, 2009, the President and Board of Trustees remanded the petition back to the Plan Commission to consider additional information and testimony; and,

WHEREAS, the Plan Commission at its June 8, 2009 meeting considered the additional testimony and materials; and,

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of a conditional use for a planned

development with deviations and variations, and a conditional use for a School, Private, Full-time: Elementary, Middle and High described herein; and,

WHEREAS, the President and Board of Trustees approve and adopt the findings and recommendations of the Plan Commission and incorporate such findings and recommendations herein by reference as if they were fully set forth herein;

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: That conditional uses for a planned development with the following conditional use, variations and deviations are hereby granted for the Subject Property legally described in Section 2, subject to the conditions set forth in Section 3:

1. Approval of a conditional use to allow for a School, Private, Full-time: Elementary, Middle and High in the R2 Single-Family Residence District, and;
2. Approval of a conditional use for a planned development with the following deviations:
 - a) To allow a variation from Section 155.407 (H) and Section 155.508 (C) (7), reducing the minimum required open space to 50% where a minimum of 62.5% is required; and
 - b) To allow a variation from Section 155.407 (G) to allow for a building height of up to thirty-five feet (35') from grade, where thirty feet (30') maximum height is allowed by right.

SECTION 2: That the ordinance is limited and restricted to the property generally located at 331 W. Madison, Lombard, Illinois and legally described as follows:

PARCEL 1: THE NORTH 215 FEET OF THE WEST 80 FEET OF THE EAST 210 FEET OF LOT 4 IN BLOCK 7 IN LOMBARD FARMS SUBDIVISION, BEING A SUBDIVISION IN SECTIONS 7 AND 18, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEROF RECORDED MARCH 15, 1917 AS DOCUMENT NO.129539; IN DUPAGE COUNTY, ILLINOIS.

PERMANENT INDEX NUMBER: 06 18 200 010

Ordinance No. 6347

Re: PC 09-08

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PARCEL 2: THE EAST 130 FEET OF LOT 4 IN BLOCK 7 IN LOMBARD FARMS SUBDIVISION, BEING A SUBDIVISION IN SECTIONS 7 AND 18, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 15, 1917 AS DOCUMENT NO. 129539; IN DUPAGE COUNTY, ILLINOIS.

PERMANENT INDEX NUMBER: 06 18 200 011

PARCEL 3: THAT PART OF SECTION 18, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION; THENCE SOUTH, ALONG THE EAST LINE THEREOF, 446.92 FEET; THENCE SOUTH 89 DEGREES WEST, 1846.55 FEET, MORE OR LESS, TO THE EAST LINE OF LOT 4 IN BLOCK 7 IN LOMBARD FARMS SUBDIVISION, FOR A POINT OF BEGINNING; THENCE NORTH 01 DEGREE WEST, 415.55 FEET; THENCE NORTH THENCE NORTH 89 DEGREES EAST, 130 FEET, THENCE SOUTH 01 DEGREE EAST, 415.55 FEET, THENCE SOUTH 89 DEGREES WEST, 130 FEET, TO THE PLACE OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

PERMANENT INDEX NUMBER: 06 18 200 012

PARCEL 4: THAT PART OF SECTION 18, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 18; THENCE SOUTH, ALONG THE EAST LINE OF SAID SECTION 18, A DISTANCE OF 446.92 FEET (RECORDED BEING 446.82 FEET) TO THE SOUTH LINE OF GREEN VALLEY, BEING A SUBDIVISION OF PARTS OF SECTION 7 AND 18 TOWNSHIP AND RANGE AFORESAID, PER DOCUMENT NO. 465288, THENCE SOUTH 89 DEGREES 00 MINUTES 00 SECONDS WEST ALONG THE SOUTH LINE OF SAID GREEN VALLEY, A DISTANCE OF 14.47 FEET TO THE POINT OF BEGINNING, THENCE CONTINUING SOUTH 89 DEGREES 00 MINUTES 00 SECONDS WEST ALONG THE SOUTH LINE OF SAID GREEN VALLEY, A DISTANCE OF 14.47 FEET TO THE SOUTHWEST CORNER OF BLOCK 12 SAID GREEN VALLEY, BEING A POINT 130.00 FEET EAST OF (MEASURED ALONG THE WESTERLY EXTENSION OF THE SOUTH LINE OF GREEN VALLEY) THE EAST LINE OF LOT 4 IN THE BLOCK 7 OF

LOMBARD FARMS SUBDIVISION PER DOCUMENT NO. 128539, THENCE NORTH 00 DEGREES 26 MINUTES 22 SECONDS WEST ALONG THE WEST LINE OF BLOCK 12 IN SAID GREEN VALLEY, AND PARALLEL WITH THE EAST LINE OF SAID LOT 4, A DISTANCE OF 425.41 FEET (RECORDED BEING 415.55 FEET) TO THE NORTHWEST CORNER OF BLOCK 12 IN SAID GREEN VALLEY, THENCE NORTH 89 DEGREES 02 MINUTES 31 SECONDS EAST ALONG THE NORTH LINE

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Re: PC 09-08

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OF BLOCK 12 IN SAID GREEN VALLEY, A DISTANCE OF 14.46 FEET TO THE NORTHWEST CORNER OF BLOCK 12 IN THE AFORESID SUBDIVISION OF BLOCK 12 TO 20, GREEN VALLEY AND LOT 2, BLOCK 11, GREEN VALLEY THENCE SOUTH 00 DEGREES 26 MINUTES 26 SECONDS EAST ALONG THE WEST LINE OF BLOCK 12 IN SAID RESUBDIVISION, A DISTANCE OF 415.40 FEET (RECORDED BEING 4215.55 FEET) TO THE POINT OF BEGINNING, IN YORK TOWNSHIP, DUPAGE COUNTY, ILLINOIS.

PERMANENT INDEX NUMBER: 06 18 200 012 (FOR PARCELS 3 AND 4)

Parcel Numbers: 06-18-200-008, -009, -010, -011, & -012

SECTION 3: This ordinance shall be granted subject to compliance with the following conditions:

1. The site shall be developed substantially in accordance with the CPSA elevation, site, landscaping and floor plans package, prepared by Dome Structural Engineers, dated June 2, 2009, except as they shall be changed to meet Village Codes and provide 50% open space and shall be subject to the review and approval of the Director of Community Development.
2. All comments in the Inter-Departmental Review Committee Report shall be satisfactorily addressed as part of a building permit application.
3. The petitioner shall address all recommendations in the KLOA report, which includes a detailed drop off/pick up schedule in a manner acceptable to the Director of Community Development, based upon the proposed traffic flow conditions along Madison Street and upon the subject property.
4. The number of grade school students shall be capped at 450 students and the number of high school students shall be capped at 240 students. The total student population, including the pre-school, shall not exceed 785 students.
5. A final plat of consolidation shall be submitted to the Village for approval, making the site a lot of record.
6. The designated fire lane adjacent to the western and southern portion of the proposed building shall be blocked off at all times and accessed only by the Village of Lombard Fire Department and the refuse company for trash pickup.

Ordinance No. 6347

Re: PC 09-08

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7. The petitioner shall submit a photometric plan as part of building permit submittal showing compliance with Village Code.
8. The Plan Commission shall be granted site plan approval authority for the subject property.
9. Trash collection and deliveries shall not occur on the school property prior to 8:00 a.m.
10. A revised landscape plan shall be submitted in a manner acceptable to the Director of Community Development. All plantings along the parking lot and drive aisles that directly abuts residentially zoned properties shall be screened with evergreen and/or dense deciduous shrubs across the property line at a planting height of a minimum of 4 feet and consistent with Section 155.706 (C) (2) (a) (1) of the Zoning Ordinance. Evergreens and/or the dense deciduous shrubs shall be of a species that can grow to a minimum height of 15 feet.

SECTION 4: 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 _____, 2009.

First reading waived by action of the Board of Trustees this 18th day of June, 2009.

Passed on second reading this 18th day of June, 2009.

Ayes: Trustees Gron, Tross, Wilson, Moreau, Fitzpatrick and Ware

Nayes: None

Absent: None

Approved this 18th, day of June, 2009.



I, **Barbara A. Johnson**, hereby certify that I am the duly qualified Deputy Village Clerk of the **Village of Lombard**, DuPage County, Illinois, as authorized by Statute and provided by local Ordinance, and as such Deputy Village Clerk, I maintain and am safekeeper of the records and files of the President and Board of Trustees of said Village.

I further certify that attached hereto is a
copy of

ORDINANCE 6347

GRANTING 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

PIN: 06-18-200-008, 009, 010, 011 and 012

Address: 331 W. MADISON STREET,
LOMBARD, IL

of the said Village as it appears from the official records of said Village duly approved this 18th day of June, 2009.

In Witness Whereof, I have hereunto affixed my official signature and the Corporate Seal of said **Village of Lombard**, Du Page County, Illinois this 1st day of July, 2009.



Barbara A. Johnson
Deputy Village Clerk
Village of Lombard
DuPage County, Illinois

ORDINANCE NO. _____

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

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

WHEREAS, the Village has received a letter requesting a further extension of Ordinances 6347, 6481 and 6625; 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 and 6625 are hereby amended and extended and shall be null and void unless a building permit is obtained and the project is substantially underway within six (6) months of the date of adoption of this Ordinance (i.e., December 18, 2012).

SECTION 2: That all other provisions associated with Ordinances 6347, 6481 and 6625, 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.

William J. Mueller
Village President

ATTEST:

Brigitte O'Brien
Village Clerk

Published by me in pamphlet from this _____ day of _____, 2012

Brigitte O'Brien
Village Clerk