

## ORDINANCE

### **AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A MAJOR PLANNED DEVELOPMENT CONTAINING A FIVE-STORY MIXED USE BUILDING CONSISTING OF RESIDENTIAL DWELLING UNITS, COMMERCIAL SPACE AND PARKING AT THE PROPERTY LOCATED AT 839 MADISON STREET**

**WHEREAS**, on or about September 15, 2022, Oak Park Commons Cohousing, LLC (“Petitioner”) filed an application with the Village of Oak Park (“Village”) for a special use permit for a major planned development to construct a five-story mixed use building with twenty-four (24) residential dwelling units, 920 square feet of commercial space and parking at the property located at 839 Madison Street (“Property”); and

**WHEREAS**, on, October 6, 2022 the Plan Commission held a public hearing on the application; and

**WHEREAS**, on September 21, 2022 notice of the public hearing was published in *Wednesday Journal*, a newspaper of general circulation in the Village; and

**WHEREAS**, notice of the public hearing was posted at the Property and letters were also mailed by the Applicant to property owners for properties within three hundred feet (300’) of the Property advising them of the proposed major planned development and the public hearing to be held; and

**WHEREAS**, the Plan Commission recommended that the special use planned for the major planned development and associated allowances be approved for the Property by a vote of six (6) in favor and zero (0) against; and

**WHEREAS**, the Village Board has received and reviewed the Findings of Fact and Recommendation of the Plan Commission and adopts the Findings of Fact as submitted herein; and

**WHEREAS**, the Village Board finds that the application and building design and site plan meets the objectives and standards for a major planned development set forth in Section 14.5(A) and Section 14.5(H) of the Village of Oak Park Zoning Ordinance, as amended (“Zoning Ordinance”), and are approved; and

**WHEREAS**, the President and Board of Trustees have determined that the special use permit for the major planned development and associated allowance set forth in the Petitioner’s application and the Petitioner’s building design and site plan should be granted pursuant to a majority vote of the President and Board of Trustees and is in the best interests of the Village subject to the terms and conditions set forth in this Ordinance.

**NOW THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Oak Park, County of Cook, Illinois, in the exercise of their home rule powers, as follows:

**Section 1. Recitals Incorporated.** The above recitals are incorporated herein as though fully set forth.

**Section 2. Adoption of Findings of Fact and Conditions.** The Plan Commission's Findings of Fact, together with all reports and exhibits submitted as part of the public hearing, are hereby incorporated by reference herein and are adopted and approved.

**Section 3. Approval of a Special Use Permit for a Major Planned Development.** The application for a special use permit for a major planned development as submitted by the Petitioner is approved in accordance with the application on file with the Village, including the requested allowances, subject to the conditions set forth in the Findings of Fact report.

**Section 4. Revision to Village Zoning Map.** The Zoning Administrator is hereby authorized and directed to revise the Official Zoning Map of the Village to reflect the existence and boundaries of the new planned development authorized herein by the special use permit.

**Section 5. Planned Development Time Limits.** The planned development approved herein is subject to the time limits for the application for a building permit and commencement of construction set forth in Section 14.5(G)(2-3) of the Village Zoning Ordinance.

**Section 6. Sale or Transfer of Property.** At least forty-five (45) days prior to any sale or transfer of ownership of the Property, the Petitioner shall provide the Village with the name of any future owner(s) of the Property and proof that the new owner(s) has the financial capabilities to complete the planned development approved herein, which may include the posting of a bond or other surety with the Village. Additionally, any new owner(s) shall be required to provide proof to the Village that the new owner(s) has read and understands this Ordinance and the incorporated Findings of Fact and Recommendation and shall execute a Transferee Assumption Agreement or similar agreement that binds the new owner(s) to the terms of said documents and said agreement shall be subject to the review and approval of the Village Attorney. If the new owner(s) fails to meet the conditions of this Section, the approvals granted herein shall be null and void.

**Section 7. Sale or Transfer of Property Prior to the Issuance of a Building Permit.** If the Property is sold or transferred at any time prior to the issuance of a building permit for the planned development approved herein, the new owner shall be obligated to reapply for the approvals granted herein, which shall include the public hearing process set forth in the Village's Zoning Ordinance for said approvals.

**Section 8. No Authorization of Work.** This Ordinance does not authorize the commencement of any work on the Property. Except as otherwise specifically provided in writing in advance by the Village, no work of any kind shall be commenced on the Property until all

conditions of this Ordinance precedent to such work have been fulfilled and after all permits, approvals, and other authorizations for such work have been properly applied for, paid for, and granted in accordance with applicable law.

**Section 9. Agreement to Terms of Ordinance.** As a condition of the special use permit granted herein, this Ordinance shall be signed by an authorized officer of the Petitioner to signify its agreement to the terms hereof.

**Section 10. Violation of Condition or Code.** Any violation of (i) any term or condition set forth in this Ordinance or (ii) any applicable code, ordinance, or regulation of the Village shall be grounds for the immediate rescission of the approvals granted pursuant to this Ordinance.

**Section 11. Severability and Repeal of Inconsistent Ordinances.** If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 12. Effective Date.** This Ordinance shall be in full force and effect after its approval, passage and publication as provided by law.

**[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]**

**ADOPTED** this 7<sup>th</sup> day of November, 2022, pursuant to a roll call vote at follows:

Voting	Aye	Nay	Abstain	Absent
President Scaman				
Trustee Buchanan				
Trustee Enyia				
Trustee Parakkat				
Trustee Robinson				
Trustee Taglia				
Trustee Wesley				

**APPROVED** this 7<sup>th</sup> day of November, 2022.

\_\_\_\_\_  
Vicki Scaman, Village President

**ATTEST**

\_\_\_\_\_  
Christina M. Waters, Village Clerk

Published in pamphlet form this 7<sup>th</sup> day of November, 2022.

\_\_\_\_\_  
Christina M. Waters, Village Clerk

**ACKNOWLEDGEMENT AND AGREEMENT BY THE PETITIONER TO THE CONDITIONS OF THIS ORDINANCE:**

**PETITIONER – OAK PARK COMMONS COHOUSING, LLC**

\_\_\_\_\_  
By: Charlie Hoch  
Its: Manager

Dated: \_\_\_\_\_, 2022