

## ORDINANCE

### AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A MAJOR PLANNED DEVELOPMENT FOR A MIXED USE MULTIPLE BUILDING DEVELOPMENT WITH RESIDENTIAL, COMMERCIAL AND PUBLIC PARKING AT THE PROPERTY LOCATED AT 1123-1133 LAKE STREET, 1133-1145 WESTGATE STREET, AND 1100 NORTH BOULEVARD

**WHEREAS**, on December 15, 2014, the Applicant, Clark Street Development, LLC ("Applicant") submitted an application with the Village of Oak Park ("Village") for a special use permit for a major planned development at the property located at 1123-1133 Lake Street, 1133-1145 Westgate Street, And 1100 North Boulevard ("Property") as more fully set forth in the application; and

**WHEREAS**, on July 2, 2015, the Plan Commission opened a public hearing on the application for a mixed use, two-building planned development with public parking; and

**WHEREAS**, on July 9, 2015, the public hearing was continued; and

**WHEREAS**, on July 16, 2015, the public hearing was completed and the Plan Commission adopted its Findings of Fact and Recommendations, attached hereto and incorporated herein, recommending to the Village Board of Trustees ("Board") that the special use permit be granted by a vote of five (5) in favor, and two (2) against and one (1) absent; and

**WHEREAS**, the Board has reviewed the Findings of Fact and Recommendations of the Plan Commission and finds that the application satisfies the standards set forth in the Village of Oak Park Zoning Ordinance related to the special use permit for the major planned development, but only subject to the 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 Recommendations.** The Findings of Fact and Recommendations of the Plan Commission, together with all reports and exhibits submitted at the public hearing, are hereby incorporated by reference herein and are adopted and approved, subject to the conditions set forth herein, with the exception that the second sentence of numbered paragraphs 11 and 14 on pages 27 - 28 of the "Conditions for Approval of the Planned Development" are not adopted and approved. Said paragraphs are modified to add the underlined language and delete the overstricken language to read as follows:

(11) That design work for the parking garage screen design, pedestrian bridge design, element connections, cornices on the North Building, and the North Boulevard and Maple Street corner be revised to reflect the various concerns regarding same expressed by members of the Plan Commission, which shall be subject to the approval of the Village Planner after consultation with the Village's design consultant. ~~Final designs shall be brought back to the Plan Commission for final approval, following intermediate review by staff and the Village's design consultant.~~

\* \* \* \*

(14) That the design of the north façade of the sough building be revised to better integrate it into the overall streetscape of Westgate from a material and design standpoint, which shall be subject to the approval of the Village Planner after consultation with the Village's design consultant. ~~The revised design shall be brought back by the Applicant to the Plan Commission for final approval, following intermediate review by staff and the Village's design consultant.~~

**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 Applicant is approved in accordance with the application on file with the Village, including the requested allowances, subject to the recommendations/conditions as set forth in the "Conditions for Approval of the Planned Development" Section of the Plan Commission's Findings of Fact and Recommendations.

**Section 4. Revision to Village Zoning Map.** The Village Planner 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 2.2.7(F)(3)-(4) of the Village Zoning Ordinance.

**Section 6. 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 7. Agreement to Terms of Ordinance.** This Ordinance shall be signed by an authorized officer of the Applicant to signify its agreement to the terms hereof.

**Section 8. 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 9. 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 10. Effective Date.** This Ordinance shall be in full force and effect after its approval, passage and publication as provided by law.

**ADOPTED** this 3<sup>rd</sup> day of August, 2015, pursuant to a roll call vote as follows:

Voting	Aye	Nay	Abstain	Absent
President Abu-Taleb				
Trustee Barber				
Trustee Brewer				
Trustee Lueck				
Trustee Ott				
Trustee Salzman				
Trustee Tucker				

**APPROVED** this 3<sup>rd</sup> day of August, 2015.

\_\_\_\_\_  
Anan Abu-Taleb, Village President

ATTEST:

\_\_\_\_\_  
Teresa Powell, Village Clerk

Published in pamphlet form this 3<sup>rd</sup> day of August, 2015.

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Teresa Powell, Village Clerk

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

**APPLICANT**

\_\_\_\_\_

Dated: \_\_\_\_\_, 2015

By:  
Its: