

ORDINANCE

AN ORDINANCE GRANTING A SPECIAL USE PERMIT AND A VARIANCE FROM THE TRANSIT-RELATED RETAIL OVERLAY DISTRICT'S USE RESTRICTIONS TO OPERATE A FINANCIAL INSTITUTION AT 1144 LAKE STREET

WHEREAS, at its meeting of June 6, 2016, the Board of Trustees of the Village of Oak Park ("Village") referred to the Zoning Board of Appeals for public hearing an application filed by Nicholas P. Karris ("Petitioner") for a special use permit and a variance from the Transit-Related Retail Overlay District's use restrictions to operate a financial institution at 1144 Lake Street in the B-4 Downtown Business District at 1144 Lake Street, Oak Park, Illinois ("Subject Property"); and

WHEREAS, at a meeting held on July 20, 2016, the Zoning Board of Appeals held a public hearing on the Petitioner's application for the special use permit; and

WHEREAS, notice of the public hearing was duly published in the *Wednesday Journal* on June 6, 2016; and

WHEREAS, the Zoning Board of Appeals recommended that the special use permit be approved for the Subject Property by a vote of five (5) in favor and zero (0) against with one (1) abstention; and

WHEREAS, the Zoning Board of Appeals adopted its written Findings and Recommendations on the application at its meeting of July 20, 2016, which is attached hereto and incorporated herein as Attachment A; and

WHEREAS, the President and Board of Trustees have received the Findings and Recommendations of the Zoning Board of Appeals with respect to the application for the special use permit at the Subject Property; and

WHEREAS, the President and Board of Trustees have determined that the granting of the special use permit and variance for the use set forth in the Petitioner's application are in the best interests of the Village subject to the terms and conditions set forth in the Findings and Recommendations of the Zoning Board of Appeals and this Ordinance.

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

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

Section 2. Special Use Permit Granted. The application of the Petitioner for a special use permit in the B-4 Downtown Business District to operate a financial institution by

Bank of America at the Subject Property is granted, subject to the terms and conditions set forth in Attachment A and this Ordinance.

Section 3. Variance Granted. The application of the Petitioner for a variance from Section 3.9.3(F)(2)(y) of the Village's Zoning Ordinance Transit-Related Retail Overlay District use restrictions as set forth in the Zoning Board of Appeals' Findings and Recommendations to operate a financial institution by Bank of America at the Subject Property is granted, subject to the terms and conditions set forth in Attachment A and this Ordinance.

Section 4. Execution of Ordinance. As a condition of the special use permit granted herein, this Ordinance shall be executed by the Petitioner to signify its agreement to the terms hereof.

Section 5. Violation of Conditions. Any violation of (i) any term of condition set forth in this Ordinance or (ii) any applicable code, ordinance, or regulation of the Village shall be grounds for the immediate rescission by the Board of Trustees of the approvals granted pursuant to this Ordinance.

Section 6. 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.

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Section 7. Effective Date. This Ordinance shall be in full force and effect after its approval, passage and publication as provided by law.

ADOPTED this 1st day of August, 2016, pursuant to a roll call vote at follows:

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

APPROVED this 1st day of August, 2016.

Anan Abu-Taleb, Village President

ATTEST

Teresa Powell, Village Clerk

Published in pamphlet form this 1st day of August, 2016.

Teresa Powell, Village Clerk

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

PETITIONER

By:
Its:

Date: _____, 2016