

ORDINANCE

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A MAJOR PLANNED DEVELOPMENT CONTAINING A MIXED USE MULTIPLE STORY BUILDING WITH RESIDENTIAL, COMMERCIAL AND PARKING USES AT THE PROPERTY LOCATED AT 715-717 SOUTH BOULEVARD

WHEREAS, on September 13, 2016, the Applicant, 717 South Boulevard 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 715-717 South Boulevard ("Property") as more fully set forth in the application; and

WHEREAS, on December 15, 2016, the Plan Commission opened a public hearing on the application for a major planned development containing a mixed use multiple story building with residential, commercial and parking uses at the Property; and

WHEREAS, on January 19, 2017, the public hearing was completed and the Plan Commission adopted its Findings of Fact and Recommendations by a vote of eight (8) in favor and none (0) against, attached hereto and incorporated herein, recommending that the Village Board of Trustees ("Board") grant the special use permit; 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 Recommendation. The Findings of Fact and Recommendation 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.

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 conditions as set forth in the "Conditions for Approval of the Planned Development" Section of the Plan Commission's Findings of Fact and Recommendation and.

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 by the special use permit granted herein.

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. Sale or Transfer of Property. At least forty-five (45) days prior to any sale or transfer of ownership of the Property, the Applicant 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. This Ordinance shall be signed by an authorized officer of the Applicant 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.

ADOPTED this 6th day of March, 2017, pursuant to a roll call vote as follows:

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

APPROVED this 6th day of March, 2017.

Anan Abu-Taleb, Village President

ATTEST

Teresa Powell, Village Clerk

Published in pamphlet form this 6th day of March, 2017.

Teresa Powell, Village Clerk

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

APPLICANT

By:
Its:

Dated: _____, 2017