

## **ORDINANCE**

### **APPROVE AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A MAJOR PLANNED DEVELOPMENT FOR A MIXED USE DEVELOPMENT WITH RESIDENTIAL AND COMMERCIAL USES AT THE PROPERTY LOCATED AT 1000 LAKE STREET**

**WHEREAS**, on June 19, 2017, the Board of Trustees of the Village of Oak Park ("Village") referred to the Plan Commission for public hearing an application for a special use permit application for a major planned development filed by Albion Residential LLC ("Petitioner") for a mixed use multiple story building with residential, commercial and parking uses and associated allowances at the property commonly known as 1000 Lake Street, Oak Park, Illinois ("Subject Property"); and

**WHEREAS**, on July 11, 2017, the Plan Commission opened a public hearing on the Petitioner's application and continuing on July 27, 2017, August 3, 2017, August 10, 2017, August 22, 2017 and August 29, 2017; and

**WHEREAS**, notice of the public hearing was duly published in the *Wednesday Journal* on June 21, 2017; and

**WHEREAS**, the Plan Commission recommended that the special use permit for the major planned development and associated allowances be denied for the Subject Property by a vote of five (5) to four (4); and

**WHEREAS**, the Village Plan Commission adopted its written Findings of Fact and Recommendation on the application at its meeting of September 21, 2017, which is attached hereto and incorporated herein; 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 except as modified herein; and

**WHEREAS**, the Petitioner has provided an updated design of the multiple story building that is the subject of the planned development application dated September 27, 2017 prepared by Hartshorne Plunkard Ltd., attached hereto and incorporated herein by reference; and

**WHEREAS**, the Village Board finds that the application and updated design of the building meet the objectives and standards for a planned development set forth in Section 3.9.1(E)(1)-(9), Section 3.9.1(I)(1)-(4) and the standards for the issuance of a special use permit set forth in Section 2.2.3(D)(1)-(6) of the Village of Oak Park Zoning Ordinance dated February 4, 2002, 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 set forth in the Petitioner's application should be granted pursuant to a two-thirds (2/3) vote of the President and Board of Trustees as required by Section 2.2.3(F) and 2.2.7(C)(2) of the Zoning Ordinance 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.** 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, subject to the following modifications and conditions as set forth herein and below:

(1) Except as modified below, the Petitioner shall construct the major planned development comprised of a multi-family residential use, retail use and private parking accessory to the foregoing uses in substantial conformity with the Plans and Specifications filed with its application and the updated design of the building dated September 27, 2017 prepared by Hartshorne Plunkard Ltd., the architect of record. The final architectural plans shall be submitted and sealed by Hartshorne Plunkard Ltd., and shall incorporate the updated design of the building approved herein. The final landscape plan shall provide for the preservation, care and maintenance of the landscape materials.

(2) The Petitioner shall attain a LEED certification for the project including, but not limited to, the Petitioner submitting an application to the U.S. Green Building Council for LEED certification.

(3) The Petitioner shall be responsible for the streetscape improvements abutting the development site consistent with the approved plans.

(4) Upon review and advice of the Oak Park Arts Council and approval of the Village Board, the Petitioner shall install public art at the Planned Development site. The location of the art on the site and its accessibility to the general public will be mutually determined by the Petitioner and the Village.

(5) Six (6) to twelve (12) months after eighty-five percent (85%) occupancy of the Planned Development is achieved, the Petitioner shall meet with Village staff after holding a meeting with interested neighbors to determine their concerns with traffic and parking issues, if any, generated by the planned development. The Petitioner shall review traffic and parking concerns generated by the Project at the meetings with interested neighbors and Village Staff.

If these post construction traffic and parking meetings yield Village staff recommendations that any measures should be taken to correct any unforeseen traffic or parking issues that have been caused by the planned development, the Petitioner shall implement said recommendations within six (6) months after the study has been completed.

(6) Approximately two (2) years after completion of the planned development and annually thereafter for not less than the next six (6) years, the Village shall monitor the effect of the parking and traffic generated by the planned development on the neighborhood and take steps necessary to alleviate any problems, if practicable.

(7) The Petitioner shall require unified window treatments for all residential units.

(8) The Petitioner shall make the following monetary contributions upon the issuance of final certificate of occupancy for the building: (1) \$340,000 to be distributed for housing, the Municipal Arboretum in Oak Park and North Forest Avenue traffic calming, all as determined by the Village Manager; and (2) \$100,000 to be paid to the OPRF Community Foundation.

(9) The Petitioner shall ensure appropriate loading dock and/or loading zone usage subject to the approval of Village staff.

(10) The Petitioner shall provide revised architectural elevations to be approved by Village Staff upon review by the Village's architectural design consultant prior to the Village's issuance of a building permit.

(11) For all living or green roofs or walls called for in the Petitioner's plans, the Petitioner shall incorporate a maintenance plan subject to the review and approval of the Village staff.

(12) Construction-related semi-trailer truck traffic is prohibited in any manner that is inconsistent with the "Construction Traffic Schedule" included in the Petitioner's application. The Petitioner shall submit its final route for construction traffic, its plan for construction parking, and its demolition and construction schedule to the Village Engineer for the Village Engineer's review and approval. Construction traffic routes shall be limited to Lake Street and designated streets unless otherwise determined by the Village Engineer.

(13) During construction of the planned development, the Petitioner shall post a conspicuous sign providing a local phone number for the construction manager that interested parties may call to obtain answers to questions about the planned development and its construction. Such telephone number shall be staffed during normal business hours, Monday through Friday, except legal holidays, by a person with authority to address and remedy issues, including, but not limited to, traffic, noise, landscaping and maintenance issues.

(14) The Petitioner shall provide monitoring of the Nineteenth Century Charitable Association structure at 178 Forest Avenue, Oak Park, Illinois before, during and after construction of the building at the Subject Property.

(15) The Petitioner shall implement a construction-related communications plan subject to the review and approval of Village staff.

(16) The Petitioner shall ensure all construction debris remains on the Subject Property and in approved dumpsters and is removed on a regular basis. The Petitioner shall also use commercially reasonable efforts to mitigate any offsite dust and debris to the satisfaction of Village staff.

(17) The Petitioner shall provide a list of exterior building, landscaping and design materials as included in the planned development application and as approved by Village staff.

(18) During construction of the planned development, the Village shall designate a staff liaison with whom the Petitioner shall reasonably and timely communicate and cooperate.

**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 recommendations/conditions as set forth above.

**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 2.2.7(F)(3)-(4) of the former 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.

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**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 2<sup>nd</sup> day of October, 2017, pursuant to a roll call vote as follows:

Voting	Aye	Nay	Abstain	Absent
President Abu-Taleb				
Trustee Andrews				
Trustee Boutet				
Trustee Button				
Trustee Moroney				
Trustee Taglia				
Trustee Tucker				

**APPROVED** this 2<sup>nd</sup> day of October, 2017.

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

**ATTEST**

\_\_\_\_\_  
Vicki Scaman, Village Clerk

Published in pamphlet form this 2<sup>nd</sup> day of October, 2017.

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Vicki Scaman, Village Clerk

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

**PETITIONER – ALBION RESIDENTIAL  
LLC**

\_\_\_\_\_  
By:  
Its:

Dated: \_\_\_\_\_, 2017