

## **ORDINANCE**

### **AN ORDINANCE GRANTING MAJOR MODIFICATIONS TO THE PLANNED DEVELOPMENT APPROVED PURSUANT TO ORDINANCE 19-16 CONTAINING A FIVE-STORY PRIVATE PARKING GARAGE AT THE PROPERTY LOCATED AT 505 WASHINGTON BOULEVARD**

**WHEREAS**, on or about December 20, 2018 the Petitioner, Fenwick High School, Inc. ("Petitioner"), submitted an application with the Village of Oak Park ("Village") for a special use permit for a major planned development to construct a five-story private parking garage in the I- Institutional District at the property located at 505 Washington Boulevard ("Property"); and

**WHEREAS**, on January 17, 2019 and February 7, 2019 the Plan Commission held a public hearing on the application for the special use planned development; and

**WHEREAS**, on March 4, 2019, the President and Board of Trustees of the Village of Oak Park granted the application and issued special use permit for the planned development to the Petitioner pursuant to Ordinance Number 19-16; and

**WHEREAS**, on May 6, 2019, the Applicant filed an application for the following major modifications to the planned development pursuant to Section 14.5(J) of the Village of Oak Park Zoning Ordinance; (1) reduction of the number of parking spaces within the garage by twenty (20) parking spaces, for a remaining total of three hundred thirty (330) parking spaces, with said twenty (20) parking spaces will be relocated to a surface parking lot on the Subject Property; and (2) minor exterior changes to the elevations of the garage; and

**WHEREAS**, on May 20, 2019, the President and Board of Trustees referred the application for modifications to the planned development to the Plan Commission for public hearing and a recommendation; and

**WHEREAS**, on May 22, 2019, legal notice of the public hearing was published in The Wednesday Journal, a newspaper of general circulation in the Village of Oak Park. A notice of the public hearing was posted at the Subject Property and letters were also mailed by the Applicant to property owners for property within three hundred feet (300') of the Subject Property, advising them of the proposal and the public hearing to be held; and

**WHEREAS**, on June 6, 2019, the Plan Commission held a public hearing on the modifications to the approved special use planned development and voted eight (8) in favor and none (0) against to recommend approval of the modifications; and

**WHEREAS**, the President and Board of Trustees have received the Plan Commission's Findings of Fact and Recommendation with respect to the application and hereby adopt and approve said Findings of Fact and Recommendation; and

**WHEREAS**, the President and Board of Trustees have determined that the granting of the major modifications for the planned development as set forth in the Petitioner's application is in the best interests of the Village subject to the terms and conditions set forth in the Plan Commission's Findings of Fact and Recommendation and 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 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 Major Modifications to the Approved Planned Development.** The Petitioner's application for the major modifications of the approved planned development is approved in accordance with the application on file with the Village, subject to the conditions as set forth in the Plan Commission's Findings of Fact and Recommendation.

**Section 4. Ordinance Number 19-16 to Remain in Effect.** Except as otherwise provided in this Ordinance 19-59, Ordinance Number 19-16 and all other applicable Village regulations and ordinances, including the Village's Zoning Ordinance, shall remain in full force and effect with regard to the Property.

**Section 5. No Authorization of Work.** This Ordinance does not authorize the commencement of any work at the Property. Except as otherwise specifically provided in writing in advance by the Village, no work of any kind shall be commenced at the Subject 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 6. Agreement to Terms of Ordinance.** As a condition of the major modifications granted herein, this Ordinance shall be signed by an authorized officer of the Petitioner to signify its agreement to the terms hereof.

**Section 7. 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 8. 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 9. Effective Date.** This Ordinance shall be in full force and effect after its approval, passage and publication as provided by law.

**ADOPTED** this 17<sup>th</sup> day of June, 2019, pursuant to a roll call vote as follows:

Voting	Aye	Nay	Abstain	Absent
President Abu-Taleb				
Trustee Andrews				
Trustee Boutet				
Trustee Buchanan				
Trustee Moroney				
Trustee Taglia				
Trustee Walker-Peddakotla				

**APPROVED** this 17<sup>th</sup> day of June, 2019.

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

**ATTEST**

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

Published in pamphlet form this 17<sup>th</sup> day of June, 2019.

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

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

**PETITIONER – FENWICK HIGH SCHOOL, INC.**

\_\_\_\_\_  
By: Dated: \_\_\_\_\_, 2019  
Its: