

ORIGINAL

ORDINANCE

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A MAJOR PLANNED DEVELOPMENT CONTAINING A FIVE STORY MULTIPLE-FAMILY RESIDENTIAL BUILDING WITH 48 DWELLING UNITS AT THE PROPERTY LOCATED AT 435-451 MADISON STREET

WHEREAS, on or about December 23, 2019, GLPE, LLC, a limited liability company controlled by Michigan Avenue Real Estate Group, LLC ("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 multi-family residential building with forty-eight (48) dwelling units at the property located 435-451 Madison Street ("Property"); and

WHEREAS, on, January 9, 2020 and March 5, 2020 the Plan Commission held a public hearing on the application; and

WHEREAS, on December 25, 2019, notice of the public hearing was published in *The Wednesday Journal*, a newspaper of general circulation in the Village; and

WHEREAS, notice of the public hearing was posted at the Property and letters were also mailed by the Applicant to property owners for properties within three hundred feet (300') of the Property advising them of the proposed major planned development and the public hearing to be held; and

WHEREAS, the Plan Commission recommended that the special use planned for the major planned development and associated allowances be denied for the Property by a vote of seven (7) to zero (0) with one (1) abstention; 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 submitted a revised planned development application on February 27, 2020 for Plan Commission for review and recommendation; and

WHEREAS, the Petitioner submitted a revised design of the building and a revised site plan on July 20, 2020 for Village Board consideration, which are attached hereto and incorporated herein by reference; and

WHEREAS, the Village Board finds that the application and revised building design and site plan meets the objectives and standards for a major planned development set forth in Section 14.5(A) and Section 14.5(H) of the Village of Oak Park Zoning Ordinance, 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 and associated allowances set forth in the Petitioner's application and the Petitioner's revised building design and site plan should be granted pursuant to a two-thirds (2/3) vote of the President and Board of Trustees as required by Section 14.5(F)(5)(d) 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 and Conditions. 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 building and private parking accessory to the foregoing building in substantial conformity with the Plans and Specifications filed with its application prepared by Space Architects + Planners and as revised pursuant to the building design and site plan submitted on July 20, 2020. The Petitioner shall incorporate the revised building design and site plan of the multi-family building submitted for Village Board consideration prepared by Space Architects + Planners. The final architectural plans shall be submitted and sealed by Space Architects + Planners, and shall incorporate the revised design of the building approved herein including solar panels atop the roof. The final landscape plan shall provide for the preservation, care and maintenance of the landscape materials.
2. The Petitioner shall attain, at a minimum, LEED Silver certification for the development including, but not limited to, the Petitioner applying to the U.S. Green Building Council (USGBC) for said certification and a third-party verification process as approved by Village staff.
3. The Petitioner shall be responsible for the streetscape improvements abutting the Property consistent with the approved plans.
4. Upon review and advice of the Oak Park Arts Council and approval of Village Staff, the Petitioner shall install public art at the Property. The location of the public art on the site and its accessibility to the general public will be mutually agreed upon by the Petitioner and Village staff.

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 residing within 300 feet of the Property 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. The Petitioner shall require unified window treatments for all residential units.
7. The Petitioner shall make the following monetary contributions upon the issuance of final certificate of occupancy for the building: (1) \$500,000 paid to the Village for affordable housing opportunities as required by Chapter 12 ("Housing"), Article 5 ("inclusionary Housing") of the Oak Park Village Code; and (2) \$50,000 paid to the Village for affordable housing opportunities as a compensating benefit pursuant to in Section 14.5 (E)(2)(a) of the Zoning Ordinance.
8. 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.
9. 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 Madison Street and designated streets unless otherwise determined by the Village Engineer.
10. 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.

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

13. The Petitioner shall ensure all construction debris remains on the Property and in dumpsters approved by Village staff 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.

14. The Petitioner shall provide a list of exterior building, landscape and design materials as included in the planned development application subject to the approval of Village staff.

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

16. The Petitioner shall install pedestrian attention devices and mirrors at the parking garage access along Madison Street abutting the public sidewalk as approved by Village staff.

17. The Petitioner shall work with Village staff on determining an on-street loading area for short-term and long-term deliveries which shall be subject to the approval of Village staff.

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 conditions set forth in Section 2 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 14.5 (G)(2-3) 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 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.

Section 12. Effective Date. This Ordinance shall be in full force and effect after its approval, passage and publication as provided by law.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

ADOPTED this 3rd day of August, 2020, pursuant to a roll call vote at follows:

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

APPROVED this 3rd day of August, 2020.


Anan Abu-Taleb, Village President

ATTEST


Vicki Scaman, Village Clerk

Published in pamphlet form this 3rd day of August, 2020.


Vicki Scaman, Village Clerk

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

PETITIONER – GLPE, LLC

Dated: _____, 2020

By:

Its: