

VILLAGE OF BRADLEY

ORDINANCE NO. 0-03-23-03

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY
WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS
(PIN: 17-09-09-108-004)

ADOPTED BY THE
BOARD OF TRUSTEES OF THE
VILLAGE OF BRADLEY

THIS 13 DAY OF March, 2023

Published in pamphlet form by the authority of the Board of Trustees of the Village of Bradley,
Kankakee County, Illinois this 13 day of March, 2023

ORDINANCE NO. 0-03-2303

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY
WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS
(PIN: 17-09-09-108-004)

WHEREAS, the President and Board of Trustees of the Village of Bradley, Kankakee County, Illinois, have the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the health, safety, and welfare of its citizens; and

WHEREAS, the land described in Section 2 of this Ordinance (the “Subject Property”), *infra*, is located within the corporate boundaries of the Village; and

WHEREAS, the Subject Property is presently zoned B-3 (Village Center Shopping); and

WHEREAS, on February 3, 2023, TWAS Properties, LLC, with the approval of the Subject Property’s owner, Oak Park Holdings, LLC (collectively the “Applicant”), submitted an application to the Village requesting that the Village grant the Applicant a special use permit authorizing the operation of a carwash on the Subject Property (the “Special Use Permit”); and

WHEREAS, the operation of a carwash is a permissible special use for a B-3 (Village Center Shopping) District pursuant to Section BCS §60-154(2)(b) of the Village of Bradley Code of Ordinances (the “Village Code”); and

WHEREAS, the Applicant’s application, along with all necessary documentation and supporting data (collectively the “Application”), has been submitted to the President and Board of Trustees of the Village by the Village of Bradley Planning and Zoning Commission (the “Plan Commission”); and

WHEREAS, the Plan Commission held a public hearing to consider the Application on Tuesday, March 7, 2023, with notice having been properly given for the same, and at that time made all findings of fact required by and pursuant to the Village Code; and

WHEREAS, the Plan Commission has recommended that the President and Board of Trustees approve the Application and pass this Ordinance granting the Applicant’s request, subject to the conditions stated herein (the Plan Commission’s findings of fact and recommendation of approval is attached hereto as Exhibit A and fully incorporated herein); and

WHEREAS, the President and Board of Trustees of the Village hereby approve and adopt the Plan Commission’s findings of fact; and

WHEREAS, the President and Board of Trustees of the Village have determined that the Special Use Permit (and the carwash proposed to be operated thereunder) granted by this Ordinance:

- (1) Is necessary for the public convenience at the location of the Subject Property; and

- (2) Is designated, located, and proposed to be operated in a fashion that will protect the public health, safety, and welfare; and
- (3) Will not cause substantial injury to the value of other properties in the surrounding neighborhood; and
- (4) Conforms to the applicable regulations of the B-3 (Village Center Shopping) District in which the Subject Property is located.

WHEREAS, the President and Board of Trustees of the Village hereby find that it is in the best interest of the citizens of the Village to grant the Applicant a special use permit authorizing the Applicant to operate a carwash on the Subject Property.

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS, PURSUANT TO ITS STATUTORY AUTHORITY, AS FOLLOWS:

SECTION 1. The President and Board of Trustees hereby find that all of the recitals contained in the preamble to this Ordinance are true, correct, and complete and are hereby incorporated by reference hereto and made a part hereof.

SECTION 2. That the President and Board of Trustees of the Village hereby accept the recommendations of the Plan Commission and grant and approve a special use permit for the purpose of operating a carwash pursuant to Section BCS §60-154(2)(b) of the Village Code over and upon the land legally described in this Section (hereinafter the “Subject Property”). The Subject Property is zoned B-3 (Village Center Shopping) and is legally described as follows:

LOT 4 OF JVJ SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 31 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 20, 2014, AS DOCUMENT NUMBER 201412933, IN KANKAKEE COUNTY, ILLINOIS.

Commonly known as: vacant land at the southwest corner of Route 50 and E 5000N Road, in the Village of Bradley, Illinois.

Bearing the current PIN: 17-09-09-108-004

SECTION 3. That the Special Use Permit granted by this Ordinance is and shall be subject to the following conditions and restrictions pursuant to Section 60-400 of the Village Code:

1. The Subject Property will need to comply with all other applicable requirements of the B-3 (Village Center Shopping) District.
2. Any interior or exterior building and development plans will need to be submitted for Staff to review in order to be considered for the development to proceed and will require the submission of a building permit application.

3. The Applicant shall not erect, install, and/or modify any signage on the Subject Property unless and until a site and building signage plan has been submitted to and approved by the Village in full compliance with Chapter 38 (Signs) of the Bradley Village Code.
4. The Special Use Permit granted hereby shall only apply to the Applicant's proposed business and shall not be transferable to any other business or owner except upon re-application to and approval of the Village.
5. The Applicant will need to apply for and receive a business license and an occupancy permit before opening for business.

The Applicant shall be deemed to have accepted and agreed to the conditions and restrictions aforesaid as of the date on which the Applicant first begins to use the Subject Property as a carwash pursuant to the Special Use Permit granted by this Ordinance.

SECTION 4. In the event that the Applicant violates any of the conditions and restrictions set forth in Section 3 of this Ordinance, the Village shall have the ability, but not the obligation, to revoke the Special Use Permit granted pursuant to this Ordinance, provided that the Applicant shall be entitled to notice and a hearing prior to any revocation pursuant to this Section. Under no circumstances shall any failure to enforce any condition or restriction of this Ordinance on any particular occasion or occasions be deemed or interpreted as constituting a waiver or forfeiture of the Village's right to so enforce in the future, nor shall any such failure to enforce preclude the Village from considering any and all prior violations as part of any revocation proceeding under this Section.

SECTION 5. The Special Use Permit shall not run with the land and shall be immediately and automatically terminated and revoked if and when the current owner (Oak Park Holdings, LLC) sells, conveys, or otherwise transfers its ownership interest in the Subject Property, provided however that the Special Use Permit shall not be so terminated and revoked if the current owner sells, conveys, or otherwise transfers its entire ownership interest in the Subject Property to TWAS Properties, LLC.

SECTION 6. That the Village Clerk is hereby instructed to record a certified copy of this ordinance with the office of the Kankakee County Recorder of Deeds.

SECTION 7. In the event that any provision or provisions, portion or portions, or clause or clauses of this Ordinance shall be declared to be invalid or unenforceable by a Court of competent jurisdiction, such adjudication shall in no way affect or impair the validity or enforceability of any of the remaining provisions, portions, or clauses of this Ordinance that may be given effect without such invalid or unenforceable provision or provisions, portion or portions, or clause or clauses.

SECTION 8. That all ordinances, resolutions, motions, or parts thereof, conflicting with any of the provisions of this Ordinance, are hereby repealed to the extent of the conflict.

SECTION 9. That the Village Clerk is hereby directed to publish this Ordinance in pamphlet form.

SECTION 10. That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED by the Board of Trustees on a roll call vote on the 13 day of March, 2023.

TRUSTEES:

RYAN LEBRAN	Aye – _____	Nay – _____	Absent – _____
BRIAN BILLINGSLEY	Aye – _____	Nay – _____	Absent – _____
DARREN WESTPHAL	Aye – _____	Nay – _____	Absent – _____
BRIAN TIERI	Aye – _____	Nay – _____	Absent – _____
GRANT D. VANDENHOUT	Aye – _____	Nay – _____	Absent – _____
GENE JORDAN	Aye – _____	Nay – _____	Absent – _____

VILLAGE PRESIDENT:

MICHAEL WATSON Aye – _____ Nay – _____ Absent – _____

TOTALS: Aye – _____ Nay – _____ Absent – _____

ATTEST:

JULIE TAMBLING, VILLAGE CLERK

APPROVED this _____ day of _____, 2023.



MICHAEL WATSON, VILLAGE PRESIDENT

ATTEST:

JULIE TAMBLING, VILLAGE CLERK

STATE OF ILLINOIS)
) §§
COUNTY OF KANKAKEE)

I, Julie Tambling, Village Clerk of the Village of Bradley, County of Kankakee and State of Illinois, DO HEREBY CERTIFY that the attached is a true, perfect, and complete copy of Ordinance number 0-082303 "AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS (PIN: 17-09-09-108-004)," which was adopted by the Village Corporate Authorities at a meeting held on the 13 day of March, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand in the Village of Bradley, County of Kankakee and State of Illinois, on this 13 day of March 2023.

JULIE TAMBLING, VILLAGE CLERK

(SEAL)

EXHIBIT A

**(Plan Commission Findings of Fact and
Recommendation of Approval)**

**PZC FINDINGS OF FACT AND RECOMMENDATION OF
APPROVAL FOR A SPECIAL USE PERMIT
(CARWASH IN B-3 DISTRICT)**

On Tuesday, March 7, 2023, at 6:30 p.m., at the Bradley Village Hall, 147 S. Michigan Avenue, Bradley, Illinois 60915, the Village of Bradley Planning and Zoning Commission conducted a public hearing, with public notice having been duly given for the same. At that hearing, the Planning and Zoning Commission considered whether to recommend approval or denial of a special use permit authorizing the use of certain property located within the corporate boundaries of the Village as a carwash (the "Proposed Use"). Having heard and considered all of the evidence presented at the hearing and being fully advised in the premises, the Planning and Zoning Commission hereby finds as follows:

1. The Proposed Use is an authorized special use in the B-3 (Village Center Shopping) district pursuant to Section 60-154(2)(b) of the Bradley Zoning Ordinance.
2. The Proposed Use is compatible with surrounding land uses and the general area surrounding the subject property.
3. The Proposed Use is not inconsistent with the zoning classifications of other property within the general area of the subject property.
4. The subject property is suitable for the uses permitted under its existing zoning classification of B-3 (Village Center Shopping).
5. The Proposed Use is not inconsistent with the trend of development in the general area of the subject property.
6. The Proposed Use and the subject property's existing zoning classification of B-3 (Village Center Shopping) are not inconsistent with the official comprehensive plan of the Village.
7. The approval of the special use permit is in the public interest and not solely for the interest of the applicant.
8. The Proposed Use is necessary and desirable on the subject property and will likely provide the Village and its residents with services that are convenient and beneficial to the public.
9. The Proposed Use will likely contribute to the general welfare of the surrounding neighborhood or community.
10. The Proposed Use is not likely to be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity of the subject property.
11. The Proposed Use is not likely to be injurious to property values or improvements in the vicinity of the subject property.
12. The Proposed Use is compliant with all applicable regulations and conditions specified in the Bradley Zoning Ordinance.

Based on the foregoing findings, the Planning and Zoning Commission hereby recommends that the Corporate Authorities of the Village approve the applicant's request and adopt an ordinance

granting the applicant a special use permit authorizing a carwash, subject to the following conditions and restrictions:

1. The subject property will need to comply with all other applicable requirements of the B-3 (Village Center Shopping) District.
2. Any interior or exterior building and development plans will need to be submitted for Staff to review in order to be considered for the development to proceed and will require the submission of a building permit application.
3. The Applicant shall not erect, install, and/or modify any signage on the Subject Property unless and until a site and building signage plan has been submitted to and approved by the Village in full compliance with Chapter 38 (Signs) of the Bradley Village Code.
4. The Special Use Permit granted hereby shall only apply to the Applicant’s proposed business and shall not be transferable to any other business or owner except upon re-application to and approval of the Village.
5. The applicant will need to apply for and receive a business license and an occupancy permit before opening for business.

PASSED this 7th day of March, 2023, by roll call vote.

	Aye	Nay	Absent
Ryland Gagnon (Chairman)	<u> X </u>	<u> </u>	<u> </u>
Charlene Eads (Secretary)	<u> X </u>	<u> </u>	<u> </u>
James Guiss	<u> X </u>	<u> </u>	<u> </u>
Rick White	<u> X </u>	<u> </u>	<u> </u>
Bill Bodemer	<u> </u>	<u> </u>	<u> X </u>
Michael Williams	<u> X </u>	<u> </u>	<u> </u>
Robert Redmond	<u> </u>	<u> </u>	<u> X </u>