

VILLAGE OF BRADLEY

ORDINANCE NO. O-04-22-06

AN ORDINANCE GRANTING ZONING VARIANCES FOR CERTAIN PROPERTY WITHIN
THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS
(PIN: 17-09-09-108-003)

ADOPTED BY THE
BOARD OF TRUSTEES OF THE
VILLAGE OF BRADLEY

THIS 11th DAY OF April, 2022

Published in pamphlet form by the authority of the Board of Trustees of the Village of Bradley,
Kankakee County, Illinois this 11th day of April, 2022

UNITED STATES DEPARTMENT OF JUSTICE

SO-66-10-0

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

10/10/66

10/10/66

ORDINANCE NO. 0-04-22-06

**AN ORDINANCE GRANTING ZONING VARIANCES FOR CERTAIN PROPERTY
WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS
(PIN: 17-09-09-108-003)**

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 B3 (Village Center Shopping); and

WHEREAS, on March 2, 2022, the Barnes Development Company, LLC, submitted an application to the Village requesting that the Village grant the following zoning variances for the Subject Property:

1. A variance to permit the construction of one (1) sixty-foot (60’) pole sign on the Subject Property; and
2. A variance to permit the Applicant to attach a sign to said pole sign with a sign face of twenty feet by thirty feet (20’ x 30’) (i.e. 600 sq. ft.).

Hereinafter, the foregoing requested variances shall be referred to collectively as “the Variances” where appropriate; and

WHEREAS, the Subject Property is presently owned by Oak Park Holdings, LLC, which has authorized Barnes Development Company, LLC, to make the variance application in this instance (hereinafter Oak Park Holdings, LLC, and Barnes Development Company, LLC, will be referred to collectively as the “Applicant”); and

WHEREAS, the Variances are authorized variances pursuant to Section 60-396 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 April 5, 2022, 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 (a copy of the Plan Commission’s findings of fact and recommendation of approval is attached hereto as Exhibit A and fully incorporated herein); 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; 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 granting the Applicant the Variances for the Subject Property are in the best interests of the Village and its citizens.

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 vary the provisions of the Bradley Zoning Code as set forth in Section 3 of this Ordinance, *infra*, as they apply to the land legally described in this Section (hereinafter the "Subject Property"). The Subject Property is zoned B3 (Village Center Shopping) and is legally described as follows:

LOT 2 OF JVI SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 31 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KANKAKEE COUNTY, ILLINOIS.

Bearing the current Property Index Number: 17-09-09-108-003

SECTION 3. The zoning variances granted for the Subject Property by operation of this Ordinance are as follows:

1. A variance to permit the construction of one (1) sixty-foot (60') pole sign on the Subject Property; and
2. A variance to permit the Applicant to attach a sign to said pole sign with a sign face of twenty feet by thirty feet (20' x 30') (*i.e.* 600 sq. ft.).

SECTION 4. That the Variances granted by this ordinance are and shall be subject to the following conditions and restrictions pursuant to Section 60-368(c) of the Village Code:

1. No flag or sign may be hung from, attached to, or otherwise displayed on the ground pole sign authorized by this Ordinance except an American flag, which flag shall not exceed twenty feet by thirty feet (20' x 30') in size.

SECTION 5. In the event that the Applicant or any of the Applicant's successors in interest violate any of the conditions and restrictions set forth in Section 4 of this Ordinance, *supra*, the Village shall have the ability, but not the obligation, to rescind this Ordinance and revoke all of the Variances granted hereby, provided that the Applicant shall be entitled to notice and a hearing prior to any rescission and 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 rescission and revocation proceeding pursuant this Section.

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 11ⁿ day of April, 2022.

TRUSTEES:

RYAN LEBRAN	Aye - <u>X</u>	Nay - ___	Absent - ___
BRIAN BILLINGSLEY	Aye - <u>X</u>	Nay - ___	Absent - ___
DARREN WESTPHAL	Aye - <u>X</u>	Nay - ___	Absent - ___
BRIAN TIERI	Aye - <u>X</u>	Nay - ___	Absent - ___
GRANT D. VANDENHOUT	Aye - <u>X</u>	Nay - ___	Absent - ___
GENE JORDAN	Aye - <u>X</u>	Nay - ___	Absent - ___

VILLAGE PRESIDENT:

MICHAEL WATSON Aye - ___ Nay - ___ Absent - ___

TOTALS: Aye - 6 Nay - 0 Absent - 0

ATTEST:


JULIE TAMBLING, VILLAGE CLERK

APPROVED this 11th day of April, 2022.


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 0042206 "AN ORDINANCE GRANTING ZONING VARIANCES FOR CERTAIN PROPERTY WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS (PIN: 17-09-09-108-003)," which was adopted by the Village Corporate Authorities at a meeting held on the 11th day of April, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand in the Village of Bradley, County of Kankakee and State of Illinois, on this 11th day of April, 2022.



JULIE TAMBLING, VILLAGE CLERK

(SEAL)



EXHIBIT A

**PZC FINDINGS OF FACT AND RECOMMENDATION OF APPROVAL FOR
SIGN CODE VARIANCES
(PIN: 17-09-09-108-003)**

On April 5, 2022, 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 the following requested variances (collectively the “Sign Variances”):

1. A variance to permit the construction of a pole sign in excess of the maximum height permitted by Section 38-3(c) of the Village’s code of ordinances; and
2. A variance to permit a pole sign with a sign face in excess of the maximum area permitted by Section 38-3(d) of the Village’s code of ordinances.

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 subject property likely cannot yield a reasonable return if the Sign Variances are not permitted.
2. The plight of the applicant is due to unique circumstances.
3. The Sign Variances, if granted, will not likely alter the essential character of the locality.
4. The particular physical surroundings, shape or topographical conditions of the subject property would likely create a particular hardship, as distinguished from a mere inconvenience, if the strict letter of the Village’s regulations were to be enforced.
5. The conditions upon which the petition for the Sign Variances is based would not be applicable generally to other property within the same zoning classification.
6. The purpose of the Sign Variances is not based exclusively upon a desire to make more money out of the subject property or merely for the convenience of the applicant.
7. The alleged difficulty or hardship has not been created by any person presently having an interest in the property.
8. Granting the Sign Variances will not likely be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the subject property is located.
9. The proposed Sign Variances will not impair an adequate supply of light and, on adjacent property or substantially increase the danger of fire or otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood.

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 approving the requested Sign Variances, subject to the following conditions and restrictions:

1. No flag or sign may be hung from, attached to, or otherwise displayed on the ground pole sign authorized by this Ordinance except an American flag, which flag shall not exceed twenty feet by thirty feet (20' x 30') in size.

PASSED this 5th day of April, 2022, by roll call vote.

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



0-04-22-06

Agenda Cover Memorandum

Meeting Date: April 11th, 2022

Fiscal Year: 2022

Agenda Item: 2 Variances to Sec. 38-3(c) and 38-3(d) sign code

Item Type: Ordinance Resolution Other

Action Requested: Approval First Reading For Discussion Informational

Staff Contact: Name: Bruce Page - Director Community Development Department

Phone: 815-936-5100 ext. 1111

Email: bepage@bradleyil.org

Internal Review
Initials
Date

Brief Summary:

1. Applicant Belle Tire is requesting 2 variances to the Village of Bradley sign code Sec. 38-3(c) and Sec. 38-3(d). The Planning and Zoning Commission voted 5-1 in favor of recommending this request to the Village of Bradley Board for approval.
 - A. The first variance is requesting to allow a 60' foot flag pole (ground pole), the maximum allowed height is 35' feet, (an increase of 25') Sec.38-3©
 - B. The second variance request is to have a 20' x 30' (600 Sq. Ft.) American flag (sign) flown from the pole. The maximum allowable is 175 Sq.Ft. (an increase of 400 Sq. Ft.) Sec.38-3(d)

If the VOB board approves both of these variances, there has been a condition set in the ordinance: "no flag or sign may be hung from, attached to, or otherwise displayed on the ground pole sign authorized by this Ordinance except an American flag, which flag shall not exceed twenty feet by thirty feet (20' x 30") in size.



Agenda Cover Memorandum

Is this a budgeted item? Yes No Requires Budget Amendment

Line Item:

Title:

Amount Budgeted: