

VILLAGE OF BRADLEY

ORDINANCE NO. O-07-22-05

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY
WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS
(161 S. Kinzie Avenue)

ADOPTED BY THE
BOARD OF TRUSTEES OF THE
VILLAGE OF BRADLEY

THIS 11th DAY OF July, 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 July, 2022

ORDINANCE NO. O-07-22-05

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY
WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS
(161 S. Kinzie Avenue)**

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 B2 (Commercial); and

WHEREAS, on April 11, 2022, Patrick Wilder on behalf of All Automotive, Inc. (the “Applicant”) submitted an application to the Village requesting that the Village grant the Applicant a special use permit authorizing the operation of an automobile minor repair facility on the Subject Property (the “Special Use Permit”); and

WHEREAS, the operation of an automobile minor repair facility is a permissible special use for a B2 (Commercial) District pursuant to Section 60-153(2)(d) of the Village of Bradley Code of Ordinances (the “Village Code”); and

WHEREAS, the Subject Property is owned by the Applicant; 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, July 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 Plan Commission has supported its recommendation by setting forth its findings of fact in accordance with the requirements of the Village Code; 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 automobile minor repair facility 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 B2 (Commercial) 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 an automobile minor repair facility 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 an automobile minor repair facility pursuant to Section 60-153(2)(d) of the Village Code over and upon the land legally described in this Section (hereinafter the “Subject Property”). The Subject Property is zoned B2 (Commercial) and is legally described as follows:

LOT 23 EXCEPT THE EAST 10 FEET THEREOF AND ALL OF LOTS 24, 25,
AND 26 IN BLOCK 117 IN THE VILLAGE OF BRADLEY, SITUATED IN
KANKAKEE COUNTY, ILLINOIS

Commonly known as: 161 S. Kinzie Avenue, Bradley, Illinois 60915

Bearing the current PINs: 17-09-28-117-025; 17-09-28-117-026;
17-09-28-117-027; and 17-09-28-117-028.

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-2 (Commercial) District.

2. The hours of operation will be Monday-Friday 8am-5:30pm, Saturday 8am to 4pm, and Sunday 9am-3pm.
3. All work performed on any vehicles will need to be conducted within the existing building.
4. All vehicles awaiting repair or completion of a repair will be parked in clearly marked stripes within the property parking locations and not located in any public right of way or alley.
5. 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.
6. Prior to commencing any exterior site improvements, final engineering and construction plans will need to be approved by the Village Engineer and any required/approved financial guarantee for all public and private site improvements (including landscaping) will need to be submitted to the Village.
7. The business owner will need to receive an occupancy permit and a business license upon approval of the Special Use Permit from the Village board.

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 an automobile minor repair facility 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 Owner sells, conveys, or otherwise transfers his ownership interest in the Subject Property, provided however that the Special Use Permit shall not be so terminated and revoked if the Owner sells, conveys, or otherwise transfers his entire ownership interest in the Subject Property to the Applicant.

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.

[Intentionally Blank]

PASSED by the Board of Trustees on a roll call vote on the 11th day of July, 2022.

TRUSTEES:

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

VILLAGE PRESIDENT:

MICHAEL WATSON Aye - Nay - Absent -

TOTALS: Aye - 6 Nay - 0 Absent - 0

ATTEST:



JULIE TAMBLING, VILLAGE CLERK

APPROVED this 11th day of July, 2022.



MICHAEL WATSON, VILLAGE PRESIDENT

ATTEST:

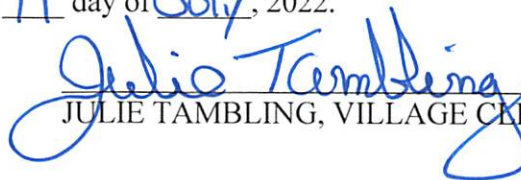


JULIE TAMBLING, VILLAGE CLERK

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 O-07-22-05, “AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS (161 S. Kinzie Avenue),” which was adopted by the Village Corporate Authorities at a meeting held on the 11th day of July, 2022.

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



JULIE TAMBLING, VILLAGE CLERK

(SEAL)



Amal...

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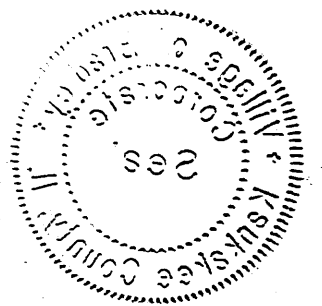


EXHIBIT A

**PZC FINDINGS OF FACT AND RECOMMENDATION OF APPROVAL FOR
A SPECIAL USE PERMIT FOR AN AUTOMOTIVE REPAIR (MINOR)
FACILITY IN THE VILLAGE OF BRADLEY, ILLINOIS
(PINS: 17-09-28-117-025; 17-09-28-117-026; 17-09-28-117-027 AND 17-09-28-117-028)**

On July 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 a special use permit for an automobile repair (minor) facility pursuant to Section 60-153(2)(d) of the Village's zoning ordinance (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-2 (Commercial) district pursuant to Section 60-153(2)(d) 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-2 (Commercial) district.
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-2 (Commercial) district 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 an automobile repair facility (minor), subject to the following conditions and restrictions:

1. The subject property will need to comply with all other applicable requirements of the B-2 (Commercial) District.
2. The hours of operation will be Monday-Friday 8am-5:30pm, Saturday 8am to 4pm, and Sunday 9am-3pm.
3. All work performed on any vehicles will need to be conducted within the existing building.
4. All vehicles awaiting repair or completion of a repair will be parked in clearly marked stripes within the property parking locations and not located in any public right of way or alley.
5. 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.
6. Prior to commencing any exterior site improvements, final engineering and construction plans will need to be approved by the Village Engineer and any required/approved financial guarantee for all public and private site improvements (including landscaping) will need to be submitted to the Village.
7. The business owner will need to receive an occupancy permit and a business license upon approval of the Special Use Permit from the Village board.

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

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

**PZC FINDINGS OF FACT AND RECOMMENDATION OF DENIAL FOR A
SPECIAL USE PERMIT FOR AUTOMOTIVE REPAIR (MINOR) FACILITY
IN THE VILLAGE OF BRADLEY, ILLINOIS
(PINS: 17-09-28-117-025; 17-09-28-117-026; 17-09-28-117-027 AND 17-09-28-117-028)**

On July 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 a special use permit for an automobile repair (minor) facility pursuant to Section 60-153(2)(d) of the Village’s zoning ordinance (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 that the Applicant has failed to present evidence sufficient to carry its burden of proof to demonstrate that the requested special use permit be approved. As such, the Planning and Zoning Commission hereby recommends that the Corporate Authorities of the Village deny the Applicant’s request.

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

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



Agenda Cover Memorandum

Meeting Date: July 11th, 2022

Fiscal Year: 2022

Agenda Item: Ordinance granting a special use permit for certain property within the Village of Bradley, Kankakee County, Il. (161 S. Kinzie)

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

Summary: The applicant Patrick Wilder, owner of the property and business All Automotive is requesting a special use permit to operate an Automobile (minor) repair in a B-2 District, as permitted per Sec. 60-153(2)(d) of the BVC. This location has been previous granted a special use permit in Oct. 1997 Ord. O-10-97-2 to operate an auto (minor)repair business. This case was approved to move forward by a vote of 6-0 at a Planning and Zoning commission meeting held on July 5th, 2022

Is this a budgeted item? Yes No Requires Budget Amendment

Line Item: Title: O-07-22-05

Amount Budgeted: