

VILLAGE OF BRADLEY

ORDINANCE NO. O-08-22-02

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY
WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS
(295 Stebbings Court, Suite 1)

ADOPTED BY THE
BOARD OF TRUSTEES OF THE
VILLAGE OF BRADLEY

THIS 8th DAY OF AUGUST, 2022

Published in pamphlet form by the authority of the Board of Trustees of the Village of Bradley,
Kankakee County, Illinois this 8th day of August, 2022

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**AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY
WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS
(295 Stebbings Court, Suite 1)**

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 M (Industrial); and

WHEREAS, on June 19, 2022, Mattress Clearance Center of Bradley, submitted an application to the Village requesting that the Village grant a special use permit authorizing the operation of a retail store on the Subject Property (the “Special Use Permit”); and

WHEREAS, the operation of a retail store is a permissible special use for a M (Industrial) District pursuant to Sections 60-179(2)(a) and 60-152(a)(19) of the Village of Bradley Code of Ordinances (the “Village Code”); and

WHEREAS, the Subject Property is presently owned by P.S. Equities, Inc., as the beneficial owner of Municipal Trust and Savings Bank Trust dated March 2, 1993, and known as Trust Number 0546, with the power of direction for the trust (the “Owner”), which has authorized Mattress Clearance Center of Bradley, to apply for the Special Use Permit in this instance (hereinafter, P.S. Equities, Inc., and Mattress Clearance Center of Bradley will be referred to collectively as 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, August 2, 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 the Special Use Permit (and the retail store 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 M (Industrial) 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 retail store 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 retail store pursuant to Sections 60-179(2)(a) and 60-152(a)(19) of the Village Code over and upon the land legally described in this Section (hereinafter the "Subject Property"). The Subject Property is zoned M (Industrial) and is legally described as follows:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 20, TOWNSHIP 31 NORTH, RANGE 12 EAST OF THE 3RD P.M. IN KANKAKEE COUNTY, ILLINOIS; THENCE NORTH ALONG THE EAST LINE OF SAID SECTION 20 A DISTANCE OF 36.48 FEET TO A POINT, SAID POINT TO BE KNOWN AS THE POINT OF BEGINNING. FROM SAID POINT OF BEGINNING; THENCE SOUTH 89° 16' 50" WEST A DISTANCE OF 688.42 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF THE ILLINOIS CENTRAL GULF RAILROAD; THENCE NORTH 07° 39' 05" EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 623.18 FEET TO A POINT; THENCE SOUTH 00° 52' 25" EAST A DISTANCE OF 432.84 FEET TO THE POINT OF BEGINNING.

Commonly known as: 295 Stebbings Court, Suite 1, Bradley, IL 60915.

Bearing the current PIN: 17-09-20-416-046.

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 business must comply with all other applicable requirements of the M (Industrial) District at all times.
2. The subject business's hours of operation shall be limited to Monday-Saturday 7:00a.m. to 7:00p.m., by appointment only.
3. No work on any interior or exterior improvements or alterations on the subject property may begin unless and until (i) building and development plans have been submitted to and approved by Village Staff and (ii) the business owner has applied for and received all required building permits.
4. Prior to commencing any exterior site improvements, (i) final engineering and construction plans must be submitted to and approved by the Village Engineer and (ii) any required/approved financial guarantee for all public and private site improvements (including landscaping) must be submitted in a form acceptable to the Village.
5. The special use granted only applies to the business and cannot be transferrable to change of ownership, or to any other unit at the common address.

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 retail store 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. 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 6. 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 7. 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 8. That the Village Clerk is hereby directed to publish this Ordinance in pamphlet form.

SECTION 9. 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 8th day of August, 2022.

TRUSTEES:

RYAN LEBRAN	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
BRIAN BILLINGSLEY	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
DARREN WESTPHAL	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
BRIAN TIERI	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
GRANT D. VANDENHOUT	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
GENE JORDAN	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>

VILLAGE PRESIDENT:

MICHAEL WATSON Aye - Nay - Absent -

TOTALS: Aye - 6 Nay - 0 Absent - 0

ATTEST:



JULIE TAMBLING, VILLAGE CLERK

APPROVED this 8th day of August, 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-08-22-02, “AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS (295 Stebbings Court, Suite 1),” which was adopted by the Village Corporate Authorities at a meeting held on the 8th day of August, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand in the Village of Bradley, County of Kankakee and State of Illinois, on this 8th day of Aug, 2022.



JULIE TAMBLING, VILLAGE CLERK

(SEAL)



2004/11/17

11/17/04

I have been thinking about you a lot lately and wondering how you are getting on. I hope you are well and happy. I have been busy with work and family, but I always find time to think of my friends. Please write back when you have a chance. I would love to hear from you.

Love,
 [Handwritten signature]

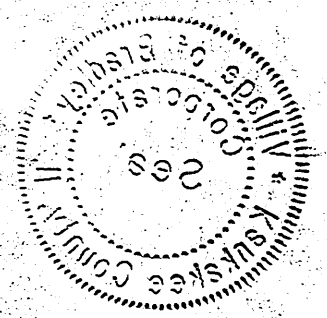


EXHIBIT A



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