

VILLAGE OF BRADLEY

ORDINANCE NO. O-08-22-04

AN ORDINANCE GRANTING A ZONING VARIANCE FOR CERTAIN PROPERTY WITHIN
THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS
(1685 N. State Rt. 50)

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 ZONING VARIANCE FOR CERTAIN PROPERTY
WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS
(1685 N. State Rt. 50)**

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-2 (Commercial); and

WHEREAS, on April 4, 2022, Link Media Midwest, LLC submitted an application to the Village requesting that the Village grant the following variance from the sign requirements of Section 38-8(c) of the Village of Bradley Code of Ordinance (the “Village Code”) for the Subject Property:

1. A variance from the requirements of Section 38-8(c) of the Village Code to install a digital billboard sign on the Subject Property that is one thousand six hundred twenty-five (1,625) feet from an existing billboard and that is less than five hundred (500) feet lineal measurement along and parallel to the street from a residential zone (the “Variance”).

WHEREAS, the Subject Property is presently owned by Key Properties, LLC (the “Owner”), which has authorized Link Media Midwest, LCC to make the variance application in this instance (hereinafter Link Media Midwest, LLC and Key Properties, LLC will be referred to collectively as the “Applicant”); and

WHEREAS, the Variance is an authorized variance pursuant to Section 60-369(7) of 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, 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 written 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 Variance for the Subject Property is 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 Subject Property. The Subject Property is zoned B-2 (Commercial) and is legally described as follows:

THAT PART OF LOT 1, STEP SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 31 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KANKAKEE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

COMMENCING AT AN IRON PIPE AT THE NORTHEAST CORNER OF LOT 1 OF STEP SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 31 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KANKAKEE COUNTY, ILLINOIS, THENCE SOUTH 03 DEGREES 34 MINUTES 50 SECONDS EAST ALONG THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 50 A DISTANCE OF 15.4 FEET TO AN IRON PIPE, SAID PIPE TO BE KNOWN AS THE POINT OF BEGINNING. FROM SAID POINT OF BEGINNING, THENCE CONTINUING SOUTH 03 DEGREES 34 MINUTES 50 SECONDS EAST A DISTANCE OF 50.00 FEET TO AN IRON PIPE; THENCE NORTH 89 DEGREES 38 MINUTES 00 SECONDS WEST A DISTANCE OF 70.00 FEET TO AN IRON PIPE; THENCE NORTH 03 DEGREES 34 MINUTES 50 SECONDS WEST A DISTANCE OF 50.00 FEET TO AN IRON PIPE; THENCE SOUTH 89 DEGREES 38 MINUTES 00 SECONDS EAST A DISTANCE OF 70.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.08 ACRE, MORE OR LESS.

Commonly known as: 1685 N. State Rt. 50, Bradley, Illinois, 60915.

Bearing the current PIN: 17-09-16-100-043.

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

1. A variance from the requirements of Section 38-8(c) of the Village Code to install a digital billboard sign on the Subject Property that is one thousand six hundred twenty-five (1,625) feet from an existing billboard and that is less than five hundred (500) feet lineal measurement along and parallel to the street from a residential zone (the “Variance”).

SECTION 4. 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 5. 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 6. 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 7. That the Village Clerk is hereby directed to publish this Ordinance in pamphlet form.

SECTION 8. 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 - <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
JULIE TAMBLING, VILLAGE CLERK

APPROVED this 8th day of August, 2022.

Michael Watson
MICHAEL WATSON, VILLAGE PRESIDENT

ATTEST:

Julie Tambling
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-08-22-04, "AN ORDINANCE GRANTING A ZONING VARIANCE FOR CERTAIN PROPERTY WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS (1685 N. State Rt. 50)," 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



HEALTH DEPARTMENT

CHIEF OF BUREAU

I have the honor to acknowledge the receipt of your letter of the 10th inst. in relation to the above mentioned matter. The same has been referred to the proper authorities for their consideration. The result of their action will be communicated to you as soon as it is known.

Very respectfully,
[Signature]

[Handwritten signature]

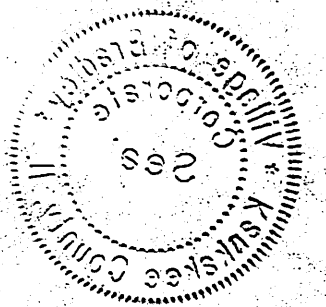


Exhibit A

Sec. 60-369. Authorized variations.

Variations from the regulations of this chapter shall be granted by the village president and the board of trustees only in accordance with the standards set forth in this section, and may be granted only in the following instances and no others:

- (1) To permit side or rear yards less than the yard required by the applicable regulations. Front and corner side yards shall be reviewed by the planning and zoning commission.
- (2) To permit the use of a lot for a use otherwise prohibited solely because of the insufficient area of the lot, but in no event shall the area of a lot, not of record on the effective date of the ordinance from which this chapter is derived, be less than 90 percent of the required lot area.
- (3) To permit parking lots to be illuminated more than 30 minutes after the close of business.
- (4) To permit the same off-street parking spaces to qualify as required spaces for two or more uses, provided that the maximum use of such facility by each user does not take place during the same hours or on the same days of the week.
- (5) To reduce the applicable off-street parking or loading required to the extent of not more than one parking space or loading berth, or 20 percent of the spaces required by applicable regulations, whichever number is greater.
- (6) To increase by not more than 25 percent the maximum distance that required parking spaces are permitted to be located from the use served.
- (7) To consider any changes to the sign requirements for all districts.
- (8) To vary the maximum height and maximum floor area ratio regulations.
- (9) To permit metal buildings in B-1 and B-2 business districts in contravention of section 10-11 of this Code.
- (10) To consider the placement of a swimming pool in a side yard and/or corner side yard.

{Ord. No. O-11-03-4, § 13.09(4), 11-24-2003; Ord. No. O-6-10-6, § 2, 6-14-2010; Ord. No. O-7-15-4, § 1, 7-13-2015; Ord. No. O-7-16-4, § 1, 7-11-2016}

Sec. 38-8. Billboard signs.

- (a) All billboard signs shall be constructed with the bottom of the sign area no less than 12 feet from the ground at all points.
- (b) The actual sign area shall not exceed 12 feet in height and 25 feet in width per sign face.
- (c) No billboard sign permit shall be issued for a location within 2,000 feet on either side of the street from an existing billboard sign or less than 500 feet lineal measurement along and parallel to the street from a residential zone. Billboard sign permits are limited to the major thoroughfares of Kennedy Drive (US 45 and US 52) and Kinzie Avenue (Illinois Route 50).
- (d) No permit issued under the provisions of this division shall be construed to authorize the construction or maintenance of a billboard, which extends partially or totally over, on or above any public street, alley, sidewalk or public place or any place in violation of any ordinance of this village.
- (e) Every billboard shall be firmly and solidly constructed so as to be able to bear a wind pressure of at least 30 pounds per square foot of area.
- (f) It shall be unlawful to construct any billboard, which is over 15 square feet in area anywhere within the fire limits unless the face of that billboard is constructed of noncombustible materials. All billboard signs shall be constructed entirely of steel.
- (g) The wiring of electrical or electrically illuminated billboards and sign boards must comply with the provisions of this Code relating to electrical wiring.
- (h) Any billboard or signboard, which is dangerous because it sags, falls or is a fire hazard is hereby declared to be a nuisance and may be abated as such. Any billboard sign in existence as of the passage of the ordinance from which this chapter is derived, which consists in whole or in part of wood which falls into a state of disrepair shall be immediately demolished by the owner of the real estate upon which it is constructed.

(Code 1985, § 15-5.8; Ord. No. O-7-96-6, § 8, 8-26-1996)

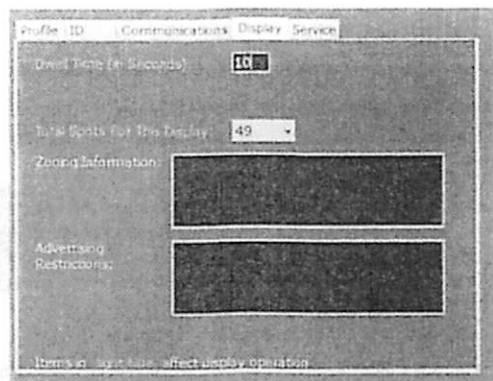
FORMETCO

POWERED BY AdTech

RE: Formetco Digital Operation Guidelines

The Formetco Digital Billboard System offers features which enable Billboard Operators to comply with variable ordinance requirements. Below are the methodologies in which the Formetco software is able to provide billboard operators the ability to adapt to the specific requirements within their zoning market and operate within the specific guidelines that are established within each municipality.

Global Display Settings per face - Upon initial set up into the Formetco Content Management System, each display has a dwell time feature that is set according to the Billboard Operators requirements and local hold time regulations. This dwell time dictates the duration that each scheduled message is consistently displayed. This is a global administrative setting and is only editable by the Billboard Operators Administrative level users, who are categorized as the highest level users:



Valid art work file extension types for upload to the scheduling platform include:

JPEG, PNG, BMP, TIFF and RTD

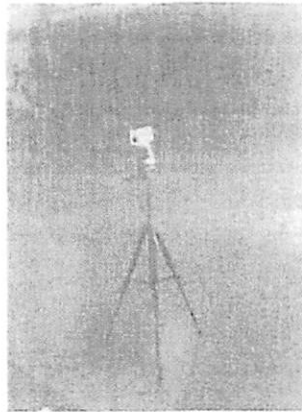
These files types prevent the sign from displaying any content that may flash, twinkle, blink or show any animation.

Transitions between messages are instant and seamless and occur over the entire face of the sign.

FORMETCO[®]

POWERED BY AdTech

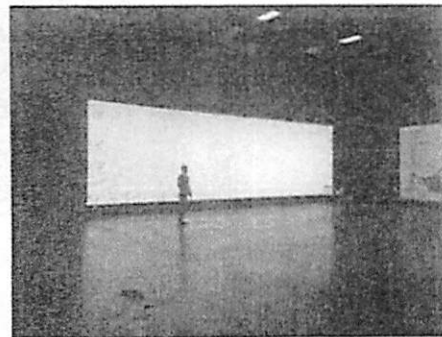
Brightness: Illumination of the sign is closely monitored. Each sign is preset at the factory for daytime and night-time operating levels. A Konica-Minolta CS-100A is used to set the level.



CS-100A in use at factory



NIT Reading of 6,590



Sign under testing, using FULL White

Signs are tested at FULL White. A factory set configuration table limits the upper and lower end brightness.

(Source – Player PC Server.cfg file excerpt)



Each sign face has an onboard photocell that provides 255 brightness steps based on ambient light conditions at the face. Two additional safe guards are in place to monitor the proper brightness level of the sign. Each face has its latitude and Longitude recorded. Upon loss of signal from the photocell, the sign will dim based on a sunrise sunset schedule. If the control system for the face loses framing data from the player PC, the sign goes dark based on a configuration timer. This is typically set at 10 minutes.

Post installation, a technician will verify the ambient light conditions applicable to the local ordinances. An Extach light meter is used to verify the night time ambient conditions. Typical factory settings provide for less than a 0.3 foot candle measurement at distances appropriate for the signs square footage. Brightness levels can be remotely adjusted as needed.

In addition to the above-mentioned software/firmware precautions that monitor the brightness settings, onboard diagnostics alert operators to system problems via email notification. A redundant player PC provides for continued proper operation of the sign in the event that a failure is detected with the primary player PC. The system will also be equipped with a remote controllable power control relay that enables operators to remotely shut all power down to the face.

Britt McConnell

Digital Sales Manager

678-315-9054