

VILLAGE OF BRADLEY

ORDINANCE NO. O-11-19-3

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY
WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS
(265 Stebbings Court, Unit 5)

ADOPTED BY THE
BOARD OF TRUSTEES OF THE
VILLAGE OF BRADLEY

THIS 12 DAY OF November, 2019

Published in pamphlet form by the authority of the Board of Trustees of the Village of Bradley,
Kankakee County, Illinois this 12 day of Nov, 2019

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**AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY
WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS
(265 Stebbings Court, Unit 5)**

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, Ross Kleinsteiber (the “Applicant”) submitted an application to the Village requesting that the Village grant the Applicant 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 owned by Common Developers, Inc. (the “Owner”); and

WHEREAS, the Owner has authorized the Applicant to apply for the Special Use Permit; 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, November 5, 2019, 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 and restrictions contained herein; 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 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; thence South 89° 07' 50" West a distance of 483.0 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 439.95 feet to a point; thence South 89° 30' 00" East 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: 265 Stebbings Court, Unit 5, Bradley, Illinois 60915

Bearing the current Property Index Number: 17-09-20-416-015

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. At all times the Special Use Permit is in effect, the Applicant must ensure that the Subject Property and the uses permitted by this Ordinance comply with all other applicable requirements of the Village Code, including but not limited to all applicable requirements of the M (Industrial) zoning district.
2. At all times that the Special Use Permit is in effect, the Applicant may not undertake any enhancements, improvements, or alterations to the existing building (interior and exterior) on the Subject Property, including the installation, alteration, or removal of signage, without first seeking and receiving any and all permits and approvals required by the Village Code.
3. Prior to establishing the retail store use permitted by this Ordinance, the Applicant must:
 - a. Apply for and receive a New Business Permit from the Village; and
 - b. Request and pass any and all inspections as the Community Development Director and/or Bradley Fire Inspector shall determine to be necessary; and
 - c. Apply for and receive an occupancy permit for the Subject Property; and
 - d. Apply for and receive a Village business license for the Subject Property.

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. In the event that the Owner seeks to lease the Subject Property to any person such that the lessee will have the ability and right to operate a retail store on the Subject Property, the Owner shall incorporate this Ordinance by reference into any and all lease agreement(s) so as to ensure that all terms and provisions hereof are equally applicable to any such lessee. It is the express intent of the Village that any and all use of the Subject Property as a retail store shall be fully subject to the terms and conditions of this Ordinance so long as the Special Use Permit granted hereby remains in effect.

SECTION 6. 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 to any other person, 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 7. The Special Use Permit granted by this Ordinance is limited to only that portion of the Subject Property that is commonly referred to as "Unit 5." Nothing in this Ordinance is intended or shall be deemed as permitting any retail use in any other unit located on the Subject Property.

SECTION 7. 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 8. 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 9. 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 10. That the Village Clerk is hereby directed to publish this Ordinance in pamphlet form.

SECTION 11. 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.

BRADLEY

PASSED by the Board of Trustees on a roll call vote on the 12 day of NOV, 2019.

TRUSTEES:

| | | | |
|-------------------|----------------|-----------|--------------|
| ROBERT REDMOND | Aye - <u>X</u> | Nay - ___ | Absent - ___ |
| MICHAEL WATSON | Aye - <u>X</u> | Nay - ___ | Absent - ___ |
| 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 - ___ |

ACTING VILLAGE PRESIDENT:

MICHAEL WATSON Non-Voting - X

TOTALS: Aye - 6 Nay - 0 Absent - 0

ATTEST:

Julie Tambling
JULIE TAMBLING, VILLAGE CLERK

APPROVED this 12 day of November, 2019.

Michael Watson
MICHAEL WATSON, ACTING VILLAGE PRESIDENT

ATTEST:

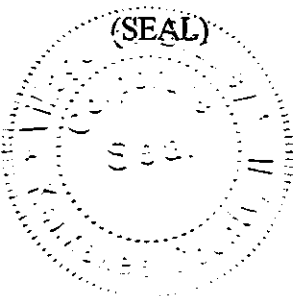
Julie Tambling
JULIE TAMBLING, VILLAGE CLERK

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-11-19-3, "AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS (265 Stebbings Court, Unit 5)," which was adopted by the Village Corporate Authorities at a meeting held on the 12 day of Nov, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand in the Village of Bradley, County of Kankakee and State of Illinois, on this 12 day of Nov, 2019.

Julie Tambling
JULIE TAMBLING, VILLAGE CLERK



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