

VILLAGE OF BRADLEY

ORDINANCE NO. O-11-21-1

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY
WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS
(212 S. Kennedy Drive)

ADOPTED BY THE
BOARD OF TRUSTEES OF THE
VILLAGE OF BRADLEY

THIS 8th DAY OF November, 2021

Published in pamphlet form by the authority of the Board of Trustees of the Village of Bradley,
Kankakee County, Illinois this 8th day of Nov., 2021

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

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 October 6, 2021, MHD Almarayati (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, November 2, 2021, 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; 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 1 IN BLOCK 49 NORTH KANKAKEE AS PLATTED SEPTEMBER 7, 1891. NOW KNOWN AS THE VILLAGE OF BRADLEY, IN KANKAKEE COUNTY, ILLINOIS.

Commonly known as: 212 S. Kennedy Drive, Bradley, Illinois 60915

Bearing the current PIN: 17-09-30-212-001

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 uses approved under the Special Use Permit will need to comply with all applicable requirements of the B-2 district;

2. The Special Use is limited to the applicant only and will not be transferable to a new business owner except upon re-application, hearing and approval in the manner provided by the Villages' Zoning Ordinance;
3. Store hours are posted as Monday through Saturday from 9am until 6pm;
4. All work performed on any vehicles will need to be conducted within the existing building;
5. Vehicles awaiting repair or completion of a repair will need to be stored inside the property when on the property over night;
6. No vehicles are to be parked on the public right-of-way (street or alley) located immediately adjacent to the subject property;
7. Snow shall not be plowed at any time from the subject property across the alley way to any neighboring or adjacent property;
8. An architectural review of the building will need to be completed and any enhancements, improvements, or alterations (interior-exterior) including signage cannot be completed until all required permit applications, plans, and documentation are submitted for review and approval by the Village; and
9. The business owner will need to receive an occupancy permit and a business license prior to opening and commencing operations.

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. In the event that the Applicant seeks to lease the Subject Property to any person such that the lessee will have the ability and right to operate an automobile minor repair facility on the Subject Property, the Applicants 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 an automobile minor repair facility 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 Applicant sells, conveys, or otherwise transfers his ownership interest in 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.

PASSED by the Board of Trustees on a roll call vote on the 8th day of Nov., 2021.

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 Nov., 2021.

Michael Watson
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 07-211, “AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS (212 S. Kennedy Drive),” which was adopted by the Village Corporate Authorities at a meeting held on the 8th day of Nov, 2021.

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 Nov, 2021.

Julie Tambling

JULIE TAMBLING, VILLAGE CLERK

(SEAL)



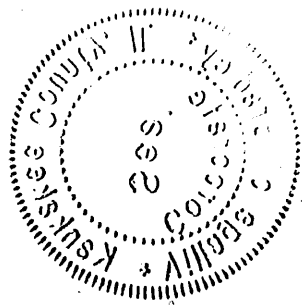


EXHIBIT A

PZC FINDINGS OF FACT AND RECOMMENDATION OF APPROVAL (212 S. KENNEDY DRIVE, BRADLEY, ILLINOIS 60915)

On Tuesday, November 2, 2021, at 6:30 p.m. 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 of a special use permit for an automobile minor repair facility on certain property located within the corporate boundaries of the Village. 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 compatible with surrounding land uses and the general area surrounding the subject property.
2. The proposed use is not inconsistent with the zoning classifications of other property within the general area of the subject property.
3. The subject property is suitable for the uses permitted under its current zoning classification of B-2 (Commercial).
4. The proposed use is not inconsistent with the trend of development in the general area of the subject property.
5. The proposed use and the subject property's current zoning classification of B-2 (Commercial) are not inconsistent with the official comprehensive plan of the Village.
6. The approval of the permit is in the public interest and not solely for the interest of the applicant.
7. 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.
8. The permit (and the proposed use to be operated thereunder) will likely contribute to the general welfare of the surrounding neighborhood or community.
9. 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.
10. The proposed use is not likely to be injurious to property values or improvements in the vicinity of the subject property.
11. 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 and adopt an ordinance granting the applicant the requested special use permit, subject to the following conditions and restrictions:

1. The uses approved under the Special Use Permit will need to comply with all applicable requirements of the B-2 district;

2. The Special Use is limited to the applicant only and will not be transferable to a new business owner except upon re-application, hearing and approval in the manner provided by the Villages' Zoning Ordinance;
3. Store hours are posted as Monday through Saturday from 9am until 6pm;
4. All work performed on any vehicles will need to be conducted within the existing building;
5. Vehicles awaiting repair or completion of a repair will need to be stored inside the property when on the property over night;
6. No vehicles are to be parked on the public right-of-way (street or alley) located immediately adjacent to the subject property;
7. Snow shall not be plowed at any time from the subject property across the alley way to any neighboring or adjacent property;
8. An architectural review of the building will need to be completed and any enhancements, improvements, or alterations (interior-exterior) including signage cannot be completed until all required permit applications, plans, and documentation are submitted for review and approval by the Village; and
9. The business owner will need to receive an occupancy permit and a business license prior to opening and commencing operations.

PASSED this 2nd day of November, 2021, 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>	_____	_____



Agenda Cover Memorandum

Meeting Date: November 8th, 2021

Fiscal Year: 2021

Agenda Item: Special Use Permit for Bradley Lube and Tire

Internal Review
Initials
Date

Item Type: Ordinance Resolution Other

Action Requested: Approval First Reading For Discussion Informational

Staff Contact: **Name:** Bruce Page

Phone: 815-936-5100 ext. 1111

Email: bepage@bradleyil.org

Brief Summary:

Applicant MHD Almrayati (Jessie) owner of Bradley Lube and Tire, is requesting a special use permit to operate an automobile minor repair store in a B-2 district, 212 S. Kennedy Dr. The applicant went before the Planning and Zoning Commission on November 2nd and the commission has recommended, by a 6-0 vote, to move it to the Village board for consideration.

The location was developed for this use and has had multiple operators over the years.

Approval of Ordinance

Supporting Documents: Ord #

Financial (if applicable)

Is this a budgeted item? Yes No Requires Budget Amendment

Line Item: _____ Title: _____