

VILLAGE OF BRADLEY

ORDINANCE NO. O-4-19-1

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A PLANNED
DEVELOPMENT OF CERTAIN PROPERTY WITHIN THE VILLAGE OF BRADLEY,
KANKAKEE COUNTY, ILLINOIS
(1260 Christine Drive)

ADOPTED BY THE
BOARD OF TRUSTEES OF THE
VILLAGE OF BRADLEY

THIS 8 DAY OF April, 2019

Published in pamphlet form by the authority of the Board of Trustees of the Village of Bradley,
Kankakee County, Illinois this 8 day of APRIL, 2019

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**AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A PLANNED
DEVELOPMENT OF CERTAIN PROPERTY WITHIN THE VILLAGE OF BRADLEY,
KANKAKEE COUNTY, ILLINOIS
(1260 Christine 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, Menard, Inc. (the “Applicant”), owns the Subject Property and presently operates a retail establishment thereon; and

WHEREAS, the Applicant is relocating its retail establishment to another location within the Village and intends to sell the Subject Property; and

WHEREAS, the Applicant has expressed concern that it will not be able to sell the Subject Property immediately and requested that the Village authorize it to temporarily operate a self-storage facility on the Subject Property until it is sold; and

WHEREAS, on March 8, 2019, the Applicant submitted an application to the Village requesting that the Village grant the Applicant a special use permit for a planned development authorizing the temporary operation of a self-storage facility on the Subject Property (the “Special Use Permit”); and

WHEREAS, the Subject Property is presently zoned B3 (Village Center Shopping District), in part, and R6 (General Residence District), in part; and

WHEREAS, a planned development for the temporary operation of a self-storage facility is a permissible special use for the Subject Property pursuant to Sections 60-126(2)(f) and 60-154(2)(h) of the Village of Bradley Code of Ordinances (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 Wednesday, April 3, 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 imposition of certain conditions and restrictions as set forth in Section 3 of this Ordinance, *infra*; 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 temporary self-storage 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 B3 (Village Center Shopping) and R6 (General Residence) districts, 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 for a planned development authorizing the Applicant to temporarily operate a self-storage 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. 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 a planned development, authorizing the temporary operation of a self-storage facility on the Subject Property pursuant to Sections 60-126(2)(f) and 60-154(2)(h) of the Village Code, subject to the conditions and restrictions set out in Section 3 of this Ordinance, *infra*. The Subject Property is zoned B3 (Village Center Shopping District), in part, and R6 (General Residence District), in part, and is legally described as follows:

TRACT 1:

A PARCEL OF LAND IN THE NORTH HALF OF SECTION 21, TOWNSHIP 31 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KANKAKEE COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 21, THENCE SOUTH 00° 32' 30" EAST ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 21, A DISTANCE OF 50.00 FEET TO AN IRON ROD BEING THE POINT OF BEGINNING FOR THIS LAND DESCRIPTION AND ALSO ON THE SOUTH RIGHT-OF-WAY LINE OF ARMOUR ROAD GOING WEST, THENCE SOUTH 86° 03' 35" EAST ON A LINE 15 FEET SOUTHERLY AND PARALLEL WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF INTERSTATE ROUTE #57, A DISTANCE OF 499.74 FEET TO A HALF INCH IRON ROD ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF INTERSTATE #57, THENCE SOUTH 51° 16' 51" EAST ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF INTERSTATE #57, A DISTANCE OF 31.50 FEET TO AN IRON PIPE AGAINST A CONCRETE RIGHT-OF-WAY MARKER, THENCE SOUTH 17° 00' 21" EAST ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF INTERSTATE #57, A DISTANCE OF 654.82 FEET TO A HALF INCH IRON ROD, THENCE SOUTH 89° 30' 48" WEST, A DISTANCE OF 830.13 FEET TO A HALF INCH IRON ROD, THENCE NORTH 00° 29' 12" WEST, A DISTANCE OF 686.00 FEET TO AN IRON ROD ON THE SOUTH RIGHT-OF-WAY LINE OF ARMOUR ROAD, THENCE NORTH 89° 22' 58" EAST ON THE SOUTH RIGHT-OF-WAY LINE OF ARMOUR ROAD, A DISTANCE OF 121.29 FEET TO THE POINT OF BEGINNING, CONTAINING (489,556 SQUARE FEET) 11.239 ACRES, MORE OR LESS.

TRACT 2:

A PARCEL OF LAND IN THE NORTH HALF OF SECTION 21, TOWNSHIP 31 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KANKAKEE COUNTY, ILLINOIS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 21; THENCE SOUTH 00° 32' 30" EAST ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 21 A DISTANCE OF 50.00 FEET TO A POINT OF BEING ON THE SOUTH RIGHT OF WAY LINE OF ARMOUR ROAD GOING WEST; THENCE SOUTH 86° 03' 35" EAST ON A LINE 15 FEET SOUTHERLY AND PARALLEL WITH THE SOUTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE ROUTE #57 A DISTANCE OF 499.74 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF INTERSTATE #57; THENCE SOUTH 51° 16' 51" EAST ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF INTERSTATE #57 A DISTANCE OF 654.82 FEET TO A POINT;

SAID POINT TO BE KNOWN AS THE POINT OF BEGINNING FOR THIS LAND DESCRIPTION; THENCE CONTINUING SOUTH 17° 00' 21" EAST A DISTANCE OF 104.37 FEET ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF INTERSTATE ROUTE #57 TO A POINT; THENCE SOUTH 89° 30' 48" WEST A DISTANCE OF 833.51 FEET TO A POINT; THENCE NORTHWESTERLY ALONG A CURVE CONVEX TO THE SOUTHWEST HAVING A RADIUS OF 230.50 FEET AN ARC DISTANCE OF 104.05 FEET AND A CHORD BEARING OF NORTH 14° 44' 03" WEST TO A POINT; THENCE NORTH 89° 30' 48" EAST A DISTANCE OF 829.06 FEET TO THE POINT OF BEGINNING, CONTAINING 1.918 ACRES MORE OR LESS

Commonly known as: 1260 Christine Drive, Bradley, Illinois 60915

Bearing the current Property Index Numbers: 17-09-21-200-012; 17-09-21-200-023.

SECTION 3. The Special Use Permit granted pursuant to this Ordinance shall be subject to the following conditions and restrictions pursuant to Section 60-400 of the Village Code:

1. The Special Use Permit granted by this Ordinance shall only be effective until the earlier occurring of (i) the Applicant's transfer of the Subject Property to any other person or entity, including but not limited to any successors, heirs, assigns, or agents of the Applicant; or (ii) a date five (5) years after the Applicant transfers its retail business to a new facility within the Village. In addition, the Special Use Permit Granted by this Ordinance shall only be effective so long as the Applicant continuously and actively markets the Subject Property for sale. At any time while the Special Use Permit is in effect, the Village may request documentary proof that the Subject Property is and has been continuously and actively marketed for sale as required by this condition, which proof the Applicant shall provide to the Village within thirty (30) days.
2. The Applicant shall take any and all actions reasonably necessary to maintain the Subject Property, including but not limited to all existing structures and improvements thereon, in as good a condition (or better) as they exist on the date of this Ordinance. In particular, the Applicant shall take any and all actions reasonably necessary to maintain the landscaping, the exterior of all buildings, and the parking lot located on the Subject Property in as good a condition (or better) as they exist on the date of this ordinance.
3. The Applicant shall not make any alterations to the exterior of any building located on the Subject Property, including but not limited to the main structure and the lumber yard, without prior written approval from the Village, provided that the Applicant may replace the sign located on the front of the main structure with a new sign and further install any new security equipment on the existing structures as necessary to operate the Subject Property as a self-storage facility. Any new sign installed pursuant to this provision must (i) fit within the existing sign cabinet and (ii) pertain solely to the operation of the Subject Property as a self-storage facility.
4. Except as otherwise permitted by the Village in writing, the Applicant shall not construct, install, or permit to be constructed or installed any new structures or facilities

of any kind on the Subject Property while this Special Use Permit is in effect. This restriction includes, but is not limited to, exterior security fencing of any kind.

5. The Applicant shall conduct all self-storage activities within the existing structures on the Subject Property, including but not limited to the lumber yard. The Applicant shall not cause or permit the storage of any object outside of the main structure and/or the lumber yard.
6. The Applicant may modify the interior of the main structure and the lumber yard on the Subject Property, but only to the extent necessary to allow for the temporary operation of said structures as a self-storage facility and only after requesting and receiving any and all permits (including but not limited to building permits) required by the Village code and any other applicable laws. All modifications contemplated by this condition must be approved by the Village in writing. No modification of the lumber yard may include the erection of any structure or improvement that is taller than the lumber yard's current enclosure.
7. Before the Applicant may make any modifications to the Subject Property or otherwise begin using the Subject Property as a temporary self-storage facility pursuant to the Special Use Permit granted by this Ordinance, the Applicant must provide the Village with a letter signed by a qualified fire-sprinkler contractor or engineer stating that the fire-sprinkler system currently in place is sufficient to protect the Subject Property during its use as a temporary self-storage facility.

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 self-storage 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 (except Restriction #1, which immediately and automatically terminates the special use permit without any further action on the part of the Village), 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 granted by this Ordinance is not intended and shall not be deemed to touch and concern the Subject Property. The Special Use Permit shall not run with the land and no use permitted hereby shall be continued at any time after the Applicant transfers the property to any other person or entity.

SECTION 6. 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. 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. The Village Clerk is hereby directed to publish this Ordinance in pamphlet form.

SECTION 10. 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 8 day of April, 2019.

TRUSTEES:

GERALD BALTHAZOR	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
ROBERT REDMOND	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
LORI GADBOIS	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
MICHAEL WATSON	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
DON BARBER	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
NICK ALLEN	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>

VILLAGE PRESIDENT:

BRUCE ADAMS	Aye - <input type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
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TOTALS:	Aye - <u>6</u>	Nay - <u>0</u>	Absent - <u>0</u>
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ATTEST:



MICHAEL J. LAGESSE, VILLAGE CLERK

APPROVED this 8 day of April, 2019.


BRUCE ADAMS, VILLAGE PRESIDENT

ATTEST:

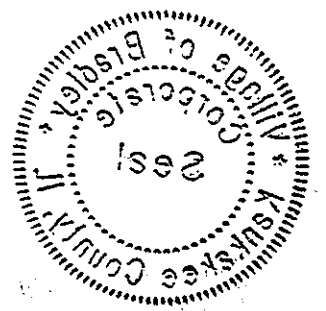


MICHAEL J. LAGESSE, VILLAGE CLERK



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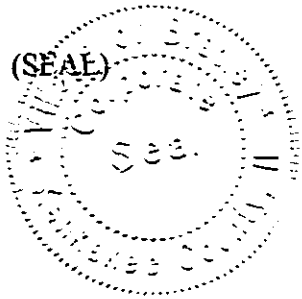
STATE OF ILLINOIS)
) §§
COUNTY OF KANKAKEE)

I, Michael J. LaGesse, 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-4-19-1, "AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A PLANNED DEVELOPMENT CERTAIN PROPERTY WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS (1260 Christine Drive)," which was adopted by the Village President and Board of Trustees at a meeting held on the 8 day of April, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand in the Village of Bradley, County of Kankakee and State of Illinois, on this 8 day of April, 2019.



MICHAEL J. LAGESSE, VILLAGE CLERK



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