

VILLAGE OF BRADLEY

ORDINANCE NO. O-5-19-3

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY
WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS
(PIN: 17-09-28-303-001)

ADOPTED BY THE
BOARD OF TRUSTEES OF THE
VILLAGE OF BRADLEY

THIS 28th DAY OF May, 2019

Published in pamphlet form by the authority of the Board of Trustees of the Village of Bradley,
Kankakee County, Illinois this 28th day of May, 2019

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**AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY
WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS
(PIN: 17-09-28-303-001)**

WHEREAS, the Corporate Authorities 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 April 15, 2019, Hurley & Stewart, LLC (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 an M (Industrial) District pursuant to Section 60-179(2)(a) of the Village of Bradley Code of Ordinances (the “Village Code”); and

WHEREAS, the Subject Property is owned by Fastenal Co., a Minnesota Corporation with a business address at 320 S. Kinzie Ave. (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 Corporate Authorities 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, May 7, 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 Corporate Authorities approve the Application and pass this Ordinance granting the Applicant’s request, subject to the conditions and restrictions set forth in this Ordinance; 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 Corporate Authorities of the Village hereby approve and adopt the Plan Commission's findings of fact; and

WHEREAS, the Corporate Authorities 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 Corporate Authorities 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, subject to the conditions and restrictions set forth in this Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE CORPORATE AUTHORITIES OF THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS, PURSUANT TO ITS STATUTORY AUTHORITY, AS FOLLOWS:

SECTION 1. The Corporate Authorities 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 Corporate Authorities 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 Section 60-179(2)(a) of the Village Code over and upon the Subject Property, subject to the conditions and restrictions set forth in this Ordinance. The Subject Property is zoned M (Industrial) and is legally described as follows:

SITUATED IN THE COUNTY OF KANKAKEE, STATE OF ILLINOIS:

LOT 2 OF FASTENAL KINZIE AVENUE MINOR SUBDIVISION, AS RECORDED IN PLAT NO. 201909044 OF THE KANKAKEE COUNTY RECORDS.

**TAX I.D. NUMBER: 170928303001 (PORTION OF)
BEING A PORTION OF THE SAME PROPERTY CONVEYED TO FASTENAL COMPANY, A MINNESOTA CORPORATION, GRANTEE, FROM ILLINOIS RECLAMATION CO., GRANTOR, BY DEED RECORDED 12/18/2016, AS INSTRUMENT NO. 201614973 OF THE KANKAKEE COUNTY RECORDS.**

Bearing the current Property Index Number: 17-09-28-303-001.

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. Any retail store use must be established, if at all, within two (2) years from the date of this Ordinance. If no such use is established with the timeframe herein set forth, this Ordinance and the Special Use Permit granted hereby shall thereafter be null and void.

SECTION 4. Nothing in this Ordinance is intended or shall be deemed to relieve the Applicant, the Owner, or any other person of their obligation to participate and engage in any and all site plan and development review procedures as are or may be required by the Village from time to time. Furthermore, nothing in this Ordinance is intended or shall be deemed as evidence of approval of any specific site plan for the Subject Property.

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.

PASSED by the Board of Trustees on a roll call vote on the 28th day of May, 2019.

TRUSTEES:

ROBERT REDMOND	Aye - <u>X</u>	Nay - <u> </u>	Absent - <u> </u>
MICHAEL WATSON	Aye - <u>X</u>	Nay - <u> </u>	Absent - <u> </u>
DON BARBER	Aye - <u>X</u>	Nay - <u> </u>	Absent - <u> </u>
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>

ACTING VILLAGE PRESIDENT:

MICHAEL WATSON (non-voting)

TOTALS: Aye - 6 Nay - 0 Absent - 0

ATTEST:

Julie Tambling
JULIE TAMBLING, CLERK

APPROVED this 28th day of May, 2019.

Michael Watson
MICHAEL WATSON, ACTING VILLAGE PRESIDENT

ATTEST:

Julie Tambling
JULIE TAMBLING, CLERK

STATE OF ILLINOIS)
) §§
COUNTY OF KANKAKEE)

I, JULIE TAMBLING, 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-5-19-3, "AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS (PIN: 17-09-28-303-001)," which was adopted by the Corporate Authorities of the Village at a meeting held on the 28th day of May, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand in the Village of Bradley, County of Kankakee and State of Illinois, on this 28th day of May, 2019.



JULIE TAMBLING, CLERK

(SEAL)



PROVIDE SERVICE

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