

VILLAGE OF BRADLEY

ORDINANCE NO. O-6-14-2

AN ORDINANCE GRANTING A SPECIAL USE PERMIT
FOR THE PROPERTY LOCATED AT
178 E. NORTH ST., BRADLEY, IL

ADOPTED BY THE
BOARD OF TRUSTEES
VILLAGE OF BRADLEY

This 23rd day of JUNE, 2014

Published in pamphlet form by authority of the Board of Trustees of the Village of Bradley,
Kankakee County, Illinois, this 23rd day of JUNE, 2014.

CERTIFICATE:

Teressa M. Richert - Deputy Clerk
Michael J. LaGessee, Village Clerk

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**AN ORDINANCE GRANTING A SPECIAL USE PERMIT
FOR THE PROPERTY LOCATED AT
178 E. NORTH ST., BRADLEY, IL**

WHEREAS, on June 18, 2014, at a meeting of the Village of Bradley Planning and Zoning Commission (hereinafter the "Plan Commission"), the Plan Commission held a public hearing on the application of the Petitioner, Windyhill Gourmet Grill (hereinafter the "Petitioner"), for a special use permit in an M-Industrial District to operate a restaurant at the property legally described as:

Legal Description: VILLAGE OF BRADLEY BLKS 85-86 & 111 & STRIP
RR ROW BETWEEN BLKS;

Commonly known as: 178 E. NORTH ST., BRADLEY, ILLINOIS 60915; and

P.I.N.: 17-09-29-213-001

WHEREAS, notice of public hearing was published in the *Daily Journal* on June 3, 2014; and

WHEREAS, the Plan Commission has made its findings on the application and recommended that the special use permit be approved for the subject property by a vote of seven (7) in favor and none (0) against, with one (1) absent and one (1) vacancy, as reflected in the minutes of the public hearing of June 18, 2014, incorporated herein by reference as though fully set forth; and

WHEREAS, the President & Board of Trustees of the Village have considered the Findings and Recommendation of the Plan Commission and all of the facts and circumstances affecting the Application, and the President and Board of Trustees have determined that it is appropriate to grant the special use permit as provided in this Ordinance; and

WHEREAS, the President and Board of Trustees have determined that the granting of the special use permit for the use set forth in Petitioner's applications serves a public purpose and will be in the best interests of the Village of Bradley upon the conditions set forth in this Ordinance pursuant to Section 60-393 *et seq.* (Division 7 - Special Uses) of the Zoning Chapter of the Village's Code of Ordinances (hereinafter "Zoning Code").

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Bradley, Kankakee County, State of Illinois, as follows:

Section 1. RECITALS. The foregoing recitals are incorporated into this Ordinance as findings of the President and Board of Trustees.

Section 2. SPECIAL USE PERMIT GRANTED. The application of the Petitioner, Windyhill Gourmet Grill, for a special use permit in an M-Industrial District to operate a restaurant is granted for the Subject Property, subject to the conditions set forth in §§3 and 4 of this Ordinance. The special use granted herein is authorized pursuant to §60-393 *et seq.* of the Village Code.

Section 3. REPORTS, EXHIBITS & TESTIMONY. The special use permit granted by this Ordinance is in strict compliance with the application on file with the Village and with the reports, exhibits, and testimony presented to the Plan Commission.

Section 4. CONDITIONS OF SPECIAL USE PERMIT. The special use permit granted herein is subject to the following conditions in the interest of the public health, safety and welfare as prescribed by section 60-393 *et seq.*, of the Village's Zoning Code:

1. Compliance with M-Industrial District. The special use granted herein shall comply with all other applicable requirements of the M-Industrial District.
2. Special Use Limited to Petitioner. The special use shall be limited to the Petitioner and the applied for use and shall not be transferable to a new owner or subsequent lessee except upon reapplication, hearing and approval in the manner provided by the Village's Zoning Ordinance.
3. Compliance with Codes, Ordinances, and Regulations. The provisions of the Village Code of Bradley and the Village's Zoning Ordinance apply to and govern the Subject Property. All activities at the Subject Property shall comply with all Village codes, ordinances, and regulations at all times.
4. Inspection. The Petitioner shall allow Village inspectors to inspect all portions of the building located at the Subject Property upon request by the Village at a mutually convenient time.
5. Execution of Ordinance. This Ordinance shall be signed by the Petitioner to signify its agreement to the terms hereof.

Section 5. VIOLATION OF CONDITION OR CODE. Any violation of (i) any term or condition set forth in this Ordinance or (ii) any applicable code, ordinance, or regulation of the Village shall be grounds for the immediate rescission by the Board of Trustees of the approvals granted pursuant to this Ordinance.

Section 6. SEVERABILITY AND REPEAL OF INCONSISTENT ORDINANCES. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. EFFECTIVE DATE. The Clerk of the Village of Bradley shall certify to the adoption of this Ordinance and shall cause it to be published in pamphlet form and this Ordinance shall take effect upon its approval and publication in pamphlet form as so certified.

PASSED this 23rd day of JUNE, 2014.

TRUSTEES:

Jerry 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"/>
George Golwitzer:	AYE - <input checked="" type="checkbox"/>	NAY - <input type="checkbox"/>	ABSENT - <input type="checkbox"/>
Eric Cyr:	AYE - <input type="checkbox"/>	NAY - <input type="checkbox"/>	ABSENT - <input checked="" type="checkbox"/>
Melissa Carrico:	AYE - <input checked="" type="checkbox"/>	NAY - <input type="checkbox"/>	ABSENT - <input type="checkbox"/>

Bruce Adams: AYE - NAY - ABSENT -

TOTALS: AYE - 6 NAY - 0 ABSENT - 1

APPROVED this 23rd day of JUNE, 2014

Bruce Adams
Bruce Adams, President of the Board of Trustees of the Village of Bradley

ATTEST:

Yeresa M. Richard - Deputy Clerk
Michael J. Lagesse, Village Clerk

ACKNOWLEDGEMENT AND AGREEMENT BY THE PETITIONER TO THE CONDITIONS OF THIS ORDINANCE NO. O-11-13-2

By: Heanick Lopez Date: 6-25, 2014

Title: