

VILLAGE OF BRADLEY

ORDINANCE NO. 0-6-20-4

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY
WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS
(Arthur Industrial Park, Units 3 & 4 (formerly 359 S. Kinzie Ave))

ADOPTED BY THE
BOARD OF TRUSTEES OF THE
VILLAGE OF BRADLEY

THIS 22 DAY OF June, 2020

Published in pamphlet form by the authority of the Board of Trustees of the Village of Bradley,
Kankakee County, Illinois this 22 day of June, 2020

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**AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY
WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS
(Arthur Industrial Park, Units 3 & 4 (formerly 359 S. Kinzie Ave))**

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 District); and

WHEREAS, on May 19, 2020, Mr. Manuel Martinez (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 laundry (including vehicle detailing) on the Subject Property (the “Special Use Permit”); and

WHEREAS, the operation of an automobile laundry (including vehicle detailing) is a permissible special use for a M (Industrial District) District pursuant to Section 60-179(2)(b) of the Village of Bradley Code of Ordinances (the “Village Code”); and

WHEREAS, the Subject Property is owned by Excalibur 5, LLC (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, June 16, 2020, 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 laundry (including vehicle detailing) 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) 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 laundry (including vehicle detailing) 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 laundry (including vehicle detailing) pursuant to Section 60-179(2)(b) 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 District) and is legally described as follows:

Part of Lot 7 of R.O. Danforth Estates, Section 28, Township 31, Range 12 East.

Commonly known as: 1-10 Arthur Industrial Park, Bradley, Illinois (Units 3 & 4)
(Formerly known as: 359 S. Kinzie, Bradley Illinois (Units 3 & 4))

Property Index Number: 17-09-28-302-030.

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 interior modifications of the existing buildings on the Subject Property (whether related to structural changes, plumbing, electrical, or else as determined by the building inspector) without first submitting any and all required building permit applications, with applicable plans and documentation, to the Village for review and approval by the Community Development Department.
3. The Special Use Permit granted by this Ordinance shall inure to the benefit of the Applicant only and shall not be assignable or transferable to any other person or entity.
4. The Special Use Permit shall permit (i) interior and exterior hand washing and hand drying of vehicles and (ii) interior and exterior vehicle detailing only. Nothing in this Ordinance is intended or shall be construed as permitting any other form of automobile work, nor any form of mechanized washing, drying, or detailing.
5. The automobile laundry and detailing services permitted by this Ordinance may be made available for cars, pick-up trucks, SUVs, vans, boats, and motorcycles only. Nothing in this Ordinance is intended or shall be construed as permitting the washing, drying, and/or detailing of any other type of vehicle.
6. The Applicant may not erect, place, or alter any existing or new signage on the Subject Property unless he first requests and receives a sign permit for each sign from the Village's Community Development Department.
7. All deficiencies identified by the Village's building inspectors in connection with a building inspection conducted on the Subject Property on June 10, 2020, must be corrected, abated, and otherwise addressed to the satisfaction of the Village before the Applicant may begin operating the proposed automobile laundry on the Subject Property. Under no circumstances will the Village issue an occupancy permit for the Subject Property until all such deficiencies have been appropriately dealt with.
8. The Applicant may not commence operating the proposed automobile laundry and detailing facility unless and until the Applicant applies for and receives both (i) an occupancy permit and (ii) a business license for the Subject Property

The Applicants shall be deemed to have accepted and agreed to the conditions and restrictions aforesaid as of the date on which the Applicants first begin to use the Subject Property as an automobile laundry (including vehicle detailing) 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. 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, 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 6. 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 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. 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 9. That the Village Clerk is hereby directed to publish this Ordinance in pamphlet form.

SECTION 10. 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 22 day of June, 2020.

TRUSTEES:

ROBERT REDMOND	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"/>
RYAN LEBRAN	Aye - <input type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input checked="" type="checkbox"/>
BRIAN BILLINGSLEY	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
DARREN WESTPHAL	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
BRIAN TIERI	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>

ACTING VILLAGE PRESIDENT:

MICHAEL WATSON Non-Voting -

TOTALS: Aye - 5 Nay - 0 Absent - 1

ATTEST:

Julie Tambling
JULIE TAMBLING, VILLAGE CLERK

APPROVED this 22 day of June, 2020.

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 06-204, "AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS (Arthur Industrial Park, Units 3 & 4 (formerly 359 S. Kinzie Ave)),” which was adopted by the Village Corporate Authorities at a meeting held on the 22 day of June 2020.

IN WITNESS WHEREOF, I have hereunto set my hand in the Village of Bradley, County of Kankakee and State of Illinois, on this 22 day of June, 2020.



JULIE TAMBLING, VILLAGE CLERK

(SEAL)

