

VILLAGE OF BRADLEY

ORDINANCE NO. O-7-21-2

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR PLANNED DEVELOPMENT,
APPROVING A FINAL DEVELOPMENT PLAN, AND GRANTING A SIGN REGULATION
VARIANCE FOR CERTAIN PROPERTY WITHIN THE VILLAGE OF BRADLEY,
KANKAKEE COUNTY, ILLINOIS
(1359 Locke Drive)

ADOPTED BY THE
BOARD OF TRUSTEES OF THE
VILLAGE OF BRADLEY

THIS 12th DAY OF July, 2021

Published in pamphlet form by the authority of the Board of Trustees of the Village of Bradley,
Kankakee County, Illinois this 12th day of July, 2021

ORDINANCE NO. O-7-21-2
**AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR PLANNED
DEVELOPMENT, APPROVING A FINAL DEVELOPMENT PLAN, AND GRANTING A
SIGN REGULATION VARIANCE FOR CERTAIN PROPERTY WITHIN THE VILLAGE
OF BRADLEY, KANKAKEE COUNTY, ILLINOIS**
(1359 Locke 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 B3 (Village Center Shopping); and

WHEREAS, Chick-fil-A, Inc. (the "Applicant"), has submitted an application to the Village requesting that the Village grant the Applicant a special use permit authorizing a planned unit development on the Subject Property (the "Special Use Permit"); and

WHEREAS, planned development is a permissible special use for a B3 (Village Center Shopping) District pursuant to Section 60-154(2)(h) of the Village of Bradley Code of Ordinances (the "Village Code"); and

WHEREAS, the Subject Property is owned by _____ (the "Owner"); and

WHEREAS, the Owner has authorized the Applicant to apply for the Special Use Permit; and

WHEREAS, the Applicant has further requested approval of the final development plan for the Subject Property (the "Final Development Plan") attached hereto as Exhibit A and fully incorporated herein; and

WHEREAS, the Applicant has further requested a sign regulation variance to permit the renovation of the existing freestanding sign on the Subject Property as depicted in the sign variance plan (the "Sign Variance Plan") attached hereto as Exhibit B and fully incorporated herein; and

WHEREAS, the sign regulation variance requested by the Applicant is permitted pursuant to Section 60-369(7) of 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 Tuesday, July 6, 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 (a copy of the Plan Commission's findings of fact and recommendation of approval is attached hereto as Exhibit C and fully incorporated herein); 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 requests; 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 planned development proposed in connection therewith) 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) 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 (i) grant the Applicant a special use permit authorizing the Applicant to develop the Subject Property as a planned development, (ii) approve the Final Development Plan for the Subject Property (Exhibit A), and (iii) grant the Applicant a sign regulation variance to permit the renovation of the existing freestanding sign on the Subject Property as depicted in the Sign Variance Plan (Exhibit B).

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 pursuant to Section 60-154(2)(h) of the Village Code over and upon the land

legally described in this Section (hereinafter the "Subject Property"). The Subject Property is zoned B3 (Village Center Shopping) and is legally described as follows:

A PARCEL OF LAND IN THE SOUTHWEST QUARTER OF SECTION 16, LYING WEST OF LOCKE DRIVE AND EAST OF ILLINOIS ROUTE #50 IN TOWNSHIP 31 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS,

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 16; THENCE NORTH 00 DEGREES 53 MINUTES 57 SECONDS WEST ON A BEARING OF RECORD ON THE EAST LINE OF THE SOUTHWEST QUARTER, A DISTANCE OF 45.00 FEET TO AN IRON ROD ON THE NORTH RIGHT-OF-WAY LINE OF ARMOUR ROAD, COUNTY HIGHWAY #44; THENCE SOUTH 89 DEGREES 22 MINUTES 58 SECONDS WEST ON THE NORTH RIGHT-OF-WAY LINE OF ARMOUR ROAD, A DISTANCE OF 908.11 FEET TO AN IRON ROD; THENCE NORTH 85 DEGREES 09 MINUTES 09 SECONDS WEST ON THE NORTH RIGHT-OF-WAY LINE OF ARMOUR ROAD, A DISTANCE OF 28.00 FEET TO AN IRON ROD; THENCE NORTH 00 DEGREES 37 MINUTES 02 SECONDS WEST, A DISTANCE OF 212.78 FEET TO A HALF INCH IRON ROD BEING THE POINT OF BEGINNING FOR THIS LAND DESCRIPTION; THENCE NORTH 00 DEGREES 37 MINUTES 02 SECONDS WEST, A DISTANCE OF 38.17 FEET TO A HALF INCH IRON ROD; THENCE SOUTH 89 DEGREES 09 MINUTES 59 SECONDS WEST, A DISTANCE OF 261.89 FEET TO A HALF INCH IRON ROD ON THE EAST RIGHT-OF-WAY LINE OF ILLINOIS ROUTE #50; THENCE NORTH 00 DEGREES 50 MINUTES 01 SECOND WEST ON THE EAST RIGHT-OF-WAY LINE OF ILLINOIS ROUTE #50, A DISTANCE OF 223.00 FEET TO AN IRON ROD; THENCE NORTH 89 DEGREES 09 MINUTES 59 SECONDS EAST, A DISTANCE OF 313.36 FEET TO AN IRON PIPE ON THE WESTERLY RIGHT-OF-WAY LINE OF LOCKE DRIVE; THENCE SOUTHEASTERLY ON A CURVE TO THE LEFT, ON THE WESTERLY RIGHT-OF-WAY LINE OF LOCKE DRIVE WITH A RADIUS OF 810.00 FEET AND AN ARC LENGTH OF 268.10 FEET, A CHORD BEARING OF SOUTH 19 DEGREES 05 MINUTES 57 SECONDS EAST WITH A DISTANCE OF 266.90 FEET TO A PIPE; THENCE SOUTHEASTERLY ON A CURVE TO THE RIGHT ON THE WESTERLY RIGHT-OF-WAY LINE OF LOCKE DRIVE, WITH A RADIUS OF 490.00 FEET, AN ARC LENGTH OF 9.21 FEET, A CHORD BEARING OF SOUTH 24 DEGREES 08 MINUTES 40 SECONDS EAST WITH A DISTANCE OF 9.21 FEET TO A PK NAIL IN THE BITUMINOUS PAVEMENT; THENCE SOUTH 89 DEGREES 22 MINUTES 58 SECONDS WEST, A DISTANCE OF 138.84 FEET TO THE POINT OF BEGINNING, SITUATED IN KANKAKEE COUNTY, ILLINOIS.

Commonly known as: 1359 Locke Drive, Bradley, Illinois 60915

Bearing the current Property Index Number: 17-09-16-301-030

SECTION 3. The Corporate Authorities of the Village hereby approve the Final Development Plan for the Subject Property (Exhibit A).

SECTION 4. The Corporate Authorities of the Village hereby approve a sign regulation variance to permit the renovation of the existing freestanding sign on the Subject Property as depicted in the Sign Variance Plan (Exhibit B).

SECTION 5. The Special Use Permit and Final Development Plan approval granted by this Ordinance are and shall be subject to the following conditions and restrictions pursuant to Section 60-400 of the Village Code:

1. The Subject Property must remain at all times compliant with all applicable requirements of the B3 (Village Center Shopping) district, except only to the extent that deviations from said requirements are provided for on the Final Development Plan (Exhibit A).
2. The Applicant must submit final engineering plans and an engineer's estimate of costs for all planned public improvements on the Subject Property pursuant to the Final Development Plan to the Village prior the commencement of any construction activities. The Village Engineer must approve said engineering plans and estimate of costs, and the Applicant must thereafter submit an irrevocable letter of credit (or a performance bond) in a form acceptable to the Village and in an amount equal to 115% of the total estimated costs, all prior to the issuance of any building permit and the commencement of any construction activities on the Subject Property.
3. The Applicant must renovate, modify, and improve the existing sign on the Subject Property in substantial compliance with the Sign Variance Plan (Exhibit B). The Applicant may not make any additional or different modifications to said existing sign without Village approval.
4. Additional signage on the Subject Property will be limited to only building/wall signs, freestanding signs, and other signage as approved as part of the Final Development Plan (Exhibit A). Prior to the installation of any signage, the Applicant must request and secure a sign permit from the Village's Community Development Department.
5. The Applicant must install landscape materials in accordance with the landscape plan approved as part of the Final Development Plan (Exhibit A).
6. Prior to opening and commencing business operations, the Applicant must obtain an occupancy permit and a business license from the Village.

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 or develop the Subject Property as a planned development pursuant to the Special Use Permit granted by this Ordinance.

SECTION 6. In the event that the Applicant violates any of the conditions and restrictions set forth in Section 5 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 7. 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 its 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 its entire ownership interest in the Subject Property to the Applicant.

SECTION 8. 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 9. 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 10. 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 11. That the Village Clerk is hereby directed to publish this Ordinance in pamphlet form.

SECTION 12. 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 12th day of July, 2021.

TRUSTEES:

RYAN LEBRAN	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input 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"/>
GRANT D. VANDENHOUT	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
GENE JORDAN	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>

VILLAGE PRESIDENT:

MICHAEL WATSON Aye - Nay - Absent -

TOTALS:

Aye - 6 Nay - 0 Absent - 0

ATTEST:

Julie Tambling
JULIE TAMBLING, VILLAGE CLERK

APPROVED this 12th day of July, 2021.

Michael Watson
MICHAEL WATSON, 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 O-7-21-2, "AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR PLANNED DEVELOPMENT, APPROVING A FINAL DEVELOPMENT PLAN, AND GRANTING A SIGN REGULATION VARIANCE FOR CERTAIN PROPERTY WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS (1359 Locke Drive)," which was adopted by the Village Corporate Authorities at a meeting held on the 12th day of July, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand in the Village of Bradley, County of Kankakee and State of Illinois, on this 12th day of July, 2021.

Julie Tambling

JULIE TAMBLING, VILLAGE CLERK

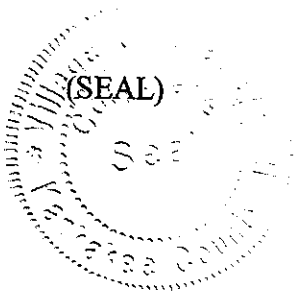


EXHIBIT A

EXHIBIT B

EXHIBIT C



0-7-21-2

Agenda Cover Memorandum

Meeting Date: July 12th, 2021

Fiscal Year: 2021

Agenda Item: Special Use Permit for PUD for Chick-fil-A restaurant

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

Internal Review
Initials
Date

Brief Summary:

Chick-fil-A is requesting approval for a special use permit PUD to operate a restaurant in the B3 district with a sign variance that was recommended by the Planning and Zoning commission by a 7-0 vote.

Approval of Ordinance

Supporting Documents: Ord #

Financial (if applicable)

Is this a budgeted item? Yes No Requires Budget Amendment

Line Item: _____ Title: _____

Amount Budgeted: _____