

VILLAGE OF BRADLEY

ORDINANCE NO. O-8-17-3

AN ORDINANCE GRANTING A SPECIAL USE FOR A PRELIMINARY PLANNED
DEVELOPMENT PLAN FOR CERTAIN LAND LOCATED WITHIN THE VILLAGE OF
BRADLEY, KANKAKEE COUNTY, ILLINOIS
(Bradley Senior Cottages)

ADOPTED BY THE
BOARD OF TRUSTEES OF THE
VILLAGE OF BRADLEY

THIS 21 DAY OF AUGUST, 2017

Published in pamphlet form by the authority of the Board of Trustees of the Village of Bradley,
Kankakee County, Illinois this 21 day of AUGUST, 2017

ORDINANCE NO. O-8-17-3

**AN ORDINANCE GRANTING A SPECIAL USE FOR A PRELIMINARY PLANNED DEVELOPMENT PLAN FOR CERTAIN LAND LOCATED WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS
(Bradley Senior Cottages)**

WHEREAS, the President and Board of Trustees of the Village of Bradley, Kankakee County, Illinois (the “Village”), have the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public 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, PIRHL Developers, LLC (the “Developer”) or its affiliate, is under contract to purchase the Subject Property and has been duly authorized by the owner of said property to apply and receive approval for a special use for a preliminary planned development plan, as set out in this Ordinance; and

WHEREAS, the Developer’s application for approval of a special use for a preliminary planned development plan, with all necessary documentation and supporting data (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 August 8, 2017, 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 of Bradley Code of Ordinances (the “Village Code”); and

WHEREAS, the Plan Commission has recommended that the President and Board of Trustees approve the Application and hereby pass this Ordinance granting the Developer a special use on the Subject Property for the purposes of a preliminary planned development plan, subject to the conditions set forth herein; 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, due to the greater developmental control afforded to the Village, 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 Developer’s Application for a special use for a preliminary planned development plan, pursuant to Section 60-456 of the Village Code, on and over 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 for the purposes of a preliminary planned development plan for and upon the land legally described in this Section (hereinafter the "Subject Property"). The Subject Property is zoned R-6 (General Residence District) and is legally described as follows:

TRACT 1

A PART OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 31 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, KANKAKEE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER, THENCE NORTH 00°58'46 " WEST ALONG THE EAST LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 35.00 FEET TO A POINT; THENCE SOUTH 89°18'24" WEST A DISTANCE OF 35.00 FEET TO A POINT; THENCE NORTH 00°58'46" WEST A DISTANCE OF 715.61 FEET TO A POINT, SAID POINT TO BE KNOWN AS THE POINT OF BEGINNING; THENCE NORTH 84°03'40" WEST A DISTANCE OF 408.08 FEET TO A POINT; THENCE NORTH 62°18'36" WEST A DISTANCE OF 50.09 FEET TO A POINT IN A CURVE, SAID CURVE HAVING A RADIUS OF 350.00 FEET, A CHORD BEARING OF NORTH 54°17'00" EAST AND A CHORD DISTANCE OF 398.87 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE TO THE RIGHT A DISTANCE OF 424.39 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE NORTH 89°01'14" EAST A DISTANCE OF 121.28 FEET TO A POINT; THENCE SOUTH 00°58'46 " EAST A DISTANCE OF 300.47 FEET TO THE POINT OF BEGINNING, CONTAINING 2.34 ACRES MORE OR LESS, SUBJECT TO RIGHTS-OF-WAY FOR ROADS, DRAINAGE, AND EASEMENTS APPARENT OF RECORD.

TRACT 2

A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 31 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, KANKAKEE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 16; THENCE NORTH 00 DEGREES 58 MINUTES 46 SECONDS WEST A DISTANCE OF 35.00 FEET TO A POINT; THENCE SOUTH 89 DEGREES 18 MINUTES 24 SECONDS WEST ALONG THE NORTH LINE OF LEMNA AVENUE A DISTANCE OF 285.97 FEET TO A POINT, SAID POINT TO BE KNOWN AS THE POINT OF BEGINNING. FROM SAID POINT OF BEGINNING; THENCE CONTINUING SOUTH 89 DEGREES 18 MINUTES 24 SECONDS WEST ALONG THE NORTH LINE OF LEMNA

AVENUE A DISTANCE OF 487.77 FEET TO A POINT; THENCE NORTH 00 DEGREES 55 MINUTES 24 SECONDS WEST A DISTANCE OF 1,273.41 FEET TO A POINT; THENCE NORTH 89 DEGREES 06 MINUTES 12 SECONDS EAST A DISTANCE OF 737.48 FEET TO A POINT; THENCE SOUTH 00 DEGREES 58 MINUTES 46 SECONDS EAST ALONG THE WEST LINE OF CARDINAL DRIVE A DISTANCE OF 259.94 FEET TO A POINT; THENCE SOUTH 89 DEGREES 01 MINUTES 14 SECONDS WEST A DISTANCE OF 121.28 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 350.00 FEET, AN I ANGLE OF 97 DEGREES 22 MINUTES 42 SECONDS AND A TANGENT OF 398.24 FEET; THENCE SOUTHERLY ALONG SAID CURVE TO THE LEFT A CHORD BEARING OF SOUTH 40 DEGREES 19 MINUTES 51 SECONDS WEST A CHORD DISTANCE OF 525.80 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID POINT BEING THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 100.00 FEET, AN I ANGLE OF 06 DEGREES 59 MINUTES 48 SECONDS AND A TANGENT OF 6.12 FEET; THENCE SOUTHERLY ALONG SAID CURVE TO THE LEFT A CHORD BEARING OF SOUTH 11 DEGREES 51 MINUTES 21 SECONDS EAST A CHORD DISTANCE OF 12.20 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 64 DEGREES 48 MINUTES 32 SECONDS WEST A DISTANCE OF 75.97 FEET TO A POINT; THENCE SOUTH 25 DEGREES 11 MINUTES 28 SECONDS EAST A DISTANCE OF 79.31 FEET TO A POINT; THENCE SOUTH 64 DEGREES 48 MINUTES 32 SECONDS WEST A DISTANCE OF 27.54 FEET TO A POINT; THENCE SOUTH 16 DEGREES 03 MINUTES 49 SECONDS EAST A DISTANCE OF 84.37 FEET TO A POINT; THENCE SOUTH 22 DEGREES 02 MINUTES 32 SECONDS EAST A DISTANCE OF 97.84 FEET TO A POINT; THENCE NORTH 64 DEGREES 48 MINUTES 32 SECONDS EAST A DISTANCE OF 120.80 FEET TO A POINT; THENCE SOUTH 25 DEGREES 11 MINUTES 28 SECONDS EAST A DISTANCE OF 213.85 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 250.00 FEET, AN I ANGLE OF 24 DEGREES 12 MINUTES 42 SECONDS AND A TANGENT OF 53.62 FEET; THENCE SOUTHERLY ALONG SAID CURVE TO THE RIGHT A CHORD BEARING OF SOUTH 13 DEGREES 05 MINUTES 07 SECONDS EAST A CHORD DISTANCE OF 104.86 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 00 DEGREES 58 MINUTES 46 SECONDS EAST A DISTANCE OF 72.32 FEET TO THE POINT OF BEGINNING, CONTAINING 12.50 ACRES, MORE OR LESS.

Commonly known as 1 Cardinal Drive, Bradley, IL.

Property Index Numbers: 17-09-16-200-034; 17-09-16-200-035.

SECTION 3. That the Subject Property, legally described in Section 2 of this Ordinance, *supra*, is hereby granted a special use for the purposes of a preliminary planned development plan as set forth in the Preliminary Planned Development Plan of the Bradley Senior Cottages Development (the "Development"), attached hereto as "Exhibit A" and fully incorporated herein (hereinafter

“Preliminary Plan”). All aspects of the Development shall be constructed in substantial compliance with the Preliminary Plan.

SECTION 4. That the Bradley Senior Cottages Development shall be subject to the following special conditions:

- A. The Subject Property shall be developed with a maximum of fifteen (15) single-story, age restricted, multi-family residential buildings. Each such residential building shall contain a maximum of four (4) residential units and shall be constructed in general compliance with the building layouts, floor plans, locations, and setbacks set forth in the Preliminary Plan; and
- B. Upon completion of construction of the Development, the Development shall be owned by a single-purpose limited liability corporation created for that purpose (the “Owner”) and such Owner shall ensure that the Development is professionally managed at all times.
- C. The Development, including all residential buildings constructed thereupon, shall be operated as a senior housing project as Housing for Older Persons (“HFOP”) as that term is defined in the United States Fair Housing Act (42 U.S.C. §3601, *et. seq.*) (“Fair Housing Act”) and subject to all regulations promulgated thereunder. At all times, all of the occupied dwelling units (except for one manager’s unit or maintenance personnel’s unit) shall be occupied solely by individuals who are sixty-two (62) years of age or older (the “HFOP Occupancy Requirement”). Notwithstanding anything herein to the contrary, the above-noted age restriction and occupancy requirement shall be limited by and subject to all applicable federal and state laws and regulations, including but not limited to the Fair Housing Act, as amended from time to time. Any and all interpretation or application of the HFOP Occupancy Requirement shall be made in accordance with all applicable federal and state laws and regulations.
- D. The HFOP Occupancy Requirement, as set out in this Ordinance, shall be recorded as a deed restriction and covenant over and against the subject property as required by the Fair Housing Act, as amended, and any other applicable state or federal law.
- E. The Developer, the Owner, or their respective successor(s) in interest, as the case may be, shall publish and adhere to policies and procedures that demonstrate the intent to operate the Development in accordance with the HFOP Occupancy Requirement. The Developer, the Owner, and their respective successor(s) in interest, by proceeding with development and operation pursuant to this Ordinance, acknowledge and agree that the each of following non-exclusive factors are considered relevant in determining compliance with this requirement and further agree to satisfy these factors, as well as any other factors that may be deemed relevant by the Village from time in determining compliance:
 - 1. The manner in which the dwelling units are described to prospective residents;
 - 2. Any advertising designed to attract prospective residents;
 - 3. Lease provisions;
 - 4. Written rules, regulations, and/or other restrictions;

5. The maintenance and consistent application of relevant procedures;
6. Actual practices of the housing facility or community; and
7. Public posting in common areas of the proposed Development of statements describing the facility or community as housing for persons sixty-two (62) years of age or older.

The foregoing notwithstanding, at any time during which the Illinois Housing Development Authority (“IHDA”) has determined and/or certified that the Developer, the Owner, and/or their respective successor(s) in interest are in full compliance with the HFOP Occupancy Requirement, the Village shall deem the requirements of this provision to be satisfied.

- F. The Developer, the Owner, or their respective successor(s) in interest, as the case may be, shall be responsible for obtaining age verification from all occupants of the Development in accordance with such procedures as are applicable to such age verification under any and all applicable federal and state laws and regulations. Such age verification may require the submission of answers to surveys and/or affidavits, together with the submission of reliable supporting documentation including, but not limited to, copies of drivers’ licenses, birth certificates, passports, and/or other reliable verifying documentation.
- G. The HFOP Occupancy Requirement shall be in full force and effect beginning on the date of the first building permit issued by the Village. The Village shall have the authority, but not the obligation, to enforce the conditions set forth in this Ordinance, as well as any additional conditions or covenants that, in the Village’s discretion, are related and necessary to the enforcement of these provisions, all in accordance with, limited by, and subject to the Fair Housing Act, as amended from time to time. No failure or refusal by the Village to enforce any condition set forth in this Ordinance at any time shall be deemed as a waiver of any such condition and shall not excuse any violation of any such condition by the Developer, the Owner, any of their respective successor(s) in interest, or any other person or party at any time.
- H. The Developer, the Owner, or their respective successor(s) in interest, as the case may be, shall provide a central clubhouse in substantial compliance with the building elevations and color schemes set forth in the Preliminary Plan, and shall also provide any and all other common amenities set out in and in substantial compliance with the Preliminary Plan.
- I. Each residential building permitted by this Ordinance shall be in substantial compliance with the building elevations and color schemes set forth in the Preliminary Plan. The Development shall consist of eighteen (18) one-bedroom units and forty-two (42) two-bedroom units.
- J. Every aspect of the Development shall be constructed in a single phase and shall be in substantial compliance with the Preliminary Plan. Moreover, every aspect of the Development shall further be constructed in compliance with all requirements of the Village Zoning Code, except that the Development is and shall be granted those

variances (and only those variances) that are specifically identified and set forth in the Preliminary Plan.

- K. No common or community area on the Subject Property shall be used to provide services to non-residents of the development or to host third-party events.
- L. The Developer, the Owner, or their respective successor(s) in interest, as the case may be, shall adopt and comply with a Tenant Selection Plan fully approved by the IHDA (said Tenant Selection Plan shall be included in the Developer's final plan submissions to the Village). The Developer, the Owner, or their respective successor(s) in interest shall make all tenant selection decisions in adherence with said plan. Any and all revisions to the Tenant Selection Plan shall be provided to the Village in advance of their taking effect to ensure compliance with the provisions of this Ordinance, and no such revision shall be effective unless the Developer, the Owner, or their respective successor(s) in interest, as the case may be, first secure Village approval of the same, provided however that the Village shall not withhold approval of any modification to or revision of the tenant selection plan that has previously been approved by IHDA.
- M. No part of the Subject Property or the Development shall be eligible for tax-exempt status.

SECTION 5. That the Village Clerk is hereby instructed to prepare a record of all documents and proceedings related to the Application and this Ordinance, including the Plan Commission's findings of fact and setting forth any and all variances granted from Village's zoning code in connection with the Preliminary Plan, and to provide a copy of said record to the Developer.

SECTION 6. That the Developer is hereby and henceforth authorized to submit a final development plan for the planned development to the Plan Commission for its consideration and recommendation, provided however that such submission must occur, if at all, within one year of the date of this ordinance, unless such time for submission is extended by a resolution of the Village Board of Trustees. If the Developer fails to timely submit such final development plan then the special use granted by this Ordinance is and shall be immediately and automatically revoked. Nothing in this Ordinance shall constitute or be deemed as an approval of the final plan; rather, this Ordinance is and shall be considered an expression of approval of the layouts and designs submitted with the Preliminary Plan as a guide for the preparation of the final plan or plans.

SECTION 7. That the Village Clerk is hereby directed to notify both the Developer and the Plan Commission and inform them that the Board has, through the passage of this Ordinance, taken final action on the Developer's Application.

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

SECTION 11. 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 21 day of August, 2017.

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"/>
JACLYN DUGAN-ROOF	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
DONALD BARBER	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>

VILLAGE PRESIDENT:

BRUCE ADAMS Aye - Nay - Absent -

TOTALS: Aye - 6 Nay - 0 Absent - 0


MICHAEL J. LAGESSE, VILLAGE CLERK

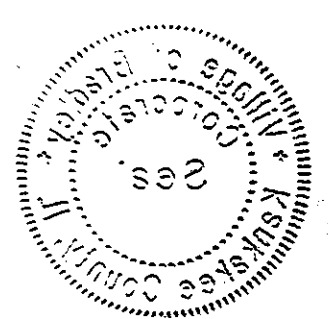
APPROVED this 21 day of August, 2017.


BRUCE ADAMS, VILLAGE PRESIDENT

ATTEST:


MICHAEL J. LAGESSE, VILLAGE CLERK

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[Faint handwritten text, possibly a date]

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 0-8-17-3 "AN ORDINANCE GRANTING A SPECIAL USE FOR A PRELIMINARY PLANNED DEVELOPMENT PLAN FOR CERTAIN LAND LOCATED WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS (Bradley Senior Cottages)," which was adopted by the Village President and Board of Trustees at a meeting held on the 21 day of AUGUST, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand in the Village of Bradley, County of Kankakee and State of Illinois, on this 21 day of AUGUST, 2017.

Michael J. LaGesse
MICHAEL J. LAGESSE, VILLAGE CLERK



