

VILLAGE OF BRADLEY

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ORDINANCE NO. O-8-19-2

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY  
WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS  
(170 W. Broadway)

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ADOPTED BY THE  
BOARD OF TRUSTEES OF THE  
VILLAGE OF BRADLEY

THIS 26 DAY OF August, 2019

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Published in pamphlet form by the authority of the Board of Trustees of the Village of Bradley,  
Kankakee County, Illinois this 26 day of August, 2019

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**AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY  
WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS  
(170 W. Broadway)**

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**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); and

**WHEREAS**, on June 28, 2019, Wayne J. Spangler ("Spangler") and Michael L. Montoya ("Montoya") (where appropriate, Spangler and Montoya are referred to collectively as the "Applicants") submitted an application to the Village requesting that the Village grant the Applicants a special use permit authorizing the operation of (1) an automobile repair facility (major) and (2) a used car sales lot on the Subject Property (the "Special Use Permit"); and

**WHEREAS**, the operation of automobile repair facilities (major) and used car sales lots are permissible special uses for a M (Industrial) District pursuant to Sections 60-179(2)(c), 60-179(2)(a), and 60-153(2)(w) of the Village of Bradley Code of Ordinances (the "Village Code"); and

**WHEREAS**, the Subject Property is owned by Spangler; and

**WHEREAS**, Montoya is a current business associate of Spangler and Spangler has indicated that he intends to sell the Subject Property to Montoya in the near future; and

**WHEREAS**, the Applicants' 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, August 6, 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 President and Board of Trustees approve the Application and pass this Ordinance granting the Applicants' request, subject to the conditions and restrictions herein set forth; 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 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 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 Applicants a Special Use Permit authorizing the Applicants to operate an automobile repair facility (major) and a used car sales lot on the Subject Property, subject to the conditions and restrictions herein set forth.

**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 recommendation of the Plan Commission and grant and approve a special use permit for the purpose of operating an automobile repair facility (major) and a used car sales lot pursuant to Sections 60-179(2)(c), 60-179(2)(a), and 60-153(2)(w) of the Village Code over and upon the land legally described in this Section (hereinafter the "Subject Property"). The Subject Property is presently zoned M (Industrial) and is legally described as follows:

LOTS 1, 2, 3, 4, AND 5 IN BLOCK 39 IN THE VILLAGE OF BRADLEY,  
FORMERLY KNOWN AS NORTH KANKAKEE, IN THE COUNTY OF  
KANKAKEE, IN THE STATE OF ILLINOIS.

Commonly known as: 170 W. Broadway, Bradley, Illinois 60915

Bearing the current Property Index Number: 17-09-29-212-031

**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 Applicants 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 the Special Use Permit is in effect, any and all work performed on any vehicle must be conducted within a fully enclosed building.
3. At all times that the Special Use Permit is in effect, no vehicle in need of restoration and/or body repair may be parked or stored outside on the Subject Property, provided however that the Applicants may store such vehicles outside so long as they are stored within an area that is fully enclosed by a six-foot solid fence that completely blocks any view of the fenced-in area from the street or alley. The fenced-in area contemplated by this condition may only be installed in a manner and location that receives prior written approval from the Village through its normal fence permitting process.
4. At all times that the Special Use Permit is in effect, the Applicants may not undertake any enhancements, improvements, or alterations to the existing building (interior and exterior) on the Subject Property, including the installation, alteration, or removal of signage, without first seeking and receiving any and all permits and approvals required by the Village Code.
5. At all times that the Special Use Permit is in effect the Applicants must ensure that every vehicle stored or parked on the Subject Property complies with all State of Illinois statutory and regulatory requirements pertaining to vehicles. This includes, but is not limited to all statutory and regulatory requirements regarding valid license plates and vehicle registration.
6. At no time while the Special Use Permit is in effect shall any vehicle be parked or stored on, over, or in any public right-of-way of the Village of Bradley.
7. At no time while the Special Use Permit is in effect shall any vehicle be parked or stored on the Subject Property within ten (10) feet of any fire hydrant, or otherwise in any manner that could impede access to such fire hydrants by emergency vehicles.
8. At all times that the Special Use Permit is in effect, used passenger vehicles, including and limited to passenger cars, SUVs, vans, and pick-up trucks, may be sold on the Subject Property. Under no circumstances shall any other class of vehicle, including but not limited to semi-tractors, busses, boats, and RVs, be sold or offered for sale on the Subject Property.
9. At all times the Special Use Permit is in effect, the Applicants shall maintain the parking lot located on the Subject Property in a good condition that presents a neat and orderly appearance, free from broken pavement, potholes, refuse and debris. Further, the Applicants shall ensure that the parking lot is adequately striped such that all striping is visible and all parking spaces on the Subject Property are clearly defined, including all required handicapped parking spaces in accordance with standards established by the Illinois Accessibility Code, as amended from time to time. The posted fine for unlawfully parking in a handicapped parking space on the Subject Property shall be \$250.

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 repair facility (major) and/or used car sales lot pursuant to the Special Use Permit granted by this Ordinance.

**SECTION 4.** In the event that the Applicants violate 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 Applicants 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.** In the event that either of the Applicants seek to lease the Subject Property to any person such that the lessee will have the ability and right to operate an automobile repair (major) facility and/or used car sales lot on the Subject Property, the Applicants shall incorporate this Ordinance by reference into any and all lease agreement(s) so as to ensure that all terms and provisions hereof are equally applicable to any such lessee. It is the express intent of the Village that any and all use of the Subject Property as an automobile repair (major) facility and/or used car sales lot shall be fully subject to the terms and conditions of this Ordinance so long as the Special Use Permit granted hereby remains in effect.

**SECTION 6.** The Special Use Permit shall not run with the land and shall be immediately and automatically terminated and revoked if and when Spangler 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 Spangler sells, conveys, or otherwise transfers his entire ownership interest in the Subject Property to Montoya. It is the express intent of the Corporate Authorities of the Village, in passing this Ordinance, that the Special Use Permit shall be limited to the Applicants only.

**SECTION 7.** 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 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 26 day of August, 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>
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>
BRIAN TIERI	Aye - <u>X</u>	Nay - <u>    </u>	Absent - <u>    </u>

**ACTING VILLAGE PRESIDENT:**

MICHAEL WATSON            Non-Voting - X

**TOTALS:**                    Aye - 6    Nay - 0    Absent - 0

**ATTEST:**

Julie Tambling  
JULIE TAMBLING, VILLAGE CLERK

**APPROVED** this 26 day of August, 2019.

Michael Watson  
MICHAEL WATSON, ACTING VILLAGE PRESIDENT

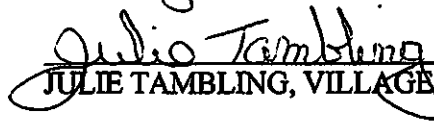
**ATTEST:**

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 O-8-19-2, "AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS (170 W. Broadway)," which was adopted by the Village President and Board of Trustees at a meeting held on the 26 day of August, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand in the Village of Bradley, County of Kankakee and State of Illinois, on this 26 day of August, 2019.

  
\_\_\_\_\_  
JULIE TAMBLING, VILLAGE CLERK

(SEAL)



