

VILLAGE OF BRADLEY

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ORDINANCE NO. 0-9-21-3

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR AN ADULT-USE CANNABIS  
DISPENSING ORGANIZATION WITHIN THE VILLAGE OF BRADLEY, KANKAKEE  
COUNTY, ILLINOIS  
(1660 IL-50, Bourbonnais, Illinois)

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ADOPTED BY THE  
BOARD OF TRUSTEES OF THE  
VILLAGE OF BRADLEY

THIS 13 DAY OF September, 2021

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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 13 day of Sept, 2021

ORDINANCE NO. 0-9-21-3

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR AN ADULT-USE  
CANNABIS DISPENSING ORGANIZATION WITHIN THE VILLAGE OF BRADLEY,  
KANKAKEE COUNTY, ILLINOIS  
(1660 IL-50, Bourbonnais, Illinois)**

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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 B-3 (Village Center Shopping); and

**WHEREAS**, the Subject Property is owned by TGP Investments Co. (the “Owner”); and

**WHEREAS**, the Owner has authorized GRD Illinois, LLC, to apply for the Special Use Permit (hereinafter the Owner and GRD Illinois, LLC, will be referred to collectively as the “Applicants” where appropriate); and

**WHEREAS**, on August 18, 2021, the Applicants submitted an application to the Village requesting that the Village grant the Applicants a special use permit authorizing the operation of an adult-use cannabis dispensing organization on the Subject Property (the “Special Use Permit”); and

**WHEREAS**, the operation of an adult-use cannabis dispensing organization is a permissible special use for a B-3 (Village Center Shopping) District pursuant to Section 60-154(2)(m) of the Village of Bradley Code of Ordinances (the “Village Code”); 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 Thursday, September 9, 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 (the Plan Commission’s findings of fact and recommendation of approval is attached hereto as Exhibit A 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 Applicants’ request; and

**WHEREAS**, the President and Board of Trustees of the Village hereby approve and adopt the Plan Commission’s findings of fact and concur in its recommendation; and

**WHEREAS**, the President and Board of Trustees of the Village have determined that the Special Use Permit (and the adult-use cannabis dispensing organization 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 B-3 (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 grant the Applicants a special use permit authorizing the Applicants to operate an adult-use cannabis dispensing organization 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 adult-use cannabis dispensing organization pursuant to Section 60-154(2)(m) of the Village Code over and upon the land legally described in this Section (hereinafter the “Subject Property”). The Subject Property is zoned B-3 (Village Center Shopping) and is legally described as follows:

A PARCEL OF LAND BEING A PART OF PARCEL 15 IN NORTHFIELD SQUARE RESUBDIVISION, A RESUBDIVISION OF NORTHFIELD SQUARE IN SECTION 16, TOWNSHIP 31 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, BEING A SUBDIVISION OF A TRACT OF LAND IN THE EAST HALF OF THE NORTHWEST QUARTER AND THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 31 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING ON THE EAST RIGHT-OF-WAY LINE OF STATE ROAD NO. 50 AT THE SOUTHWEST CORNER OF PARCEL 15 PER RESUBDIVISION PLAT DATED DECEMBER 1, 1989; THENCE NORTH 02 DEGREES 01 MINUTE 40 SECONDS WEST ALONG SAID EAST RIGHT-OF-WAY LINE A DISTANCE OF 78.38 FEET TO A POINT; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY NORTH 00 DEGREES 52 MINUTES 54 SECONDS WEST A DISTANCE OF 202.34 FEET TO THE PRINCIPAL POINT AND PLACE OF BEGINNING OF THE FOLLOWING DESCRIPTION:

THENCE CONTINUING NORTH 00 DEGREES 52 MINUTES 54 SECONDS WEST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 293.95 FEET TO A POINT OF INTERSECT WITH THE SOUTH RIGHT-OF-WAY LINE OF ROBERT HALL ROAD; THENCE DEPARTING AFORESAID EAST RIGHT-OF-WAY LINE AND ALONG SAID SOUTH RIGHT-OF-WAY LINE NORTH 89 DEGREES 23 MINUTES 39 SECONDS EAST A DISTANCE OF 474.50 FEET TO A POINT; THENCE DEPARTING SAID SOUTH RIGHT-OF-WAY LINE 233.91 FEET ALONG AN ARC TO THE LEFT HAVING A RADIUS OF 252.00 FEET AND A CENTRAL ANGLE OF 53 DEGREES 10 MINUTES 55 SECONDS; THENCE SOUTH 25 DEGREES 59 MINUTES 22 SECONDS WEST A DISTANCE OF 157.22 FEET TO A POINT; THENCE 19.21 FEET ALONG IN ARC TO THE LEFT HAVING A RADIUS OF 412.00 FEET AND A CENTRAL ANGLE OF 02 DEGREES 40 MINUTES 15 SECONDS; THENCE SOUTH 89 DEGREES 07 MINUTES 06 SECONDS WEST A DISTANCE OF 213.98 FEET TO THE POINT OF BEGINNING AND CONTAINING 87,855 SQUARE FEET, 2.0169 ACRES OF LAND, MORE OR LESS.

**Commonly known as:** 1660 IL-50, Bourbonnais, Illinois

**Bearing the current PIN:** 17-09-16-101-026

**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. Prior to the issuance of any occupancy permit for the subject property and commencement of any business operations thereon, the Applicants must submit a security measures plan for the facility that has been approved in writing by the Illinois State Police or other appropriate state entity.
2. Hours of operation of the propose use shall be limited to 9:00 a.m. to 10:00 p.m., seven days a week.
3. Prior to the issuance of any occupancy permit for the subject property and commencement of any business operations thereon, the Applicants must present the Village with evidence of an adequate traffic safety and traffic control agreement with the Bradley Police Department.
4. No signage may be erected or installed on the subject property unless and until each such sign is approved and permitted by the Village of Bradley pursuant to its ordinances.
5. Prior to the issuance of any occupancy permit for the subject property and commencement of any business operations thereon, the Applicants must submit, and the Village's Community Development Director must approve, a building/site improvement plan that sets

out, in detail, all security, lighting, and other improvements that the Applicants intend to make to the subject property in connection with the proposed cannabis dispensary use. All improvements required by the approved building/site improvement plan must be completed to the Village's satisfaction prior to the commencement of business on the subject property.

6. If the proposed cannabis dispensary is not established and fully operational within two (2) years of the effective date of the ordinance granting the special use permit for such establishment, the special use permit shall lapse and shall be null and void without the need for any further action on the part of the Village, provided that the Village Board may, upon a showing of good cause, extend the period in which the proposed cannabis dispensary must be established and operational by not more than twelve (12) additional months.

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 adult-use cannabis dispensing organization 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.** 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.

**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.

*[intentionally blank]*

**PASSED** by the Board of Trustees on a roll call vote on the 13 day of Sept, 2021.

**TRUSTEES:**

|                     |                   |                   |                      |
|---------------------|-------------------|-------------------|----------------------|
| RYAN LEBRAN         | Aye - <u>    </u> | Nay - <u>    </u> | Absent - <u>X</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> |
| GRANT D. VANDENHOUT | Aye - <u>X</u>    | Nay - <u>    </u> | Absent - <u>    </u> |
| GENE JORDAN         | Aye - <u>X</u>    | Nay - <u>    </u> | Absent - <u>    </u> |

**VILLAGE PRESIDENT:**

MICHAEL WATSON      Aye -           Nay -           Absent -     

**TOTALS:**              Aye - 5      Nay - 0      Absent - 1

**ATTEST:**

  
JULIE TAMBLING, VILLAGE CLERK

**APPROVED** this 13 day of September, 2021.

  
MICHAEL WATSON, VILLAGE PRESIDENT

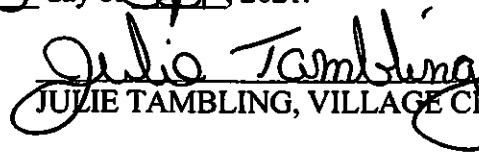
**ATTEST:**

  
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 0-4213, "AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR AN ADULT-USE CANNABIS DISPENSING ORGANIZATION WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS (1660 IL-50, Bourbonnais, Illinois)," which was adopted by the Village Corporate Authorities at a meeting held on the 13 day of Sept, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand in the Village of Bradley, County of Kankakee and State of Illinois, on this 13 day of Sept, 2021.

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

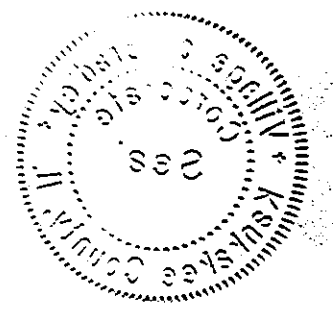
(SEAL)



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*[Handwritten signature]*

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# **EXHIBIT A**

**PZC FINDINGS OF FACT AND RECOMMENDATION OF APPROVAL  
(1660 IL-50, BOURBONNAIS, ILLINOIS — CANNABIS DISPENSARY)**

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On Thursday, September 9, 2021, at 6:30 p.m. the Village of Bradley Planning and Zoning Commission conducted a public hearing, with public notice having been duly given for the same. At that hearing, the Planning and Zoning Commission considered whether to recommend approval or denial of a special use permit authorizing the use of certain property located within the corporate boundaries of the Village as an adult-use cannabis dispensing organization. Having heard and considered all of the evidence presented at the hearing and being fully advised in the premises, the Planning and Zoning Commission hereby finds as follows:

1. The proposed use is compatible with surrounding land uses and the general area surrounding the subject property.
2. The proposed use is not inconsistent with the zoning classifications of other property within the general area of the subject property.
3. The subject property is suitable for the uses permitted under its existing zoning classification of B-3 (Village Center Shopping).
4. The proposed use is not inconsistent with the trend of development in the general area of the subject property.
5. The proposed use and the subject property's existing zoning classification of B-3 (Village Center Shopping) are not inconsistent with the official comprehensive plan of the Village.
6. The approval of the permit is in the public interest and not solely for the interest of the applicant.
7. The proposed use is necessary and desirable on the subject property and will likely provide the Village and its residents with services that are convenient and beneficial to the public.
8. The permit (and the proposed use to be operated thereunder) will likely contribute to the general welfare of the surrounding neighborhood or community.
9. The proposed use is not likely to be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity of the subject property.
10. The proposed use is not likely to be injurious to property values or improvements in the vicinity of the subject property.
11. The proposed use is compliant with all applicable regulations and conditions specified in the Bradley Zoning Ordinance.

Based on the foregoing findings, the Planning and Zoning Commission hereby recommends that the Corporate Authorities of the Village approve and adopt an ordinance granting the applicant a special use permit authorizing an adult-use cannabis dispensing organization, subject to the following conditions and restrictions:

1. Prior to the issuance of any occupancy permit for the subject property and commencement of any business operations thereon, the Applicant must submit a security measures plan for the facility that has been approved in writing by the Illinois State Police or other appropriate state entity.
2. Hours of operation of the proposed use shall be limited to 9:00 a.m. to 10:00 p.m., seven days a week.
3. Prior to the issuance of any occupancy permit for the subject property and commencement of any business operations thereon, the Applicant must present the Village with evidence of an adequate traffic safety and traffic control agreement with the Bradley Police Department.
4. No signage may be erected or installed on the subject property unless and until each such sign is approved and permitted by the Village of Bradley pursuant to its ordinances.
5. Prior to the issuance of any occupancy permit for the subject property and commencement of any business operations thereon, the Applicant must submit, and the Village's Community Development Director must approve, a building/site improvement plan that sets out, in detail, all security, lighting, and other improvements that the Applicant intends to make to the subject property in connection with the proposed cannabis dispensary use. All improvements required by the approved building/site improvement plan must be completed to the Village's satisfaction prior to the commencement of business on the subject property.
6. If the proposed cannabis dispensary is not established and fully operational within two (2) years of the effective date of the ordinance granting the special use permit for such establishment, the special use permit shall lapse and shall be null and void without the need for any further action on the part of the Village, provided that the Village Board may, upon a showing of good cause, extend the period in which the proposed cannabis dispensary must be established and operational by not more than twelve (12) additional months.

**PASSED** this 9<sup>th</sup> day of September, 2021, by roll call vote.

|                           | Aye      | Nay   | Absent |
|---------------------------|----------|-------|--------|
| Ryland Gagnon (Chairman)  | <u>✓</u> | _____ | _____  |
| Charlene Eads (Secretary) | <u>✓</u> | _____ | _____  |
| Mike Dauphin              | <u>✓</u> | _____ | _____  |
| James Guiss               | <u>✓</u> | _____ | _____  |
| Rick White                | <u>✓</u> | _____ | _____  |
| Bill Bodemer              | <u>✓</u> | _____ | _____  |
| Michael Williams          | <u>✓</u> | _____ | _____  |



# Agenda Cover Memorandum

**Meeting Date:** September 13th, 2021

**Fiscal Year:** 2021

**Agenda Item:** Ord. granting a special use permit for an adult use cannabis dispensary organization at 1660 St. Rt. 50 within the Village of Bradley.

**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:**

On 9-9-21 The PNZ commission held a public hearing for Applicant GRD Illinois, for the approval of a special use permit to operate an adult use cannabis business establishment, (Dispensary) in a B-3 village center shopping district. By a 7-0 vote the PNZ has recommended the measure to the Village board for their consideration of a special use for an adult use cannabis business establishment, Dispensary.

Approval of Ordinance

**Supporting Documents: Ord #**

**Financial (if applicable)**

Is this a budgeted item?     Yes       No       Requires Budget Amendment

Line Item: \_\_\_\_\_ Title: \_\_\_\_\_

Amount Budgeted: \_\_\_\_\_