VILLAGE OF BRADLEY

ORDINANCE NO. O-08-22-03

AN ORDINANCE REZONING (MAP AMENDMENT) LAND LOCATED IN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS
(1685 N. State Rt. 50)

ADOPTED BY THE
BOARD OF TRUSTEES OF THE
VILLAGE OF BRADLEY

THIS 8th DAY OF AUGUST, 2022

Published in pamphlet form by the authority of the Board of Trustees of the Village of Bradley, Kankakee County, Illinois this 8th day of August, 2022

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AN ORDINANCE REZONING (MAP AMENDMENT) LAND LOCATED IN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS (1685 N. State Rt. 50)

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, pursuant to 65 ILCS 5/11-13-1, *et. seq.*, the Corporate Authorities are authorized to regulate zoning within the Village; 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 NR-2 (Single-family residence); and

WHEREAS, on April 4, 2022, Link Media Midwest, LLC submitted an application to the Village requesting a map amendment (rezoning) for the Subject Property from its existing zoning classification of NR-2 (Single-family residence) to a new zoning classification of B-2 (Commercial); and

WHEREAS, the Subject Property is presently owned by Key Properties, LLC (the "Owner"), which has authorized Link Media Midwest, LLC to make the map amendment (rezoning) application in this instance (hereinafter Link Media Midwest, LLC and Key Properties, LLC will be referred to collectively as the "Applicant"); and

WHEREAS, the requested map amendment (rezoning) is authorized pursuant to Section 60-233 of the Village of Bradley Code of Ordinances (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, on Tuesday, August 2, 2022, a public hearing was held before the Plan Commission to consider the Applicant's rezoning request, with all notices and certifications having been properly given in accordance with the ordinances of the Village of Bradley and all other applicable laws; and

WHEREAS, the Plan Commission fully considered the Applicant's application 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 regarding the rezoning requested by the Applicant is attached hereto as Exhibit A and fully incorporated herein); and

WHEREAS, the Plan Commission has recommended that the President and the Board of Trustees of the Village approve the Applicant's application; 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 the Plan Commission's recommendation of approval; and

WHEREAS, the President and Board of Trustees of the Village hereby find that it is in the best interests of the citizens of the Village to grant the Applicant's request for a map amendment (rezoning) for 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 Subject Property is hereby rezoned from NR-2 (Single-family residence) to B-2 (Commercial). The Subject Property is legally described as follows:

> THAT PART OF LOT 1, STEP SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 31 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KANKAKEE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:
>
> COMMENCING AT AN IRON PIPE AT THE NORTHEAST CORNER OF LOT 1 OF STEP SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 31 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KANKAKEE COUNTY, ILLINOIS, THENCE SOUTH 03 DEGREES 34 MINUTES 50 SECONDS EAST ALONG THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 50 A DISTANCE OF 15.4 FEET TO AN IRON PIPE, SAID PIPE TO BE KNOWN AS THE POINT OF BEGINNING. FROM SAID POINT OF BEGINNING, THENCE CONTINUING SOUTH 03 DEGREES 34 MINUTES 50 SECONDS EAST A DISTANCE OF 50.00 FEET TO AN IRON PIPE; THENCE NORTH 89 DEGREES 38 MINUTES 00 SECONDS WEST A DISTANCE OF 70.00 FEET TO AN IRON PIPE; THENCE NORTH 03 DEGREES 34 MINUTES 50 SECONDS WEST A DISTANCE OF 50.00 FEET TO AN IRON PIPE; THENCE SOUTH 89 DEGREES 38 MINUTES 00 SECONDS EAST A DISTANCE OF 70.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.08 ACRE, MORE OR LESS.
>
> **Commonly known as:** 1685 N. State Rt. 50, Bradley, Illinois, 60915.

Bearing the current PINs: 17-09-16-100-043.

SECTION 3. That the Village Clerk is hereby authorized and directed to note the change in zoning, as made by this Ordinance, upon the Official Zoning Map of the Village.

SECTION 4. That the Village Clerk is hereby instructed to record a copy of this ordinance, with all attached exhibits, with the office of the Kankakee County Recorder of Deeds.

SECTION 5. That 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 6. 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 7. That the Village Clerk is hereby directed to publish this Ordinance in pamphlet form.

SECTION 8. 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 left blank.*]

PASSED by the Board of Trustees on a roll call vote on the 8th day of August, 2022.

TRUSTEES:

RYAN LEBRAN	Aye – X	Nay – ____	Absent – ____
BRIAN BILLINGSLEY	Aye – X	Nay – ____	Absent – ____
DARREN WESTPHAL	Aye – X	Nay – ____	Absent – ____
BRIAN TIERI	Aye – X	Nay – ____	Absent – ____
GRANT D. VANDENHOUT	Aye – X	Nay – ____	Absent – ____
GENE JORDAN	Aye – X	Nay – ____	Absent – ____

VILLAGE PRESIDENT:

MICHAEL WATSON	Aye – ____	Nay – ____	Absent – ____
TOTALS:	**Aye –** 6	**Nay –** Ø	**Absent –** Ø

ATTEST:

Julie Tambling

JULIE TAMBLING, VILLAGE CLERK

APPROVED this 8th day of August, 2022.

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-08-22-03, "AN ORDINANCE REZONING (MAP AMENDMENT) LAND LOCATED IN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS (1685 N. State Rt. 50)," which was adopted by the Village Corporate Authorities at a meeting held on the 8th day of August, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand in the Village of Bradley, County of Kankakee and State of Illinois, on this 8th day of Aug, 2022.

Julie Tambling
JULIE TAMBLING, VILLAGE CLERK

(SEAL)

EXHIBIT A

Sec. 38-18. Commercial signs.

No commercial sign shall be located, erected, maintained or operated within a residential zone unless it conforms to the definition of a real estate sign.

(Code 1985, § 15-5.18; Ord. No. O-7-96-6, § 18, 8-26-1996)

Link Media Outdoor – Re-Zoning Permit Request

Intended zoning requested action – Link Media Midwest, LLC is requesting re-zoning from NR-2 to B-2 from the Village of Bradley. We are requesting to convert our current billboard structure 1K187 located at 1685 N. State Rt. 50, Bradley, IL. Parcel ID # 17-09-16-100-043. Easement owned by Key Properties LLC and billboard owned by Link Media Midwest, LLC. The current sign is a single monopole with a total of 4 static billboards, (2) per side each panel measuring 12' x 24', facing North and South. We are requesting to downsize our footprint to a single pole, with 2 digital billboard panels (1) facing North and (1) facing south, each measuring 12' x 24'. The height of the newly converted billboard would be the same as the current board – approximately 36' 7 HAGL plus the size of the 12' panel. (approx. 48.7' total height). A print is attached with our re-zoning packet for your review. Re-zoning requested is as follows:

- **Bradley Zoning** – *No commercial sign allowed in a residential area and no board can be within 500 ft from residential zone* – **Link Media Response** - This location is currently zoned NR-2 (was previously ER Estate Residential). We are requesting this parcel (17-09-16-100-043) be re-zoned to B-2 Commercial. We request that our board be allowed on this property and within 500 ft of any other NR-2 properties that are not yet re-zoned. The property (parcel ID # 17-09-09-303-012) next to our sign location was allowed rezoning on 6/22/15 from ER Estate Residential to B-2 Commercial. We are requesting the same courtesy. This area is a completely commercial zone with no residential homes anywhere in the vicinity. The closest true residential zoning area appears to be approx. 1,354 ft from our sign location. Overhead photos and measurements are attached for verification and review. Our sign sits on property operated by Belson Steel. Our location is across from the Northfield Sq. Mall. Also next to the sign or in the immediate vicinity of our billboard is Starbucks, Target, Watertower Plaza, Circle K, Farm and Fleet, Cracker Barrel and numerous hotels. Our ability to assist these local businesses with their advertising needs on our proposed digital billboard will bring tax dollars to the Village and County and income to many local businesses.

  Further supporting info. to consider –

  - Our competitor George Ryan has a digital billboard that he was allowed to convert located at 310 S. Kinzie, Bradley, IL. His billboard is zoned industrial but is 375.9 ft from a residential area which is NE of that board, and 492 ft SE of another residential area and lastly, 537 ft east of a third residential area. Their board is surrounded by residential areas.
  - If re-zoning for our billboard from NR-2 (previously ER Estate Residential) to B-2 is not considered, we would ask that you consider providing a variance to allowing a commercial sign within NR-2 and allow a sign 500 ft. from residential regulation based on the fact that we have no true residences within that 500 ft. This sign has been in place since it was permitted in 1988. Verification is attached for your review.

Link Media Variance and
Re-Zoning Request -
Findings of Fact

a) Unique Physical Condition. The subject property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject property that amount to more than a mere inconvenience to the owner and that relate to or arise out of thelot rather than the personal situation of the current owner of the lot.

- **Link Media Response - The subject property was previously improved with a permitted static billboard. Link Media would like to improve the site further by reducing our footprint and adding a smaller, updated digital billboard structure. Our board sits on the property of Belson Steel and is located in a fully commercial area (malls, hotels, restaurants, commercial business only, etc.)**

b) Not Self-Created. The aforesaid unique physical condition is not the result of any action or inaction of the owner or her predecessors in title and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of this Code, for which no compensation was paid.

- **Link Media Response -This is not a self-created situation. The area is zoned residential although it is surrounded by only commercial businesses (malls, restaurants, commercial businesses, hotels, etc). There are two areas marked residential in the vicinity of our billboard, but both areas are full of commercial businesses with no true residential area. The closest true residential area is 1,354 feet away from our billboard. Our billboard is located 1,625 feet from another billboard. This is very close to the allowed regulation of 2,000 feet. For context, if this route was still controlled by IDOT, their minimum spacing requirement would be 100' from another sign. If the State of Illinois deems this distance appropriate, then our proposed distance of 1,625 feet is more than adequate. The competitor George Ryan was allowed to place a digital billboard as close as 375 feet from a residential area and 631 feet from another billboard.**

c) Denied Substantial Rights. The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by ownersof other lots subject to the same provision.

- **Link Media Response – The lot directly next to where the Link Media billboard is located was allowed to be rezoned to B-2 in 2015. We are asking for the same courtesy. The George Ryan competitor digital board was allowed to be**

located close to residential properties and close to another billboard, although those distances weren't within the Village sign regulations.

d) Not Merely Special Privilege. The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the sale of the subjectproperty; provided, however, that where the standards herein set out exist, the existence of an economic hardship will not be a prerequisite to the grant of an authorized variation.

- **Link Media Response -No special privilege applies. We feel that the fact the billboard sits in a fully commercial area and that a competitor was allowed to put their digital billboard up when they did not meet Village regulations should allow Link Media to apply for and be awarded these variations and re-zoning request.**

e) Code and Plan Purposes. The variation would not result in a use or development of the subject property that would not be in harmony with the general and specific purposes for which this Code and the provisionfrom which a variation is sought were enacted or the general purpose and intent of The Village of Bourbonnais Comprehensive Land Use Plan.

- **Link Media Response – The area on which our board sits is a commercial steel company which is located in a fully commercial area. (malls, commercial businesses, hotels, restaurants, etc.). No true residential properties are within the distance that is stated in the regulations.**

f) Essential Character of the Area. The variation would not result in a use or development on the subjectproperty that:

i) Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use,development value of property or improvements permitted in the vicinity

- **Link Media Response -Our billboard has been in place since 1988. It's located in a commercial only area. The placement of our billboard does not hinder any enjoyment or value of the property. Our ability to assist local businesses to advertise on our billboard brings tax dollars to the Village and County. Allowing the update to a digital structure will allow us to assist even more advertisers at once and further increase tax dollars for the Village and County.**

ii) Would materially impair an adequate supply of light and air to the properties and improvements in thevicinity

- **Link Media Response – Our billboard has been in place since 1988. It sits off the road next to Belson steel. It does not hinder light or air and does not interfere with any improvements in the vicinity. We improve the area by posting local advertisers and public service announcements, community**

events and emergency alerts.

iii) Would substantially increase congestion in the public streets due to traffic or parking

- **Link Media Response – No traffic congestion or parking issues would be caused by the conversion of our billboard. The sign will be visible to cars traveling along the road just as our old sign was. Documentation/studies have been provided in this application showing the positive features and benefits of digital billboard structures and supporting the fact that they do not have a hindering effect on distraction, traffic or light in the area.**

iv) Would unduly increase the danger of flood or fire

- **Link Media Response -This question does not apply. This billboard would not increase the danger of flood or fire in any way.**

v) Would unduly tax public utilities and facilities in the area

- **Link Media Response – A billboard will not affect taxing of public utilities or facilities in the area. The ads on the board will stimulate local tax money which will benefit local business, the Village, and the County.**

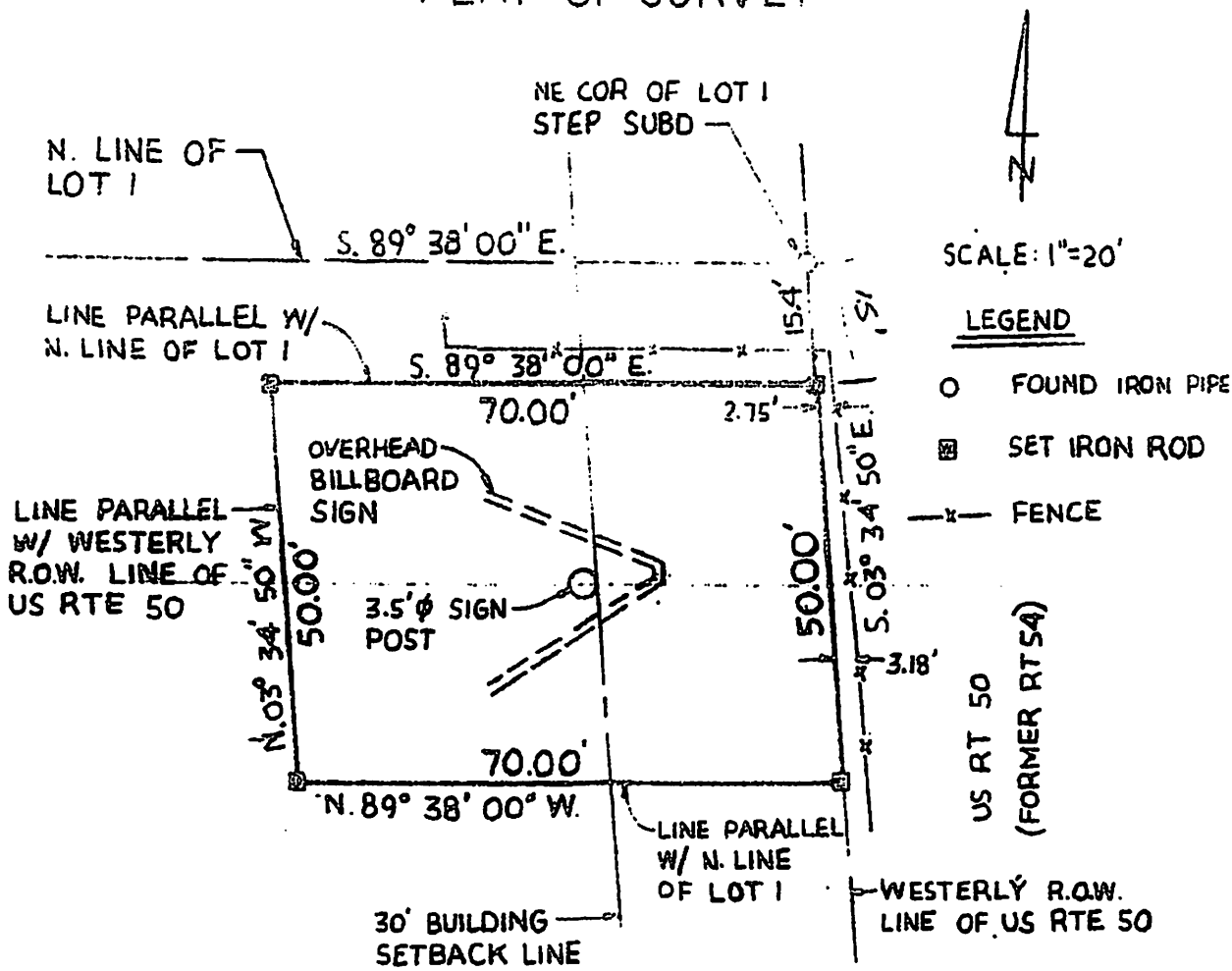
vi) Would endanger the public health and safety

- **Link Media Response – The installation of our digital billboard would not endanger public health or safety in anyway as it would strictly adhere to all OSHA requirements. We do post public service announcements on our board as well, so we would only be helping with public health and safety.**

h) No Other Remedy. There is no means other than the requested variation by which the alleged hardship ordifficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property.

- **Link Media Response – Filing for this variation and re-zoning is our only remedy. We feel that our current billboard is not located within a true residential area. The business directly next door was allowed re-zoning in 2015 and our competitor was allowed to install their digital billboard at 310 S. Kinzie, Bradley. The competitor's billboard is very close to residential (375 feet, 492 feet and 537 feet in different directions) and they also sit 632 feet away from another billboard. All of these distances are outside of the allowed Village regulations. Link Media is requesting the same courtesy and appreciate your time and consideration.**

PLAT OF SURVEY



LAND DESCRIPTION

Commencing at an iron pipe the Northeast corner of Lot 1 of Step Subdivision, being a subdivision of part of the Northwest Quarter of Section 16, Township 31 North, Range 12 East of the 3rd P.M. in Kankakee County, Illinois; thence South 03° 34' 50" East along the Westerly right-of-way line of U.S. Route 50 a distance of 15.4 feet to an iron pipe, said point to be known as the point of beginning. From said point of beginning; thence continuing South 03° 34' 50" East a distance of 50.00 feet to an iron pipe; thence North 89° 38' 00" West a distance of 70.00 feet to an iron pipe; thence North 03° 34' 50" West a distance of 50.00 feet to an iron pipe; thence South 89° 38' 00" East a distance of 70.00 feet to the point of beginning, containing 0.08 acre.

This is to certify that on February 24, 1992, at the request of Key Outdoor, Inc., Agent, I made a survey and marked the corners of the property shown platted and described hereon, that all points shown were located or set, that all distances shown were measured or computed in feet and decimals thereof, and that this plat is a true and correct delineation of the survey as made on the ground by me. This survey does not guarantee title information. Valid only if original Surveyor's Seal is affixed.

Given under my hand and seal this 9th day of March, 1992.

David A. Tyson, I.R.L.S. #2445

David A. Tyson
111 S. Indiana Ave.

Tyson Engineering, Inc.
Kankakee, IL 60901

Job #92056

NOTES:

200ft