VILLAGE OF BRADLEY

ORDINANCE NO. O-12-19-3

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

ADOPTED BY THE
BOARD OF TRUSTEES OF THE
VILLAGE OF BRADLEY

THIS 9th DAY OF December, 2019

Published in pamphlet form by the authority of the Board of Trustees of the Village of Bradley, Kankakee County, Illinois this 9th day of December, 2019

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AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS (638 E. Broadway)

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 B2 (Commercial District); and

WHEREAS, on November 7, 2019, On the Side Auto Repair, LLC (the "Applicant"), submitted an application to the Village requesting that the Village grant the Applicant a special use permit authorizing the operation of an automobile repair (major) facility on the Subject Property (the "Special Use Permit"); and

WHEREAS, the operation of an automobile repair (major) facility is a permissible special use for a B2 (Commercial) District pursuant to Section 60-153(2)(z) of the Village of Bradley Code of Ordinances (the "Village Code"); and

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

WHEREAS, the Owner has authorized the Applicant to apply for the Special Use Permit; 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, December 3, 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 Applicant's request; 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 automobile repair (major) facility 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 B2 (Commercial) 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 Applicant a special use permit authorizing the Applicant to operate an automobile repair (major) facility 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 a automobile repair (major) facility pursuant to Section 60-153(2)(z) of the Village Code over and upon the land legally described in this Section (hereinafter the "Subject Property"). The Subject Property is zoned B2 (Commercial District) and is legally described as follows:

LOTS FIVE (5) AND SIX (6) IN BLOCK ONE HUNDRED-FIFTEEN (115) IN THE VILLAGE OF NORTH KANKAKEE, NOW KNOWN AS VILLAGE OF BRADLEY, IN KANKAKEE COUNTY, ILLINOIS.

Commonly known as: 634-638 East Broadway, Bradley, Illinois 60915

Bearing the current PIN: 17-09-28-115-005

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 Applicant 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 B2 (Commercial) 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 service, maintenance, or repair may be parked or stored outside on the Subject Property.

4. At all times that the Special Use Permit is in effect, the Applicant may not undertake any enhancements, improvements, or alterations to the existing buildings (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 Applicant 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 the Special Use Permit is in effect, the Applicant 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 Applicant 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.

9. The only forms of automobile repair work that are and shall be permitted by this special use permit are (i) engine swap or minor repair work, (ii) transmission swap or minor repair work, and (iii) any work that falls within the meaning of "automobile repair, minor," as that term is defined by the Village Code, as amended from time to time. This Ordinance does not and shall not be deemed to permit any restoration, collision, and/or any other type of body repair work on any vehicle(s).

The Owner and 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 the Subject Property as an automobile repair (major) facility pursuant to the Special Use Permit granted by this Ordinance.

SECTION 4. In the event that the Owner or Applicant violates 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 Owner/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 5. The Special Use Permit granted by this Ordinance is and shall be limited to the Applicant only. Under no circumstances shall the Owner of the Subject Property allow or permit any person or organization other than the Applicant to operate an automobile repair (major) facility on the Subject Property without seeking a new special use permit for said use in relation to that person or organization. In the event that the Applicant intentionally ceases and abandons operation of the proposed automobile repair (major) facility on the Subject Property, this ordinance shall be automatically repealed and of no further effect without the need for any further action by the Corporate Authorities of the Village.

SECTION 6. 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, provided however that the Special Use Permit shall not be so terminated and revoked if the Owner sells, conveys, or otherwise transfers his entire ownership interest in the Subject Property to the Applicant.

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.

BRADLEY

PASSED by the Board of Trustees on a roll call vote on the 9th day of December 2019.

TRUSTEES:

ROBERT REDMOND	Aye – X	Nay – ____	Absent – ____
MICHAEL WATSON	Aye – X	Nay – ____	Absent – ____
RYAN LEBRAN	Aye – X	Nay – ____	Absent – ____
BRIAN BILLINGSLEY	Aye – X	Nay – ____	Absent – ____
DARREN WESTPHAL	Aye – X	Nay – ____	Absent – ____
BRIAN TIERI	Aye – X	Nay – ____	Absent – ____

ACTING VILLAGE PRESIDENT:

MICHAEL WATSON	Non-Voting – X		
TOTALS:	Aye – 6	Nay – Ø	Absent – Ø

ATTEST:

Julie Tambling
JULIE TAMBLING, VILLAGE CLERK

APPROVED this 9th day of December, 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-12-19-3, "AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS (638 E. Broadway)," which was adopted by the Village Corporate Authorities at a meeting held on the 9th day of Dec, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand in the Village of Bradley, County of Kankakee and State of Illinois, on this 9th day of Dec, 2019.

Julie Tambling
JULIE TAMBLING, VILLAGE CLERK

(SEAL)