

VILLAGE OF BRADLEY

ORDINANCE NO. O-1-20-2

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY
WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS
(285 N. Industrial Drive)

ADOPTED BY THE
BOARD OF TRUSTEES OF THE
VILLAGE OF BRADLEY

THIS 13th DAY OF *January*, 2020

Published in pamphlet form by the authority of the Board of Trustees of the Village of Bradley,
Kankakee County, Illinois this 13th day of *January*, 2020

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**AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY
WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS
(285 N. Industrial Drive)**

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 December 9, 2019, Wesco Distribution, Inc. (the “Applicant”), submitted an application to the Village requesting that the Village grant the Applicant a special use permit authorizing the operation of a distribution establishment/warehouse on the Subject Property (the “Special Use Permit”); and

WHEREAS, the operation of a distribution establishment/warehouse is a permissible special use for a M (Industrial) district pursuant to Section 60-179(2)(n) of the Village of Bradley Code of Ordinances (the “Village Code”); and

WHEREAS, the Subject Property is owned by Municipal Trust and Savings Bank Trust #2722 (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, January 7, 2020, 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, subject to the conditions and restrictions set out 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, the President and Board of Trustees of the Village have determined that the Special Use Permit (and the distribution establishment/warehouse 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 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 Applicant a special use permit authorizing the Applicant to operate a distribution establishment/warehouse on the Subject Property, subject to the conditions and restrictions set out herein.

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 distribution establishment/warehouse pursuant to Section 60-179(2)(n) of the Village Code over and upon the land legally described in this Section (hereinafter the "Subject Property"). The Subject Property is zoned M (Industrial) and is legally described as follows:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 31 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, KANKAKEE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 4 OF HOVER PLAZA, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 14, 1989 AS DOCUMENT NUMBER 89-13639; THENCE SOUTH 89 DEGREES 30 MINUTES 30 SECONDS WEST ALONG THE NORTH LINE OF SAID HOVER PLAZA 109.95 FEET; THENCE NORTH 00 DEGREES 52 MINUTES 10 SECONDS WEST 153.43 FEET; THENCE NORTH 89 DEGREES 37 MINUTES 26 SECONDS EAST 289.92 FEET;

THENCE SOUTH 00 DEGREES 53 MINUTES 59 SECONDS EAST 129.90 FEET; THENCE SOUTH 89 DEGREES 10 MINUTES 29 SECONDS WEST 179.91 FEET ALONG THE NORTH LINE OF LAND DESCRIBED IN DEED RECORDED AS DOCUMENT #201406578; THENCE SOUTH 00 DEGREES 31 MINUTES 54 SECONDS EAST 21.90 FEET ALONG THE WEST LINE OF LAND DESCRIBED IN DEED RECORDED AS DOCUMENT #201406578 TO THE POINT OF BEGINNING.

Commonly known as 285 N. Industrial Drive, Bradley, Illinois

Bearing the present PIN: 17-09-20-415-043

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. The Applicant and/or Owner must fully pave the existing gravel drive and storage yard to the satisfaction of the Village no later than two (2) years after the date of this Ordinance. Before beginning any paving work, the Applicant/Owner must submit a permit application to the Village's Community Development Director, along with all pertinent plans and documentation, for review and final approval.
2. Any outside storage areas on the Subject Property must be fully screened from view by a solid type fence or wall having a maximum height of (8) feet. Prior to constructing any such wall or fence, the Applicant/Owner must first submit a fence permit application, along with all pertinent documentation, to the Village's Community Development Director for review and approval.
3. The Applicant/Owner shall not make any interior modifications to any structure(s) on the Subject Property, including but not limited to structural, plumbing, or electrical changes, or as otherwise determined by the building inspector, without first submitting a building permit application, along with all applicable documentation, to the Community Development Director for review and approval. All required building permits must be fully approved before the Applicant/Owner may commence work.
4. The Applicant/Owner must complete any and all outstanding exterior improvements that were previously approved for the subject property, including but not limited to parking lot striping, landscaping, handrail installation, and accessible parking signage, contemporaneously with the Applicant beginning to use the Subject Property as a distribution establishment/warehouse pursuant to the Special Use Permit granted by this Ordinance.
5. The Applicant/Owner shall not install any exterior sign, including but not limited to wall signs and freestanding signs, unless and until they submit a sign permit application to the Community Development Director for review and approval.

6. The Applicant/Owner may not begin to operate any business on the Subject Property unless and until the request, and the Village issues, (i) an occupancy permit for the premises and (ii) a business license for the particular business.

The Applicant and Owner 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 a distribution establishment/warehouse pursuant to the Special Use Permit granted by this Ordinance.

SECTION 4. In the event that the Applicant or Owner 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 Applicant and Owner 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, 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 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.

BRADLEY

PASSED by the Board of Trustees on a roll call vote on the 13th day of Jan, 2020.

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 13th day of January, 2020.

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-1-20-2, "AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS (285 N. Industrial Drive)," which was adopted by the Village Corporate Authorities at a meeting held on the 13th day of Jan, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand in the Village of Bradley, County of Kankakee and State of Illinois, on this 13th day of Jan, 2020.


JULIE TAMBLING, VILLAGE CLERK

(SEAL)



