

VILLAGE OF BRADLEY

ORDINANCE NO. 0-12-22-02

AN ORDINANCE REZONING (MAP AMENDMENT) LAND LOCATED IN THE VILLAGE
OF BRADLEY, KANKAKEE COUNTY, ILLINOIS
(PIN: PART OF 17-09-16-400-030)

ADOPTED BY THE
BOARD OF TRUSTEES OF THE
VILLAGE OF BRADLEY

THIS 22nd DAY OF December, 2022

Published in pamphlet form by the authority of the Board of Trustees of the Village of Bradley,
Kankakee County, Illinois this 22 day of Dec., 2022

ORDINANCE NO. 012-22-02

**AN ORDINANCE REZONING (MAP AMENDMENT) LAND LOCATED IN THE
VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS
(PIN: PART OF 17-09-16-400-030)**

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 R-6 (General residence); and

WHEREAS, on November 9, 2022, Bradley Hotel TPS, Inc. submitted an application to the Village requesting a map amendment (rezoning) for the Subject Property from its existing zoning classification of R-6 (General residence) to a new zoning classification of B-3 (Village center shopping); and

WHEREAS, the Subject Property is presently owned by Municipal Trust and Savings Bank Trust, Trust Number 0952 (the “Owner”), which has authorized Bradley Hotel TPS, Inc. to make the map amendment (rezoning) application in this instance (hereinafter Bradley Hotel TPS, Inc. and the Owner 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, December 6, 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 R-6 (General residence) to B-3 (Village center shopping). The Subject Property is legally described as follows:

THAT PART OF THE FOLLOWING DESCRIBED TRACT LYING WEST OF THE WEST LINE OF NORTHFIELD MEADOWS BOULEVARD AND WINANS AVENUE AND NORTH OF THE NORTHERLY LINE OF LOT 108 NORTHFIELD MEADOWS SUBDIVISION FOURTH ADDITION RECORDED PER DOCUMENT NUMBER 200313139: A TRACT OF LAND BEING A PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 16, IN TOWNSHIP 31 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN IN KANKAKEE COUNTY, ILLINOIS DESCRIBED AS FOLLOWS: COMMENCING AT A RAILROAD SPIKE AT THE SOUTHEAST CORNER OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 16; THENCE NORTH 00 DEGREES 56 MINUTES 28 SECONDS WEST A DISTANCE OF 35.05 FEET TO AN IRON ROD, SAID POINT TO BE KNOWN AS THE POINT OF BEGINNING FOR THIS LAND DESCRIPTION; THENCE NORTH 86 DEGREES 36 MINUTES 47 SECONDS WEST A DISTANCE OF 612.05 FEET TO AN IRON ROD; THENCE NORTH 62 DEGREES 51 MINUTES 43 SECONDS WEST A DISTANCE OF 43 .05 FEET TO AN IRON ROD; THENCE NORTH 17 DEGREES 05 MINUTES 52 SECONDS WEST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 57 A DISTANCE OF 221.96 FEET TO AN IRON ROD; THENCE NORTHWESTERLY ON A CURVE TO THE LEFT ALONG THE EASTERLY RIGHT-OF-WAY OF INTERSTATE 57 WITH A RADIUS OF 2964.93 FEET, AN ARC LENGTH OF 917.26 FEET AND HAVING A CHORD BEARING OF NORTH 25 DEGREES 56 MINUTES 27 SECONDS WEST WITH A DISTANCE OF 913.60 FEET TO AN IRON ROD; THENCE NORTH 31 DEGREES 50

MINUTES 23 SECONDS WEST ALONG THE EASTERLY RIGHT-OF-WAY OF INTERSTATE 57 A DISTANCE OF 419.00 FEET TO AN IRON ROD; THENCE NORTH 47 DEGREES 14 MINUTES 45 SECONDS WEST ALONG THE EASTERLY RIGHT-OF-WAY OF INTERSTATE 57 A DISTANCE OF 7.84 FEET TO AN IRON PIPE; THENCE NORTH 00 DEGREES 52 MINUTES 36 SECONDS WEST ALONG THE WEST LINE OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 16 A DISTANCE OF 1158.88 FEET TO AN IRON ROD; THENCE NORTH 89 DEGREES 18 MINUTES 24 SECONDS EAST ALONG THE NORTH LINE OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 16 A DISTANCE OF 180.02 FEET TO AN IRON ROD; THENCE SOUTH 00 DEGREES 55 MINUTES 24 SECONDS EAST A DISTANCE OF 60.00 FEET TO AN IRON ROD; THENCE NORTH 89 DEGREES 18 MINUTES 24 SECONDS EAST A DISTANCE OF 478.11 FEET TO AN IRON ROD; THENCE NORTH 86 DEGREES 40 MINUTES 39 SECONDS EAST A DISTANCE OF 658.14 FEET TO AN IRON ROD; THENCE SOUTH 00 DEGREES 56 MINUTES 28 SECONDS EAST ALONG THE EAST LINE OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 16 A DISTANCE OF 2595.98 FEET TO THE POINT OF BEGINNING, EXCEPTING THE FOLLOWING: THAT PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 31 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, KANKAKEE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS

:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 16; THENCE NORTH 89 DEGREES 18 MINUTES 24 SECONDS EAST ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 179.97 FEET TO AN IRON ROD; THENCE SOUTH 00 DEGREES 55 MINUTES 24 SECONDS EAST A DISTANCE OF 60.00 FEET TO AN IRON ROD; THENCE SOUTH 89 DEGREES 18 MINUTES 24 SECONDS WEST A DISTANCE OF 180.02 FEET TO AN IRON ROD ON THE WEST LINE OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 16; THENCE NORTH 00 DEGREES 52 MINUTES 36 SECONDS WEST ALONG LAST SAID LINE A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THAT PART OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 31 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN IN KANKAKEE COUNTY, ILLINOIS DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH WEST CORNER OF LOT 108 NORTHFIELD MEADOWS SUBDIVISION FOURTH ADDITION RECORDED AS DOCUMENT NUMBER 200313139: THENCE NORTH WESTERLY ON A CURVE TO THE LEFT ALONG THE EASTERLY RIGHT-OF-WAY OF INTERSTATE 57 WITH A RADIUS OF 2964.93 FEET, AN ARC LENGTH OF 206.50 FEET AND HAVING A CHORD BEARING OF NORTH 26 DEGREES 21 MINUTES 48 SECONDS WEST; THENCE NORTH 78 DEGREES 04 MINUTES 40 SECONDS EAST 185.43 FEET; THENCE NORTH 12 DEGREES 09 MINUTES 32 SECONDS WEST 67.08 FEET TO A POINT ON

CURVE; THENCE SOUTHEASTERLY ON A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 137.00 FEET, AN ARC LENGTH OF 38.52 FEET, AND A CHORD BEARING OF NORTH 85 DEGREES 53 MINUTES 45 SECONDS EAST; THENCE NORTH 77 DEGREES 50 MINUTES 28 SECONDS EAST 81.26 FEET; THENCE 09 DEGREES 47 MINUTES 18 SECONDS WEST 274.34 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF WINANS AVENUE DEDICATED PER NORTHFIELD MEADOWS THIRD ADDITION RECORDED AS DOCUMENT NUMBER 98-01929; THENCE SOUTHERLY ALONG A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 400.00 FEET, AN ARC LENGTH OF 373.39 FEET, AND A CHORD BEARING OF SOUTH 11 DEGREES 56 MINUTES 47 SECONDS EAST TO THE NORTH EAST CORNER OF LOT 108 OF SAID NORTHFIELD MEADOWS SUBDIVISION FOURTH ADDITION; THENCE SOUTH 57 DEGREES 32 MINUTES 32 SECONDS WEST ALONG THE NORTH LINE OF SAID LOT 108, 311 .94 FEET TO THE POINT OF BEGINNING.

AND

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 31 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, KANKAKEE COUNTY ILLINOIS LYING NORTHERLY OF THE NORTHERLY LINE OF NORTHFIELD MEADOWS BOULEVARD AS DEDICATED PER NORTHFIELD MEADOWS SUBDIVISION THIRD ADDITION RECORDED AS DOCUMENT NO. 98-01929; WESTERLY OF THE WESTERLY LINE OF LEMNA AVENUE AS DEDICATED PER NORTHFIELD MEADOWS SUBDIVISION 2ND ADDITION, RECORDED AS DOCUMENT NO. 95-17010; AND SOUTH OF THE SOUTH LINE OF FREEDOM DRIVE AS DEDICATED PER DOCUMENT NO. 91-17509, DOCUMENT NO. 200728186, DOCUMENT NO. 91-17507, AND DOCUMENT NO. 200728184.

Commonly known as: 6 acres (+/-) of vacant land lying southwest of the intersection of Northfield Meadows Boulevard and Freedom Drive, in the Village of Bradley, Kankakee County, Illinois.

Bearing the current PINs: Part of 17-09-16-400-030.

SECTION 3. Pursuant to Section 60-233(i) of the Bradley Village Code, in the event that no development occurs on the Subject Property within two (2) years of the date of this Ordinance, the Village, through its planning and zoning commission, may review and reconsider the map amendment affected by this ordinance and may recommend to the village board that the Subject Property be rezoned back to its original zoning classification of R-6 (General residence) or to such other zoning classification as the Village determines to be appropriate in light of the Village's then-applicable comprehensive plan.

SECTION 4. 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 5. 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 6. 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 7. 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 8. That the Village Clerk is hereby directed to publish this Ordinance in pamphlet form.

SECTION 9. 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 12 day of Dec., 2022.

TRUSTEES:

RYAN LEBRAN	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
BRIAN BILLINGSLEY	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
DARREN WESTPHAL	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
BRIAN TIERI	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
GRANT D. VANDENHOUT	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
GENE JORDAN	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>

VILLAGE PRESIDENT:

MICHAEL WATSON Aye - Nay - Absent -

TOTALS: Aye - 6 Nay - 0 Absent - 0

ATTEST:



JULIE TAMBLING, VILLAGE CLERK

APPROVED this 12 day of December, 2022.



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 012-22-02 "AN ORDINANCE REZONING (MAP AMENDMENT) LAND LOCATED IN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS (PIN: PART OF 17-09-16-400-030)," which was adopted by the Village Corporate Authorities at a meeting held on the 12 day of Dec, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand in the Village of Bradley, County of Kankakee and State of Illinois, on this 12 day of Dec, 2022.



JULIE TAMBLING, VILLAGE CLERK

(SEAL)



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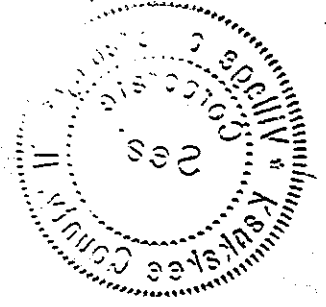


EXHIBIT A

**PZC FINDINGS OF FACT AND RECOMMENDATION OF APPROVAL ON
PROPOSED REZONING (MAP AMENDMENT)
(PIN: PART OF 17-09-16-400-030)**

On Tuesday, December 6, 2022, 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 of whether or not to recommend approval or denial of a map amendment (rezone) to change the zoning classification of certain property located within the corporate boundaries of the Village (the "Subject Property") from its current zoning classification of R-6 (general residence) to a new zoning classification of B-3 (village center shopping). 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 rezoning is consistent with the existing uses and zoning of all nearby property.
2. Refusing to rezone the Subject Property would likely reduce the value of said property.
3. Granting the rezoning requested by the applicant likely will not reduce the value of any nearby properties.
4. The Village's interest in promoting public health, safety, morals, and the general welfare does not require that the Subject Property be kept in its current zoning classification.
5. Rezoning the Subject Property as requested would serve the Village's interest in promoting public health, safety, morals, and the general welfare.
6. The public benefit derived from granting the applicant's requested rezoning outweighs any burden that may be placed on surrounding properties as a result.
7. There is no significant public benefit to be derived from refusing to grant the applicant's rezoning request and the burden that such a refusal would place on the applicant outweighs any burden that may be placed on any surrounding properties if the request is granted.
8. The Subject Property is suitable for the uses permitted in the proposed new zoning classification.
9. The proposed rezoning is otherwise consistent with and meets all standards and requirements set out in the Village's code of ordinances, as amended.

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's request and rezone the Subject Property from its current zoning classification of R-6 (general residence) to a new zoning classification of B-3 (village center shopping).

PASSED this 6th day of December, 2022, by roll call vote.

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
Ryland Gagnon (Chairman)	<u>X</u>	_____	_____
Charlene Eads (Secretary)	<u>X</u>	_____	_____
James Guiss	<u>X</u>	_____	_____
Rick White	<u>X</u>	_____	_____
Bill Bodemer	<u>X</u>	_____	_____
Michael Williams	<u>X</u>	_____	_____
Robert Redmond	<u>X</u>	_____	_____