

**VILLAGE OF BRADLEY**

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**ORDINANCE NO. O-09-23-02**

**AN ORDINANCE AMENDING AND RESTATING ORDINANCE NO. O-03-22-02  
REGARDING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY WITHIN THE  
VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS  
(1300 Locke Dr, Bourbonnais, IL 60914)**

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**ADOPTED BY THE  
BOARD OF TRUSTEES OF THE  
VILLAGE OF BRADLEY**

**THIS 11<sup>TH</sup> DAY OF SEPTEMBER, 2023**

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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 11TH day of SEPTEMBER, 2023

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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 commonly known as 1300 Locke Dr. Bourbonnais, IL 60914 (the “Subject Property”), 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 presently owned by Piggush Simoneau, Inc. (the “Owner”); and

**WHEREAS**, the Owner and Deer Park Partners, LLC, (collectively the “Applicant”), previously filed an application seeking a special use permit to allow for the operation of an Adult-Use Cannabis Dispensing Organization on the Subject Property (the “Special Use Permit”); and

**WHEREAS**, on March 14, 2022, the President and Board of Trustees of the Village of Bradley granted the Applicant the Special Use Permit, enacting Ordinance No. O-03-22-02, entitled “An Ordinance Granting a Special use Permit for Certain Property Within the Village of Bradley, Kankakee County, Illinois (1300 Locke Dr, Bourbonnais, IL 60194) (the “Original Ordinance”) (a copy of the Original Ordinance is attached hereto as Exhibit 1 and fully incorporated herein); and

**WHEREAS**, the Special Use Permit, as granted by the Original Ordinance, was subject to certain conditions and restrictions, as set out in Section 3 thereof; and

**WHEREAS**, the Applicant has filed a new application with the Village, seeking an amendment to the Special Use Permit to change the conditions imposed by the Village, specifically (1) to allow for a change to the Hours of Operation; (2) to remove certain language from the conditions; and (3) to allow for new signage on the property; 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, September 5, 2023, 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 Applicant's request and amend the Original Ordinance, as set forth in the Plan Commission's findings of fact and recommendation, attached hereto as Exhibit 2 and fully incorporated herein; and

**WHEREAS**, the President and Board of Trustees of the Village hereby approve and adopt the Plan Commission's findings of fact as set forth in Exhibit 2; and

**WHEREAS**, the President and Board of Trustees of the Village have determined that amending and restating the Original Ordinance to amend the conditions on the Special Use Permit, as requested by the Applicant, is in the best interest of the Village and its citizens.

**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.** The President and Board of Trustees hereby amend and restate the Original Ordinance (Exhibit 1), such that the following conditions, previously set out in Section 3 to the Original Ordinance are amended to add the underlined text and remove the ~~stricken~~ text, as follows:

3. Hours of operation shall be limited to the following timeframes:
  - i. Monday-Saturday: 9:00a.m. through ~~8:00p.m.~~ 10:00p.m.
  - ii. Sunday: 10:00a.m. through ~~5:00p.m.~~ 7:00p.m.
5. The Applicant may not commence work on any interior or exterior site improvements unless and until (a) the Applicant has received final engineering approval of all engineering and construction plans from the Village Engineer, and (b) the Applicant has provided the Village with an irrevocable letter of credit or other financial surety, in a form acceptable to the Village, in an amount approved by the Village Engineer as sufficient to secure the construction of all public and private site improvements (including landscaping) associated with the proposed use. ~~The Applicant understands and agrees that its exterior site improvements shall include, without limitation, an additional exit-only drive lane on the North side of the subject property if feasible from an engineering standpoint.~~
6. The Applicant ~~may shall not modify any existing signage or install any new~~ signage on the Subject Property in substantial conformance with the sign plan and

elevations attached hereto as Exhibit 3 and fully incorporated herein, which signage shall be deemed to be unless and until a site and building signage plan has been submitted to and approved by the Village in full compliance with Chapter 38 (Signs) of the Bradley Village Code.

All other terms, conditions, and restrictions set out in the Original Ordinance are and shall continue unmodified and in full force and effect.

**SECTION 3.** 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 4.** 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 5.** 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 6.** That the Village Clerk is hereby directed to publish this Ordinance in pamphlet form.

**SECTION 7.** 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 11TH day of SEPTEMBER, 2023.

**TRUSTEES:**

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

**VILLAGE PRESIDENT:**

MICHAEL WATSON      Aye – \_\_\_\_      Nay – \_\_\_\_      Absent – \_\_\_\_

**TOTALS:**                      Aye – \_\_\_\_      Nay – \_\_\_\_      Absent – \_\_\_\_

**ATTEST:**



~~JULIE TAMBLING, VILLAGE CLERK~~  
(DEPUTY CLERK), KHAMSEO NELSON

**APPROVED** this 11TH day of SEPTEMBER, 2023.

  
MICHAEL WATSON, VILLAGE PRESIDENT

**ATTEST:**




~~JULIE TAMBLING, VILLAGE CLERK~~  
(DEPUTY CLERK), KHAMSEO NELSON

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-09-23-02, "An Ordinance Amending and Restating Ordinance No. O-03-22-02 Regarding a Special Use Permit for Certain Property Within the Village of Bradley, Kankakee County, Illinois (1300 Locke Dr, Bourbonnais, IL 60914)," which was adopted by the Village Corporate Authorities at a meeting held on the 11TH day of SEPTEMBER, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand in the Village of Bradley, County of Kankakee and State of Illinois, on this 11TH day of SEPTEMBER, 2023.

  
\_\_\_\_\_  
~~JULIE TAMBLING, VILLAGE CLERK~~  
(DEPUTY CLERK), KHAMSEO NELSON

(SEAL)



**EXHIBIT 1**  
**The Original Ordinance**

# **EXHIBIT 2**

**Plan Commission Findings of Fact and  
Recommendation of Approval**



**EXHIBIT 3**  
**Sign Plan and Elevations**



# Agenda Cover Memorandum

Meeting Date: September 11th, 2023

Fiscal Year: 2022-23

Agenda Item: An Ordinance amending and restating Ordinance # O-03-22-02 regarding a special use permit for certain property within the Village of Bradley. 1300 Locke Drive Bourbonnais 60914

Item Type:  Ordinance  Resolution  Other

Action Requested:  Approval  First Reading  For Discussion  Informational

Staff Contact: Name: Bruce Page - Community Development Director

Phone: 815-936-5100 ext. 1111

Email: bepage@bradleyil.org

Internal Review
Initials
Date

Summary: The Planning and Zoning commission held a hearing 9-5-23 to review three text amendments to existing Ordinance O-03-22-02, which is a special use permit to allow for the operation of an Adult-Use Cannabis Dispensing Organization in the Village of Bradley. The Planning and zoning commission voted 7-0 in favor of recommending approval of the three amendments, as follows:

Condition #3- hours of operation to (a) Monday -Saturday 9am through 10 pm and Sunday 10am through 7pm.

Condition #5- to remove the last sentence " The applicant understands and agrees that its exterior site improvements shall include, without limitation, an additional exit-only drive lane on the North side of the subject property if feasible from an engineering standpoint"

Condition #6- to allow new signage on the property that includes the word "Dispensary"

Is this a budgeted item?  Yes  No  Requires Budget Amendment

Line Item: Title: MFT

Amount Budgeted: