

VILLAGE OF BRADLEY

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ORDINANCE NO. O-7-21-3

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY  
WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS  
(359 S. Kinzie Ave.)

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ADOPTED BY THE  
BOARD OF TRUSTEES OF THE  
VILLAGE OF BRADLEY

THIS 12<sup>th</sup> DAY OF July, 2021

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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 12<sup>th</sup> day of July, 2021

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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 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**, Bradley Billiard Club, Inc. (the “Applicant”), has submitted an application to the Village requesting that the Village grant the Applicant a special use permit authorizing the operation of a billiards club on the Subject Property (the “Special Use Permit”); and

**WHEREAS**, the operation of a billiards club is a permissible special use for a M (Industrial) District pursuant to Section 60-179(2)(a) of the Village of Bradley Code of Ordinances (the “Village Code”); and

**WHEREAS**, the Subject Property is owned by Blaire Properties, LLC (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, July 6, 2021, 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 (a copy of the Plan Commission’s written findings of fact and recommendation is attached hereto as Exhibit A 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; and

**WHEREAS**, the President and Board of Trustees of the Village have determined that the Special Use Permit (and the billiards club 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 billiards club 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 billiards club pursuant to Section 60-179(2)(a) 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 SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 31 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, KANKAKEE COUNTY, ILLINOIS DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE NORTH LINE OF SAID SOUTHWEST QUARTER, SAID POINT BEING 1050.00 FEET EAST OF THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER, THENCE ON A RECORDED BEARING OF SOUTH 87 DEGREES 45 MINUTES EAST ALONG THE SOUTH LINE OF LIBERTY STREET IN THE VILLAGE OF BARDLEY, ILLINOIS (SAID LINE ALSO BEING THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 28), 53.3 FEET; THENCE SOUTH 02 DEGREES 15 MINUTES WEST 383.00 FEET; THENCE SOUTH 87 DEGREES 45 MINUTES EAST 165.00 FEET TO THE WEST LINE OF U.S.

ROUTE 50 (KINZIE AVE); THENCE SOUTH 02 DEGREES 15 MINUTES 00 SECONDS WEST ALONG SAID WEST LINE 74.78 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 02 DEGREES 15 MINUTES 00 SECONDS WEST ALONG SAID WEST LINE 120.85 FEET, THENCE NORTH 87 DEGREES 45 MINUTES 00 SECONDS WEST 229.45 FEET; THENCE NORTH 41 DEGREES 08 MINUTES 00 SECONDS WEST 12.38 FEET; THENCE NORTH 02 DEGREES 15 MINUTES 00 SECONDS EAST 102.09 FEET; THENCE SOUTH 88 DEGREES 21 MINUTES 00 SECONDS EAST 57.97 FEET; THENCE NORTH 02 DEGREES 15 MINUTES 00 SECONDS EAST 7.27 FEET, THENCE SOUTH 88 DEGREES 21 MINUTES 00 SECONDS EAST 180.00 FEET TO THE POINT OF BEGINNING.

Commonly known as: 359 S. Kinzie Avenue, Bradley, Illinois 60915

Bearing the current Property Index Number: 17-09-28-302-031

**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 special use permitted by this Ordinance must remain in full compliance with all applicable requirements of the M-Industrial District at all times.
2. The special use permitted by this Ordinance will be limited to the Applicant and the applied-for use and will not be transferable to a new owner or tenant except upon reapplication, hearing, and approval in the manner provided by the Village's Zoning Ordinance.
3. The Applicant may not begin work on any interior modifications of the tenant space related to structural changes, plumbing, electrical, or as otherwise determined by the building inspector unless and until the Applicant has applied for and received any and all required building permits from the Community Development Department prior to commencing work.
4. The Applicant may not install any signage on the Subject Property unless and until said signage has been reviewed and approved by the Community Development Department and a sign permit issued therefor.
5. The Applicant must apply for and receive an occupancy permit and a business license prior to opening and commencing business operations.
6. The Applicant must maintain its written overflow parking agreement with the Owner at all times that the special use permitted by this Ordinance is in operation.

The 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 a billiards club pursuant to the Special Use Permit granted by this Ordinance.

**SECTION 4.** In the event that the 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 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 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.

**PASSED** by the Board of Trustees on a roll call vote on the 12<sup>th</sup> day of July, 2021.

**TRUSTEES:**

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>
GRANT D. VANDENHOUT	Aye - <u>X</u>	Nay - <u>    </u>	Absent - <u>    </u>
GENE JORDAN	Aye - <u>    </u>	Nay - <u>    </u>	Absent - <u>    </u> X-absain

**VILLAGE PRESIDENT:**

MICHAEL WATSON      Aye -           Nay -           Absent -     

**TOTALS:**      Aye - 5      Nay - 0      Absent - 0      1-absain

**ATTEST:**

  
JULIE TAMBLING, VILLAGE CLERK

**APPROVED** this 12<sup>th</sup> day of July, 2021.

  
MICHAEL WATSON, VILLAGE PRESIDENT

**ATTEST:**

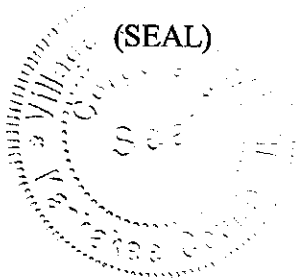
  
JULIE TAMBLING, VILLAGE CLERK

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 0-7-21-3, "AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS (359 S. Kinzie Ave.)," which was adopted by the Village Corporate Authorities at a meeting held on the 12<sup>th</sup> day of July, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand in the Village of Bradley, County of Kankakee and State of Illinois, on this 12<sup>th</sup> day of July, 2021.

  
\_\_\_\_\_  
JULIE TAMBLING, VILLAGE CLERK



# **EXHIBIT A**



**FINDINGS OF FACT AND RECOMMENDATION OF APPROVAL FOR A  
PROPOSED SPECIAL USE PERMIT FOR A BILLIARDS CLUB FOR  
CERTAIN PROPERTY LOCATED WITHIN THE VILLAGE OF BRADLEY,  
KANKAKEE COUNTY, ILLINOIS  
(359 S. KINZIE AVENUE)**

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On Tuesday, July 6, 2021, 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 an application for a special use permit (the "Permit") authorizing the use of certain property located within the corporate boundaries of the Village and commonly known as 359 S. Kinzie Avenue, Bradley, Illinois 60915 (the "Subject Property"), as a billiards club pursuant to Section 60-179(2)(a) of the Bradley Village Code (the "Proposed Use"). 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:

- a. The Proposed Use is compatible with surrounding land uses and the general area surrounding the Subject Property; and
- b. The Proposed Use is not inconsistent with the zoning classifications of other property within the general area of the Subject Property; and
- c. The Subject Property is suitable for the uses permitted under its existing zoning classification of M (Industrial); and
- d. The Proposed Use is not inconsistent with the trend of development in the general area of the Subject Property; and
- e. The Proposed Use and the Subject Property's existing zoning classification of M (Industrial) are not inconsistent with the official comprehensive plan of the Village; and
- f. The approval of the Permit is in the public interest and not solely for the interest of the applicant; and
- g. The Proposed Use is necessary and desirable on the Subject Property and will likely provide the Village and its residents with services that are convenient and beneficial to the public; and
- h. The Permit (and the Proposed Use to be operated thereunder) will likely contribute to the general welfare of the surrounding neighborhood or community; and
- i. The Proposed Use is not likely to be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity of the Subject Property; and
- j. The Proposed Use is not likely to be injurious to property values or improvements in the vicinity of the Subject Property; and
- k. The Proposed Use is compliant with all applicable regulations and conditions specified in the Bradley Zoning Ordinance.

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 Permit to the applicant, subject to the following conditions and restrictions:

1. The special use will need to comply with all other applicable requirements of the M-Industrial District.
2. The special use will be limited to the applicant and the applied for use and will not be transferable to a new owner except upon reapplication, hearing and approval in the manner provided by the Village's Zoning Ordinance.
3. Any interior modifications of the tenant spaces related to structural changes, plumbing, electrical, or as determined by the building inspector will require the submission of a building permit application with applicable plans and documentation for review and approval by the Community Development Department prior to commencing work.
4. Any proposed signage will need to be reviewed and approved by the Community Development Department prior to installation.
5. The applicant will need to receive an occupancy permit and a business license prior to opening and commencing business operations.
6. The written agreement for additional overflow parking remains in place for the duration of the operation and ownership of both parcels.

**PASSED** this 6<sup>th</sup> day of July, 2021, by roll call vote.

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



0-7-21-3

## Agenda Cover Memorandum

Meeting Date: July 12th, 2021

Fiscal Year: 2021

Agenda Item: Special use permit to operate a Billiards Club in a M Industrial District

Item Type:  Ordinance  Resolution  Other

Action Requested:  Approval  First Reading  For Discussion  Informational

Staff Contact:  
Name: Bruce Page  
Phone: 815-936-5100 ext. 1111  
Email: bepage@bradleyil.org

Internal Review
Initials
Date

Brief Summary:

Bradley Billiards Club is requesting approval of a special use permit to allow the operation of a Billiards Club in a M Industrial District that was recommended by the Planning and Zoning commission by a 7-0 vote.

Approval of Ordinance

Supporting Documents: Ord. #

Financial (if applicable)

Is this a budgeted item?  Yes  No  Requires Budget Amendment

Line Item: Title:

Amount Budgeted: