

VILLAGE OF BRADLEY

ORDINANCE NO. O-2-21-3

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY
WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS
(231 E. Broadway, Ste. 201/Goldstar Gym)

ADOPTED BY THE
BOARD OF TRUSTEES OF THE
VILLAGE OF BRADLEY

THIS 8th DAY OF February, 2021

Published in pamphlet form by the authority of the Board of Trustees of the Village of Bradley,
Kankakee County, Illinois this 8th day of Feb., 2021

0-5-91-3

DATE
TIME

DATE
TIME

100

100

ORDINANCE NO. 0-2-21-3

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY
WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS
(231 E. Broadway, Ste. 201/Goldstar Gym)**

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, Mr. David Gerard (the "Applicant") submitted an application to the Village requesting that the Village grant the Applicant a special use permit authorizing the operation of a gymnasium/athletic training facility on the Subject Property (the "Special Use Permit"); and

WHEREAS, the operation of a gymnasium/athletic training facility 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 Area Jobs Development Association (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, February 2, 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 of approval is attached hereto as Exhibit A and fully incorporated herein); and

3-16-5-3

Faint, illegible text in the upper left quadrant.

Faint, illegible text in the middle left quadrant.

Faint, illegible text in the lower middle left quadrant.

Faint, illegible text in the lower left quadrant.

Faint, illegible text in the bottom left quadrant.

Faint, illegible text in the upper right quadrant.

Faint, illegible text in the middle right quadrant.

Faint, illegible text in the lower middle right quadrant.

Faint, illegible text in the lower right quadrant.

Faint, illegible text in the bottom right quadrant.

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 gymnasium/athletic training 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 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 gymnasium/athletic training 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 gymnasium/athletic training facility 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:

PART OF VILLAGE OF BRADLEY BLOCKS 85-86 & 111 & STRIP RAILROAD RIGHT OF WAY BETWEEN BLOCKS.

Commonly known as: 231 E. Broadway, Suite 201, Bradley, Illinois

Part of Property Index Number: 17-09-29-213-001

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 Subject Property, along with the building in which it is located, shall comply with all other applicable requirements of the M Industrial District at all times.
2. The gymnasium/athletic training facility use permitted by this Ordinance is limited to the Subject Property only (for the avoidance of doubt, the "Subject Property" includes only the tenant space that the Applicant has leased from the Owner and does not include any other portion of the building in which said tenant space is located). Under no circumstances whatsoever shall said use be transferrable to any other person or organization. In the event that the Applicant discontinues its use of the Subject Property at any time, no further use of said Subject property as an gymnasium/athletic training facility shall be permitted except upon re-application and approval by the Village, subject to all requirements of the Village's then applicable zoning ordinance.
3. The Applicant may not occupy the Subject Property, nor make any improvements thereto, unless and until the following occurs:
 - a. The Village completes a full building inspection of the Subject Property; and
 - b. The Applicant applies for and receives building permits from the Village as necessary to correct any and all code violations and deficiencies within the Subject Property as may be identified during the inspection as required by subpart (a), above; and
 - c. The Applicant receives an occupancy permit from the Village, which permit will not be issued unless any and all building code violations and deficiencies within the building that includes the Subject Property have been corrected or remedied to the satisfaction of the Village.
4. The Village will not issue any building permit for the improvement, repair, or maintenance of the Subject Property unless and until the Owner applies for and receives building permits as necessary to correct any and all code violations and deficiencies within the building that includes the Subject Property as identified in the inspection report dated March 10, 2020 (a copy of which is attached hereto as Exhibit B and fully incorporated herein).
5. Under no circumstances will the Applicant be permitted to occupy the Subject Property, nor will any certificate of occupancy be issued for the Subject Property, unless and until all building code violations found within the building that includes the Subject Property, including but not limited to any such violations identified during the inspection of the Subject Property, have been corrected and repaired to the full satisfaction of Village.
6. Business identification signage will be limited to a panel on the existing building/wall sign.
7. All trailers presently being stored/parked in front of the tenant space (that is, in the parking lot located on the west side of the building that includes the Subject Property (the "Parking Lot")) must be relocated as necessary to provide sufficient parking for the Subject Property, as determined by the Community Development Director. The Applicant and/or Owner must maintain the Parking Lot in good condition, free of broken pavement and potholes. Further,

the Owner must re-sealcoat the Parking Lot on or before April 30, 2021 (weather permitting).

8. Prior to issuance of an occupancy permit for the Subject Property, the Applicant and Owner must submit a parking lot plan/layout for approval by the Community Development Director. Further, the Applicant and/or Owner must properly stripe the Parking Lot (standard parking spaces and accessible parking spaces) in accordance with the applicable codes and ordinances of the Village. In addition, all accessible parking spaces shall be properly signed in accordance with the same.
9. The Applicant must apply for and receive an occupancy permit and a Village business license prior to opening and commencing operations.

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 gymnasium/athletic training facility 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.

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 8th day of Feb., 2021.

TRUSTEES:

| | | | |
|-------------------|---|--------------------------------|-----------------------------------|
| ROBERT REDMOND | Aye - <input checked="" type="checkbox"/> | Nay - <input type="checkbox"/> | Absent - <input type="checkbox"/> |
| MICHAEL WATSON | Aye - <input checked="" type="checkbox"/> | Nay - <input type="checkbox"/> | Absent - <input type="checkbox"/> |
| 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"/> |

ACTING VILLAGE PRESIDENT:

MICHAEL WATSON Non-Voting -

TOTALS: Aye - 6 Nay - 0 Absent - 0

ATTEST:

Julie Tambling
JULIE TAMBLING, VILLAGE CLERK

APPROVED this 08 day of FEBRUARY, 2021.

Michael Watson
MICHAEL WATSON, ACTING VILLAGE PRESIDENT

ATTEST:

Julie Tambling
JULIE TAMBLING, VILLAGE CLERK

STATE OF ILLINOIS)
)
COUNTY OF KANKAKEE) §§

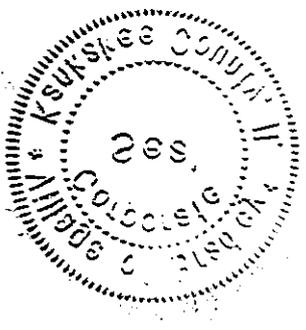
I, Julie Tambling, Village Clerk of the Village of Bradley, County of Kankakee and State of Illinois, DO HEREBY CERTIFY that the attached is a true, perfect, and complete copy of Ordinance number 02-21-3, "AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS (231 E. Broadway, Ste. 201/Goldstar Gym)," which was adopted by the Village Corporate Authorities at a meeting held on the 8th day of Feb, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand in the Village of Bradley, County of Kankakee and State of Illinois, on this 8th day of Feb, 2021.

Julie Tambling
JULIE TAMBLING, VILLAGE CLERK

(SEAL)





Faint, illegible text, possibly a date or reference number.

Faint, illegible text, possibly a date or reference number.

EXHIBIT A

**FINDINGS OF FACT AND RECOMMENDATION OF APPROVAL FOR A
PROPOSED SPECIAL USE PERMIT FOR AN ATHLETIC TRAINING
FACILITY/GYMNASIUM FOR CERTAIN PROPERTY LOCATED WITHIN
THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS
(231 E. BROADWAY, SUITE 201)**

On Tuesday, February 2, 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 231 E. Broadway, Suite 201, Bradley, Illinois (the "Subject Property"), for an Athletic Training Facility/Gymnasium 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 permitted will be limited to the tenant-applicant and the subject tenant space only, and will not be transferrable to any other person or organization under any circumstances whatsoever. In the event that the tenant-applicant discontinues its use of the subject tenant space at any time, no further use of said space as an athletic training facility/gym will be permitted except upon re-application and approval by the Village, subject to all requirements of the Village's then applicable zoning ordinance.
3. The tenant will not occupy the subject tenant space, nor make any improvements to the tenant space until the following occurs:
 - a. The Village completes a full building inspection of the subject tenant space.
 - b. The tenant applies for and receives building permits from the Village as necessary to correct any and all code violations and deficiencies within the subject tenant space as may be identified during the inspection as required by letter a. above.
 - c. The tenant receives an occupancy permit from the Village, which permit will not be issued unless any and all building code violations and deficiencies within the subject building have been corrected or remedied to the satisfaction of the Village.
4. The Village will not issue any building permit for the improvement, repair, or maintenance of the subject tenant space unless and until the building owner applies for and receives building permits as necessary to correct any and all code violations and deficiencies within the subject building as identified in the inspection report dated March 10, 2020.
5. Under no circumstances will the tenant be permitted to occupy the subject tenant space, nor will any certificate of occupancy be issued, unless and until all building code violations found within the subject building, including but not limited to any such violations identified during the inspection of the tenant space, have been corrected and repaired to the full satisfaction of Village.
6. Business identification signage will be limited to a panel on the existing building/wall sign.
7. The existing trailers being stored/parked in front of the tenant space will need to be removed. Parking lot will need to be maintained and free of broken pavement and potholes, and re-sealcoated.
8. Prior to issuance of an occupancy permit, a parking lot plan/layout will need to be submitted for review and approval by the Community Development Director. The parking lot will need to be properly striped (standard parking spaces and accessible parking spaces) in accordance with applicable codes and ordinances. In addition, accessible parking spaces shall be property signed in accordance with the same.

9. The tenant-applicant will need to receive an occupancy permit and a business license prior to opening and commencing operations.

PASSED this 2nd day of February, 2021, by roll call vote.

| | Aye | Nay | Absent |
|--------------------------|----------|-------|--------|
| Bobbi Wheeler | <u>X</u> | _____ | _____ |
| Clark Gregoire | <u>X</u> | _____ | _____ |
| Gene Jordan (Secretary) | <u>X</u> | _____ | _____ |
| James Guiss | <u>X</u> | _____ | _____ |
| Joan McGinnis | <u>X</u> | _____ | _____ |
| Mike Dauphin | <u>X</u> | _____ | _____ |
| Ryland Gagnon (Chairman) | <u>X</u> | _____ | _____ |

EXHIBIT B

**Tower Building -- 231 E. Broadway
March 10, 2020**

| Picture # | Description of noted violation | Code |
|-----------|--|------------------|
| TB1 | Open electrical box. Live wires exposed. | NEC |
| TB2 | Unsafe extension cord use. | NEC |
| TB3 | Expired fire extinguisher tag. | NFPA 10, IFC |
| TB4 | Damaged electrical conduit. | NEC |
| TB5 | Open electrical box. Live wires exposed. | NEC |
| TB6 | Open electrical box and fitting. | NEC |
| TB7 | Combustible storage in hallway. | IFC |
| TB8 | Open electrical box. Live wires exposed. | NEC |
| TB9 | Wall damage. | IBC |
| TB10 | Open electrical box. Live wires exposed. | NEC |
| TB11 | Expired fire extinguisher tag. | NFPA 10, IFC |
| TB12 | Loose panel cover. | NEC |
| TB13 | Incomplete panel directory. | NEC |
| TB14 | Combustible storage. | IFC |
| TB15 | Combustible storage. | IFC |
| TB16 | Wall construction (w/o permit?) | IBC |
| TB17 | Wall construction (w/o permit?) | IBC |
| TB18 | Open electrical fitting. Exposed live wiring. | NEC |
| TB19 | Wall construction (w/o permit?) | IBC |
| TB20 | Wall construction (w/o permit?) | IBC |
| TB21 | Wall construction (w/o permit?) | IBC |
| TB22 | Wall construction (w/o permit?) Open electrical box. | IBC, NEC |
| TB23 | Combustible storage. | IFC |
| TB24 | Open electrical box. Exposed live wiring. | NEC |
| TB25 | Expired fire extinguisher tag. | NFPA 10 |
| TB26 | Combustible storage. | IFC |
| TB27 | Combustible storage. | IFC |
| TB28 | Previous fire damage area. | Information Only |
| TB29 | Newer roof trusses (w/o permit?) | IBC |
| TB30 | Newer roof trusses (w/o permit?) | IBC |
| TB31 | Steel I beam damaged by fire. | Information Only |
| TB32 | Bird infestation. | IPMC |
| TB33 | Old material conveyor chute. | Information Only |
| TB34 | Steel I beam damaged by fire. | Information Only |
| TB35 | Combustible storage. | IFC |
| TB36 | Combustible storage. | IFC |
| TB37 | Combustible storage. | IFC |
| TB38 | Non ADA accessible door knob. | ADA, IAC |

**Tower Building – 231 E. Broadway
March 10, 2020**

| Picture # | Description of noted violation | Code |
|------------------|---------------------------------------|-------------|
| TB39 | Combustible storage. | IFC |
| TB40 | Open electrical knockout. | NEC |
| TB41 | Non ADA accessible door knob. | ADA, IAC |
| TB43 | Water damage | IBC, IPMC |
| TB44 | Water damage | IBC, IPMC |
| TB45 | Water damage | IBC, IPMC |
| TB46 | Water damage | IBC, IPMC |
| TB47 | Water damage | IBC, IPMC |
| TB48 | Water damage | IBC, IPMC |
| TB49 | Water damage | IBC, IPMC |
| TB50 | Water damage | IBC, IPMC |
| TB51 | Water damage | IBC, IPMC |
| TB52 | Water damage | IBC, IPMC |
| TB53 | Water damage | IBC, IPMC |
| TB54 | Water damage | IBC, IPMC |
| TB55 | Water damage | IBC, IPMC |
| TB56 | Water damage | IBC, IPMC |
| TB57 | Water damage | IBC, IPMC |
| TB58 | Water damage | IBC, IPMC |
| TB59 | Combustible storage | IFC |
| TB60 | Combustible storage | IFC |
| TB61 | Combustible storage | IFC |
| TB62 | Combustible storage | IFC |
| TB63 | Combustible storage | IFC |
| TB64 | Combustible storage | IFC |
| TB65 | Combustible storage | IFC |
| TB66 | Combustible storage | IFC |
| TB67 | Combustible storage | IFC |
| TB68 | Combustible storage | IFC |
| TB69 | Combustible storage | IFC |
| TB70 | Combustible storage | IFC |
| TB71 | Combustible storage | IFC |
| TB72 | Combustible storage | IFC |
| TB73 | Combustible storage | IFC |
| TB74 | Combustible storage | IFC |
| TB75 | Combustible storage | IFC |
| TB76 | Combustible storage | IFC |
| TB77 | Combustible storage | IFC |
| TB78 | Combustible storage | IFC |

**Tower Building – 231 E. Broadway
March 10, 2020**

| Picture # | Description of noted violation | Code |
|------------------|---|--------------|
| TB79 | Combustible storage | IFC |
| TB80 | Combustible storage | IFC |
| TB81 | Combustible storage | IFC |
| TB82 | Combustible storage | IFC |
| TB83 | Combustible storage | IFC |
| TB84 | Combustible storage | IFC |
| TB85 | Combustible storage | IFC |
| TB86 | Combustible storage | IFC |
| TB87 | Combustible storage | IFC |
| TB88 | Combustible storage | IFC |
| TB89 | Combustible storage | IFC |
| TB90 | Combustible storage | IFC |
| TB91 | Combustible storage | IFC |
| TB92 | Combustible storage | IFC |
| TB93 | Combustible storage | IFC |
| TB94 | Combustible storage | IFC |
| TB95 | Combustible storage | IFC |
| TB96 | Combustible storage | IFC |
| TB97 | Expired fire extinguisher tags | NFPA 10 |
| TB98 | Expired fire extinguisher tags | NFPA 10 |
| TB99 | Expired fire extinguisher tags | NFPA 10 |
| TB100 | Expired fire extinguisher tags | NFPA 10 |
| TB101 | Expired fire extinguisher tags | NFPA 10 |
| TB102 | Expired fire extinguisher tags | NFPA 10 |
| TB103 | Work without permits? | IBC, NEC |
| TB104 | Work without permits? | IBC, NEC |
| TB105 | Work without permits? | IBC, NEC |
| TB106 | Unsupported gas piping | IMC |
| TB107 | Unsupported gas piping | IMC |
| TB108 | Existing Electrical equipment (no violations) | - |
| TB109 | Existing Electrical equipment (no violations) | - |
| TB110 | No current tags on fire sprinkler main | IFC, NFPA 13 |
| TB111 | Vacant 1st floor space (no violations) | - |
| TB112 | Vacant 1st floor space (no violations) | - |
| TB113 | Vacant 1st floor space (no violations) | - |
| TB114 | Vacant 1st floor space (no violations) | - |
| TB115 | Vacant 1st floor space (no violations) | - |
| TB116 | Vacant 1st floor space (no violations) | - |
| TB117 | Vacant 1st floor space (no violations) | - |

**Tower Building – 231 E. Broadway
March 10, 2020**

| Picture # | Description of noted violation | Code |
|------------------|---------------------------------------|-------------|
| TB118 | Document storage (no violations) | - |
| TB119 | Document storage (no violations) | - |
| TB120 | Document storage (no violations) | - |
| TB121 | Document storage (no violations) | - |



Village of Bradley Community Development Department

111 N Michigan • Bradley, IL 60915 • 815-936-5100 • Fax 815-933-5068
www.bradlevil.org • E-mail: communitydevelopment@bradlevil.org

PLANNING AND ZONING COMMISSION STAFF MEMORANDUM

TO: Planning and Zoning Commission

FROM: Pam Hirth, Assistant Community Development Director

DATE: January 29, 2021

SUBJECT: **Special Use Permit for a Gymnasium/Athletic Training Facility (Goldstar Gym) in an M Zoning District/231 E. Broadway, Suite 201**
Applicant: David Gerard, Business Owner

BACKGROUND

The subject property is zoned M Industrial and the subject tenant space is currently vacant (formerly housed a slot car racing operation). Uses related to physical culture and health services, gymnasiums, reducing salons and massuers are allowed in an M Industrial zoning district, as special uses if they are a permitted or special use in either a B1 Local Business or B2 Commercial zoning district. These uses are listed in the B2 zoning district as a permitted use.

A special use is considered as such because the use must be more closely evaluated in order to determine whether it will acceptable/compatible at the proposed location and whether certain conditions may be necessary to regulate the use.

Surrounding Zoning & Land Use of adjacent property includes:

- North: M Industrial District/a mix of light industrial and commercial uses
- South: M Industrial District & B2 Commercial District/Public Village's Works Facility & commercial businesses
- East: B2 Commercial District & R4 Single Family Residence District/vacant commercial bldg & single family residential
- West: M Industrial District/lumber yard

Public Hearing

A Special Use Permit requires a public hearing. A newspaper notice and written notification to all property owners within 250 feet were prepared in accordance with Village requirements. The Certificate of Publication (from newspaper) and Affidavit of Notice Compliance (with certificate of mailing and listing of property owners notified – from applicant) have been received and placed in the project file.

REQUESTED ACTION & PROPOSAL OVERVIEW

The applicant-tenant, David Gerard, owner of the business (Goldstar Gym), is seeking approval of a Special Use Permit for an athletic training facility. The tenant space comprises 12,219

square feet in area and will be located on the 2nd floor of the 5-story Tower Building (231 E. Broadway) in the Area Jobs Development (AJD) Complex. The AJD complex includes a mix of predominantly industrial uses though there are a couple commercial uses. Refer to attached aerial location map.

The business owner/tenant has submitted a written narrative. The attached conceptual floor plans show the size and a general layout of the space. The business owner is working on a more detailed plan (which might be available at the meeting). The proposed gym will include a variety of work-out equipment, two boxing rings, punching bags and speed bags. The hours of operation will be Monday thru Friday - 8:30 am to 10:30 am and 1:30 pm to 7:30 pm. Staff will include essentially volunteer workers. Entrance into the tenant space is on the west side of the building.

Any interior modifications of the tenant space 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. In early March 2020, the Village engaged the a 3rd-party Building Services Company (SAFEbuilt) to perform a comprehensive inspection of the entire Area Jobs Development Complex. On March 10, 2020, an inspection of a significant portion of the subject building was completed and a list of violations was generated. Many of these violations create life safety concerns. However, the inspector was unable to access the subject tenant space at that time. As part of the new business application process, the required inspections will need to be performed.

The parking area immediately in front of this tenant space is currently being used by Greif as a trailer parking/storage area. These trailers will need to be removed so that adequate parking spaces for the employees and users of the athletic training facility/gym can be provided. Once these trailers are removed, the parking lot area needs to be maintained in good condition and parking spaces (including accessible space/s) will need to be striped and signed in accordance with applicable codes and ordinances.

Since the Village's Zoning Ordinance does not provide a specific parking requirement for a gymnasium or athletic training facility, the parking requirement should be based on the number of employees and the number of users during peak time. A parking lot layout/plan will need to be submitted for review and approval by the Community Development Director.

RECOMMENDATION

Should the Planning and Zoning Commission find the requested Special Use Permit to allow an Athletic Facility/Gymnasium in an M Industrial Zoning District on the property located at 231 E. Broadway Street, Suite 201 favorable, the following conditions should be considered:

1. The special use will need to comply with all other applicable requirements of the M Industrial District.
2. The special use permitted will be limited to the tenant-applicant and the subject tenant space only, and will not be transferrable to any other person or organization under any circumstances whatsoever. In the event that the tenant-applicant discontinues its use of the subject tenant space at any time, no further use of said space as an athletic training facility/gym will be permitted except upon re-application and approval by the Village, subject to all requirements of the Village's then applicable zoning ordinance.
3. The tenant will not occupy the subject tenant space, nor make any improvements to the tenant space until the following occurs:

- a. The Village completes a full building inspection of the subject tenant space.
 - b. The tenant applies for and receives building permits from the Village as necessary to correct any and all code violations and deficiencies within the subject tenant space as may be identified during the inspection as required by letter a. above.
 - c. The tenant receives an occupancy permit from the Village, which permit will not be issued unless any and all building code violations and deficiencies within the subject building have been corrected or remedied to the satisfaction of the Village.
4. The Village will not issue any building permit for the improvement, repair, or maintenance of the subject tenant space unless and until the building owner applies for and receives building permits as necessary to correct any and all code violations and deficiencies within the subject building as identified in the inspection report dated March 10, 2020.
 5. Under no circumstances will the tenant be permitted to occupy the subject tenant space, nor will any certificate of occupancy be issued, unless and until all building code violations found within the subject building, including but not limited to any such violations identified during the inspection of the tenant space, have been corrected and repaired to the full satisfaction of Village.
 6. Business identification signage will be limited to a panel on the existing building/wall sign.
 7. The existing trailers being stored/parked in front of the tenant space will need to be removed. Parking lot will need to be maintained and free of broken pavement and potholes, and re-sealcoated.
 8. Prior to issuance of an occupancy permit, a parking lot plan/layout will need to be submitted for review and approval by the Community Development Director. The parking lot will need to be properly striped (standard parking spaces and accessible parking spaces) in accordance with applicable codes and ordinances. In addition, accessible parking spaces shall be properly signed in accordance with the same.
 9. The tenant-applicant will need to receive an occupancy permit and a business license prior to opening and commencing operations.

ATTACHMENTS

1. Aerial Location of tenant space
2. Written Narrative
3. Conceptual Floor Plan (2 pages)

↑
N



★ location of athletic training facility

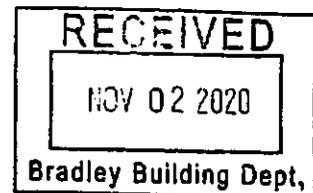
In summary, I, David Gerard, am trying to establish Goldstar Gym in the Village of Bradley because I want to help the community.

The gym was originally created back in 1978 by my father, John Gerard. We were working out of our garage, helping children/teens. In the old garage, was a full sized boxing ring, punching bags, and weight lifting equipment.

At this new gym, the work hours will be from 8:30am-10:30am and 1:30pm-7:30pm, Monday through Friday. Staff will be volunteer members that have belonged to the gym for over a decade. Some of the staff members are construction workers, police officers, and teachers that belong to our community. I also typically hire teens to clean (vacuum, sweep, wipe) in exchange for the monthly membership.

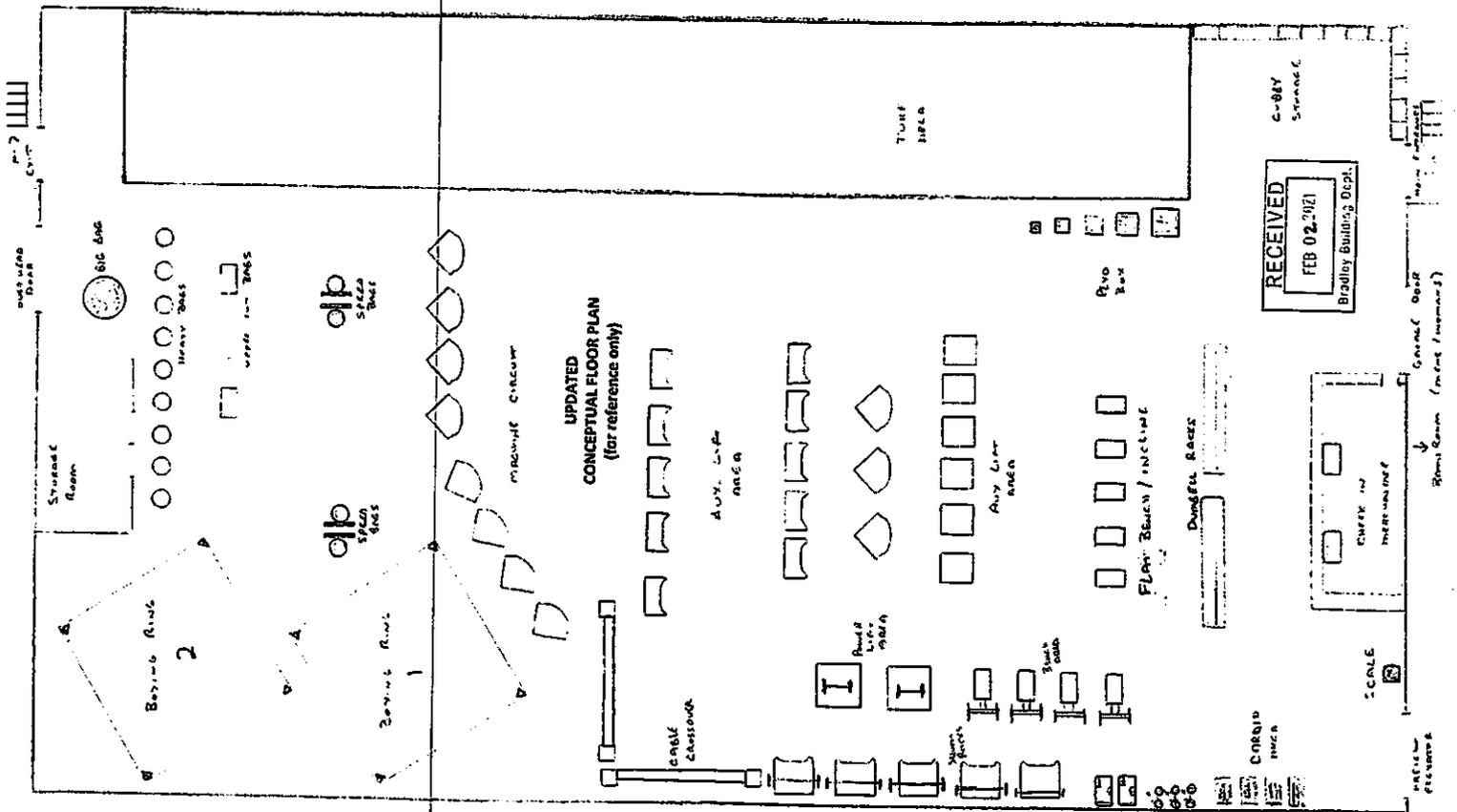
The new gym will be similar to a commercial gym. There will be weight lifting/exercise equipment (treadmills, ellipticals, benches, free-weights, and other various machines). There will be two boxing rings, punching bags, and speed bags. The boxing portion of the gym will be non-contact between peer to peer. It will be strictly for cardiovascular training. Something similar to the Title Boxing Gyms located in Naperville and Chicago.

David "Gome" Gerard



Received 2/2/21

← N



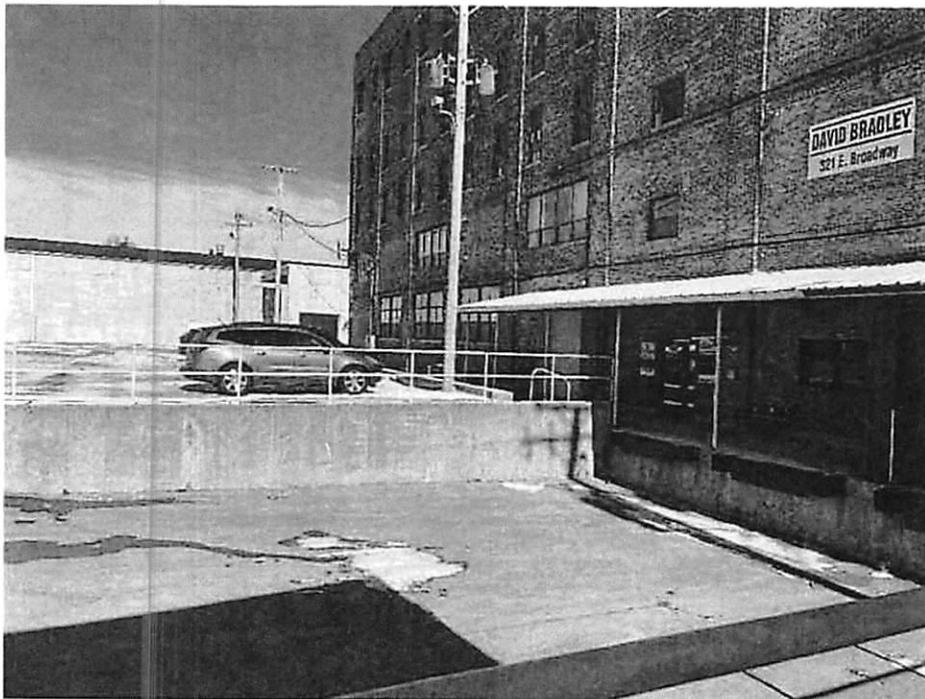
UPDATED CONCEPTUAL FLOOR PLAN (for reference only)

RECEIVED FEB 02 2021 Brading Building Dept.

SCALE

PRECISE PICTURES

231 E. Broadway Street – Goldstar Gym
Photos – Exterior of Building





Agenda Cover Memorandum

Meeting Date: January 8, 2021

Fiscal Year: 2020/21

Agenda Item:

Item Type: Ordinance Resolution Other

Action Requested: Approval First Reading For Discussion Informational

Staff Contact: **Name:** Pam Hirth, Asst. Community Development Director

Phone: (815) 936-5100 extension 1169

Email: pjhirth@bradleyil.org

| |
|-----------------|
| Internal Review |
| Initials |
| Date |

Brief Summary:

The applicant/tenant, David Gerard (owner of Goldstar Gym) is requesting approval of a special use permit for an athletic training facility/gym in Suite 201 of the building located at 231 E. Broadway Street in the Area Jobs Development Complex. The subject property is zoned M Industrial. Uses related to physical culture and health services, gymnasiums, reducing salons and massuers are allowed in an M Industrial zoning district, as special uses if they are a permitted or special use in either a B1 Local Business or B2 Commercial zoning district. This use category is listed in the B2 zoning district as a permitted use. The subject tenant space comprises 12,219 square feet in area and is located on the 2nd floor of the 5-story Tower Building.

The parking area in front of the building is separated by a loading dock. On the north side of the dock, cars have the ability to be parked, however on the south side of the dock, Greif (another tenant in the complex) is parking/storing their trailers. The trailers will need to be relocated so that adequate parking spaces for the employees and users of the gym can be provided. In addition, the parking lot needs maintenance (potholes repaired, re-seal coating, striping of standard and accessible spaces, including required signage for accessible spaces). A parking lot layout/plan will need to be submitted for review and approval.

Refer to attached Planning & Zoning Staff Memorandum with attachments for more detailed information regarding hours of operation and number of employees. An updated Conceptual Floor Plan was provided at the meeting and distributed to the Commission.

A public hearing was held during the regular meeting of the Planning & Zoning Commission on February 2nd. The agent for the business owner, along with members of the gym were present to show support for the gym and provide an overview of the business (including history, users, the growth of the gym over the years, expansion of activities and how "it's all about the kids"). Questions/comments from the Commission included where Greif would relocate trailers (there is space elsewhere on the property); inspection question as it relates to the building/tenant space (staff responded); and comments included "what you're doing is great" and improvements to the parking lot could be expensive to fix. Public testimony included the benefits of the gym, personal experience, and how this gym prepares young men and women for success.

Recommendation

The Planning and Zoning Commission by a vote of 7-0, recommended approval of the Findings of Fact for a Special Use Permit for an Athletic Training Facility/Gymnasium on the property located at 231 E. Broadway, Suite 201, subject to the following nine (9) conditions:



Agenda Cover Memorandum

1. The special use will need to comply with all other applicable requirements of the M Industrial District.
2. The special use permitted will be limited to the tenant-applicant and the subject tenant space only, and will not be transferrable to any other person or organization under any circumstances whatsoever. In the event that the tenant-applicant discontinues its use of the subject tenant space at any time, no further use of said space as an athletic training facility/gym will be permitted except upon re-application and approval by the Village, subject to all requirements of the Village's then applicable zoning ordinance.
3. The tenant will not occupy the subject tenant space, nor make any improvements to the tenant space until the following occurs:
 - a. The Village completes a full building inspection of the subject tenant space.
 - b. The tenant applies for and receives building permits from the Village as necessary to correct any and all code violations and deficiencies within the subject tenant space as may be identified during the inspection as required by letter a. above.
 - c. The tenant receives an occupancy permit from the Village, which permit will not be issued unless any and all building code violations and deficiencies within the subject building have been corrected or remedied to the satisfaction of the Village.
4. The Village will not issue any building permit for the improvement, repair, or maintenance of the subject tenant space unless and until the building owner applies for and receives building permits as necessary to correct any and all code violations and deficiencies within the subject building as identified in the inspection report dated March 10, 2020.
5. Under no circumstances will the tenant be permitted to occupy the subject tenant space, nor will any certificate of occupancy be issued, unless and until all building code violations found within the subject building, including but not limited to any such violations identified during the inspection of the tenant space, have been corrected and repaired to the full satisfaction of Village.
6. Business identification signage will be limited to a panel on the existing building/wall sign.
7. The existing trailers being stored/parked in front of the tenant space will need to be removed. Parking lot will need to be maintained and free of broken pavement and potholes, and re-seal coated.
8. Prior to issuance of an occupancy permit, a parking lot plan/layout will need to be submitted for review and approval by the Community Development Director. The parking lot will need to be properly striped (standard parking spaces and accessible parking spaces) in accordance with applicable codes and ordinances. In addition, accessible parking spaces shall be property signed in accordance with the same.
9. The tenant-applicant will need to receive an occupancy permit and a business license prior to opening and commencing operations.

Supporting Documents:

1. Ordinance approving the Special Use Permit for an Athletic Training Facility/Gymnasium with Exhibits
2. Planning & Zoning Commission Staff Memorandum dated January 29, 2021 with aerial and narrative attachments, updated Conceptual Floor Plan (for reference only) received February 2, 2021 and photos

Outcome:

This Ordinance is being presented for 1st read.