VILLAGE OF BRADLEY

ORDINANCE NO. _____O-3-19-1_____

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

ADOPTED BY THE
BOARD OF TRUSTEES OF THE
VILLAGE OF BRADLEY

THIS 11th DAY OF March, 2019

Published in pamphlet form by the authority of the Board of Trustees of the Village of Bradley, Kankakee County, Illinois this 11th day of March, 2019

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AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS (380 S. Schuyler Ave.)

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 B2 (Commercial District); and

WHEREAS, on January 17, 2019, David P. Perez and Beatriz Perez (collectively the "Applicant") submitted an application to the Village requesting that the Village grant the Applicant a special use permit authorizing the operation of an Automobile Repair Facility (Minor) and a Used Car Sales Lot on the Subject Property (the "Special Use Permit"); and

WHEREAS, the operation of an Automobile Repair Facility (Minor) and a Used Car Sales Lot are permissible special uses for a B2 District pursuant to Sections 60-153(2)(d) and 60-153(2)(w) of the Village of Bradley Code of Ordinances (the "Village Code"), respectively; and

WHEREAS, the Subject Property is owned by the Applicant; 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, March 5, 2019, 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 forth in Section 3 of this Ordinance, *infra*; 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 Automobile Repair Facility (Minor) and Used Car Sales Lot 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 B2 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 an Automobile Repair Facility (Minor) and a Used Car Sales Lot 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 purposes of operating an Automobile Repair Facility (Minor) and a Used Car Sales Lot (pursuant to Sections 60-153(2)(d) and 60-153(2)(w) of the Village Code, respectively) over and upon the land legally described in this Section (hereinafter the "Subject Property"). The Subject Property is zoned B2 (Commercial District) and is legally described as follows:

TRACT I: LOTS 20, 21, AND 22 IN BLOCK 136 IN NORTH KANKAKEE, AS PLATTED JUNE 11, 1892, NOW KNOWN AS THE VILLAGE OF BRADLEY, IN KANKAKEE COUNTY, ILLINOIS.

TRACT II: LOTS 23 AND 24 IN BLOCK 136 IN NORTH KANKAKEE, AS PLATTED JUNE 11, 1892, NOW KNOWN AS THE VILLAGE OF BRADLEY, IN KANKAKEE COUNTY, ILLINOIS.

Commonly known as 380 S. Schuyler Avenue, Bradley, Illinois, 60915

Bearing the present Property Index Numbers: 17-09-29-407-042 (Tract I);
17-09-29-407-022 (Tract II); and
17-09-29-407-023 (Tract II).

SECTION 3. That the Special Use Permit granted pursuant to this Ordinance shall be subject to the following conditions and restrictions pursuant to Section 60-400 of the Village Code:

1. Compliance with Ordinances and Laws. The Applicant shall abide by and comply with any and all applicable ordinances, rules, and regulations of the Village, as well as any and all applicable state and federal laws, at all times while the Subject Property is used as a Automobile Repair Facility (Minor) and/or a Used Car Sales Lot pursuant to the Special Use Permit granted by this Ordinance.

2. Limitation on the number of vehicles offered for sale. Under no circumstances shall the Applicant be permitted to simultaneously offer more than eight (8) vehicles for sale on the Subject Property. In addition, the Applicant shall not be permitted to store vehicles on the Subject Property in connection with the use of the property as a Used Car Sales Lot beyond the maximum eight (8) vehicles that may be offered for sale at any given time. This restriction shall not prohibit the Applicant from storing a reasonable number of vehicles on the Subject Property in connection with the use of the property as an Automobile Repair Facility (Minor), provided that there is sufficient space to store such vehicles without creating a safety hazard or causing visual blight.

3. Limitation on the types of vehicles that may be serviced or sold. Under no circumstances shall the Applicant service, repair, sell, offer for sale, or store any large commercial motor vehicle (including but not limited to any semi-tractor, semi-truck, and/or semi-trailer, in any combination) on the Subject Property.

4. Parking of vehicles. Any and all vehicles offered for sale on the Subject Property and/or stored on the Subject Property in connection with the use of the property as a Used Car Lot shall be parked in a single row along the western boundary of the Subject Property (*i.e.* bordering S. Schuyler Avenue). No vehicles parked or stored on the Subject Property for any reason shall be parked on grass; or in a manner that blocks the designated entrances to the parking lot on the Subject Property; or in a manner that interferes with the Village's various public rights of way in any way whatsoever.

5. Noise Control. The Applicant shall utilize all reasonable efforts and take any and all actions reasonably necessary to ensure that any and all noise generated by the use of the Subject Property as contemplated by this Ordinance is kept at reasonable levels that will not unreasonably interfere with the use and enjoyment of any other landowner or possessor of land in the immediate vicinity of the Subject Property.

6. Disposal of Chemicals. Any and all toxic and/or dangerous chemicals or noxious substances used in connection with the use of the Subject Property as an Automobile Repair Facility (Minor) and/or a Used Car Sales Lot shall be safely stored and/or disposed of in a manner consistent with any and all applicable state and federal laws.

7. Liability Insurance. The Applicant shall maintain any and all insurance policies, including but not limited to general liability insurance and any other insurance as

may be required by law, in such amounts as will reasonably insure the Applicant against any and all foreseeable injuries and losses as may arise from the normal operation of an Automobile Repair Facility (Minor) and/or a Used Car Sales Lot on the Subject Property.

8. Hours of Operation. The Applicant shall not use the Subject Property for the purposes of operating an Automobile Repair Facility (Minor) and/or a Used Car Sales Lot at any time other than the following: Monday – Friday (8:00 A.M. to 6:00 P.M.) and Saturday (7:00 A.M. to 5:00 P.M.). The Subject Property shall remain closed on Sundays.

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 an Automobile Repair Facility (Minor) and/or a Used Car Sales Lot pursuant to the Special Use Permit granted by this Ordinance.

SECTION 4. That in the event that the Applicant violates any of the conditions and restrictions set forth in Section 3 of this Ordinance, *supra*, 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 granted by this Ordinance, along with all conditions and restrictions thereon, is and shall be deemed to touch and concern the Subject Property. As such, the aforementioned Special Use Permit shall run with the land and this Ordinance shall be applicable to and binding upon any and all of the Applicant's successors, assigns, heirs, agents, etc.

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 11th day of March 2019.

TRUSTEES:

GERALD BALTHAZOR	Aye – ✓	Nay – ____	Absent – ____
ROBERT REDMOND	Aye – ✓	Nay – ____	Absent – ____
LORI GADBOIS	Aye – ✓	Nay – ____	Absent – ____
MICHAEL WATSON	Aye – ✓	Nay – ____	Absent – ____
DON BARBER	Aye – ✓	Nay – ____	Absent – ____
NICK ALLEN	Aye – ✓	Nay – ____	Absent – ____

VILLAGE PRESIDENT:

BRUCE ADAMS	Aye – ____	Nay – ____	Absent – ____
TOTALS:	Aye – 6	Nay – 0	Absent – ____

ATTEST:

Teresa M Richert - Deputy Clerk

MICHAEL J. LAGESSE, VILLAGE CLERK

APPROVED this 11th day of March, 2019.

Bruce W. Adams

BRUCE ADAMS, VILLAGE PRESIDENT

ATTEST:

Teresa M Richert - Deputy Clerk

MICHAEL J. LAGESSE, VILLAGE CLERK

STATE OF ILLINOIS)
) §§
COUNTY OF KANKAKEE)

I, Michael J. LaGesse, 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 03-11-1, "AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS (380 S. Schuyler Ave.)," which was adopted by the Village President and Board of Trustees at a meeting held on the 11th day of March, 2019.

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 March, 2019.

Geneva Rickert
MICHAEL J. LAGESSE, VILLAGE CLERK
Deputy Clerk

(SEAL)