

VILLAGE OF BRADLEY

ORDINANCE NO. O-11-19-2

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY
WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS
(149 E. North Street)

ADOPTED BY THE
BOARD OF TRUSTEES OF THE
VILLAGE OF BRADLEY

THIS 12 DAY OF November, 2019

Published in pamphlet form by the authority of the Board of Trustees of the Village of Bradley,
Kankakee County, Illinois this 12 day of November, 2019

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**AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY
WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS
(149 E. North Street)**

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, on October 3, 2019, Glenda Inouye (the “Applicant”) submitted an application to the Village requesting that the Village grant the Applicant a special use permit authorizing the operation of a planned development authorizing the operation of an animal daycare, animal boarding, and animal grooming facility on the Subject Property (the “Special Use Permit”); and

WHEREAS, the operation of a planned development authorizing the operation of an animal daycare, animal boarding, and animal grooming facility is a permissible special use for a M (Industrial) District pursuant to Sections 60-179(2)(a) and 60-153(2)(r) of the Village of Bradley Code of Ordinances (the “Village Code”); and

WHEREAS, the Subject Property is owned by the Michael F. Neal Living Trust, dated August 22, 2002 (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, November 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 restriction contained herein; 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 planned development authorizing the operation of an animal daycare, animal boarding, and animal grooming 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 an animal daycare, animal boarding, and animal grooming 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 authorizing a planned development authorizing the operation of an animal daycare, animal boarding, and animal grooming facility pursuant to Sections 60-179(2)(a) and 60-153(2)(r) 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:

TRACT 1:

A PART OF LOT 5 HOOVER PLAZA BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 31 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, KANKAKEE COUNTY, ILLINOIS DESCRIBED AS FOLLOWS: COMMENCING AT THE

SOUTHWEST CORNER OF SAID LOT 5; THENCE NORTH 07 DEGREES 39 MINUTES 05 SECONDS EAST ALONG THE WEST LINE OF SAID LOT 5 A DISTANCE OF 77.85 FEET TO A POINT; THENCE NORTH 89 DEGREES 16 MINUTES 50 SECONDS EAST A DISTANCE OF 166.74 FEET TO A POINT; THENCE SOUTH 00 DEGREES 52 MINUTES 25 SECONDS EAST A DISTANCE OF 77.0 FEET TO THE NORTHWEST CORNER OF LOT 9 IN SAID HOOVER PLAZA; THENCE SOUTH 89 DEGREES 16 MINUTES 50 SECONDS WEST A DISTANCE OF 178.22 FEET TO THE POINT OF BEGINNING.

TRACT 2:

BEING A PART OF LOT FIVE (5), IN HOOVER PLAZA, A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION TWENTY (20), TOWNSHIP THIRTY-ONE (31) NORTH, RANGE TWELVE (12) EAST OF THE THIRD PRINCIPAL MERIDIAN IN KANKAKEE COUNTY, ILLINOIS, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT AN IRON ROD AT THE NORTHWEST CORNER OF SAID LOT FIVE (5); THENCE NORTH 89°30'00" EAST ALONG THE NORTH LINE OF SAID LOT FIVE (5) A DISTANCE OF 166.00 FEET TO AN IRON ROD; THENCE SOUTH 00°30'00" EAST A DISTANCE OF 124.48 FEET TO AN IRON ROD IN THE NORTH LINE OF LOT SIX (6) EXTENDED WESTERLY; THENCE SOUTH 89°16'50" WEST ALONG THE NORTH LINE OF LOT SIX (6) EXTENDED WESTERLY A DISTANCE OF 183.93 FEET TO AN IRON ROD IN THE WEST LINE OF SAID LOT FIVE (5); THENCE NORTH 07°39'05" EAST ALONG THE WEST LINE OF SAID LOT FIVE (5) A DISTANCE OF 126.47 FEET TO THE POINT OF BEGINNING.

Commonly known as: 149 E. North St., Bradley, Illinois 60915.

Bearing the current Property Index Number: 17-09-20-416-044; 17-09-20-416-045.

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. At all times the Special Use Permit is in effect, the Applicant must ensure that the Subject Property and the uses permitted by this Ordinance comply with all other applicable requirements of the Village Code, including but not limited to all applicable requirements of the M (Industrial) zoning district.
2. At all times that the Special Use Permit is in effect, the Applicant may not undertake any enhancements, improvements, or alterations to the existing building (interior and exterior) on the Subject Property, including the installation, alteration, or removal of signage, without first seeking and receiving any and all permits and approvals required by the Village Code.
3. Before the Applicant may begin to use the Subject Property as an animal daycare, animal boarding, and animal grooming facility, they must do all of the following:

- a. The Applicant must submit a parking lot plan, which plan shall (i) include the provision of accessibility parking and (ii) provide for the paving and striping of said lot, all in compliance with applicable Village ordinances and other laws. The aforementioned parking lot plan must be approved by the Village's Community Development Director before the Subject Property may be used as an animal daycare, animal boarding, and animal grooming facility.
- b. The Applicant must install curb stops for each parking space in the existing parking lot on the Subject Property before the Subject Property may be used as an animal daycare, animal boarding, and animal grooming facility, which curb stops shall be constructed from concrete, permanently-affixed, and set back a minimum distance from any adjacent building or structure. The minimum setback distance shall be as determined by the Community Development Director as part of the parking lot plan approval process.
- c. The Applicant must install any and all concrete bollards as the Village Community Development Director shall determine, in her sole discretion, to be necessary for safety purposes.
- d. The Applicant must submit a parking lot lighting/photometric plan to the Community Development Director for review and approval.
- e. The Applicant must ensure that all existing landscaped areas on the Subject Property are free from weeds and properly mulched. Any dead plants and/or plant material in said areas must be removed and replaced with live plants.
- f. The Applicant must ensure that all grassy areas on the Subject Property are properly maintained.
- g. The Applicant must remove any and all barbed-wire or other sharp fencing on the Subject Property.
- h. The Applicant must remove any and all materials, pallets, equipment, detritus, etc. that is presently being stored on the Subject Property.
- i. The Applicant must apply for and receive the following from the Village:
 - i. A New Business Permit; and
 - ii. A business license; and
 - iii. An occupancy permit for the Subject Property.
- j. The Applicant must request and pass any and all inspections as the Community Development Director shall determine to be necessary; and

- k. The Applicant must request and pass an inspection conducted by the Bradley Fire Inspector, as well as make any and all alterations that said Fire Inspector deems necessary for the safe operation of an animal daycare, animal boarding, and animal grooming facility on the Subject Property; and
 - l. The Applicant must file a sign permit application with the Community Development Director for the review and approval of any proposed exterior building signage, window signage, or the replacement of any sign panel on the freestanding development sign located on and/or associated with the Subject Property; and
- 4. Nothing in this Ordinance is intended or shall be deemed to release the Applicant from their obligation to seek and receive building permits from the Village. On the contrary, the Applicant must and shall seek and secure building permits for any and all interior or exterior renovations or other work on the Subject Property at all times that this Special Use Permit is in effect.
 - 5. Any and all space on the Subject Property that is dedicated for residential use shall be used only for the purposes of providing the Applicant or the Applicant's employee(s) with night quarters during any and all times that animals are being boarded on the Subject Property. No portion of the Subject Property may be used for residential purposes by any person other than the Applicant and the Applicant's employee(s). Under no circumstances shall any portion of the Subject Property be leased for residential purposes.
 - 6. With regards to the property bearing the current PIN number 17-09-20-416-044 (the "South Lot"): Any animal daycare, animal boarding, and animal grooming facility use must be established on the South Lot, if at all, within two (2) years from the effective date of this ordinance. If the above-described use is not established within the timeframe allotted, the Special Use Permit granted by this Ordinance shall be null and void as to said South Lot without the need for any action on the part of the Village. At any time prior to the expiration of the two (2) year period set out in this paragraph, the Applicant may request an extension of the time in which to establish the above-described use, which request may be freely granted or denied by the Village Board.
 - 7. With regards to the property bearing the current PIN number 17-09-20-416-045 (the "North Lot"): Any animal daycare, animal boarding, and animal grooming facility use must be established on the North Lot, if at all, within five (5) years from the effective date of this ordinance. If the above-described use is not established within the timeframe allotted, the Special Use Permit granted by this Ordinance shall be null and void as to said North Lot without the need for any action on the part of the Village. At any time prior to the expiration of the five (5) year period set out in this paragraph, the Applicant may request an extension of the time in which to establish the above-described use, which request may be freely granted or denied by the Village Board.
- 1. At all times that the Special Use Permit is in effect, the Applicant shall maintain fencing around any and all outdoor areas where animals will be permitted in connection with the use of the Subject Property as an animal daycare, animal boarding, and animal grooming facility. In addition, the Applicant shall install any and all concrete bollards around such fencing as the Community Development Director shall deem necessary. The fencing

required by this condition shall be eight (8) feet tall and shall be constructed from such materials as the Village Community Development Director may require, in her sole discretion. To the extent that the height of the fence required by this condition is inconsistent with the requirements of Section 10-330 of the Village Code, a variation to said section is hereby made and this Ordinance shall control to the extent of any conflict.

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 begin to use the Subject Property as an animal daycare, animal boarding, and animal grooming facility 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 (except for Conditions Nos. 6 and 7, which result in the automatic voiding of this Ordinance as to the South and North Lots, respectively), 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. In the event that the Applicant seeks to lease the Subject Property to any person such that the lessee will have the ability and right to operate an animal daycare, animal boarding, and animal grooming facility on the Subject Property, the Applicant shall incorporate this Ordinance by reference into any and all lease agreement(s) so as to ensure that all terms and provisions hereof are equally applicable to any such lessee. It is the express intent of the Village that any and all use of the Subject Property as an animal daycare, animal boarding, and animal grooming facility shall be fully subject to the terms and conditions of this Ordinance so long as the Special Use Permit granted hereby remains in effect.

SECTION 6. 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 its 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 its entire ownership interest in the Subject Property to the Applicant.

SECTION 7. 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 8. 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 9. 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 10. That the Village Clerk is hereby directed to publish this Ordinance in pamphlet form.

SECTION 11. 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 day of November, 2019.

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, VILLAGE CLERK

APPROVED this 12 day of November, 2019.


MICHAEL WATSON, ACTING 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 011-19-2, "AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS (149 E. North Street)," which was adopted by the Village Corporate Authorities at a meeting held on the 12 day of November 2019.

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 Nov, 2019.



JULIE TAMBLING, VILLAGE CLERK

(SEAL)



