

VILLAGE OF BRADLEY

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ORDINANCE NO. O-5-19-2

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY  
WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS  
(665 W. Broadway)

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ADOPTED BY THE  
BOARD OF TRUSTEES OF THE  
VILLAGE OF BRADLEY

THIS 13<sup>th</sup> DAY OF May, 2019

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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 13<sup>th</sup> day of May, 2019

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**AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY  
WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS  
(665 W. Broadway)**

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**WHEREAS**, the Corporate Authorities 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 March 12, 2019, Alexandria and Glenda Inouye (collectively the “Applicant”) submitted an application to the Village requesting that the Village grant the Applicant a special use permit for 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**, a planned development is a permissible special use for a B2 District pursuant to Section 60-153(2)(r) of the Village of Bradley Code of Ordinances (the “Village Code”); and

**WHEREAS**, the Subject Property is owned by Kalen & Theresa Schulteis (collectively 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 Corporate Authorities 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, May 7, 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 Corporate Authorities deny the Applicant’s Application; 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 Corporate Authorities have nevertheless determined that it is in the best interests of the Village and its residents to grant the Special Use Permit, subject to the conditions and restrictions set forth in this Ordinance; and

**WHEREAS**, the Corporate Authorities of the Village have determined that the Special Use Permit (and the 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 B2 District in which the Subject Property is located.

**NOW THEREFORE, BE IT ORDAINED BY THE CORPORATE AUTHORITIES OF THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS, PURSUANT TO ITS STATUTORY AUTHORITY, AS FOLLOWS:**

**SECTION 1.** The Corporate Authorities 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 Corporate Authorities of the Village hereby grant and approve a special use permit for a planned development authorizing the operation of an animal daycare, animal boarding, and animal grooming facility pursuant to Section 60-153(2)(r) of the Village Code over and upon the Subject Property, subject to the conditions and restrictions set out in Section 3 of this Ordinance, *infra*. The Subject Property is zoned B2 (Commercial District) and is legally described as follows:

LOTS 6, 7, 8, AND 9 IN BLOCK 33, NORTH KANKAKEE, NOW KNOWN AS THE VILLAGE OF BRADLEY, SITUATED IN KANKAKEE COUNTY, ILLINOIS.

**Commonly known as:** 665 W. Broadway St., Bradley, Illinois 60915

**Bearing the current Property Index Number:** 17-09-29-122-022.

**SECTION 3.** 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. The Applicant must submit a parking lot plan, which plan shall include the provision of accessibility parking in compliance with all 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/or animal grooming facility.

2. At all times that the Special Use Permit is in effect, the parking lot located on the Subject Property must be maintained in good condition and in compliance with all Village requirements. In addition, the Applicant must install curb stops for each parking space in said parking lot before the Subject Property may be used as an animal daycare, animal boarding, and/or animal grooming facility, which curb stops shall be constructed from concrete, permanently-affixed, and set back at least two (2) feet from any adjacent building or structure.
3. Before the Subject Property may be used as an animal daycare, animal boarding, and/or animal grooming facility, the Applicant shall install any and all concrete bollards as the Village Community Development Director shall determine, in her sole discretion, to be necessary for safety purposes.
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 animal grooming use must be established, if at all, within two (2) years of the date of this Ordinance or else such use shall not be permitted by this Ordinance.
6. 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/or animal grooming facility. 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.
7. No outdoor area where animals will be permitted in connection with the use of the Subject Property as an animal daycare, animal boarding, and/or animal grooming facility, shall be permitted within fifty (50) feet of any residential district.

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 animal daycare, animal boarding, and/or 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, 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 is not intended and shall not be deemed to touch and concern the Subject Property. Once the Applicant begins using the Subject Property as an animal daycare, animal boarding, and/or animal grooming facility, any transfer of the Subject Property from its then-current owner to any other person or entity other than the Applicant shall result in the immediate termination of the Special Use Permit. In addition, in the event that the Applicant ever discontinues its use the property as an animal daycare, animal boarding, and/or animal grooming facility for a consecutive period of three (3) months, the Special Use Permit granted by this Ordinance will immediately terminate.

**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 13<sup>th</sup> day of May, 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"/>
DON BARBER	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"/>

**ACTING VILLAGE PRESIDENT:**

MICHAEL WATSON (non-voting)

**TOTALS:**

Aye - 12 Nay - 0 Absent -     

**ATTEST:**

*Teresa Richert*

TERESA RICHERT, DEPUTY CLERK

**APPROVED** this 13<sup>th</sup> day of May, 2019.

*Michael Watson*  
MICHAEL WATSON, ACTING VILLAGE PRESIDENT

**ATTEST:**

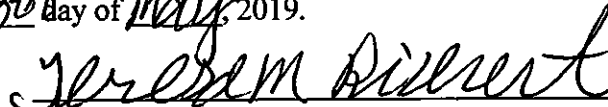
*Teresa Richert*

TERESA RICHERT, DEPUTY CLERK

STATE OF ILLINOIS        )  
                                      )        §§  
COUNTY OF KANKAKEE    )

I, Theresa M. Richert, Deputy Clerk of the Village of Bradley, County of Kankakee and State of Illinois, DO HEREBY CERTIFY that the attached is a true, perfect, and complete copy of Ordinance number O-5-19-2, "AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS (665 W. Broadway)," which was adopted by the Corporate Authorities of the Village at a meeting held on the 13<sup>th</sup> day of MAY, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand in the Village of Bradley, County of Kankakee and State of Illinois, on this 13<sup>th</sup> day of MAY, 2019.

  
TERESA RICHERT, CLERK

(SEAL)