

VILLAGE OF BRADLEY

RESOLUTION NO. R-2-21-3

A RESOLUTION APPROVING THE USE OF CERTAIN PROPERTY LOCATED WITHIN
THE VILLAGE OF BRADLEY FOR THE PURPOSES OF
A TATTOOING & PIERCING BUSINESS
(253 W. BROADWAY STREET/ROGERS TATTOO)

ADOPTED BY THE
BOARD OF TRUSTEES OF THE
VILLAGE OF BRADLEY

THIS 08th 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 February, 2021

RESOLUTION NO. R-2-21-3

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WITHIN THE VILLAGE OF BRADLEY FOR THE PURPOSES OF
A TATTOOING & PIERCING BUSINESS
(253 W. BROADWAY STREET/ROGERS TATTOO)**

WHEREAS, the Corporate Authorities of the Village of Bradley, Kankakee County, Illinois, have the authority to adopt resolutions and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

WHEREAS, Ms. Margaret Spence (the "Applicant") has, along with the property owner, requested that the Village authorize her to operate a tattooing and piercing business (the "Proposed Use") upon certain property commonly known as 253 W. Broadway Street, Bradley, Illinois 60915 and located within the corporate limits of the Village of Bradley (the "Subject Property"); and

WHEREAS, the Subject Property is presently zoned B2 (Commercial); and

WHEREAS, there is not presently any permitted or special use classification in the B2 zoning district that explicitly permits the Proposed Use within said district; and

WHEREAS, Section 60-21 of the Village's Zoning Code provides that "[w]hen a use is not specifically listed in the sections devoted to permitted uses, it shall be assumed that such uses are hereby expressly prohibited, unless by a written recommendation of the planning and zoning commission and approved by the village board it is determined that said use is similar to and not more objectionable than uses listed. Such uses may then be permitted"; and

WHEREAS, on Tuesday, February 2, 2021, the Village of Bradley Planning and Zoning Commission ("Plan Commission") held a meeting, and considered the Applicant's request as relates to the Subject Property; and

WHEREAS, the Plan Commission has determined that the Proposed Use is similar to and not more objectionable than other uses permitted in the B2 district; and

WHEREAS, the Plan Commission has recommended that the Corporate Authorities of the Village grant the Applicant's request and authorize the Proposed Use on the Subject Property, subject to the conditions and restrictions set forth herein; and

WHEREAS, the Corporate Authorities of the Village hereby accept the Plan Commission's recommendation; and

WHEREAS, the Corporate Authorities of the Village have determined that approving the Proposed Use of the Subject Property, subject to the conditions and restrictions set forth herein, is in the best interests of the Village and its citizens.

NOW THEREFORE, BE IT RESOLVED 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 Resolution are true, correct, and complete and are hereby incorporated by reference hereto and made a part hereof.

SECTION 2. The Applicant is hereby authorized and approved to use the Subject Property for the purposes of operating a tattooing and piercing business, subject to the conditions and restrictions set forth in Section 3 of this Resolution, *infra*.

SECTION 3. The Applicant's use of the Subject Property, as approved by this Resolution, is subject to the following conditions and restrictions:

1. The Proposed Use shall comply with all applicable requirements of the B2 (Commercial) District at all times.
2. The Proposed Use shall be limited to the Applicant and the Proposed Use only and shall not be transferable to a new business owner except upon reconsideration and approval in the manner provided by the Village's Zoning Ordinance, as amended from time to time.
3. The Applicant shall obtain any and all applicable State of Illinois licenses necessary for her business and present copies of said licenses to the Community Development Department prior to opening her establishment for business.
4. The business days and hours of operation shall be limited to the following: Sunday & Monday, 12:00 noon to 6:00 p.m. and Tuesday through Saturday, 10:00 a.m. to 9:00 p.m.
5. Interior modifications of the Applicant's tenant space on the Subject Property related to structural changes, plumbing, electrical, or as determined by the building inspector shall 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. Further, any deficiencies identified by the Village's inspectors on January 8, 2021, during the new business inspection shall need to be addressed prior to opening and commencing business operations.
6. Any business identification signage shall need to be reviewed and approved by the Community Development Department prior to installation.
7. The Applicant shall need to receive an occupancy permit and a business license prior to opening and commencing operations.

SECTION 4. In the event that any provision or provisions, portion or portions, or clause or clauses of this Resolution 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 Resolution that may be given effect without such invalid or unenforceable provision or provisions, portion or portions, or clause or clauses.

SECTION 5. All ordinances, resolutions, motions, or parts thereof, conflicting with any of the provisions of this Resolution, are hereby repealed to the extent of the conflict.

SECTION 6. The Village Clerk is hereby directed to publish this Resolution in pamphlet form.

SECTION 7. This Resolution 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 - Absent -

ATTEST:


JULIE TAMBLING, VILLAGE CLERK

APPROVED this 08 day of February, 2021.


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 Resolution number B-221-3, "A RESOLUTION APPROVING THE USE OF CERTAIN PROPERTY LOCATED WITHIN THE VILLAGE OF BRADLEY FOR THE PURPOSES OF A TATTOOING AND PIERCING BUSINESS (253 W. BROADWAY STREET/ROGERS TATTOO)," which was adopted by the Village Corporate Authorities at a meeting held on the 8th day of Feb, 2021.

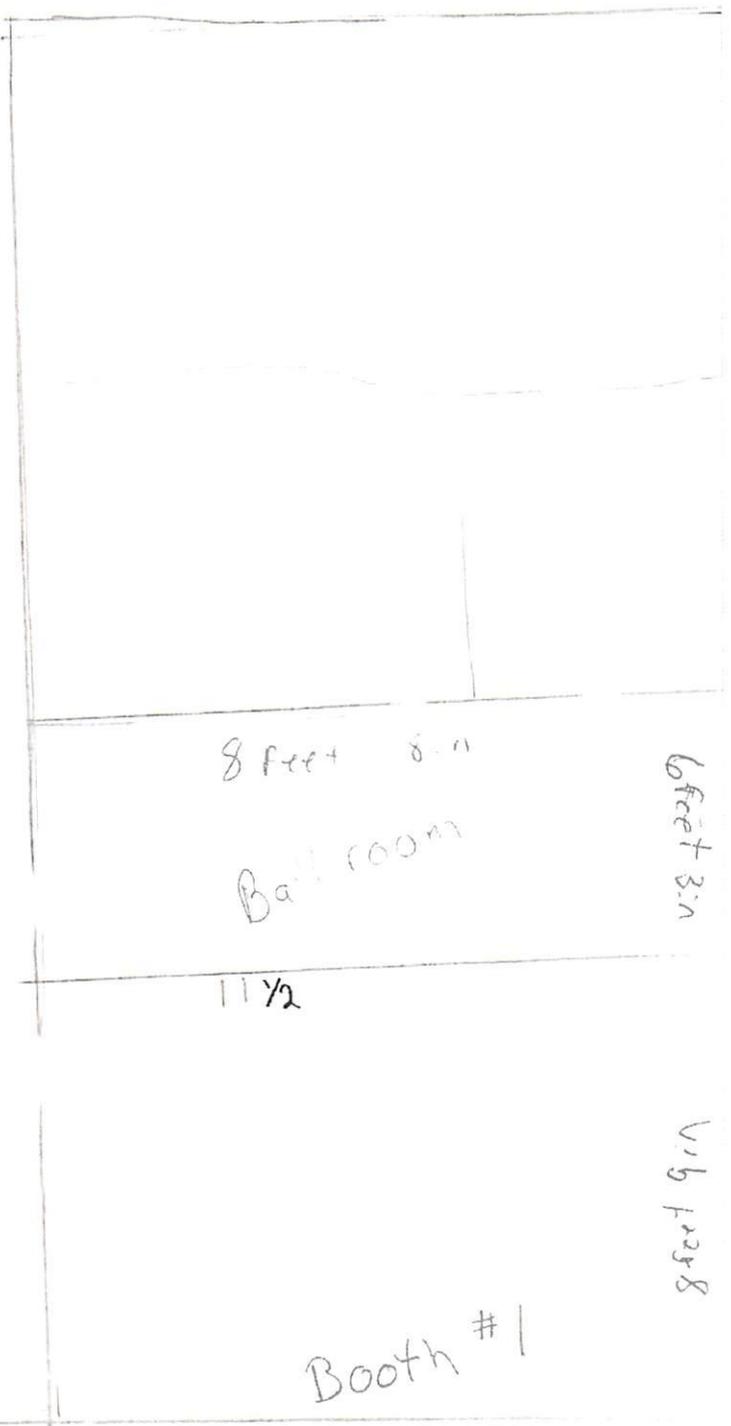
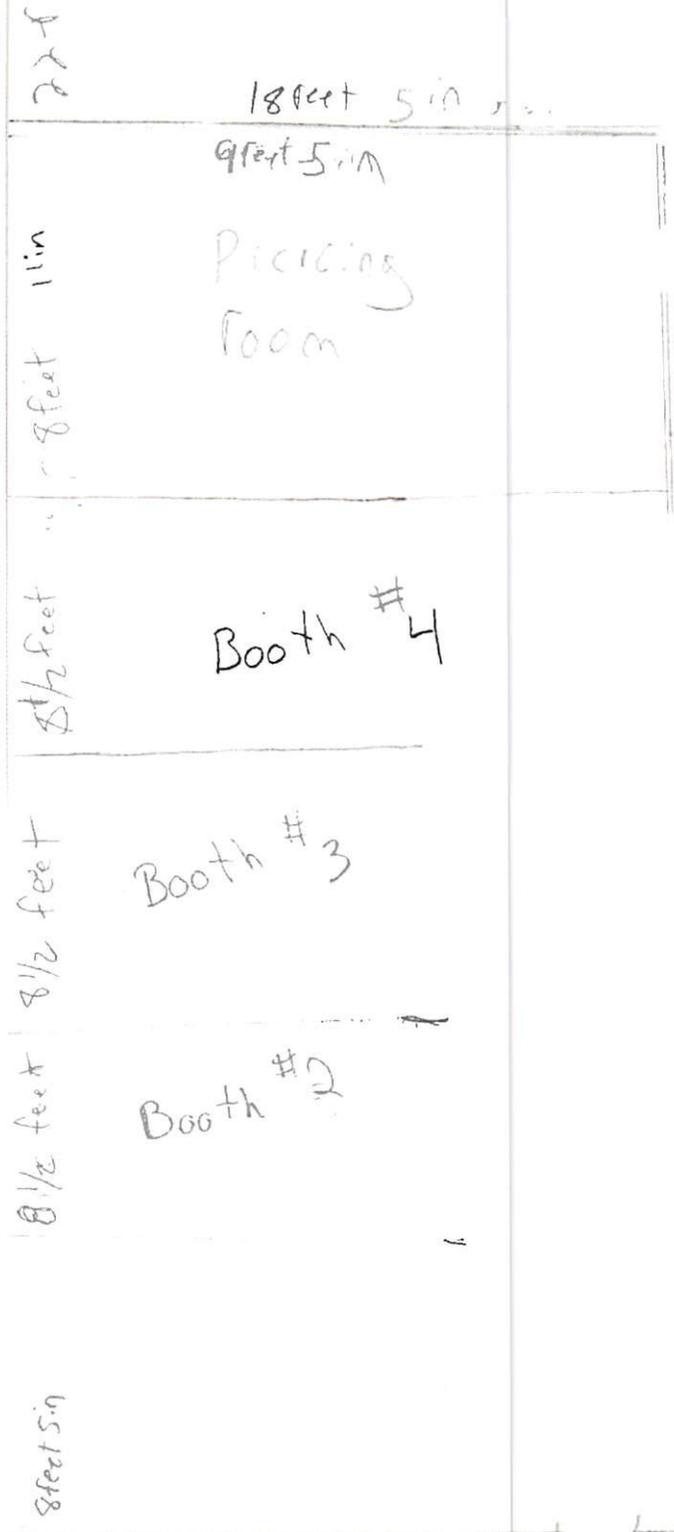
IN WITNESS WHEREOF, I have hereunto set my hand in the Village of Bradley, County of Kankakee and State of Illinois, on this 8th day of Feb, 2021.



JULIE TAMBLING, VILLAGE CLERK

(SEAL)

253 W. Broadway – Rogers Tattoo
Conceptual Floor Plan
(for reference only)



Received
2/2/21

RECEIVED
FEB 02 2021
Bradley Building Dept.

18 ft 5 in



Village of Bradley Community Development Department

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

PLANNING AND ZONING COMMISSION STAFF MEMORANDUM

TO: Planning and Zoning Commission

FROM: Pam Hirth, Assistant Community Development Director

DATE: January 29, 2021

SUBJECT: Permit a use not specifically listed in a B2 district (Section 60-21)/Tattooing & Piercing Business (Rogers Tattoo)/253 W. Broadway Street
Applicant: Margaret Spence, Business Owner

BACKGROUND

The subject property is zoned B2 Commercial and subject tenant space is currently vacant. In the B2 district, a tattooing & piercing business is not listed as a permitted or special use. However, it is a service that has been located in the Village at 189 N. Kinzie since 2011 (a Special Use Permit was approved for the current location on May 9, 2011 – Ordinance No.: O-5-11-4, subject to specific conditions regarding hours of operation, age restrictions and State of IL licensing). Per section 60-21, of the Village's zoning ordinance, "when a use is not specifically listed in the sections devoted to permitted uses, it shall be assumed that such uses are hereby expressly prohibited, unless by a written recommendation of the planning and zoning commission and approved by the village board it is determined that said use is similar to and not more objectionable than uses listed. Such uses may then be permitted." The subject property had been previously occupied by an accounting office and is now vacant.

Surrounding Zoning & Land Use of adjacent property includes:

- North: R5 Two Family Residence District/single family residential
- South: B2 Commercial/commercial
- East: B2 Commercial/parking lot & bar
- West: B2 Commercial/grocery store

Public Hearing

A public hearing is not required for this requested action.

REQUESTED ACTION & PROPOSAL OVERVIEW

The requestor, Margaret Spence, new owner of Rogers Tattooing, is seeking approval of a tattooing and piercing business on the property located at 253 W. Broadway Street. The subject property includes a two-story building (front portion) with commercial on the first floor and residential on the 2nd. The subject tenant space comprises approximately 1,800 square feet of area and faces Broadway Street. Refer to attached photos taken by staff.

The business owner has submitted a letter of request/written narrative (see attached). Initially, the total number employees will be 3 (including the owner). When the Special Use Permit was approved for the current location, a condition of the Ordinance included that the "petitioner" obtain any and all applicable State of Illinois licenses prior to opening for business and that copies of the licenses be provided to the Village Clerk. A similar condition will be part of this request.

The hours of operation will be Sunday & Monday 12:00 noon to 6:00 p.m. and Tuesday through Saturday 10:00 am to 9:00 pm. When the Special Use Permit was approved for the current location, a condition of the Ordinance included specific hours of operation. Similarly, the hours provided by the business owner will become a condition of approval with this request. Types of services include tattooing and body piercing (similar to the services being offered at the current location). Per the letter of request/written narrative, nobody under the age of 18 will be tattooed. Close proximity parking for the building will be in an existing parking lot to the east of the building and on-street along Broadway Street.

At this time, the business owner does not have a conceptual floor plan prepared. However, she did state that the layout of the space will be similar to the existing location except that instead of all four (4) service chairs being located along one wall, three (3) will be located along one wall with the fourth located along the opposite wall.

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 addition, any deficiencies identified during the January 8, 2021 new business inspection will need to be addressed prior to opening and commencing business operations.

Any business identification signage will need to be reviewed and approved by the Community Development Department prior to installation. There is an existing freestanding sign located in front of the building.

RECOMMENDATION

If the Planning and Zoning Commission finds that the proposed use of a Tattooing & Piercing business is an acceptable permitted use in the B2 zoning district, then a recommendation in favor should be considered, subject to the following conditions:

1. The Proposed Use must comply with all applicable requirements of the B2 Commercial District at all times.
2. The permitted use will be limited to the business owner making the request and the applied for use and will not be transferable to a new business owner except upon reconsideration and approval in the manner provided by the Village's Zoning Ordinance.
3. The applicant will need to obtain any and all applicable State of Illinois licenses prior to opening its establishment for business and will need to provide copies of said licenses to the Community Development Department.
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7. The business owner will need to receive an occupancy permit and a business license prior to opening and commencing operations.

ATTACHMENTS

1. Letter of Request/Written Narrative
2. Elevation Photos (taken by staff)

Written Narrative – 253 W. Broadway Street (copied from an email received 1/6/21)

To whom it may concern:

My name is Margaret H Spence and I have recently purchased Rogers Tattooing from Roger and Darlene Kilman. I am trying to keep costs down and this move would help greatly. Rogers Tattooing was on Broadway once before and I would like to bring it back.

This business has been family owned and here in Bradley, Il since 1985 with good standing.

We offer tattooing and body piercing. I have a very clean and sterile environment for all of my customers and clients. Nobody under the age of 18 shall be tattooed upon.

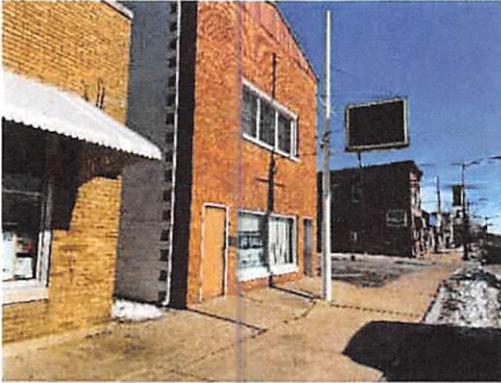
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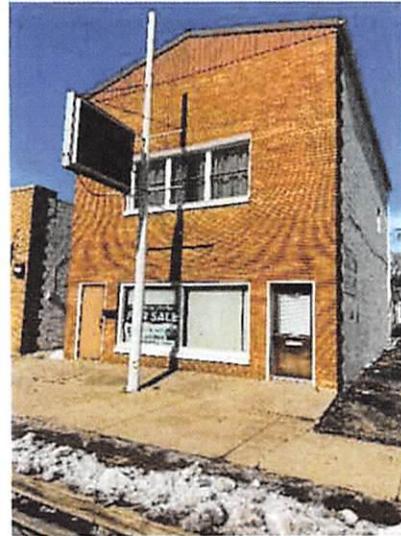
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Thank You -
Kind Regards -
Margaret H Spence

253 W. Broadway – Proposed Tattooing & Piercing Business



Street Profile



Front Elevation with Existing Sign



Side Elevation Front Portion of Building



Side Elevation Whole Building with Parking



Side Elevation Rear Portion of Building



Village of Bradley Community Development Department

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RECOMMENDATION

If the Planning and Zoning Commission finds that the proposed use of a Tattooing & Piercing business is an acceptable permitted use in the B2 zoning district, then a recommendation in favor should be considered, subject to the following conditions:

1. The Proposed Use must comply with all applicable requirements of the B2 Commercial District at all times.
2. The permitted use will be limited to the business owner making the request and the applied for use and will not be transferable to a new business owner except upon reconsideration and approval in the manner provided by the Village's Zoning Ordinance.
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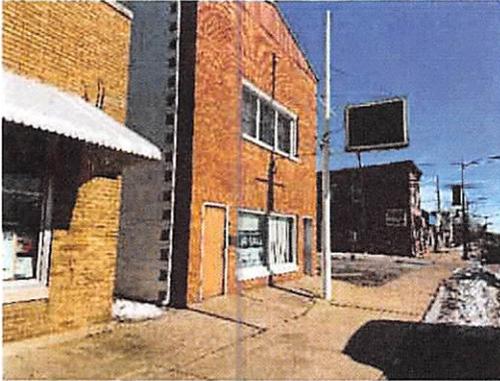
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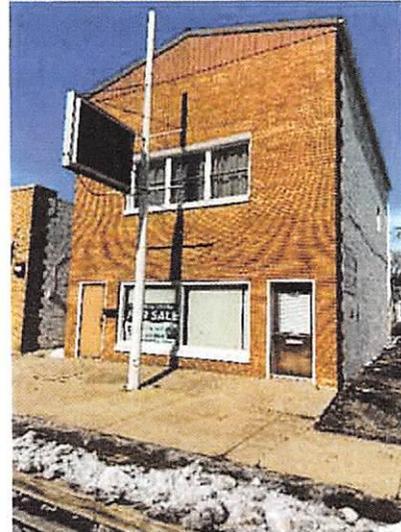
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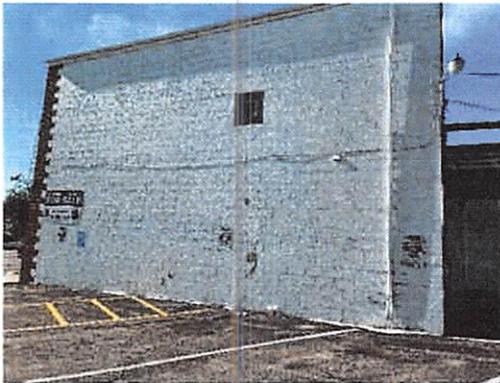
253 W. Broadway – Proposed Tattooing & Piercing Business



Street Profile



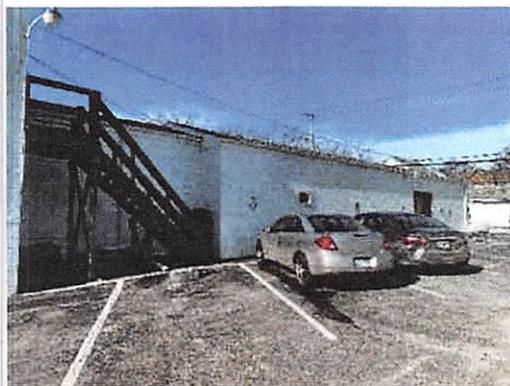
Front Elevation with Existing Sign



Side Elevation Front Portion of Building



Side Elevation Whole Building with Parking



Side Elevation Rear Portion 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:

Margaret Spence (owner of Rogers Tattoo) is requesting approval of a tattooing & piercing business on the property located at 253 W. Broadway Street. The subject property is zoned B2 Commercial and the subject tenant space is currently vacant. In the B2 district, a tattooing & piercing business is not listed as a permitted or special use. However, it is a service that has existed in the Village at other locations for many years (previously on Broadway; currently on N. Kinzie). Per section 60-21, of the Village’s zoning ordinance, “when a use is not specifically listed in the sections devoted to permitted uses, it shall be assumed that such uses are hereby expressly prohibited, unless by a written recommendation of the planning and zoning commission and approved by the village board it is determined that said use is similar to and not more objectionable than uses listed. Such uses may then be permitted.”

The subject property includes a 2-story building (front portion) with commercial on the 1st floor and a residential unit on the 2nd. The subject tenant space comprises approximately 1,800 square feet of area and faces Broadway Street. Close proximity parking for the building will be in an existing parking lot located to the east of the building and on-street along Broadway Street.

Refer to attached Planning & Zoning Staff Memorandum with attachments for more detailed information regarding hours of operation and number of employees. At the meeting, the business owner presented a conceptual floor plan which was copied and distributed to the Commission.

This item was considered by the Planning & Zoning Commission at their regular meeting on February 2nd. The business owner was present to provide an overview of the business and respond to questions/comments from the Commission regarding sanitation (regulated by the Health Department); and how much of the first floor will be occupied given the configuration (business owner stated that she will be leasing the entire first floor however only using a portion). The Commission noted that this business has been in Bradley for a long time (business owner noted family history and her desire to pass it along to her children someday). This was not a public hearing therefore notice in the newspaper and to property owners within 250 feet was not required.

Recommendation

The Planning and Zoning Commission by a vote of 7-0, recommended approval and found the proposed use of a tattooing & piercing business at 253 West Broadway is similar to and not more objectionable than other uses listed in the B2 zoning district, subject to the following seven (7) conditions:



Agenda Cover Memorandum

1. The Proposed Use must comply with all applicable requirements of the B2 Commercial District at all times.
2. The permitted use will be limited to the business owner making the request and the applied for use and will not be transferable to a new business owner except upon reconsideration and approval in the manner provided by the Village's Zoning Ordinance.
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7. The business owner will need to receive an occupancy permit and a business license prior to opening and commencing operations.

Supporting Documents:

1. Planning & Zoning Commission Staff Memorandum dated January 29, 2021 with Attachments
2. Conceptual Floor Plan (for reference only) received February 2, 2021
3. Resolution approving the use of the property for a Tattooing & Piercing Business (Rogers Tattoo)

Outcome:

This Resolution is being presented for final action, unless otherwise directed by the Board.