

VILLAGE OF BRADLEY

ORDINANCE NO. **O-12-21-10**

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY
WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS
(189 N Kinzie Ave, Bradley, IL 60915)

ADOPTED BY THE
BOARD OF TRUSTEES OF THE
VILLAGE OF BRADLEY

THIS 13th DAY OF December, 2021

Published in pamphlet form by the authority of the Board of Trustees of the Village of Bradley,
Kankakee County, Illinois this 13 day of Dec., 2021

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**AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY
WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS
(189 N Kinzie Ave, Bradley, IL 60915)**

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 B-2 (Commercial); and

WHEREAS, on November 4, 2021, Matthew Forkenbrock (the “Applicant”) submitted an application to the Village requesting that the Village grant the Applicant a special use permit authorizing the operation of a tattoo parlor on the Subject Property (the “Special Use Permit”); and

WHEREAS, the operation of a tattoo parlor is a permissible special use for a B-2 (Commercial) District pursuant to Section 60-153(2)(ab) of the Village of Bradley Code of Ordinances (the “Village Code”); and

WHEREAS, the Subject Property is owned by Dave Neblock (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, December 7, 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 (the Plan Commission’s findings of fact and recommendation of approval is attached hereto as Exhibit A and fully incorporated herein); 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 tattoo parlor 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 B-2 (Commercial) 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 tattoo parlor 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 tattoo parlor pursuant to Section 60-153(2)(ab) of the Village Code over and upon the land legally described in this Section (hereinafter the “Subject Property”). The Subject Property is zoned B-2 (Commercial) and is legally described as follows:

VILLAGE OF BRADLEY LOTS 31-34 IN BLOCK 106, 28-31-12E

Commonly known as: 189 N Kinzie Ave, Bradley, IL 60915

Bearing the current Property Index Number: 17-09-28-110-030

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 uses approved under the Special Use Permit will need to comply with all applicable requirements of the B-2 district.

2. The Special Use Permit is limited to the applicant only and will not be transferrable to a new business owner except upon re-application, hearing, and approval in the manner provided by the Villages' Zoning Ordinance.
3. The store hours shall be limited to Tuesday thru Saturday from 11am until 7pm.
4. The business owner will need to apply for and receive an occupancy permit and a business license from the Village prior to opening and commencing operations.

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 a tattoo parlor 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 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, provided however that the Special Use Permit shall not be so terminated and revoked if the Owner sells, conveys, or otherwise transfers his entire ownership interest in the Subject Property to the Applicant.

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 day of Dec, 2021.

TRUSTEES:

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 type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input checked="" type="checkbox"/>
GRANT D. VANDENHOUT	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
GENE JORDAN	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>

VILLAGE PRESIDENT:

MICHAEL WATSON Aye - Nay - Absent -

TOTALS: Aye - 5 Nay - 0 Absent - 1-Tieri

ATTEST:



JULIE TAMBLING, VILLAGE CLERK

APPROVED this 13th day of December, 2021.



MICHAEL WATSON, VILLAGE PRESIDENT

ATTEST:

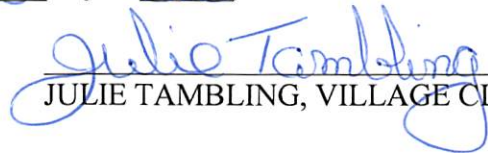


JULIE TAMBLING, VILLAGE CLERK

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 042240 "AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS (189 N Kinzie Ave, Bradley, IL 60915)," which was adopted by the Village Corporate Authorities at a meeting held on the 13 day of Dec, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand in the Village of Bradley, County of Kankakee and State of Illinois, on this 13 day of Dec, 2021.



JULIE TAMBLING, VILLAGE CLERK



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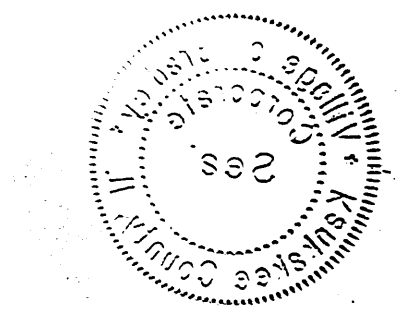


EXHIBIT A

**PZC FINDINGS OF FACT AND RECOMMENDATION OF APPROVAL FOR
A SPECIAL USE PERMIT
(189 N KINZIE AVE, BRADLEY, IL 60915 — TATTOO PARLOR)**

On December 7, 2021, at 6:30 p.m., at the Bradley Village Hall, 147 S. Michigan Avenue, Bradley, Illinois 60915, 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 whether to recommend approval or denial of a special use permit authorizing the use of certain property located within the corporate boundaries of the Village as a Tattoo Parlor (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:

1. The Proposed Use is an authorized special use in the B-2 (Commercial) district pursuant to Section 60-153(2)(ab) of the Bradley Zoning Ordinance.
2. The Proposed Use is compatible with surrounding land uses and the general area surrounding the subject property.
3. The Proposed Use is not inconsistent with the zoning classifications of other property within the general area of the subject property.
4. The subject property is suitable for the uses permitted under its existing zoning classification of B-2 (Commercial).
5. The Proposed Use is not inconsistent with the trend of development in the general area of the subject property.
6. The Proposed Use and the subject property’s existing zoning classification of B-2 (Commercial) are not inconsistent with the official comprehensive plan of the Village.
7. The approval of the special use permit is in the public interest and not solely for the interest of the applicant.
8. 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.
9. The Proposed Use will likely contribute to the general welfare of the surrounding neighborhood or community.
10. 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.
11. The Proposed Use is not likely to be injurious to property values or improvements in the vicinity of the subject property.
12. 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 the applicant's request and adopt an ordinance granting the applicant a special use permit authorizing a Tattoo Parlor, subject to the following conditions and restrictions:

1. The uses approved under the Special Use Permit will need to comply with all applicable requirements of the B-2 district.
2. The Special Use Permit is limited to the applicant only and will not be transferrable to a new business owner except upon re-application, hearing, and approval in the manner provided by the Villages' Zoning Ordinance.
3. The store hours shall be limited to Tuesday thru Saturday from 11am until 7pm.
4. The business owner will need to apply for and receive an occupancy permit and a business license from the Village prior to opening and commencing operations.

PASSED this 7th day of December, 2021, by roll call vote.

	Aye	Nay	Absent
Ryland Gagnon (Chairman)	<u>✓</u>	_____	_____
Charlene Eads (Secretary)	<u>✓</u>	_____	_____
Mike Dauphin	<u>✓</u>	_____	_____
James Guiss	<u>✓</u>	_____	_____
Rick White	<u>✗</u>	_____	<u>✓</u>
Bill Bodemer	<u>✓</u>	_____	_____
Michael Williams	<u>✓</u>	_____	_____



Agenda Cover Memorandum

Meeting Date: December 13th, 2021

Fiscal Year: 2021

Agenda Item: Special use permit for tattoo studio at 189 N. Kinzie

Item Type: Ordinance Resolution Other

Action Requested: Approval First Reading For Discussion Informational

Staff Contact:
Name: Bruce Page
Phone: 815-936-5100 ext. 1111
Email: bepage@bradleyil.org

Internal Review
Initials
Date

Brief Summary:

Applicant Mathew Forkenbrock is requesting a special use permit to operate a tattoo studio at 189 N. Kinzie in a B-2 District. The business is a permitted use in the district by a special use permit approval. The location is the former home of Rogers tattooing, and the PNZ commission has approved and recommended this request go to the VOB board for consideration, by a 7-0 vote.

Approval of Ordinance

Supporting Documents: Ord #

Financial (if applicable)

Is this a budgeted item? Yes No Requires Budget Amendment

Line Item: Title: