

VILLAGE OF BRADLEY

---

ORDINANCE NO. 0-5-21-2

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY  
WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS  
(Dependable Bus Equipment, Inc.)

---

ADOPTED BY THE  
BOARD OF TRUSTEES OF THE  
VILLAGE OF BRADLEY

THIS 24<sup>th</sup> DAY OF May, 2021

---

Published in pamphlet form by the authority of the Board of Trustees of the Village of Bradley,  
Kankakee County, Illinois this 24<sup>th</sup> day of May, 2021

**ORDINANCE NO. O-5-21-2**

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY  
WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS  
(Dependable Bus Equipment, Inc.)**

---

**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**, Dependable Bus Equipment, Inc. (the "Applicant") has submitted an application to the Village requesting that the Village grant the Applicant a special use permit authorizing the operation of a distribution establishment, warehouse, and/or wholesale market facility on the Subject Property (the "Special Use Permit"); and

**WHEREAS**, the operation of a distribution establishment, warehouse, and/or wholesale market facility is a permissible special use for a M (Industrial) District pursuant to Section §60-179(2)(n) of the Village of Bradley Code of Ordinances (the "Village Code"); and

**WHEREAS**, the Subject Property is owned by the Kankakee County Training Center (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, May 4, 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 (a copy of the Plan Commission's written findings of fact and recommendation of approval is attached hereto as Exhibit A and fully incorporated herein); 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; 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 distribution establishment, warehouse, and/or wholesale market 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 a distribution establishment, warehouse, and/or wholesale market 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 for the purpose of operating a distribution establishment, warehouse, and/or wholesale market facility pursuant to Section §60-179(2)(n) of the Village Code over and upon the land described in this Section (hereinafter the "Subject Property"). The Subject Property is zoned M (Industrial) and is described as follows:

Commonly known as: 320 S. Forest Avenue, Bradley, Illinois 60915

Bearing the current Property Index Number: 17-09-29-301-001

**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 property and the proposed use must comply with all applicable requirements of the M Industrial District at all times.

2. The Special Use Permit granted by this Ordinance is and shall be limited to the Applicant only and shall not be transferrable to any other person or entity. The Special Use Permit is not intended and shall not be construed to constitute a property right, does not touch and concern the Subject Property, and shall not run with the Subject Property. In the event that the Applicant permanently ceases operation of its business upon the Subject Property, the Special Use Permit granted by this Ordinance shall be of no further effect.
3. The Applicant must obtain any and all applicable State of Illinois licenses and must provide copies of all such licenses to the Community Development Department prior to opening its establishment for business.
4. The business days and hours of operation of the Applicant's business pursuant to the Special Use Permit are and shall be limited to the following: Monday through Friday 9:00 am to 5:00 pm.
5. The Applicant may not make any interior modifications to the building located on the Subject Property related to structural changes, plumbing, electrical, or as otherwise determined by the building inspector unless and until the Applicant has applied for and received a building permit for such modifications from the Village.
6. All deficiencies identified by the Village's inspectors during the Applicant's new business inspection must be addressed to the satisfaction of the Village prior to opening and commencing business operations.
7. The Applicant may not construct, erect, or install any business identification signage unless and until all such signage has been reviewed and approved by the Community Development Department.
8. The Applicant may not occupy the Subject Property nor commence business operations upon said property unless and until the Village has issued it an occupancy permit for the Subject Property, as well as a village business license.

The Applicants shall be deemed to have accepted and agreed to the conditions and restrictions aforesaid as of the date on which the Applicants first begin to use the Subject Property as a distribution establishment, warehouse, and/or wholesale market 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 shall not run with the land and shall be immediately and automatically terminated and revoked if and when the Applicant permanently cease to operate the use permitted by this Ordinance.

**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 24<sup>th</sup> day of May, 2021.

**TRUSTEES:**

ROBERT REDMOND	Aye - <u>X</u>	Nay - <u>—</u>	Absent - <u>—</u>
MICHAEL WATSON	Aye - <u>—</u>	Nay - <u>—</u>	Absent - <u>—</u>
RYAN LEBRAN	Aye - <u>X</u>	Nay - <u>—</u>	Absent - <u>—</u>
BRIAN BILLINGSLEY	Aye - <u>X</u>	Nay - <u>—</u>	Absent - <u>—</u>
DARREN WESTPHAL	Aye - <u>X</u>	Nay - <u>—</u>	Absent - <u>—</u>
BRIAN TIERI	Aye - <u>X</u>	Nay - <u>—</u>	Absent - <u>—</u>

**ACTING VILLAGE PRESIDENT:**

MICHAEL WATSON Non-Voting - X

**TOTALS:** Aye - 5 Nay - Ø Absent - Ø

**ATTEST:**

Julie Tambling  
JULIE TAMBLING, VILLAGE CLERK

APPROVED this 24<sup>th</sup> day of May, 2021.

Michael Watson  
MICHAEL WATSON, ACTING VILLAGE PRESIDENT

**ATTEST:**

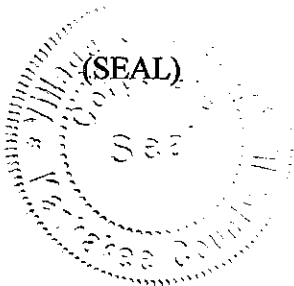
  
\_\_\_\_\_  
JULIE TAMBLING, VILLAGE CLERK

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 O-5-212, "AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS (Dependable Bus Equipment, Inc.)," which was adopted by the Village Corporate Authorities at a meeting held on the 24<sup>th</sup> day of May, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand in the Village of Bradley, County of Kankakee and State of Illinois, on this 24<sup>th</sup> day of May, 2021.

Julie Tambling  
JULIE TAMBLING, VILLAGE CLERK



# **EXHIBIT A**





# Agenda Cover Memorandum

Meeting Date: May 10<sup>th</sup>, 2021

Fiscal Year: 2021/2022

Agenda Item: An ordinance granting a special use permit for certain property within the village of Bradley, Kankakee County, Illinois. (Dependable Bus Equipment ,Inc.)

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:

Dependable Bus Equipment has been recommended by the Planning and Zoning commission to operate "as a distribution establishment or warehouse or wholesale market facility pursuant to Section 60-179(2)(n)" of the Bradley village code. The operation will operate under a special use permit if approved by the approval of the board of trustees.

Recommendation: Adoption

Approval of Ordinance

Supporting Documents: Planning and Zoning Commission findings of fact and the packet of information with attachments.

Financial (if applicable)

Is this a budgeted item?     Yes       No       Requires Budget Amendment

Line Item: \_\_\_\_\_ Title: \_\_\_\_\_

Amount Budgeted: \_\_\_\_\_

Based on the foregoing findings, the Planning and Zoning Commission hereby recommends that the Corporate Authorities of the Village approve and adopt an ordinance granting the Permit to the applicant, subject to the following conditions and restrictions:

1. The proposed use must comply with all applicable requirements of the M Industrial District at all times.
2. The special use will be limited to the business owner making the request and the applied-for use 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.
4. The business days and hours of operation will be limited to the following: Monday through Friday 9:00 am to 5:00 pm,
5. 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 business operations.
6. Any deficiencies identified by the Village's inspectors during the new business inspection will need to be addressed prior to opening and commencing business operations.
7. Any business identification signage will need to be reviewed and approved by the Community Development Department prior to installation.
8. The business owner will need to receive an occupancy permit and a business license prior to opening and commencing operations.

**PASSED** this 4<sup>th</sup> day of May, 2021, by roll call vote.

	Aye	Nay	Absent
Clark Gregoire	_____	_____	_____
Gene Jordan (Secretary)	✓ _____	_____	_____
James Guiss	✓ _____	_____	_____
Joan McGinnis	✓ _____	_____	_____
Mike Dauphin	✓ _____	_____	_____
Rick White	✓ _____	_____	_____
Ryland Gagnon (Chairman)	✓ _____	_____	_____

**FINDINGS OF FACT AND RECOMMENDATION OF APPROVAL FOR A  
PROPOSED SPECIAL USE PERMIT FOR A DISTRIBUTION  
ESTABLISHMENT OR WAREHOUSE OR WHOLESALE MARKET  
FACILITY FOR CERTAIN PROPERTY LOCATED WITHIN THE VILLAGE  
OF BRADLEY, KANKAKEE COUNTY, ILLINOIS  
(320 S. FOREST AVENUE)**

---

On Tuesday, May 4, 2021, at 6:30 p.m. 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 an application for a special use permit (the "Permit") authorizing the use of certain property located within the corporate boundaries of the Village and commonly known as 320 S. Forest Avenue, Bradley, Illinois 60915 (the "Subject Property"), as a distribution establishment or warehouse or wholesale market facility pursuant to Section 60-179(2)(n) of the Bradley Village Code (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:

- a. The Proposed Use is compatible with surrounding land uses and the general area surrounding the Subject Property; and
- b. The Proposed Use is not inconsistent with the zoning classifications of other property within the general area of the Subject Property; and
- c. The Subject Property is suitable for the uses permitted under its existing zoning classification of M (Industrial); and
- d. The Proposed Use is not inconsistent with the trend of development in the general area of the Subject Property; and
- e. The Proposed Use and the Subject Property's existing zoning classification of M (Industrial) are not inconsistent with the official comprehensive plan of the Village; and
- f. The approval of the Permit is in the public interest and not solely for the interest of the applicant; and
- g. 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; and
- h. The Permit (and the Proposed Use to be operated thereunder) will likely contribute to the general welfare of the surrounding neighborhood or community; and
- i. 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; and
- j. The Proposed Use is not likely to be injurious to property values or improvements in the vicinity of the Subject Property; and
- k. The Proposed Use is compliant with all applicable regulations and conditions specified in the Bradley Zoning Ordinance.



***Village of Bradley***  
**Community Development Department**

411 E. N. Michigan • Bradley, IL 60915 • 815-936-5100 • Fax 815-933-5068  
[www.bradley.org](http://www.bradley.org) • E-mail: [communitydevelopment@bradley.org](mailto:communitydevelopment@bradley.org)

**PLANNING AND ZONING COMMISSION  
STAFF MEMORANDUM**

**TO:** Planning and Zoning Commission

**FROM:** Bruce Page, Community Development Director

**DATE:** May 4<sup>th</sup>, 2021

**SUBJECT:** **Special Use Permit to allow the operation of a Distribution Establishment or Warehouse or Wholesale Markets business to operate in the M Industrial Zoning District on the property located at 320 S. Forest Ave. Bradley, IL 60915.**

**Applicant: Neil Wallace Owner**

**BACKGROUND**

The subject property is zoned M Industrial and the subject tenant space is currently vacant. In the M Industrial district Per section 60-179(2)(n), of the Village's zoning ordinance, the allowance of "a distribution establishment or warehouse or wholesale market facility." Is permitted by special use. The subject property had been previously occupied by Spikeball.

Surrounding Zoning & Land Use of adjacent property includes:

- North: R3 Single Family District
- South: M Industrial District/ current use single family legal non-conforming
- East: R3 Single Family District
- West: M industrial District/ open lot

**Public Hearing**

A public hearing is required for this requested action. A newspaper notice and written notification to all property owners within 250 feet were prepared in accordance with Village requirements. The Certificate of Publication (from Newspaper) and Affidavit of Notice Compliance (with certificate of mailing and listing of property owners notified – from applicant have been received and placed in the project file.

**REQUESTED ACTION & PROPOSAL OVERVIEW**

The requestor, Neil Wallace, owner Dependable Bus Equipment, Inc, is seeking approval of a bus parts distribution business on the property located at 320 S. Forest Ave. The subject property includes an approximate 36,000 square foot building commercial single story building. The subject tenant space comprises approximately 1500 square feet of area and faces Forest Ave.

The hours of operation for the Dependable Bus Equipment will be Monday thru Friday 9:00 am to 5:00 p.m. The hours provided by the business owner will become a condition of approval with this request. Close proximity parking for the building will be in an existing parking lot to the west of the building.

At this time, the business owner does have a conceptual floor plan prepared. 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. A new business inspection will need to be addressed prior to opening and commencing business operations. Any and all deficiencies will have to be addressed and any work performed will be done by Village of Bradley permit approval before an Occupancy Permit will be issued

Any business identification signage will need to be reviewed and approved by the Community Development Department prior to installation.

#### **RECOMMENDATION**

If the Planning and Zoning Commission finds that the proposed use of the Dependable Bus Equipment, Inc., business is an acceptable permitted use in the M Industrial 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 M Industrial District at all times.
2. The permitted use will be limited to the business owner making the request and the applied for use 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.
4. The business days and hours of operation will be limited to the following; Monday thru Friday 9:00 am to 5:00 pm
5. 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 business operations.
6. Further, any deficiencies identified by the Village's inspectors during the new business inspection will need to be addressed prior to opening and commencing business operations.
7. Any business identification signage will need to be reviewed and approved by the Community Development Department prior to installation.
8. The business owner will need to receive an occupancy permit and a business license prior to opening and commencing operations.

**ATTACHMENTS**

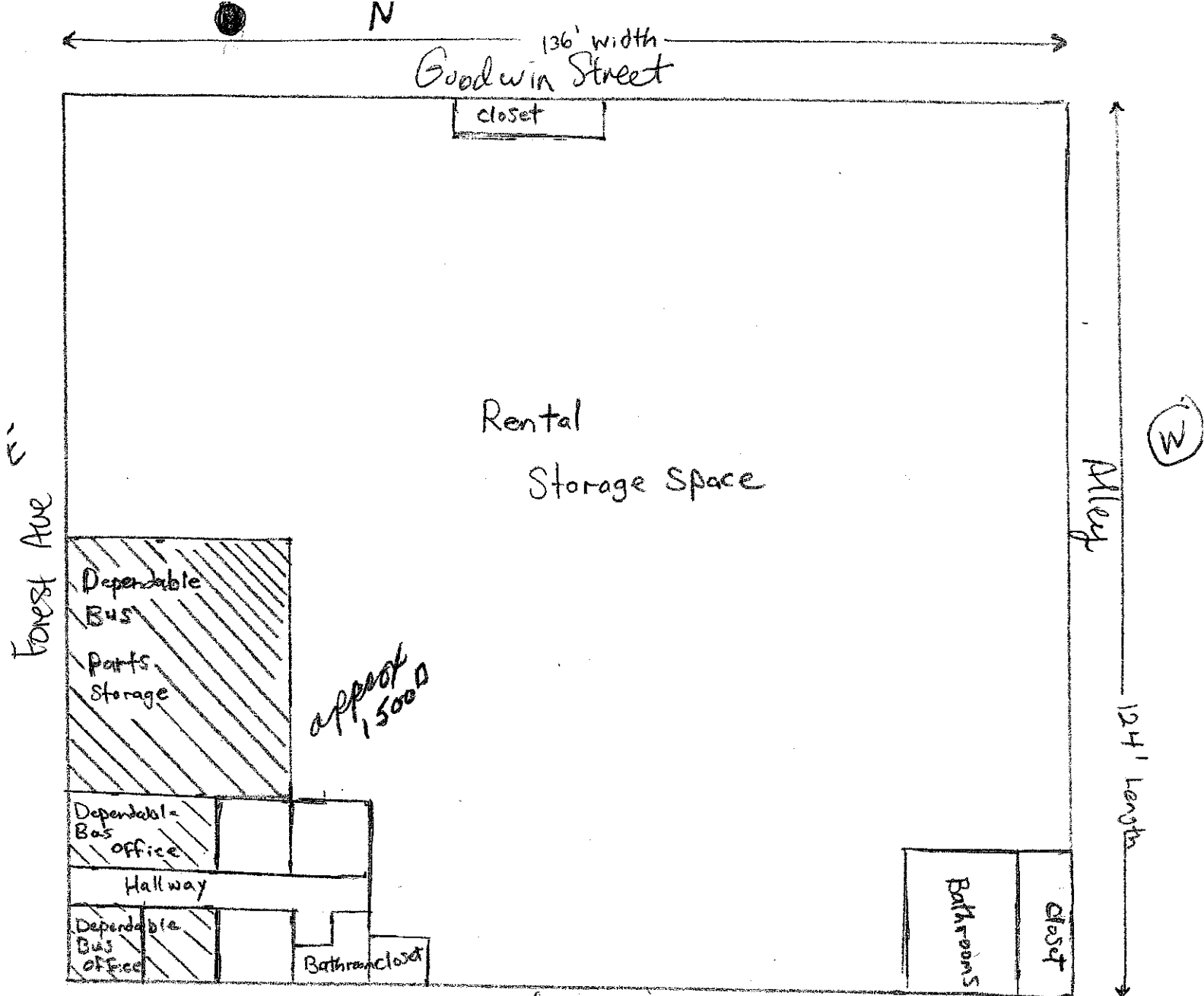
1. Letter of Business Overview
2. Tentative floor plan layout

Dependable Bus Equipment, Inc. supplies bus parts to transit agencies, primarily to the Chicago Transit Authority. Dependable Bus Equipment, Inc. is a wholesale company and the vast majority of what we sell is drop-shipped directly from the manufacturer to the customer, although we do keep a small inventory of some of the most frequently purchased items (typically for the Chicago Transit Authority). Dependable Bus Equipment, Inc. is a woman-owned business and is certified as a DBE (Disadvantaged Business Enterprise) with the CTA (Chicago Transit Authority), and with the MBTA (Massachusetts Bay Transportation Authority) as well as with the IL UCP (the Universal Certification for the state of Illinois) which encompasses the other agencies of Illinois, including Metra and Pace. Additionally, Dependable Bus Equipment, Inc. is certified as an SBE (Small Business Enterprise) with the Chicago Transit Authority.

Dependable Bus Equipment, Inc. is a small supply business with three employees. It was initially conceived as a supplemental side business of Restoration Works, Inc. Gail Wallace is the President and Neil Wallace is the Sales and Service manager. Dependable Bus Equipment, Inc. typically has had one office and one parts storage space, although we anticipate having slightly more space in the new facility.

Dependable Bus Equipment, Inc. has been in business for 27 years and has been certified with and sold products to the CTA from the beginning. We sell a wide variety of parts from adhesives, threadlockers and tapes, to safety products such as hard hats and masks, to glazing products like caulk, polycarbonate sheeting, glass, and vandal-resistant multi-layer sacrificial film, to a wide variety of transit bus parts (mass-transit only, not school buses). We have sold bus body parts including fiberglass bus panels, bus doors and hatches, windshields, bumpers, bumper grilles, mirrors, masking and rubber flooring. We have also sold a wide variety of engine-related parts, from valves, hoses, clamps, filters, seals and bearings, to radiators, pumps, batteries and surge tanks. We have also sold bus interior parts such as seats, seat belts, seat inserts, visors, door springs, knobs and dash components, to lamps, speakers and radios.

We have also been awarded short-term contracts in the past to supply packaging and light manufacturing of bus part kits to the CTA for several of their bus rehab projects. These typically involve hands-on light assembly, packaging, and kitting of parts into specified kits for the CTA rehab assembly process at their repair facilities in Chicago. However, such contracts do not happen with any great frequency, and have only required shipments to and from our location at most of two to three times per month over the life of each short-term supply contract.



Restoration Works

North Side of Building  
 320 S. Forest  
 Bradley IL

↓  
(S)

**RECEIVED**  
 APR 12 2021  
 Bradley Building Dept.