

VILLAGE OF BRADLEY

ORDINANCE NO. **O-04-26-05**

AN ORDINANCE GRANTING A ZONING VARIANCE FOR CERTAIN PROPERTY WITHIN
THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS
(2000 N. State Rt 50, Bourbonnais, IL 60914)

ADOPTED BY THE
BOARD OF TRUSTEES OF THE
VILLAGE OF BRADLEY

THIS 13th DAY OF April, 2026

Published in pamphlet form by the authority of the Board of Trustees of the Village of Bradley,
Kankakee County, Illinois this 13th day of April, 2026

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WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS
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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-3 (Village Center Shopping); and

WHEREAS, on March 3, 2026, Dalerad LLC (the “Applicant”) submitted an application to the Village requesting that the Village grant a variance from the parking lot setback requirements for subdivisions set out in Chapter 46 of the Village’s code of ordinances (the “Village Code”) for the Subject Property, that would decrease the required parking lot setback on the Subject Property from 10ft to 5.8ft (the “Variance”); 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, April 7, 2026, 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 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 granting the Applicant the Variance for the Subject Property is in the best interests of the Village and its citizens.

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 vary the provisions of the Bradley Zoning Code as set forth in Section 3 of this Ordinance, *infra*, as they apply to the Subject Property. The Subject Property is zoned B-3 (Village Center Shopping) and is legally described as follows:

Parcel 1: Lot 1 in Bradley Commons Resubdivision of Lots 1, 2, 3, 4 and 5 of MidAm/Dalan Bradley Phase 1, being a Subdivision of part of the Northeast Quarter and the Northwest Quarter of Section 9, Township 31 North, Range 12 East of the Third Principal Meridian, Kankakee County, Illinois.

Parcel 2: A Non-exclusive easement for the benefit of Parcel 1 as created by Reciprocal Easement Agreement dated January 12, 2006 and recorded January 23, 2006 as Document Number 2006-01853 made by and between Kohl's Illinois, Inc., a Nevada corporation and MidAm/Dalan Bradley, LLC, an Illinois limited liability company as amended by the First Amendment to Reciprocal Easement Agreement dated March 23, 2007 recorded March 28, 2007 as Document Number 2007-06509 and re-recorded July 13, 2007 as Document Number 2007-15254 made by and between MidAm/Dalan Bradley, LLC, an Illinois limited liability company, Kohl's Illinois, Inc., a Nevada corporation and Wal-Mart Real Estate Business Trust, a Delaware statutory trust for the purpose of cross access over the following described land:

Tract 1: Lot 11 in MidAm/Dalan Bradley Phase 1, being a subdivision of part of the Northeast Quarter and the Northwest Quarter of Section 9, Township 31 North, Range 12 East of the Third Principal Meridian, in the Village of Bradley, Kankakee County, Illinois.

Tract 2: Lot 12 and Outlot 1 in MidAm/Dalan Bradley Phase 1, being a subdivision of part of the Northeast Quarter and the Northwest Quarter of Section 9, Township 31 North, Range 12 East of the Third Principal Meridian, in the Village of Bradley, Kankakee County, Illinois.

Lots 1, 2, 3, 4 and 5 in Bradley Commons Resubdivision, being a resubdivision of Lots 1, 2, 3, 4 and 5 of MidAm/Dalan Bradley Phase 1, being a subdivision of part of the Northeast Quarter and the Northwest Quarter of Section 9, Township 31 North, Range 12 East of the Third Principal Meridian, in the Village of Bradley, Kankakee County, Illinois.

Tract 3: Lots 6 through 10, both inclusive, 13, 15 and 16 in Bradley Commons Phase Two, being a subdivision of part of the Northeast Quarter and Northwest Quarter of Section 9, Township 31 North, Range 12 East of the Third Principal Meridian, Kankakee County, Illinois.

Tract 4: Lot 14 in Bradley Commons Phase Two, being a subdivision of part of the Northeast Quarter and Northwest Quarter of Section 9, Township 31 North, Range 12 East of the Third Principal Meridian, Kankakee, Illinois.

Commonly known as: 2000 N. State Rt 50, Bourbonnais, IL 60914

Bearing the current PIN: 17-09-09-107-001

SECTION 3. The zoning variance granted for the Subject Property by operation of this Ordinance is to decrease the required parking lot setback on the Subject Property from 10ft to 5.8ft.

SECTION 4. That the Variance granted by this Ordinance is and shall be subject to the following conditions and restriction pursuant to Section 60-368(c) of the Village Code:

1. The Subject Property must comply with all other applicable requirements of the B-3 (Village Center Shopping) 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 uses the Subject Property in accordance with the Variance granted hereby.

SECTION 5. In the event that the Applicant violates any of the conditions and restrictions set forth in Section 4 of this Ordinance, *supra*, the Village shall have the ability, but not the obligation, to rescind this Ordinance and revoke all of the Variances granted hereby, provided that the Applicant shall be entitled to notice and a hearing prior to any rescission and 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 rescission and revocation proceeding pursuant this Section.

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.

[Intentionally Blank]

PASSED by the Board of Trustees on a roll call vote on the 13th day of April, 2026.

TRUSTEES:

| | | | |
|---------------------|-------------------|-------------------|----------------------|
| RYAN LEBRAN | Aye – <u> </u> | Nay – <u> </u> | Absent – <u>X</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> </u> | Nay – <u> </u> | Absent – <u>X</u> |
| GRANT D. VANDENHOUT | Aye – <u>X</u> | Nay – <u> </u> | Absent – <u> </u> |
| GENE JORDAN | Aye – <u>X</u> | Nay – <u> </u> | Absent – <u> </u> |

VILLAGE PRESIDENT:

MICHAEL WATSON Aye – X Nay – Absent –

TOTALS: Aye – 5 Nay – 0 Absent – 4

ATTEST:

Anita Lovell
ANITA LOVELL, VILLAGE CLERK

APPROVED this 13th day of April, 2026.

Michael Watson
MICHAEL WATSON, VILLAGE PRESIDENT

ATTEST:

Anita Lovell
ANITA LOVELL, VILLAGE CLERK

STATE OF ILLINOIS)
) §§
COUNTY OF KANKAKEE)

I, ANITA LOVELL, 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-04-26-05**, “AN ORDINANCE GRANTING A ZONING VARIANCE FOR CERTAIN PROPERTY WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS (2000 N. State Rt 50, Bourbonnais, IL 60914),” which was adopted by the Village Corporate Authorities at a meeting held on the 13th day of April, 2026.

IN WITNESS WHEREOF, I have hereunto set my hand in the Village of Bradley, County of Kankakee and State of Illinois, on this 13th day of April, 2026.



ANITA LOVELL, VILLAGE CLERK



EXHIBIT A

**Plan Commission Findings of Fact and
Recommendation of Approval**

**FINDINGS OF FACT AND RECOMMENDATION OF APPROVAL FOR A PROPOSED
VARIANCE REQUEST IN THE VILLAGE OF BRADLEY, ILLINOIS.**

On Tuesday, April 7, 2026, 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 variance from the parking lot setback requirements for subdivisions set out in Chapter 46 of the Village's code of ordinances for the existing parking lot on certain property located at 2000 N. State Rt 50, Bourbonnais, IL 60914, and bears the current PIN: 17-09-09-107-001 (the "Subject Property") to decrease the required parking lot setback on the Subject Property from 10ft to 5.8ft.

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 Subject Property likely cannot yield a reasonable return if the requested variance is not permitted.
2. The plight of the applicant is due to unique circumstances.
3. The requested variance, if granted, will not likely alter the essential character of the locality.
4. The particular physical surroundings, shape or topographical conditions of the Subject Property would likely create a particular hardship, as distinguished from a mere inconvenience, if the strict letter of the Village's regulations were to be enforced.
5. The conditions upon which the petition for the requested variance is based would not be applicable generally to other property within the same zoning classification.
6. The purpose of the requested variance is not based exclusively upon a desire to make more money out of the Subject Property or merely for the convenience of the applicant.
7. The alleged difficulty or hardship has not been created by any person presently having an interest in the property.
8. Granting the requested variance will not likely be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the Subject Property is located.
9. The requested variance will not impair an adequate supply of light and air on adjacent property or substantially increase the danger of fire or otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood.

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 approving the requested variance, subject to the following conditions and restrictions:

- 1. The Subject Property must comply with all other applicable requirements of the B-3 (Village Center Shopping) District.

PASSED this 7th day of April 2026, by roll call vote.

| | Aye | Nay | Absent |
|---------------------------|--------------|-------|--------|
| Ryland Gagnon (Chairman) | <u> x </u> | _____ | _____ |
| Charlene Eads (Secretary) | <u> x </u> | _____ | _____ |
| James Guiss | <u> x </u> | _____ | _____ |
| Rick White | <u> x </u> | _____ | _____ |
| Bill Bodemer | <u> x </u> | _____ | _____ |
| Michael Williams | <u> x </u> | _____ | _____ |
| Robert Redmond | <u> x </u> | _____ | _____ |