

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO THE CREST HILL
ZONING ORDINANCE FOR A PLANNED UNIT DEVELOPMENT AND A SPECIAL USE FOR
A DRIVE-THRU WITH RESPECT TO CERTAIN REAL PROPERTY
(APPLICATION OF JOLIET HILLCREST SHOPPING CENTER, LLC)**

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/11-3.1.1 (the “Code”) authorizes the corporate authorities of any municipality to enact ordinances to provide for the classification of special uses, including, but not limited to, public and quasi-public uses affected with the public interest, uses which may have a unique, special or unusual impact upon the use or enjoyment of neighboring property, and planned developments; and

WHEREAS, the Code states that a special use shall be permitted only upon evidence that such use meets standards established for such classification in the ordinances, and the granting of permission may be subject to conditions reasonably necessary to meet such standards; and

WHEREAS, the City of Crest Hill (“City”) has enacted said ordinance in Section 12.7 of the Crest Hill Zoning Ordinance, specifying the requirements for special use permits; and

WHEREAS, Joliet Hillcrest Shopping Center, LLC. (“Applicant”) has properly filed and presented before the Crest Hill Plan Commission an application seeking a special use permit for a planned unit development and a special use for a drive-thru facility (the “Petition”) for certain property within the City Limits of the City of Crest Hill, Will County, Illinois, located at the northwest corner of Theodore and Larkin Avenue, Crest Hill, Illinois, being part of PIN: 11-04-31-404-012 (the “Property”), as described in Exhibit “A” with proper notice thereof given; and

WHEREAS, said Property is zoned B-2 General Business District under the Crest Hill Zoning Ordinance, and the Petitioner has requested a Planned Unit Development and Special Use for two (2) development projects at the shopping center, which are as follows:

1. Construction of a new free-standing building of 8,000 SF for the relocation of the Armed Services recruiting offices; and
2. A 1,460 SF addition to the Smoothie King business with a drive-thru window;

WHEREAS, the Crest Hill Plan Commission, by a formal vote taken September 14, 2022, recommended approval of the Planned Unit Development and special use permit for a drive-thru window after holding a public hearing, with proper notice thereof given; and

WHEREAS, the City Council has examined the September 14, 2022 Findings and Decision of the Plan Commission attached hereto as Exhibit “B” and has considered the presentations and arguments of the Applicant in a regularly scheduled open meeting; and

WHEREAS, the City Council finds that it is in the best interest of the City that the Recommendation of the Plan Commission be accepted and the Application be granted.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Crest Hill, Will County, Illinois, as follows:

SECTION 1: The Preambles of this Ordinance are incorporated herein by reference.

SECTION 2: That the City Council hereby accepts, adopts, and ratifies the Findings and Decision of the Plan Commission, attached hereto as “Exhibit B”, and incorporated by reference herein, as the Findings and Decision of the City Council in relation to the Application for a special use permit.

SECTION 3: That a special use permit is hereby granted to Joliet Hillcrest Shopping Center, LLC. to permit and allow a B-2 special use for a planned unit development and special use permit for a drive-thru window to develop the property at the northwest corner of Theodore and Larkin Avenue, in Crest Hill, Illinois, being part of PIN: 11-04-31-404-012 (the “Property”), as described in Exhibit “A”, and in accordance with reviewed plans and the definitions of the zoning classifications currently in use in the Crest Hill Zoning Ordinance, hereinafter described and subject to the following conditions:

1. Requisite parking stalls shall be restriped for on-site parking spaces immediately around each new building/project.
2. Trash/recycling receptacles shall either be screened and gated in accordance with the Crest Hill Zoning Ordinance or stored inside the building.
3. Proposed building facades shall comply with Section 8.7-2 Building facades of the Development Standards, which states: a minimum of 20% of the total four (4) side architecture (façade) shall be comprised of masonry.
4. All sign proposals shall comply with applicable sign code regulations of the Crest Hill Zoning Code.
5. Building permit approvals shall be subject to final civil engineering and landscape plan approvals.
6. Compliance with Plans: The development, maintenance, and operation of the Property shall be in substantial compliance with the plans and documents as submitted, except for minor changes approved by the Community & Economic Development Director.
7. Finalization of a cost-sharing agreement for relocating the water main in accordance with the reviewed plans with the following cost-sharing terms:
 - a) City pays 70% of the relocation construction cost
 - b) Joliet Hillcrest Shopping Center, LLC pays 30% of the relocation construction cost
 - c) Cost of construction management services shared equally between the City and Joliet Hillcrest Shopping Center, LLC
 - d) Joliet Hillcrest Shopping Center, LLC is responsible for paying the City’s water tap on fee in the amount of \$64,437.14

Territory Described. See attached legal description “Exhibit A.”

SECTION 4: This Ordinance shall take effect upon its passage and publication according to law.

PASSED THIS 17th DAY OF OCTOBER, 2022.

	Aye	Nay	Absent	Abstain
Alderman John Vershay	_____	_____	_____	_____
Alderman Scott Dyke	_____	_____	_____	_____
Alderwoman Claudia Gazal	_____	_____	_____	_____
Alderman Darrell Jefferson	_____	_____	_____	_____
Alderperson Tina Oberlin	_____	_____	_____	_____
Alderman Mark Cipiti	_____	_____	_____	_____
Alderman Nate Albert	_____	_____	_____	_____
Alderman Joe Kubal	_____	_____	_____	_____
Mayor Raymond R. Soliman	_____	_____	_____	_____

Christine Vershay-Hall, City Clerk

APPROVED THIS 17th DAY OF OCTOBER, 2022.

Raymond R Soliman, Mayor

ATTEST:

Christine Vershay-Hall, City Clerk

“Exhibit A” LEGAL DESCRIPTION

PERMANENT INDEX NO: Being Part of 11-04-31-404-012.

LEGAL DESCRIPTION:

TRACT 1 THAT PRT OF THE W1/2 OF THE SE1/4 OF SEC. 31, T36N-R10E, DAF: COMM AT A FOUND PK NAIL AT THE S1/4 COR OF SD SEC. 31, ALSO BEING THE CENTERLINE OF THEODORE ST, & 1320.23 FT W OF SE1/4 COR OF THE W1/2 OF THE SE1/4 OF SEC. 31, & 1327.58 FT W OF THE INTERSECTION OF THE CENTERLINE OF RTE 23 (LARKIN AVE); THC N 89 DEG 33'26" E IN THE CENTERLINE OF THEODORE ST & THE SD S LN OF THE SE1/4, A DIST OF 300 FT; THC N 0 DEG 12'37" E PARL TO THE W LN OF THE SD SE1/4, A DIST OF 33 FT TO THE N'LY ROW LN OF THEODORE ST & THE POB; THC CONT N 0 DEG 12'37" E, IN THE E LN OF THE E 50 FT OF THE W 300 FT OF THE SE1/4 OF SEC. 31, OWNED BY CHICAGO TITLE & TRUST CO & DESC AS PARCEL 2 IN DOC. 755510, A DIST OF 830.38 FT TO A FOUND IRON PIN IN THE E'LY ROW LN OF THE E J & E RAILROAD RUNNING SW'LY & NE'LY THROUGH THE SD SE1/4; THC N 39 DEG 23'05" E IN THE S'LY ROW LN OF THE E J & E RR, A DIST OF 592.88 FT TO A FOUND PIPE, SD PIPE BEING 382.59 FT S OF THE INTERSECTION OF S'LY ROW LN OF THE E J & E RR & THE CENTERLINE OF US RTE 30 (PLAINFIELD RD), ALSO BEING THE SW'LY COR OF PPTY DESC IN DOC. 817473 (A/K/A MAZZUCO CONSTRUCTION CO.); THC S 46 DEG 48'31" E IN THE S'LY LN OF MAZZUCCO CONSTRUCTION CO. PPTY, A DIST OF 129.12 FT; THC N 43 DEG 09'49" E IN THE E'LY LN OF SD MAZZUCCO PPTY A DIST OF 165.10 FT TO A FOUND PIPE; THC S 46 DEG 01'43" E IN THE S'LY LN OF PPTY OWNED BY JLP REALITY PER DOC. R92-100583, A DIST OF 71.56 FT (M), 70 FT (R) FT TO A FOUND IRON PIN BEING THE SE'LY COR OF SD JLP REALITY PPTY; THC N 43 DEG 57'20" E IN THE E'LY LN OF SD JLP REALITY PPTY A DIST OF 117.73 FT (M), 117.80 (R); THC N 46 DEG 50'10" W, A DIST OF 20 FT; THC N 43 DEG 57'20" E, A DIST OF 50 FT TO THE S'LY ROW LN OF US RTE 30 (PLAINFIELD RD); THC S 46 DEG 50'10" E IN THE SD S'LY ROW LN, A DIST OF 150 FT; THC N 44 DEG 02'00" E, A DIST OF 5 FT IN THE SD S'LY, ROW LN; THC S 45 DEG 14'37" E IN THE S'LY ROW LN OF RTE 30 (PLAINFIELD RD), A DIST OF 194.48 FT TO THE INTERSECTION WITH THE W'LY ROW LN OF RTE 23 (LARKIN AVE), SD INTERSECTION BEING 50 FT LEFT OF THE CENTERLINE STATIONING ALG PLAINFIELD RD AT STATION 207 + 64.72; THC S'LY IN THE W'LY ROW LN OF RTE 23 (LARKIN AVE) TO A PT BEING S 0 DEG 09'26" W, A DIST OF 198.62 FT TO A PT BEING 63.32 FT LEFT OF THE CENTERLINE OF RTE 23 (LARKINAVE) AT STATION 642 + 20.00; THC S'LY IN THE SD W'LY ROW LN S 04 DEG 47'12" W, A DIST OF 371.73 FT TO A PT OF BEING 70 FT LEFT OF THE CENTERLINE OF RTE 23 (LARKIN AVE) AT STATION 638 + 59.00; THC S'LY IN THE SD W'LY ROW LN S 0 DEG 09'26" W, A DIST OF 94 FT TO A PT BEING 70 FT LEFT TO THE CENTERLINE OF RTE 23 (LARKIN AVE) AT STATION 637 + 65; THC S'LY IN THE SD W'LY ROW LN S 03 DEG 25'40" W, A DIST OF 175.29 FT TO A PT BEING 80 FT LEFT OF THE CENTERLINE OF RTE 23 (LARKIN AVE) AT STATION 635 + 90.00; THC S'LY IN THE SAID W'LY ROW LN S 0 DEG 09'57" W, A DIST OF 295.53 FT (PREVIOUSLY RECORDED AS S 0 DEG 09'26" W, A DIST OF 295 FT TO A PT BEING 80 FT LEFT OF THE CENTERLINE OF RTE 23 (LARKIN AVE) AT STATION 632 + 95.00; THC SW'LY IN THE SD W'LY ROW LN S 60 DEG 04'24" W, A DIST OF 58.02 FT (PERVIOUSLY RECORDED AS S 59 DEG 38'44" W 58.32 FT) TO A PT

IN THE N'LY ROW LN OF THEODORE ST, SD PT BEING 33 LEFT MEASURED AT RIGHT ANGLES TO THE CENTERLINE OF THEODORE ST AT STATION 35 + 71.08; THC W'LY PARL TO & 33 FT DIST FROM THE CENTERLINE OF THEODORE ST IN THE N'LY ROW LN OF THEODORE ST S 89 DEG 33'26" W, A DIST OF 897.21 FT TO THE POB: (EX A PARCEL OWNED BY THE CITY OF CREST HILL PER R69-019501 DAF: THAT PRT OF THE W1/2 OF THE SE1/4 OF SEC. 31, T36N-R10E, DAF: COMM AT A PT ON THE S LN OF SD SEC. 31 AT ITS PT OF INTERSECTION WITH THE E LN OF THE CHICAGO TITLE & TRUST CO. PPTY PER DOC. 755510; THC N'LY ALG THE SDE LN OF THE CHICAGO TITLE & TRUST CO PPTY, 863.19 FT TO A PT IN THE E'LY ROW LN OF THE E J & E RAILWAY CO, THC N 39 DEG 23'05" W 491.08 FT; THC SE'LY ALG A LN FORMING A RIGHT ANGLE TO THE LAST DESC LN 40 FT FOR A POB; THC NE'LY ALG A LN PARL TO THE E'LY ROW LN OF E J & E RAILWAY CO, 54.57 FT; THC SE'LY ALG A LN FORMING A RIGHT ANGLE TO THE LAST DESC LN, 97.31 FT TO A PT; THC SW'LY ALG A LN PARL WITH THE SD E'LY ROW LN OF SD RAILROAD CO, 54.57 FT TO A PT; THC NW'LY ALG A LN FORMING A RIGHT ANGLE TO THE LAST DESC LN, 97.31 FT TO THE POB, ALSO (EX OUT PARCEL 2: THAT PRT OF THE W1/2 OF THE SE1/4 OF SEC. 31, T36N-R10E, DAF: COMM AT THE SE COR OF THE W1/2 OF THE SE1/4 OF SD SEC. 31; THC S 89 DEG 33'26" W ALG THE S LN OF THE W1/2 OF THE SE1/4 OF SD SEC. 31, A DIST OF 122.56 FT; THC N 0 DEG 26'34" W AT RIGHT AGLES TO LAST DESC LN, A DIST OF 33 FT; THC N 59 DEG 38'44" E A DIST OF 58.32 FT TO A PT 80 FT LEFT OF STATION 632 + 95 ON THE SURVEYED CENTERLINE OF RTE 23 (LARKIN AVE); THC N 0 DEG 09'26" E, A DIST OF 295 FT ALG A LN PARL WITH AND 80 FT NORMAL DIST W'LY FROM THE SURVEYED CENTERLINE OF RTE 23 (LARKIN AVE) TO A PT 80 FT LEFT OF STATION 635 + 90; THC N 03 DEG 25'40" E, A DIST OF 175.29 FT TO A PT 70 FT LEFT OF STATION 637 + 65; THC N 0 DEG 09'26" E ALG A LN WHICH IS PARL WITH THE CENTERLINE OF SD LARKIN AVE, A DIST OF 77 FT TO THE POB, SD PT BEING ON THE W'LY ROW LN OF SD LARKIN AVE AS DEEDED TO IDOT PER R74-002851; THC CONT N 00 DEG 09'26" E, ALG SD PARL LN & SD W'LY ROW LN OF LARKIN AVE, A DIST OF 17 FT TO A PT 70 FT LEFT OF STATION 638 + 59; THC N 04 DEG 47'12" E ALG THE W'LY LN OF SD LARKIN AVE, A DIST OF 158.19 FT; THC S 88 DEG 49'10" W, A DIST OF 142.37 FT; THC S 13 DEG 30'00" W, A DIST OF 167.75 FT TO A PT OF CURVATURE; THC S'LY ALG AN ARC OF A CIR, CONVEX TO THE SW, HAVING A RADIUS OF 10 FT, THE CHORD THEREOF HAVING A BEARING OF S 38 DEG 50'30" E, & A LENGTH OF 15.83 FT, AN ARC DIST OF 18.27 FT TO A PT OF TANGENCY; THC N 88 DEG 38'48" E, A DIST OF 158.36 FT TO THE POB), & ALSO (EX OUT PARCEL 3; THAT PRT OF THE W1/2 OF THE SE1/4 OF SEC. 31, T36N-R10E, DAF: COMM AT THE SE COR OF THE SD W1/2; THC S 89 DEG 33'26" W ALG THE S LN OF SD SW1/4, ALSO BEING THE CENTERLINE OF THEODORE ST 361.72 FT; THC N 0 DEG 26'34" W, 33 FT TO THE N'LY ROW OF THEODORE ST; THC CONT N 0 DEG 26'34" W, 75.54 FT TO THE POB; THC S 89 DEG 33'26" W PARL WITH THE S LN OF SD SE1/4 137 FT; THC N 0 DEG 26'34" W 86 FT; THC N 89 DEG 33'26" E 137 FT; THC S 0 DEG 26'34' E 86 FT TO THE POB), & ALSO (EX THAT PRT TAKEN FOR RD PURPOSES (RTE 30) PER R2000-057357). REM/CONS PER PET#2005-203 NDA:

CONTAINING 1,132,560 SQUARE FEET OR 26 ACRES MORE OR LESS.

“Exhibit B”

BEFORE THE PLAN COMMISSION
OF THE CITY OF CREST HILL, ILLINOIS

IN RE:)
)
The application Joliet Hillcrest Shopping) No. SU-22-2-9-2
Center, LLC. For a planned unit development)
and special use permit.)

**FINDINGS AND DECISION OF THE
PLAN COMMISSION AS TO CASE NO. SU-22-2-9-2
THE APPLICATION OF JOLIET HILLCREST SHOPPING CENTER, LLC
FOR A PLANNED UNIT DEVELOPMENT AND SPECIAL USE AT THEODORE AND LARKIN
AVENUE**

THIS APPLICATION, coming before for a decision by the Plan Commission, and the Plan Commission having heard the evidence in support and to the application at a regularly scheduled meeting held on September 14th, 2022 being fully advised in the premises, THE COMMISSION DOES MAKE THE FOLLOWING FINDINGS:

A. That the applicant, Joliet Hillcrest Shopping Center, LLC. is the owner of the real estate, upon approval of the PUD and Special Use, as described in the application. The property owner has signed off on the application;

B. That the application seeks a B-2 Planned Unit Development and Special Use for the property described in the application, located at the northwest corner of Theodore and Larkin Avenue, Crest Hill, Illinois, being part of PIN: 11-04-31-404-012 (the “Property”), as described in Exhibit “A”

C. That the Property is currently zoned B-2;

D. That the application seeks approval of a special use to allow a planned unit development and a drive-thru window on the property;

E. That the proposed use is allowed on the property as currently zoned;

F. That the property described in the application is currently zoned as a commercial use, with commercial and community facilities uses adjacent thereto;

G. That the application for the special use was properly submitted and notice of the application and the public hearing were properly published;

H. That no interested parties filed their appearances herein;

I. That the public hearing was called into order, the applicant allowed to present its evidence and arguments in support of its application, and that the public hearing was duly transcribed by a certified shorthand reporter of the State of Illinois;

J. That the rules adopted by the Plan Commission for the conduct of public Hearings by the Plan Commission were duly followed and observed;

K. That the proposed planned unit development and special use, as considered under section 12.7 of the zoning code, meets the standards for the granting of the special use under section 12.7-6 as the proposed development meets all of the criteria set forth in subsections 10.6 and 12.7-6(1), (2), (3), (4), (5) and (6); the Plan Commission noting that subsection 12.7-6(7) is inapplicable;

THEREFORE, it is the decision of the Plan Commission of the City of Crest Hill, Illinois, based upon the evidence heard by same and arguments and suggestions heard at the public hearing, and having duly considered the mandates and standards as set forth in the City of Crest Hill, Illinois zoning ordinance for the granting of a planned unit development and special uses, as follows:

1. That the application of Joliet Hillcrest Shopping Center, LLC. to allow a B-2 special use to permit a planned unit development and a drive-thru window to develop the property in accordance with the reviewed plans at the property at the northwest corner of Theodore and Larkin Avenue, Illinois, Being Part of PIN: 11-04-31-404-012 (the "Property"), as described in Exhibit "A", in a B-2 zoning district was recommended to be approved and is supported by the evidence adduced;
2. It is therefore the recommendation of the City of Crest Hill Plan Commission that the application for the special use be granted, conditioned upon:
3. Requisite parking stalls shall be restriped for on-site parking spaces immediately around each new building/project.
4. Trash/recycling receptacles shall either be screened and gated in accordance with the Crest Hill Zoning Ordinance or stored inside the building.
5. Proposed building facades shall comply with Section 8.7-2 Building facades of the Development Standards which states: a minimum of 20% of the total four (4) sided architecture (façade) shall be comprised of masonry.
6. All sign proposals shall comply with applicable sign code regulations of the Crest Hill Zoning Code.
7. Building permit approvals shall be subject to final civil engineering and landscape plan approvals.

8. Compliance with Plans: The development, maintenance, and operation of the Property shall be in substantial compliance with the plans and documents as submitted, except for minor changes approved by the Community & Economic Development Director.

Adopted by the Plan Commission of the City of Crest Hill, Illinois, this 14th Day of September 2022 upon the following roll call vote:

	Aye	Nay	Absent	Abstain
Commissioner Carol Slabozeski	_____	_____	_____	_____
Commissioner John Stanton	_____	_____	_____	_____
Commissioner Ken Carroll	_____	_____	_____	_____
Commissioner Jan Plettau	_____	_____	_____	_____
Commissioner Bill Thomas	_____	_____	_____	_____
Commissioner Jeff Thomas	_____	_____	_____	_____
Commissioner Angelo Deserio	_____	_____	_____	_____

Approved:

Bill Thomas, Chairman

Attest:

Christine Vershay-Hall, City Clerk