

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT WITH RESPECT TO CERTAIN
REAL PROPERTY LOCATED WITHIN THE CORPORATE BOUNDARIES OF CREST HILL
(APPLICATION OF GAS N WASH/RR CREST HILL, 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 Section 12.7 of the Crest Hill Zoning Ordinance, which specifies the procedure, requirements and standards for applications seeking special use permits; and

WHEREAS, Gas N Wash/RR Crest Hill, LLC (“Applicant”), has properly filed and presented to the Crest Hill Plan Commission an application seeking a special use permit for a B3- special use for a Planned Unit Development and a major Planned Unit Development change (the “Application”) for certain property within the city limits of the City of Crest Hill, Will County, Illinois. Said property is located at the northwest corner of Weber Road and Division Street, Crest Hill, Illinois, in the vicinity of 16664 Weber Road, and was previously part of PIN: 11-04-19-400-007 (the “Property”) and is legally described in Exhibit “A”. The Plan Commission meeting at which the Application was heard was conducted with proper notice; and

WHEREAS, said Property is zoned B-3 under the Crest Hill Zoning Ordinance and the Applicant has requested that the zoning be changed to a B-3 special use permit; and

WHEREAS, the Crest Hill Plan Commission, by formal vote taken May 9, 2024, recommended approval of the special use permit and approval of the major Planned Unit Development change sought in the Application after holding a properly noticed public hearing; and

WHEREAS, the City Council has examined the May 9, 2024, Findings and Decision of the Plan Commission hereto attached 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 and major Planned Unit Development change.

SECTION 3: That Gas N Wash/RR Crest Hill, LLC is hereby granted a B-3 special use permit for a Planned Unit Development and a major Planned Unit Development change. This request is to expand the existing commercial Planned Unit Development in place at the northwest corner of Weber Road and Division Street in Crest Hill, Illinois to include the 0.84 Acres immediately adjacent to the west and to allow the 0.84 Acres (the “additional property”) to be utilized for interim driveway improvements for the existing Gas N Wash project. Said interim driveway improvements shall include the pavement, concrete curb and gutter, storm sewer improvements, street lighting, grading and landscaping improvements reflected on Geometric Plan and Landscape Plan (the “Design Plans”) attached hereto as Exhibit “C”. The address of the property is in the vicinity of 16664 Weber Road and was previously part of PIN: 11-04-19-400-007 (the “Property”), as legally described in Exhibit “A”. Approval of said B-3 special use permit for a Planned Unit Development and a major Planned Unit Development change in general conformance with the Design Plans, the definitions of the zoning classifications currently in use in the Crest Hill Zoning Ordinance, and subject to the following conditions:

1. The PUD approval for the proposed interim driveway improvements for access to the Gas N Wash project is for an indefinite interim basis and shall not be construed or otherwise considered final or permanent with respect to its location, design, and configuration. The permanent/final location, design, and configuration for the driveway/street improvement at this location (the “permanent driveway/street improvements”) shall be reviewed and approved as part of the PUD approval process for the development of the property located immediately adjacent to the north and west of the interim driveway improvements, known as “Adjacent Development Site”. It shall be the sole responsibility of the property owner and/or developer of the “Adjacent Development Site” to reconfigure the interim driveway improvements, if necessary, to implement the PUD plans approved in the future for the Adjacent Development Site.
2. No private contracts, agreements, or covenants shall be entered into, executed, or recorded against the land on which the interim driveway improvements are located by the current or future owner of that land which would prohibit or make it unreasonably difficult to remove or reconfigure the interim driveway and construct the permanent driveway/street improvements.
3. The green space between the interim driveway improvements and Division Street shall not be considered a buildable lot and no building/development permit will be issued for that land area in its current configuration.
4. City staff review and approval of final engineering, landscaping, and photometric plans for the interim driveway improvements.
5. The Applicant and Property Owner shall execute a maintenance agreement for the interim driveway improvements in a form acceptable to City staff.
6. Recordation of Plat of Easement and Final Plat of PUD.

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

SECTION 4. This Ordinance shall become effective only upon the attachment of a fully executed Exhibit “D” within 60 days of the passage of this Ordinance. In the event that Exhibit “D” is not

executed within 60 days, this Ordinance shall have no force and effect, and shall be subject to repeal by the City Council without further notice or hearing due to the Owner or Applicant.

SECTION 5: This Ordinance shall take effect upon its passage and publication according to law.

PASSED THIS 20th DAY OF May 2024.

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

Christine Vershay-Hall, City Clerk

APPROVED THIS 20th DAY OF May 2024.

Raymond R Soliman, Mayor

ATTEST:

Christine Vershay-Hall, City Clerk

“Exhibit A”

LEGAL DESCRIPTION

PERMANENT INDEX NO: AS PREVIOUSLY BEING PART OF PIN: 11-04-19-400-007.

LEGAL DESCRIPTION: THAT PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 36 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN WILL COUNTY, ILLINOIS; DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF LOT 1 IN HEIDNER SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT NUMBER R2023013588; THENCE SOUTH 87 DEGREES 42 MINUTES 28 SECONDS WEST ALONG THE NORTH LINE OF DIVISION STREET PER DOCUMENT NUMBER 2003-031133, 161.10 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 87 DEGREES 42 MINUTES 28 SECONDS WEST ALONG SAID NORTH LINE 114.21 FEET; THENCE NORTH 28 DEGREES 56 MINUTES 7 SECONDS EAST 21.07 FEET; THENCE NORTH 1 DEGREES 9 MINUTES 05 SECONDS WEST 173.30 FEET; THENCE NORTH 88 DEGREES 58 MINUTES 3 SECONDS EAST 263.49 FEET; THENCE NORTH 42 DEGREES 51 MINUTES 42 SECONDS EAST 73.94 FEET; THENCE NORTH 88 DEGREES 58 MINUTES 03 SECONDS EAST 63.95 FEET TO THE WESTERLY LINE OF SAID LOT 1; THENCE SOUTH 36 DEGREES 11 MINUTES 18 SECONDS WEST ALONG SAID WESTERLY LINE 151.01 FEET; THENCE SOUTH 88 DEGREES 50 MINUTES 35 SECONDS WEST 167.75 FEET; THENCE SOUTH 35 DEGREES 48 MINUTES 7 SECONDS WEST 63.99 FEET; THENCE SOUTH 18 DEGREES 56 MINUTES 14 SECONDS EAST 74.07 FEET TO THE POINT OF BEGINNING, CONTAINING 0.84 ACRES MORE OR LESS.

“Exhibit B”

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

IN RE:)
)
The application Gas N Wash/RR Crest Hill LLC.) No. PUD-24-1-5-1
)
For a special use permit.)

**FINDINGS AND DECISION OF THE
PLAN COMMISSION AS TO CASE NO. PUD-24-1-5-1
THE APPLICATION OF GAS N WASH/RR CREST HILL, LLC
FOR A SPECIAL USE AT NORTHWEST CORNER OF WEBER ROAD AND DIVISION
STREET**

THE APPLICATION, coming before the Crest Hill Plan Commission for decision, and the Plan Commission having heard the evidence in support of and opposition to the application at a regularly scheduled meeting held on May 9, 2024, being fully advised in the premises, THE COMMISSION HEREBY MAKES THE FOLLOWING FINDINGS:

A. That the Applicant, Gas N Wash/RR Crest Hill, LLC. is the owner and occupier of the real estate which is the subject of the application, upon approval of the PUD;

B. That the Application seeks a B-3 special use for a Planned Unit Development and a major Planned Unit Development change. This request is to expand the existing commercial Planned Unit Development in place at the northwest corner of Weber Road and Division Street in Crest Hill, Illinois to include the 0.84 Acres immediately adjacent to the west and to allow the 0.84 Acres (the “additional property”) to be utilized for interim driveway improvements for the existing Gas N Wash project. The address of the property is in the vicinity of 16664 Weber Road, and was previously part of PIN: 11-04-19-400-007 (the “Property”), as legally described in Exhibit “A”;

C. That the Property is currently zoned B-3;

D. That the Application seeks approval of a special use to allow a planned unit development on the property and a major Planned Unit Development change;

E. That the proposed use is not 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 residential adjacent thereto;

G. That the Application for the special use and major Planned Unit Development change was properly submitted and notices of the application and public hearing were properly published;

H. That no interested parties filed their appearances herein;

I. That the Public Hearing was called to order, the Applicant allowed to present its evidence and arguments in support of the Application, and any interested parties were allowed to offer evidence in support of or against the Application. 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 special use and major Planned Unit Development change, as considered under sections 10.0 and 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 special uses and Planned Unit Developments, as follows:

1. That the Application of Gas N Wash/RR Crest Hill, LLC seeks a B-3 special use for a Planned Unit Development and a major Planned Unit Development change. This request is to expand the existing commercial Planned Unit Development in place at the northwest corner of Weber Road and Division Street in Crest Hill, Illinois to include the 0.84 Acres immediately adjacent to the west and to allow the 0.84 Acres (the “additional property”) to be utilized for interim driveway improvements for the existing Gas N Wash project. The address of the property is in the vicinity of 16664 Weber Road, and was previously part of PIN: 11-04-19-400-007 (the “Property”), as legally described in Exhibit “A”. It is the determination of the Plan Commission that approval of the Application is supported by the evidence adduced, and the Plan Commission recommends approval of the Application subject to the following conditions:
 - The PUD approval for the proposed driveway improvements for access to the Gas N Wash project is for an indefinite interim basis and shall not be construed or otherwise considered final or permanent with respect to its location, design, and configuration. The permanent/final location, design, and configuration for the driveway/street improvement at this location (the “permanent driveway/street improvements”) shall be reviewed and approved as part of the PUD approval process for the development of the property located immediately adjacent to the north and west of the interim driveway improvements, known as “Adjacent Development Site”. It shall be the sole responsibility of the property owner and/or developer of the “Adjacent Development Site” to reconfigure the interim driveway improvements, if necessary, to implement the PUD plans approved in the future for the Adjacent Development Site.
 - No private contracts, agreements, or covenants shall be entered into, executed, or recorded against the land on which the interim driveway improvements are located by the current or future owner of that land which would prohibit or make it unreasonably difficult to remove or reconfigure the interim driveway and construct the permanent driveway/street improvements.

2. It is therefore the recommendation of the City of Crest Hill Plan Commission that the application for the special use and major Planned Unit Development change be approved by the City Council.

	Aye	Nay	Absent	Abstain
Commissioner Bill Thomas	X			
Commissioner Ken Carroll	X			
Commissioner Cheryl Slabozeski			X	
Commissioner Angelo Deserio	X			
Commissioner Jan Plettau	X			
Commissioner Jeff Peterson	X			
Commissioner John Stanton	X			

Bill Thomas, Chairman

Christine Vershay-Hall, City Clerk

EXHIBIT “C”
(Submitted and Reviewed Plans)

DRAFT

EXHIBIT “D”
(Unconditional Agreement and Consent)

DRAFT