

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 HEIDNER PROPERTIES, INC.)**

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, Heidner Properties, Inc. (“Applicant”), has properly filed and presented before the Crest Hill Plan Commission an application seeking the granting of a special use permit for a planned unit development and a special use for three drive-thru facilities (the “Application”) for certain property within the city limits of the City of Crest Hill, Will County, Illinois, located at the northwest corner of Division Street and Weber Road, Crest Hill, Illinois, being part of PIN: 11-04-19-400-007 (the “Property”), as described in Exhibit “A” with proper notice thereof given; 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 July 14, 2021, recommended approval of the special use permit sought in the Application after holding a public hearing, with proper notice thereof given; and

WHEREAS, the City Council has examined the July 14, 2021, 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.

SECTION 3: That a special use permit is hereby granted to Heidner Properties, Inc. to allow a B-3 special use to permit a planned unit development and three drive-thru facilities to develop the property at the northwest corner of Division Street and Weber Road, in Crest Hill, Illinois, being part of PIN: 11-04-19-400-007 (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. The property will be developed in accordance with the reviewed plans, as attached as Exhibit “C”.
2. Final approval of the landscape plan.
3. Final approval of the photometric plan.
4. Final Signage approvals for Lots 1, 2, 3, and 4.
5. Trash enclosure design.
6. Final CC&Rs, which are to include language to address cross access, maintenance and ownership of property include the western drive-aisle.
7. Final approval of engineering, including but not limited to site geometry, traffic study and stormwater).
8. Filing a Final Plat of Subdivision, subject to final engineering approval.
9. Conditions 2-8 outlined above must be satisfactorily addressed prior to the issuance of a development permit
10. Those exceptions as in “Exhibit D”.
11. Any improvements to the site or change/expansion in the use of the property beyond the terms of this PUD Ordinance shall be permitted only pursuant to the review and approval of a Major Planned Unit Development Change as outlined in Section 10.4 of the Crest Hill Zoning Ordinance.
12. Finalization and execution of the Redevelopment Agreement
13. 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.

14. Screening and buffering, as required by Section 15.04.040(I)5 of the City of Crest Hill Municipal Code, shall be provided for at such time the property to the west of the PUD develops.

15. Randich Road extension shall be constructed and completed before issuance of occupancy for any of the developments on either Lot 2, 3, or 4.

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 7TH DAY OF NOVEMBER, 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 7TH DAY OF NOVEMBER, 2022.

Raymond R. Soliman, Mayor

ATTEST:

Christine Vershay-Hall, City Clerk

“Exhibit A”

LEGAL DESCRIPTION

PERMANENT INDEX NO: Being Part of 11-04-19-400-007.

THAT PART OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 19, TOWNSHIP 36 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST 1/4; THENCE SOUTH 87 DEGREES 42 MINUTES 28 SECONDS WEST, 124.55 FEET ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE NORTH 02 DEGREES 17 MINUTES 32 SECONDS WEST, 40.89 FEET TO THE NORTH LINE OF DIVISION STREET PER DOCUMENT NUMBER R2004-207927, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE SOUTH 85 DEGREES 00 MINUTES 44 SECONDS WEST, 18.96 FEET ALONG SAID NORTH LINE OF DIVISION STREET; THENCE CONTINUING ON SAID NORTH LINE OF DIVISION STREET SOUTH 87 DEGREES 41 MINUTES 40 SECONDS WEST, 408.87 FEET; THENCE NORTH 01 DEGREES 09 MINUTES 30 SECONDS WEST, 108.39 FEET; THENCE NORTH 36 DEGREES 11 MINUTES 18 SECONDS EAST, 163.43 FEET TO A POINT OF CURVATURE; THENCE 191.66 FEET, ALONG THE ARC OF A CURVE CONCAVE NORTHWEST, HAVING A RADIUS OF 288.73 FEET, AND CHORD OF NORTH 17 DEGREES 18 MINUTES 34 SECONDS EAST, 188.16 FEET TO A POINT OF TANGENCY; THENCE NORTH 01 DEGREES 42 MINUTES 26 SECONDS WEST, 827.78 FEET; THENCE SOUTH 88 DEGREES 17 MINUTES 34 SECONDS WEST, 35.00 FEET; THENCE NORTH 01 DEGREES 42 MINUTES 26 SECONDS WEST, 413.00 FEET; THENCE NORTH 88 DEGREES 17 MINUTES 34 SECONDS EAST, 350.00 FEET TO THE WEST LINE OF WEBER ROAD PER DOCUMENT NUMBER R2004-207927; THENCE SOUTH 01 DEGREES 42 MINUTES 26 SECONDS EAST, 1597.78 FEET ALONG SAID WEST LINE TO THE NORTHWEST TRANSITIONAL RIGHT-OF-WAY LINE OF SAID WEBER ROAD PER AFOREMENTIONED DOCUMENT NUMBER R2004-207927; THENCE SOUTH 41 DEGREES 39 MINUTES 24 SECONDS WEST, 72.76 FEET ALONG SAID NORTHWEST TRANSITIONAL LINE TO SAID POINT OF BEGINNING, ALL IN WILL COUNTY, ILLINOIS.

CONTAINING 568,994 SQUARE FEET OR 13.062 ACRES MORE OR LESS.

“Exhibit B”

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

IN RE:)	
)	
The application Heidner Properties, Inc.)	No. SU-21-2-7-1
)	
For a special use permit.)	

**FINDINGS AND DECISION OF THE
PLAN COMMISSION AS TO CASE NO. SU-21-2-7-1
THE APPLICATION OF HEIDNER PROPERTIES, INC.
FOR A SPECIAL USE AT DIVISION STREET AND WEBER ROAD**

THIS APPLICATION, coming before for a decision by the Plan Commission, and the Plan Commission having heard the evidence in support and opposition to the application at a regularly scheduled meeting held on July 14, 2021, being fully advised in the premises, THE COMMISSION DOES MAKE THE FOLLOWING FINDINGS:

A. That the applicant, Heidner Properties, Inc. is the owner of the real estate, upon approval of the PUD, as described in the application. The property owner has signed off on the application.

B. That the application seeks a B-3 special use for the property described in the application, located at the northwest corner of Division Street and Weber Road, Crest Hill, Illinois, being part of PIN: 11-04-19-400-007 (the “Property”), as 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 and three drive-thru facilities on the property;

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 manufacturing use, with commercial and manufacturing 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 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 special uses, as follows:

1. That the application of Heidner Properties, Inc. to allow a B-3 special use to permit a planned unit development and three drive-thru facilities to develop the property in accordance with the reviewed plans at the property at the northwest corner of Division Street and Weber Road, in Crest Hill, Illinois, being part of PIN: 11-04-19-400-007 (the "Property"), as described in Exhibit "A", in a B-3 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.

Adopted by the Plan Commission of the City of Crest Hill, Illinois, this 14th Day of July 2021 upon the following voice 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:

Jan Plettau, Chairman

Attest:

Christine Vershay-Hall, City Clerk