

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT AND PARKING
VARIATION WITH RESPECT TO CERTAIN REAL PROPERTY LOCATED WITHIN
THE CORPORATE BOUNDARIES OF CREST HILL
[APPLICATION OF Cozy Pawz Accommodations, 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, Cozy Pawz Accommodations, LLC (“Applicant”), has properly filed and presented before the Crest Hill Plan Commission an application seeking the granting of a special use permit for a dog daycare and boarding facility and parking variation (the “Application”) for certain property within the city limits of the City of Crest Hill, Will County, Illinois, and located 2551 Theodore Street Crest Hill, Illinois, PIN: 05-06-01-204-082-0000 AND 05-06-01-204-081-0000 (the “Property”), as legally 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 March 14, 2024, following public hearings on February 8, 2024 and March 14, 2024, recommended approval of the special use permit and variation sought in the Application, with certain conditions, after holding a Public Hearing, with proper notice thereof given; and

WHEREAS, the City Council has examined the March 14, 2024, Findings and Decision of the Plan Commission hereto attached as Exhibit “B” and “C” 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 interests 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 “Exhibit C”, 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 variation.

SECTION 3: That a special use permit is hereby granted to Cozy Pawz Accommodations, LLC to allow a B-3 special use for a dog daycare and boarding facility and a parking variation for the property at 2551 Theodore Street Crest Hill, Illinois PIN: PIN: 05-06-01-204-082-0000 AND 05-06-01-204-081-0000, (the “Property”), as legally 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. No dog walking is allowed from the subject property/facility. All dog walking services provided by the business would be provided off-site at the customer’s location.
2. Dogs are allowed to be in the outdoor fenced area during the hours of operation of the business, which are as follows:

Monday through Friday 6:30 a.m. – 7:00 p.m.

Saturday 8:00 a.m. – 4:00 p.m.

Sunday 9:00 a.m. – 3:00 p.m.

3. Employees may remain on the property outside of normal business hours only during the instances where dogs are on the property for overnight boarding. The facility shall not provide overnight accommodation that represents sleeping or living quarters.
4. Dogs being boarded overnight may utilize the outdoor fence area within the hours prescribed in the noise ordinance.
5. The outdoor area must be secured by fencing on all sides. At such time, should the fencing on the adjacent property to the east be removed, the business owner must install fencing along the east property line immediately.
6. The business owner shall clean/remove feces from the outdoor dog area both mid-morning and mid-afternoon. Feces shall be placed in plastic bags and then in a covered heavy plastic container that is lined with a bag. The container utilized for feces waste is to be located at the north-east end of building and emptied on regular garbage pick-up day.
7. All overhead garage doors must be closed when not actively being used to move products or dogs in and out of the Cozy Pawz space.
8. There will be seven parking spaces allocated for Cozy-Pawz Accommodation, LLC.

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.

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PASSED THIS 1st DAY OF APRIL, 2024

	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 1st DAY OF APRIL, 2024

Raymond R. Soliman, Mayor

ATTEST:

Christine Vershay-Hall, City Clerk

“Exhibit A”

LEGAL DESCRIPTION

PERMANENT INDEX NO: 05-06-01-204-082-0000 AND 05-06-01-204-081-0000

LEGAL DESCRIPTION

OUTLOT B & LOTS 30-33 IN REFLECTION HEIGHTS P.U.D., THAT PART OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 35 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 26, 2000, AS DOCUMENT NO. R2000-103462, IN WILL COUNTY, ILLINOIS.

“Exhibit B”

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

IN RE:)	
)	
The application Cozy Pawz)	
Accommodations, LLC)	No. SU-24-1-2-1
)	
)	
For a special use permit.)	

**FINDINGS AND DECISION OF THE
PLAN COMMISSION AS TO CASE NO. SU-24-1-2-1
THE APPLICATION OF COZY PAWZ ACCOMODATIONS, LLC
FOR A SPECIAL USE AT 2551 THEODORE STREET**

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 March 14, 2024 being fully advised in the premises, THE COMMISSION DOES MAKE THE FOLLOWING FINDINGS:

A. That the applicant, Cozy Pawz Accommodations, LLC, is the occupant of the real estate, upon approval of the special use, 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, at 2551 Theodore Street, PIN: 05-06-01-204-082-0000 AND 05-06-01-204-081-0000 (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 dog daycare and boarding facility 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 commercial use, with residential 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 opened and called to order on February 8, 2024, the applicant presented evidence and arguments in support of its application on February 8, 2024 and again at the continued public hearing on March 14, 2024. 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 Cozy Pawz Accommodations, LCC to allow a B-3 special use for a Dog day care and boarding facility in accordance with the reviewed plans on the property at the 2551 Theodore Street, Crest Hill, Illinois, PIN: 05-06-01-204-082-0000 AND 05-06-01-204-081-0000 (the "Property"), as legally described in Exhibit "A", in a B-3 zoning district was recommended to be approved and is supported by the evidence adduced;
2. The following conditions were placed on the special use permit:
 1. No dog walking is allowed from the subject property/facility. All dog walking services provided by the business would be provided off-site at the customer's location.
 2. Dogs are allowed to be in the outdoor fenced area during the hours of operation of the business, which are as follows:

Monday through Friday 6:30 a.m. – 7:00 p.m.

Saturday 8:00 a.m. – 4:00 p.m.

Sunday 9:00 a.m. – 3:00 p.m.
3. Employees may remain on the property outside of normal business hours only during the instances where dogs are on the property for overnight boarding. The facility shall not provide overnight accommodation that represents sleeping or living quarters.
4. Dogs being boarded overnight may utilize the outdoor fence area within the hours prescribed in the noise ordinance.

5. The outdoor area must be secured by fencing on all sides. At such time, should the fencing on the adjacent property to the east be removed, the business owner must install fencing along the east property line immediately.
 6. The business owner shall clean/remove feces from the outdoor dog area both mid-morning and mid-afternoon. Feces shall be placed in plastic bags and then in a covered heavy plastic container that is lined with a bag. The container utilized for feces waste is to be located at the north-east end of building and emptied on regular garbage pick-up day.
 7. All overhead garage doors must be closed when not actively being used to move products or dogs in and out of the Cozy Pawz space.
 8. There will be seven parking spaces allocated for Cozy-Pawz Accommodation, LLC.
3. It is therefore the recommendation of the City of Crest Hill Plan Commission that the application for the special use be granted.

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Adopted by the Plan Commission of the City of Crest Hill, Illinois, this 14th Day of March 2024
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:

Bill Thomas, Chairman

Attest:

Christine Vershay-Hall, City Clerk

“Exhibit C”

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

IN RE:)	
)	
The application Cozy Pawz)	
Accommodations, LLC)	No. SU-24-1-2-1
)	
)	
For a special use permit.)	

**FINDINGS AND DECISION OF THE
PLAN COMMISSION AS TO CASE NO. SU-24-1-2-1
THE APPLICATION OF COZY PAWZ ACCOMMODATIONS, LLC
FOR A PARKING VARIATION AT 2551 THEODORE STREET**

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 March 14, 2024 being fully advised in the premises, THE COMMISSION DOES MAKE THE FOLLOWING FINDINGS:

B. That the applicant, Cozy Pawz Accommodations, LLC, is the occupant of the real estate, upon approval of the variation, as described in the application. The property owner has signed off on the application.

B. That the application seeks a variation for use for the property described in the application, at 2551 Theodore Street, PIN: 05-06-01-204-082-0000 AND 05-06-01-204-081-0000 (the “Property”), as legally described in Exhibit “A”

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

D. That the application seeks approval a parking variation in the reduction of the required on-site parking on the property;

E. That the proposed use would not be allowed without the variation;

F. That the property described in the application is currently zoned as a commercial use, with residential 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 opened and called to order on February 8, 2024, the applicant presented evidence and arguments in support of its application on February 8, 2024 and again at the continued public hearing on March 14, 2024. 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 Cozy Pawz Accommodations, LCC to a parking variation in accordance with the reviewed plans on the property at 2551 Theodore Street, Crest Hill Illinois, PIN: 05-06-01-204-082-0000 AND 05-06-01-204-081-0000 (the "Property"), as legally 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.

[Left Intentionally Blank]

Adopted by the Plan Commission of the City of Crest Hill, Illinois, this 14th Day of March 2024
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:

Bill Thomas, Chairman

Attest:

Christine Vershay-Hall, City Clerk

EXHIBIT “C”
UNCONDITIONAL AGREEMENT AND CONSENT

TO: The City of Crest Hill, Illinois ("City"):

WHEREAS, DAINIUS KASPERAVICIUS (the "**Owner**") is the owner of that certain real property commonly known 2001 Noonan, with PIN 11-04-31-124-005-0000, within the City of Crest Hill, (the "Property"), and has sought a setback and encroachment variation for a shed located on the Property; and

WHEREAS, Ordinance No. _____, approved and passed by the Crest Hill City Council on April 1, 2024, ("the **Ordinance**"), approved a Variation for the rear and side yard setbacks and the encroachment of the shed on a public utility drainage easement; and

WHEREAS, Section 4 of the Ordinance provides, among other things, that the Ordinance shall not take effect, and subject to repeal unless and until the Owner has executed, within 60 days following the passage of the Ordinance, this Exhibit “C”, its Unconditional Agreement and Consent to accept and abide by all of the terms, conditions, and limitations set forth in the Ordinance.

NOW, THEREFORE, the Owner does hereby agree, and covenant as follows:

1. The Owner hereby unconditionally agrees to, accept, consent to, and will abide by all terms, conditions, limitations, restrictions, and provisions of the Ordinance.
2. The Owner acknowledges that all required public notices and hearings have been properly given and held with respect to the application process and passage of the Ordinance, understands and has considered the possibility of revocation of the Ordinance as a result of violation of its terms or failure to abide by the conditions set forth in the Ordinance, and agrees, covenants and warrants that it will not challenge any such revocation on the basis of any procedural infirmity or a denial of any procedural right, provided that notice of the City’s intent to Repeal or Revoke the Ordinance is provided to the Owner as required by Section 4 of the Ordinance.
3. The Owner acknowledges and agrees that the City shall not be in any way liable for any damages or injuries that may be sustained as a result of the City's granting of the Sign Variance or its passage of the Ordinance, and that the City's approvals do not, and will not, in any way be deemed to insure the Owner against damage or injury of any kind at any time.
4. The Owner hereby agrees to release, defend, indemnify and hold harmless the City of Crest Hill, its corporate authorities, elected and appointed officials, officers, employees, agents, representatives, and attorneys from any and all claims that may, at any time, be asserted against them in connection with (a) the City's review and approval of any plans and issuance of any permits, (b) the City's passage of the Ordinance, and (c) the maintenance and use of the Property as authorized by the Ordinance.

[signature page to follow]

DAINIUS KASPERAVICIUS

By: _____

Its: _____

SUBSCRIBED and **SWORN** to before me
this _____ day of _____, 2024.

Notary Public