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**THE VILLAGE OF COAL CITY**

GRUNDY & WILL COUNTIES, ILLINOIS

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ORDINANCE  
NUMBER 18-11

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**AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT AMENDMENT  
TO ALLOW THE RESTAURANT SERVING ALCOHOLIC BEVERAGES AT 605 S.  
BROADWAY TO EXPAND ITS SERVING AREA**

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TERRY HALLIDAY, President  
PAMELA M. NOFFSINGER, Village Clerk

SRAH BEACH  
ROSS BRADLEY  
TIM BRADLEY  
DAN GREGGAIN  
NEAL NELSON  
DAVID SPESIA  
Village Trustees

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TO ALLOW THE RESTAURANT SERVING ALCOHOLIC BEVERAGES AT 605 S.  
BROADWAY TO EXPAND ITS SERVING AREA**

**WHEREAS**, an application for a conditional use pursuant to Section 156.230 of the Village of Coal City Zoning Code ("Zoning Code") was filed by Terry Kunes, the ("Owner"), and Scott Hawk, the tenant ("Applicant"), of the property located at 605 S. Broadway ("Property"); and

**WHEREAS**, the Property is located in the C-4 zoning district; and

**WHEREAS**, a public hearing was noticed and duly held by the Planning and Zoning Board on May 21, 2018; and

**WHEREAS**, restaurants serving alcoholic beverages but without live entertainment or dancing are listed as conditional uses pursuant to Table 7(R)(31) in the Zoning Code

**WHEREAS**, at its May 21, 2018, meeting, the Planning and Zoning Board heard testimony from the Tenant's agent, and at the conclusion of such testimony, recommended that the Village Board approve the conditional use permit requested in the application, subject to a number of conditions; and

**WHEREAS**, Section 156.234 permits the Village Board to approve conditional uses and to direct the Zoning Administrator to issue conditional use permits; and

**WHEREAS**, the Village Board of Trustees has determined that it is in the best interests of the Village to grant the requested conditional use in the Application, subject to the conditions set forth in this Ordinance.

**NOW THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Coal City, Grundy and Will Counties, Illinois, as follows:

**Section 1. Recitals.** The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

**Section 2. Findings of Fact.** The Planning and Zoning Board and the Village Board of Trustees find as follows:

- A. Traffic.** This property has transitioned over multiple owners and has been utilized with restaurant space in this portion of the building previously. Traffic resulting from the expanded space can be accommodated by the current infrastructure.
- B. Environmental Nuisance.** No adverse utilization of the property is expected due to the increased alcohol serving space that has been requested.
- C. Neighborhood Character.** The majority of this retail suite has been utilized for the same use and this portion of the building was used in the same manner once before. The expanded serving conditional use is not expected to have an impact on the character of the neighborhood.
- D. Public Services and Utilities.** No increased utilization of public services or utilities is expected in excess to those facilities currently provided.
- E. Public Safety and Health.** This conditional use is consistent with the allowable zoning for the building and is not expected to have a deleterious effect on adjacent residents and/or properties.
- F. Other Factors.** This expanded conditional use shall fit harmoniously with the retail utilization for which the building was updated and maintained.

**Section 3. Description of the Property.** The property is located at 605 S. Broadway within the C-4 District. The Plat of Survey has been attached on Exhibit A.

**Section 4. Public Hearing.** A public hearing was duly advertised in the Joliet Herald and held by the Planning and Zoning Board on May 21, 2018 at which time the Planning and Zoning Board recommended approval of the conditional use permit as requested in the Amended Application, subject to various conditions.

**Section 5. Conditional Use Permit.** Subject to the conditions set forth in Section 6 of this Ordinance, and the findings of the Planning and Zoning Board and the Village Board

of Trustees as set forth in this Ordinance and the record of the public hearings, the Village Board of Trustees hereby grants a conditional use permit personally to the Applicant, as recommended at the May 21, 2018, Planning and Zoning Board meeting, to allow the Applicant to expand its operation and maintain a restaurant that serves alcohol but without live entertainment or dancing on the Property, as described in the Application and as permitted by Table 7(R)(31) of the Zoning Code. The Zoning Administrator, or his or her designee, is directed to issue the permit.

**Section 6. Conditions.** The grant of approval of a conditional use permit in Section 5 of this Ordinance is conditioned upon and limited by the following requirements, conditions, and restrictions, the violation of any of which shall, in the sole discretion of the Village Board of Trustees, invalidate the conditional use permit approval:

- A. The conditional use shall expand to include the retail footage accessed on the property from a separate entrance on the east side of the kitchen.
- B. The Applicant and/or Owner shall designate a clearly defined and marked smoking area in the front of the Property for Restaurant patrons and employees consistent with applicable smoking laws. The Applicant and/or Owner shall be responsible for providing smoking receptacles in or near the designated smoking area and to ensure that the designated smoking area and surrounding area are regularly inspected and kept free of litter.
- C. No live entertainment shall be permitted at the Restaurant.
- D. No alcoholic beverages shall be served at the Restaurant unless and until a valid state liquor license and local liquor license have been issued.
- E. No alcoholic beverages may be sold or carried away from the premises.
- F. The conditional use permit shall be personal to the Applicant, shall not run with the Property, and shall not be transferred or assigned to any person or entity.
- G. Failure of the Applicant or Owner to comply with the terms of this Ordinance shall subject the Applicant and Owner to the penalties set forth in Section 156.999 of the Village of Coal City Zoning Code, among any other penalties that are available in this Ordinance or by law.

**Section 7. Severability.** In the event a court of competent jurisdiction finds this Ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this Ordinance and the application thereof to the greatest extent permitted by law.


**Section 8. Repeal and Savings Clause.** All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the Village of Coal City prior to the effective date of this Ordinance.

**Section 9. Effectiveness.** This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

SO ORDAINED this 23 day of May, 2018, at Coal City, Will and Grundy Counties, Illinois.

AYES: 6  
NAYS: 0  
ABSENT: 0  
ABSTAIN: 0

**VILLAGE OF COAL CITY**

  
Terry Halliday, President

Attest:

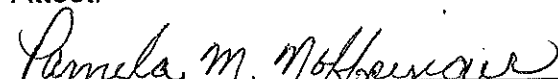
  
Pamela M. Noffsinger, Clerk

EXHIBIT A  
Property Survey

Donald R. Smith, P.A.S. Sole Owner & Proprietor  
**Greely-Howard-Morlin**  
 Established & Chicago 1854

**Smith**  
 P.O. BOX 188  
 FLOSSMOOR, ILLINOIS 60422  
 Phone: 708 / 788-3999

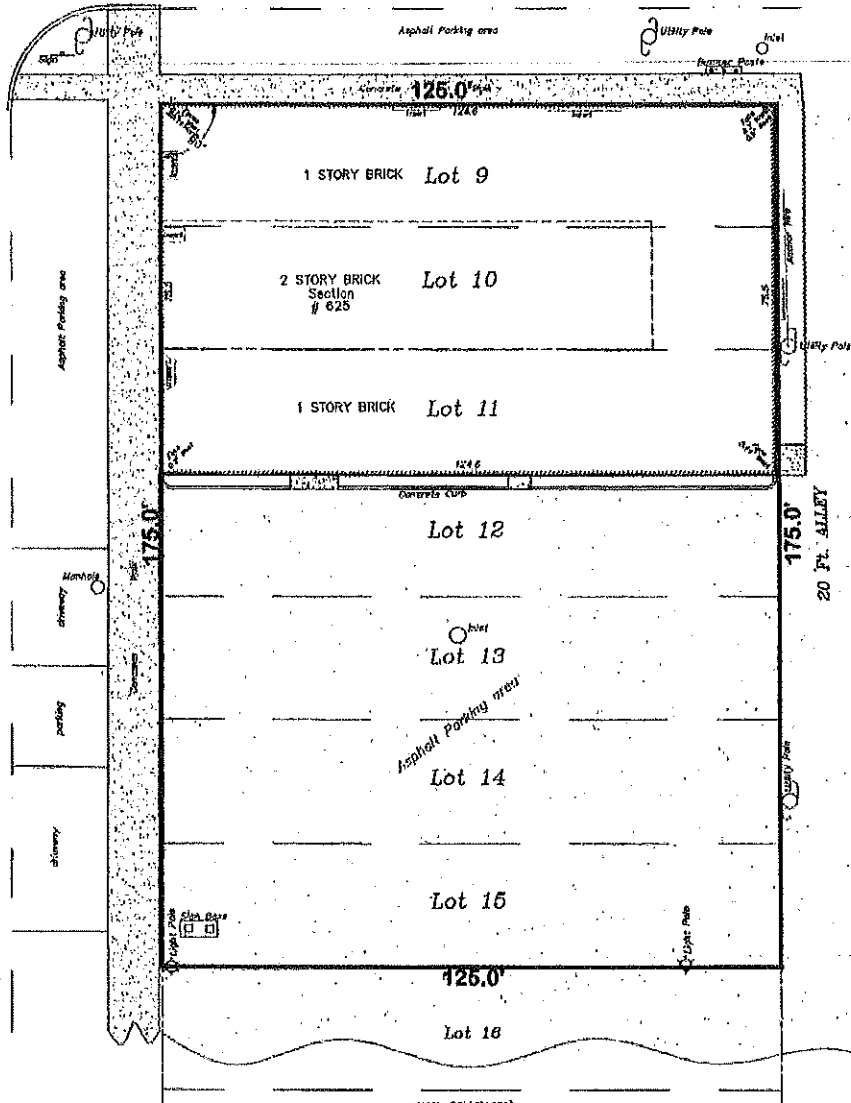
**PLAT OF SURVEY**

LOTS 9 THROUGH 15, BOTH INCLUSIVE, IN  
 BLOCK 1 OF THE ORIGINAL TOWN OF COAL CITY,  
 ACCORDING TO THE PLAT THEREOF RECORDED  
 IN PLAT BOOK A-1, PAGES 98 AND 99 AS  
 DOCUMENT 23544, ALL IN GRUNDY COUNTY,  
 ILLINOIS.

PARK STREET

Scale: 1" = 15'

# 825 S. BROADWAY STREET



Ordered By: Terrence Hines  
 Contract Person: Dave Carradino  
 Survey No: 24174  
 Block/Book: 2-32-4 Page: 5

All Illinois Land Surveyor Licenses expire on date Donald R. Smith, as Registrar 24, 2015  
 All professional services performed by his current Illinois architect license for a boundary survey  
 filed were completed 12-1-15, lot corners not staked and area not calculated per client request.

STATE OF ILLINOIS )  
 COUNTY OF COOK )  
 GREELY-HOWARD-MORLIN & SMITH hereby certify that  
 the above described property was surveyed and that  
 the plat hereon drawn is a representation of same.  
 All dimensions given in feet and decimal parts thereof.

FLOSSMOOR, ILLINOIS Date: December 18, 2015  
 Greely-Howard-Morlin & Smith  
 By: Donald R. Smith  
 Donald R. Smith PLS No: 035-002182  
 Proprietor and Sole Owner

