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**THE VILLAGE OF COAL CITY**

**GRUNDY & WILL COUNTIES, ILLINOIS**

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ORDINANCE  
NUMBER 23-33

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**AN ORDINANCE GRANTING A CONDITIONAL USE TO OPERATE A  
RESTAURANT WITHOUT LIVE ENTERTAINMENT OR DANCING AT 435 W.  
DIVISION ALONG WITH SIGNAGE VARIANCES IN THE VILLAGE OF COAL CITY**

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on December 13 2023

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**AN ORDINANCE GRANTING A CONDITIONAL USE TO OPERATE A RESTAURANT WITHOUT LIVE ENTERTAINMENT OR DANCING AT 435 W. DIVISION ALONG WITH SIGNAGE VARIANCES IN THE VILLAGE OF COAL CITY**

**WHEREAS**, an application for a conditional use and variance according to Section 156.92 and a variance from Section 154.4 of the Village of Coal City Zoning Code (“Zoning Code”) was filed by Bimak, Inc. represented by Mony Iljazi (“applicant”) on October 13, 2023 for the operation of a restaurant without live entertainment or dancing within a C-3 zoned property along with a variance to allow a pole sign within the interior side yard at 435 W. Division; and

**WHEREAS**, to enable alcohol and liquor to be served at the restaurant, a petitioner must submit for a conditional use as listed in Table 7 of the Village Code; and

**WHEREAS**, the petitioner wishes to have a two-foot minimum setback for the establishment of a multi-tenant pole sign within the interior side yard; and

**WHEREAS**, a public hearing regarding the conditional use and variances’ consideration was held on November 6, 2023; and

**WHEREAS**, the Village of Coal City Planning and Zoning Board met on November 6, 2023 to consider passage of the conditional use request to the Board of Trustees; and

**WHEREAS**, Section 156.230 permits the Village Board to approve certain uses on a conditional basis from the Zoning Code; and

**WHEREAS**, the Village Board of Trustees and the President of the Village of Coal City believe it is in the best interests of the Village to grant conditional uses.

**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 Board of Trustees find as follows concerning the Conditional Use for 435 W. Division:

- A. **Traffic.** The traffic expected for the uses at this address are consistent with the type of vehicles and flow of vehicles expected within this downtown retail location and shall not cause an adverse impact upon the surrounding neighborhood.

- B. **Environmental Nuisance.** The proposed utilization of the property shall not cause adverse effects within the commercially zoned district.
- C. **Neighborhood Character.** The proposed use shall fit harmoniously within the commercial district and shall not have undue deleterious effect on the environmental quality, property values, or neighborhood character already existing in the area.
- D. **Public Services and Facilities.** No additional public services or facilities shall be required in order to accommodate the multiple retail uses to occur at this retail location.
- E. **Public Safety and Health.** The provision of a restaurant liquor license within this retail location has not been determined as detrimental to the safety or health of the employees, patrons, or visitors associated with the use nor of the general public in the vicinity.
- F. **Other Factors.** The improvements associated with including a restaurant utilization on W. Division is consistent with the comprehensive plan of the village.

**Section 3.** Findings of Fact. The Board of Trustees find as follows concerning the Variances for 435 W. Division:

- A. **Special Circumstances Not Found Elsewhere.** There are unique circumstances that are particular to this property regarding the physical character of the property due to the manner in which the building sits on the property.
- B. **Unnecessary Hardship.** The setback from W. Division for the intended retail utilization of this property has provided an unnecessary hardship for the location of signage to attract users who are traveling westbound on W Division.
- C. **Consistent with Rights Conferred by the District.** Is variance is necessary to preserve the substantial property rights possessed by other properties within the C3 zoning district.
- D. **Necessary for Use of the Property.** Failure to pass this variance will prohibit a reasonable return if only allowed to be utilized under the conditions set forth within the signage requirements. Allowance of the pole sign anchoring to the ground shall allow for greater visibility by northbound residents on the two adjacent streets to W. Division.
- E. **Minimum Variance Recommended.** The 13'6" pole sign shall allow signage for multiple tenants within the property and is far less than the maximum allowable square footage for total signage at the property and is less than the 15' maximum height allowed due to the existing building height.

**Section 4.** Description of the Property. The property is located at 435 W. Division in the Village of Coal City within a C-3 District.

**Section 5.** Public Hearings. A public hearing concerning the consideration of a conditional use and variances was advertised on October 18, 2023 in the Coal City Courant and held by the Planning and Zoning Board on November 6, 2023 at which time a majority of the Planning and Zoning Board members recommended passage of the Conditional Use and Variances to the Board of Trustees.

**Section 6.** Conditional Use. The conditional use requested in the October 13, 2023 Conditional Use Application is granted as follows:

- A. A conditional use in conjunction with Section 156.92 is hereby granted to allow the operation of a restaurant without live entertainment or dancing within a C-3 commercially-zoned district.

**Section 7.** Conditions related to the Conditional Use. The conditional use granted herein is contingent and subject to the following conditions:

- A. The facility shall be occupied according to the standards and design as presented within the Applicant's petition and consistent with the Public Hearing of November 6, 2023.
- B. Petitioner must open and maintain a restaurant in the manner set forth within the Bimak, Inc. "Clubhouse Restaurant Business Plan" and floor layout (Attached as Exhibit A) prior to January 31, 2025 and continue its operation each year.
- C. Occupancy of the retail space shall comply with the health and safety standards of the Village and the Coal City Fire District.

**Section 8.** Variances. The variances from Section 156.92 and 154.4 requested in the October 13, 2023 Variance Application to the Zoning Code are granted as follows:

- A. A variance regarding the pole sign prohibition shall allow the petitioner to install a multi-tenant pole sign with a total height not to exceed 13' 6" bearing square footage of 36 square feet on each side.
- B. A variance regarding the placement of the pole sign within the interior side yard allowing the foundation to be placed 2' from the easterly boundary of the property, which is an 8' variance from the 10' required within the village code.

**Section 9.** Conditions related to the Variances. The variances granted herein is contingent and subject to be constructed in a manner consistent with the presentation to the Planning & Zoning Board and the Board of Trustees. Prior to a signage permit being approved, the petitioner must be granted approval from the signage review Ad Hoc Committee.

**AN ORDINANCE GRANTING A CONDITIONAL USE TO OPERATE A RESTAURANT WITHOUT  
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**Section 10.** 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 11.** 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 12.** 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 13<sup>th</sup> day of December, 2023, at Coal City, Grundy & Will Counties, Illinois.

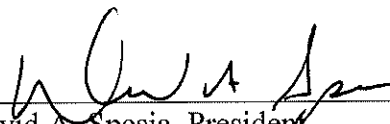
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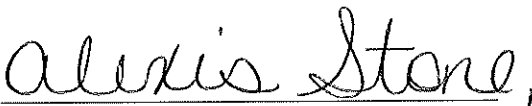
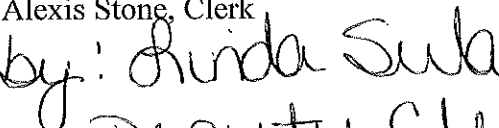
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ABSTAIN: 0

**VILLAGE OF COAL CITY**

  
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David A. Spesia, President

Attest:

  
\_\_\_\_\_  
Alexis Stone, Clerk  
by:   
Deputy Clerk

## EXHIBIT A

### CLUBHOUSE RESTAURANT BUSINESS PLAN

Silver Dollar Restaurant Group, a well-established and successful restaurant chain, is excited to present its business plan for the opening of its fifth location. With a proven track record of delivering exceptional dining experiences, Silver Dollar Restaurant Group aims to replicate its success in a new market and capitalize on the growing demand for high-quality cuisine and outstanding service.

#### Business Description:

**Mission Statement:** To provide an unparalleled dining experience by offering delicious, innovative, and locally sourced dishes in a welcoming and stylish atmosphere.

**Overview:** Silver Dollar Restaurant Group specializes in classic American fare, blending traditional flavors with a modern twist. The restaurant is renowned for its commitment to quality ingredients, exceptional customer service, and a vibrant atmosphere.

#### Hours of Operation:

Restaurant Hours - 11am – 9pm Sunday through Thursday

11am - 11pm Friday and Saturday

#### Environmental Nuisance:

All adverse defects, such as odor, waste disposal, and blockage of light will be handled appropriately and in a manner that will be in compliance with all uses in the zoning district.

1. Noise control. There will be no entertainment conducted on the premise. We are and will always be a restaurant that has spirits available to its customers. There will not be a partying atmosphere, but a relaxed atmosphere that allows for patrons to enjoy their authentic food and possibly have a spirit to add to that experience. The food is the main attraction. By serving spirits, it would allow for us to compete on a fair level with the other restaurants and like these establishments, we will be conducting business in the same manner or as a restaurant, not a bar or entertainment venue.

#### Neighborhood Character:

This is first and foremost a family business. We will have approximately 100 seats, ranging from booths and tables with chairs. We will have 6 seats at the bar. We are serving a wide variety of American food as well as spirits consisting of basic well drink, wine, draft beer, and bottled beer. There will be TVs for sporting events. There will be no entertainment of the sort and no special events that require entertainment. However, we will provide a private room for luncheons and dinners for anyone that needs it in the community.

#### Public Services and Facilities:

We will not require additional or existing community facilities or services to a degree of disproportionate normally expected of permitted uses in the zoning district that would place an undue burden on the city or neighborhood.

#### Public Safety and Health:

We propose to conduct business in a manner as we have been for the last 20 years. That is to keep use of the premises in a non-detrimental factor to any employees, patrons, or visitors associated with Silver Dollar Restaurant group or generally in the public vicinity. Listed are some proposed policies to ensure such use:

Smoking - Pursuant to the law of the State of Illinois, smoking of any kind will not be tolerated in the facility nor will it be tolerated no closer from 15 feet from the front door of the building. We will have set up a designated spot for smokers to put out their smoking butts. Additionally, we as in the Silver Dollar Restaurant Group entire staff, we will make routine rounds to keep the walk area clean and safe. We wish to protect the children and families from such disturbances instead of placing a burden upon them. Any patron causing a disturbance in, out, or around the premise for any reason will be asked to leave.

## Conclusion:

The opening of our fifth location marks a significant milestone for Silver Dollar Restaurant Group. With a solid business plan, dedication to quality, and a focus on customer satisfaction, Silver Dollar Restaurant Group is poised for continued success in the competitive restaurant industry. We are providing a laid-back atmosphere where patrons from Coal City and the surrounding communities can enjoy authentic American Food in an ambience that creates comfort and invites all persons to be happy and enjoy the social gatherings, we all come to expect and enjoy in our favorite restaurants and eateries.

As we celebrate our expansion into Coal City, it signifies a commitment to growth and excellence. The team is excited about the prospects and looks forward to delighting even more customers with the exceptional dining experiences that have become synonymous with our brand.



435 W. Division Restaurant Layout

