
THE VILLAGE OF COAL CITY

GRUNDY & WILL COUNTIES, ILLINOIS

ORDINANCE
NUMBER 24-05

**AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT AMENDING
ORDINANCE 23-01, ALLOWING LUEVANO'S
AT 435 W. DIVISION TO OPERATE A BAR
WITHOUT LIVE ENTERTAINMENT OR DANCING TO INCLUDE GAMING**

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on March 13, 2024

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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 Oscar Luevano, the tenant ("Applicant"), of the property located at 435 W. Division ("Property"); and

WHEREAS, the Property is located in the C-3 zoning district; and

WHEREAS, a public hearing was noticed and duly held by the Planning and Zoning Board on March 4, 2024 to allow gaming to be provided at the premises as well; and

WHEREAS, bars serving alcoholic beverages but without live entertainment or dancing are listed as conditional uses pursuant to Table 7(P)(3) in the Zoning Code

WHEREAS, at its March 4, 2024 meeting, the Planning and Zoning Board heard testimony from the Tenant, and at the conclusion of such testimony, recommended that the Village Board approve the conditional use permit requested in the application to include the utilization of gaming terminals on the premises according to an updated business plan that was presented to the Board; 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 Village Board of Trustees find as follows:

- A. Traffic.** Expected traffic flow from the Luevano's is consistent with other types of uses within the C-3 zoned area of the Village and will not have an adverse effect on surrounding properties.
- B. Environmental Nuisance.** There shall not be any environmental nuisances that emanate from the conditional use. The utilization of the property for the proposed use shall not cause glare, noise, or odor that affects the neighboring properties.
- C. Neighborhood Character.** The utilization of the property to include a bar without live entertainment or dancing will not result in undue deleterious effect upon the neighborhood. The use of the property shall continue to be primarily for the provision of barbershop oriented services and shall be harmonious to its adjacent neighbors.
- D. Public Services and Facilities.** The property shall not require any additional installation or greater utilization of public services to serve the proposed conditional use.
- E. Public Safety and Health.** Granting this conditional use shall allow the business to expect greater success according to the standards provided within the business plan submitted at the public hearing; this shall allow the services provided by the primary business of a barbershop to flourish.
- F. Other Factors.** The property shall provide many of the same retail services for which the property had been utilized to date and the inclusion of gaming will allow for additional revenue to be generated to remain at this Coal City location.

Section 3. Description of the Property. The property is located at 435 W. Division within the C-3 District.

Section 4. Public Hearing. A public hearing was duly advertised in the Coal City Courant and held by the Planning and Zoning Board on March 4, 2024 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 March 4, 2024, Planning and Zoning Board meeting, to allow the Applicant to expand its operation and maintain a bar that serves alcohol but without live entertainment or dancing on the Property, as described in the Application and as permitted by Table 7(P)(3) 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 allow a portion of the barber shop to be utilized to accommodate a bar for serving liquor.
- B. No live entertainment shall be permitted at the bar/retail establishment.
- C. No alcoholic beverages shall be served at the Restaurant unless and until a valid state liquor license and local liquor license have been issued.
- D. No alcoholic beverages shall be carried away from the premises.
- E. 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.

- F. 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 13th day of March, 2024, at Coal City, Will and Grundy Counties, Illinois.

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

VILLAGE OF COAL CITY


David Spesia, President

Attest:


Alexis Stone, Clerk