
THE VILLAGE OF COAL CITY

GRUNDY & WILL COUNTIES, ILLINOIS

ORDINANCE
NUMBER 17 - 13

**AN ORDINANCE GRANTING A CONDITIONAL USE FOR A PRELIMINARY
PLANNED UNIT DEVELOPMENT, PROVIDING FOR INDUSTRIAL REZONING,
SUBDIVISION APPROVALS UPON SUBSTANTIAL CONFORMANCE WITH
APPROVED PRELIMINARY PUD PLAT, AND APPROVAL OF A CONDITIONAL
USE PERMIT AUTHORIZING RAIL AND ACCESSORY USES THERETO TO THE
OWNER AND CONTRACT PURCHASER OF APPROXIMATELY 142 ACRES OF
REAL PROPERTY LOCATED ON REED ROAD BETWEEN BROADWAY AND
BERTA ROADS IN COAL CITY FOR THE DEVELOPMENT AND USE OF A RAIL-
SERVED TRANSLOADING FACILITY, TRUCKING AND WAREHOUSE
OPERATION**

(HOFFMAN TRANSPORT INDUSTRIAL DEVELOPMENT)

TERRY HALLIDAY, Village President
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Village Trustees

Published in pamphlet form by authority of the President and Board of Trustees of the Village of
Coal City

on May 10, 2017

ORDINANCE NUMBER 17 - 13

AN ORDINANCE GRANTING A CONDITIONAL USE FOR A PRELIMINARY PLANNED UNIT DEVELOPMENT, PROVIDING FOR INDUSTRIAL REZONING, SUBDIVISION APPROVALS UPON SUBSTANTIAL CONFORMANCE WITH APPROVED PRELIMINARY PUD PLAT, AND APPROVAL OF A CONDITIONAL USE PERMIT AUTHORIZING RAIL AND ACCESSORY USES THERETO TO THE OWNER AND CONTRACT PURCHASER OF APPROXIMATELY 142 ACRES OF REAL PROPERTY LOCATED ON REED ROAD BETWEEN BROADWAY AND BERTA ROADS IN COAL CITY FOR THE DEVELOPMENT AND USE OF A RAIL-SERVED TRANSLOADING FACILITY, TRUCKING AND WAREHOUSE OPERATION

(HOFFMAN TRANSPORT INDUSTRIAL DEVELOPMENT)

WHEREAS, the Village of Coal City ("Village") is an Illinois non-home rule municipal corporation, organized and operating pursuant to the Constitution and laws of the State of Illinois; and

WHEREAS, the Village President and Trustees of the Village (cumulatively, the "Corporate Authorities") are authorized pursuant to Sections 156-27, 156-234, 156-270 and 156-189 of the Village of Coal City Code of Ordinances ("Village Code") to act as the final decision-making body for conditional uses, zoning map amendments, and conditional uses for planned unit developments, respectively, and in that capacity, must either approve, conditionally approve subject to the fulfillment of certain conditions, or deny the requested zoning relief; and

WHEREAS, HOFFMAN PROPERTY HOLDINGS, LLC is an Illinois limited liability company ("Developer") and the owner of certain real property consisting of approximately 132 total acres of undeveloped agricultural property located on Reed Road between Broadway and Berta Roads in Coal City, Grundy County, Illinois;

WHEREAS, the property owned by Developer consists of approximately 132 acres of undeveloped property comprised of an approximately 91.54 acre parcel bearing real estate tax property identification number 09-11-300-002 legally described as follows:

THE EAST 94 ACRES, MORE OR LESS OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 32 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPT THE CHICAGO AND ALTON RAILROAD RIGHT OF WAY, IN GRUNDY COUNTY, ILLINOIS.

(hereinafter, "Parcel 1"), and a second parcel bearing real estate tax property identification number 09-11-400-001, comprising approximately 40.18 acres and being legally described as follows:

THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 32 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN GRUNDY COUNTY, ILLINOIS.

(hereinafter, "Parcel 2"); and

WHEREAS, Developer is under contract to acquire approximately twelve acres of additional real property immediately east of Parcel 1 and south of Parcel 2, from adjacent landowners Bernard Burla and Kris Morris, respectively, which property is presently used for agricultural and residential purposes, being improved with a detached single family residential structure and is cumulatively legally described as follows:

THE WEST 366 FEET OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 11, TOWNSHIP 32 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, GRUNDY COUNTY, ILLINOIS.

(hereinafter, "Parcel 3"). Parcels 1, 2 and 3 shall sometimes be collectively referred to herein as the "Property"; and

WHEREAS, the aggregate size of the Property exceeds the threshold 10,000 square foot size that triggers the required issuance of planned unit development approval as a condition precedent of being developed under Section 156-86(D) of the Village Code; and

WHEREAS, Developer submitted to the Village an application for consideration seeking (i) a conditional use for planned unit development and preliminary planned unit development plat approval, (ii) the rezoning of Parcel 2 from A-1 Agricultural to I-1 Industrial District, (iii) a

conditional use permit authorizing rail operations and related accessory uses on the Property, (iv) for leave to subsequently submit for Village approval and subsequent recording a preliminary and final plat of subdivision substantially conforming to the PUD Plat as approved by the Village Board creating a 26.01 acre railyard parcel along the western edge of the Property as depicted as "Lot 1" on the PUD Plat and a second parcel consisting of the remaining 131.72 acres of present-day Parcel 1 and Parcel 2 as depicted as "Lot 2") on the PUD Plat, and (v) the approval of certain building, public improvement and operational plans for, within or serving Parcel 1 and portions of Parcel 2 ("Phase One") pursuant to Article IX of Chapter 156 of the Village Code (the "Zoning Code") [cumulatively, items (i) – (v) shall be known as the "Zoning Relief"]; and

WHEREAS, except as otherwise noted herein, Developer has reserved the development, subdivision, construction and operation on Parcel 2 for a future construction phase ("Phase Two"); and

WHEREAS, Developer's ownership of Parcels 1 and 2 and status as contract purchaser of Parcel 3 confers sufficient interest in the Property under Section 156-29 of the Village Code to petition the Village for the Zoning Relief and Developer is a lawful applicant for said Zoning Relief; and

WHEREAS, Developer is seeking the Zoning Relief in order to design, construct, equip; maintain, develop and operate the Property in accordance with the Preliminary PUD Plat for Hoffman Transportation prepared by Spaceco Inc. dated March 20, 2017 with a revision date of April 27, 2017 (attached hereto and incorporated herein as *Exhibit A*; hereinafter, the "PUD Plat"), the landscaping plan prepared by McCallum Associates and dated April 27, 2017 (attached hereto and incorporated herein as *Exhibit B*), the photometric site plan prepared by McCallum Associates and dated April 26, 2017 (attached hereto and incorporated herein as *Exhibit C*), and the revised renderings, architectural elevations of the proposed buildings,

signage plans; and other supporting materials submitted as part of the application for zoning relief and/or presented at the "Hearing," as hereinafter defined, by Harris Architects Inc., (cumulatively *Exhibit D*). Exhibits A – D shall hereinafter be referred to cumulatively as the "Plans", which are generally described as follows:

- (i) A rail spur extended from the Union Pacific Railroad tracks (the "Rail Improvements") to service the development of the "Transloading Facilities", as hereinafter defined;
- (ii) A transloading distribution, truck terminal and warehouse facility to be operated by Hoffman Transportation or other businesses owned and controlled by Developer and consisting initially in "Phase One" of up to two industrial warehouse structures of approximately 400,150 square feet each or approximately 800,000 square feet in the aggregate (the "Buildings") and;
- (iii) Truck terminals, loading docks, offices within the Buildings, washing facilities serviced by a private water well for the washing and cleaning of truck trailers and rail containers, and developing the Property with accessory surface parking, lighting, signage, landscaping, stormwater drainage facilities, 30' sanitary sewer and service line extensions thereof, watermain, private drives, public rights-of-way, and other accessory improvements related to the development of "Phase One" of the Project, as those terms are defined herein (the "Accessory Improvements") (cumulatively, the Buildings and Accessory Improvements shall be known as the "Transloading Facilities");
- (iv) Site grading on the Property;

- (v) Certain off-site traffic, infrastructure and utility improvements adjacent to the Property, including the extension of a 30' sanitary sewer and a watermain, and certain Reed Road improvements adjacent to the southern boundary lines of the Property; and
- (vi) Such other and further on- and off-site improvements in accordance with the Plans as approved and as shall be subsequently permitted and approved by the Village and other jurisdictional entities in the building permit process, including but not limited to the construction of curb-cuts, driveways, deceleration or turn lanes, pavement widening, traffic control signage or signals, and private internal roadways for onsite circulation within the Property and ingress/egress easement for the use and benefit of adjacent properties.

Cumulatively, items (i) – (vi) shall be known as the “Project”); and

WHEREAS, in order to proceed with the Project and develop and operate the Property in accordance with the Plans, Developer must satisfy the Village that the Project and Plans meet the criteria for PUD approval set forth in Section 156-27 and Table 16 of the Village Zoning Code, that Parcel 2 should be rezoned from A-1 to I-1 in accordance with the criteria set out in Table 26 of the Village Zoning Code, and that the proposed railroad and accessory uses described in the Plans satisfy the approval criteria for conditional uses provided in Table 24 of the Village Zoning Code; and

WHEREAS, the Village convened multiple public meetings of its Planned Unit Development Review Committee (“PUD Committee”) in accordance with Section 156-90 of the Village Code on March 13, March 27, April 17 and April 24, 2017, for purposes of reviewing the Plans and revisions thereto and recommended certain improvements and revisions thereto; and

WHEREAS, the Developer revised its preliminary PUD Plat in accordance with the comments and directions of the PUD Committee; and

WHEREAS, the PUD Committee recommended approval of the PUD Plat to the Planning and Zoning Board on April 24, 2017;

WHEREAS, pursuant to powers granted to it by Section 156-313 of the Village Code and in accordance with the procedures and evaluative criteria set out in Articles IX, XI and XIII of the Village Zoning Code, the Zoning Board of Appeals (“ZBA”) has jurisdiction to hear requests for planned unit developments, conditional use permits, and rezoning and act in its capacity as an advisory body to the Village Board to recommend to the Village Board whether to approve, conditionally approve, or reject the proposed preliminary planned unit development plat, conditional use, and rezoning requested herein, and the Village Board has final authority to approve, conditionally approve, deny, or remand the petition back for further consideration and proceedings; and

WHEREAS, the Planning and Zoning Board conducted a properly noticed public hearing to consider Developer’s petition for Zoning Relief on April 17, 2017 and April 24, 2017, in accordance with the Village Zoning Code and the Illinois Open Meetings Act (the “Hearing”); and

WHEREAS, at the Hearing, the ZBA made certain factual findings and conclusions pertaining to the requested Zoning Relief and issued a unanimous recommendation that the Village Board approve the Zoning Relief contingent upon the fulfillment of several conditions, and the ZBA submitted its findings, conclusions and recommendations to the Corporate Authorities for review via its *Report of Findings of Fact and Recommendation to the Village Board of Trustees for Conditional Preliminary Planned Unit Development and Zoning Map Amendment Approvals* (the “Findings and Recommendation”), a true and correct copy of which

is attached hereto and incorporated herein as *Exhibit E*; and

WHEREAS, the Corporate Authorities have reviewed Petitioner's application for Zoning Relief, the Plans, including all original and revised renderings, site plans, architectural elevations of proposed buildings, a landscaping plan, a photometric plan, and other supporting materials submitted as part of the application for Zoning Relief and/or presented at the Hearing, the Findings and Recommendation, and the legal standards and criteria by which the requested Zoning Relief is to be evaluated as set forth in the Zoning Code and in accordance with applicable laws; and

WHEREAS, the Corporate Authorities, after due and careful consideration, have concluded that the development, use and operation of the Property in substantial conformance with the Plans will promote and further the sound planning and development of the Village, increase the taxable value of property within the Village, create job opportunities for Village and area residents, spur additional economic development in the region and minimize negative externalities for neighboring property owners and the surrounding area, and otherwise promote the proper growth and general welfare while serving the planning objectives of the Village; and

WHEREAS, the Corporate Authorities conclude that the Zoning Relief and the proposed development of the Project in accordance with the Plans will be beneficial to the Village, will not be detrimental to the Village's Comprehensive Plan or the spirit and intent of the Zoning Code, and will otherwise enhance and promote the general welfare of the Village and the health, safety and welfare of the residents of the Village;

WHEREAS, the Corporate Authorities concur with the factual findings and legal conclusions set forth in the Findings and Recommendation and substantially agree with the recommendations made by the ZBA with respect to the approval and issuance of the Zoning Relief, subject to and contingent upon the conditions set forth in this Ordinance, and further find

and determine that Developer has demonstrated satisfaction of the evaluative criteria for preliminary planned unit development plat approval, the rezoning of Parcel 2 from A-1 Agricultural to I-1 Industrial District, and a conditional use permit authorizing rail operations and related accessory uses on the Property as described in the Plans, as set forth in the Zoning Code and identified in the Findings and Recommendations adopted by reference as though fully set forth herein;

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. Enactment.

A. Incorporation of ZBA Findings and Recommendation. The Findings and Recommendation and the findings and conclusions set forth therein are hereby adopted by reference to the same effect as if fully recited herein at length. All references in the Findings and Recommendation are made the references of the President and Board of Trustees of the Village of Coal City.

B. Incorporation of Exhibits. Exhibits A through E attached to this Ordinance are, by this reference, incorporated in, and made a part of this Ordinance.

C. Rezoning. Parcel 2 is hereby rezoned from the A-1 Agriculture District to the I-1 Industrial Zoning District. The Corporate Authorities hereby direct the Zoning Administrator to cause the official zoning map of the Village to be so amended.

D. Approval of Rail Operations as Conditional Use. Railroad rights of way and trackage and the associated accessory uses of the Property set forth in the Plans, including without limitation truck terminals, loading docks, offices, washing facilities serviced by a private water well for the washing and cleaning of truck trailers and rail containers, and accessory surface parking, lighting, signage, landscaping, are approved as conditionally permitted uses of the Property and may be constructed, improved and operated in accordance with the Plans.

E. Planned Unit Development Conditional Approval. Subject to and contingent upon fulfillment of the conditions set forth hereinbelow, the Corporate Authorities shall and do hereby approve a conditional use for a planned unit development and the Preliminary Plat for the Property appended hereto. Upon satisfaction of the conditions set forth herein, the Village President is authorized and directed to execute and the Village Clerk is authorized and directed to affix the Village seal as may be necessary to evidence the Village's approval of the Preliminary PUD Plat in order to enable the recording of the same at the Grundy County Recorder of Deeds. The approvals set forth herein are expressly subject to and contingent upon each and every term, condition, and restriction herein specified. Upon failure or refusal of full compliance by Developer and any operators on the Property with the conditions, restrictions, or provisions of this Ordinance, the PUD approvals rendered herein will, at the sole discretion of the Corporate Authorities by ordinance duly adopted, be revoked and become null and void; provided, however, that the Village will not revoke the conditional use for a planned unit development approval unless it first provides Developer with an opportunity to be heard at a regular or special meeting of the Village Board. The conditional approval of the planned development permit is premised on full compliance by Developer, and any other operators or tenants and any successor owners, landlords, lessees, operators, and assigns with the following conditions:

1. That the Property be improved, developed and operated in full accordance with the Plans appended hereto, subject to any approved minor modifications thereof as may be subsequently permitted by the Village or major revisions approved following notice and public hearings required to amend the approvals granted by this Ordinance. It is understood and agreed that the Plans are preliminary and that minor changes, revisions, refinements and other non-substantial deviations of a technical nature are likely to occur and that such technical, minor changes may be approved by Village staff following internal or third-party review without additional action by the ZBA or the Corporate Authorities of the Village. Changes that are not of a technical nature and which involve a significant deviation from the plans approved herein by the Village, as determined by the Village in the exercise of its sole discretion, shall be referred back to the ZBA for recommendation and the Village Board for final approval;
2. That Developer shall adjust the lighting, signage and landscaping presented in the Plans, including after initial installation and issuance of a certificate of occupancy, as may be reasonably required by the Village, to ensure that the light and noise sources are properly screened and so as to minimize glare and sound pollution spilling onto adjacent properties in an unreasonable manner;
3. That Developer and end users shall, prior to commencing build-out, occupancy or operations on the Property, obtain all necessary permits, certificates, consents, authorizations and approvals of any kind or nature as may be required by local, state or federal laws or regulations from all

governmental bodies with jurisdiction over the Project or any element thereof, in order to construct, complete, use and occupy the Project as proposed;

4. That the Project shall comply with all building, fire and related technical code requirements, with compliance to be determined by the relevant authorities with jurisdiction thereover, and any third-party technical consultants retained by the Village for the purpose of reviewing any permit applications for conformity to technical code requirements;
5. That the Developer conform to the Village's industrial performance standards in effect at the time of adoption of the Zoning Relief Ordinance, set forth in Article X ("Performance Standards") and Tables 18 – 23 of the Village Zoning Code, which standards limit the emission of sound, smoke, vibrations, particulate matter, toxic matter, the storage and handling of detonable materials and flammable liquids and gases;
6. That Developer enter into and execute a redevelopment agreement with the Village governing the respective rights and responsibilities of Developer and the Village with respect to the Project within thirty (30) days of the adoption of this Ordinance. If such redevelopment agreement is not executed within said timeframe and the Property not developed in accordance therewith, then this Ordinance shall be null and void and of no further effect without any further action by the Village;
7. That the approval of the preliminary PUD Plat shall be effective for 365 days from the date of enactment of this Ordinance, during which time (i) a final PUD Plat shall be submitted by Developer in substantial conformity

with the PUD Plat herein approved, (ii) a building permit shall be obtained for the construction of one or more Buildings, and (iii) construction shall commence. Once commenced, construction shall proceed diligently and continue in good faith until completion. Failure to comply with the provisions of this paragraph within the time periods provided for may result in a revocation of all or part of the PUD approval by the Village and the issuance of an immediate stop work order for any work in progress. In the event of such a revocation, no additional work shall be undertaken without first being authorized by the Village Board through a new conditional use for a planned unit development approval;

8. That Developer shall submit evidence of drainage approvals as may be required by the Claypool Drainage District, if any;
9. That Developer:
 - a. acquires Parcel 3 prior to commencing the construction of any building for the Project; or
 - b. revises the Plans to provide for an eight foot (8') concrete sound barrier wall running north-south along the eastern edge of the Property along the shared boundary of Parcels 1 and 2 with Parcel 3 and erect the same following Village approval of the proposed wall; and
 - c. improves and dedicates to the Village an improved public right-of-way in accordance with the standards set forth in the Village Code and its subdivision regulations governing public improvements providing for the first 285' linear feet of the vehicular access entrance to the Property off of Reed Road;

10. That Developer develop a 66' wide private road within to be improved by Developer in accordance with Village design standards in stages as may be necessary to enable truck traffic to access the Buildings and circulate within the Property to safely conduct the proposed operations. Such private road shall be located in a location to be determined and subject to Village approval along or near the eastern boundary of the Property situated so as to afford continuous north-south ingress and egress from the southern to the northern boundary of the Property. The 66' wide road shall be located along and within a 66' public ingress and egress easement that shall be dedicated and/or deeded to the Village as a public right-of-way for the use and benefit of the general public without charge to the Village promptly following notice by the Village to the Developer of the approval by the Village of the subdivision, planned unit development permit or development of parcels adjacent to the Property to the north or northeast. The private roadway and 66' permanent ingress/egress easement depicted on the PUD Plat shall further provide for a temporary construction easement over and across that portion of the Property (the "Road Easement Area") for the purpose of constructing roadways as per final engineering plans and specifications submitted by subsequent off-site owner(s) or developer(s) and approved by the Village for the development of adjacent properties, said grant of rights to authorize the grantee to cut, trim or remove trees, bushes, fences, dirt, rock, soils and such other items as may be reasonably required in order to construct, improve or maintain the right-of-way;

11. That Developer submit and record preliminary and final plats of subdivision in substantial conformance with the PUD Plat as a condition precedent of subdividing the Property into lot demarcations other than Parcel 1, Parcel 2 and Parcel 3 as configured at the time of the enactment of the Zoning Relief Ordinance;
12. That Developer's use of a private well as a source for water for the proposed wash operations be expressly contingent upon providing the Village evidence of Illinois Environmental Protection Agency and other applicable federal, state or local agency approvals of the content of the runoff as the same become available or as requested by the Village from time to time, that Developer ensure the Village or its third-party agents continuing and regular access, at all times during the construction and operation upon reasonable notice, for the purpose of monitoring, sampling and testing the contaminants or pollutants in the resulting runoff resulting from the wash operations, and the opportunity to review and audit Developer's books and records as they relate to the testing and sampling of environmental conditions on site. Developer agrees as a condition of the approvals herein granted that it shall immediately cease any run-off inducing activities on the Property related to the washing operations upon notice from the Village or other jurisdictional body of evidence of elevated levels of contaminants present in such runoff.
13. That Developer apply to have Parcel 3 rezoned from A-1 to I-1 promptly upon closing on the acquisition of same, which application shall be

promptly and reasonably considered by the Village upon the payment of any applicable fees by Developer and in accordance with the Village's procedures, zoning regulations and criteria;

E. Agricultural Use. Developer may continue the agricultural use of those portions of the Property in Phase 2 in a manner similar to that which is currently being conducted. Such use is hereby deemed a legal nonconforming use which may be continued in accordance with the terms and conditions of the Zoning Code, as amended from time to time.

F. Binding on Successors and Assigns. The terms and conditions of this Ordinance shall be binding upon Petitioner, its successors, affiliates, and assigns.

G. No Authorization of Work. This Ordinance does not authorize the commencement of any work or other site development activities on the Property. Except as otherwise specifically provided in writing in advance by the Village, no work of any kind shall be commenced upon the Property until all conditions precedent set forth in this Ordinance for such work to proceed have been fulfilled and after all permits, approvals, and other authorizations for such work have been properly applied for, paid for, and granted in accordance with applicable laws.

SECTION 4. Effective Date. This Ordinance shall be in full force and effect on and after its passage, approval, and publication in pamphlet form in the manner provided by law.

SECTION 5. Repealer. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6. Saving Clause. If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance, which are hereby declared to be separable.

SO ORDAINED this 10 day of May, 2017, at Coal City, Grundy and Will Counties, Illinois.

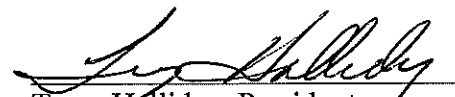
AYES: 6

ABSENT: 0

NAYS: 0

ABSTAIN: 0

VILLAGE OF COAL CITY


Terry Halliday, President

Attest:

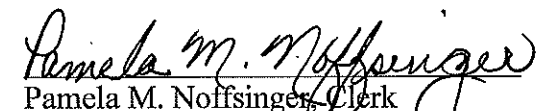
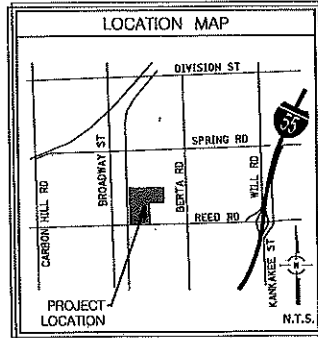

Pamela M. Noffsinger, Clerk

EXHIBIT A

Preliminary Planned Unit Development Plat

ATTACHED ON FOLLOWING PAGES.

PRELIMINARY PUD PLAT FOR HOFFMAN TRANSPORTATION - COAL CITY SITE



PROPOSED SITE SUMMARY

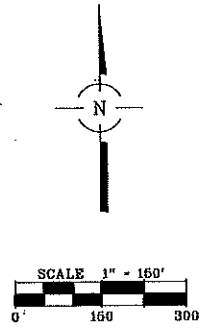
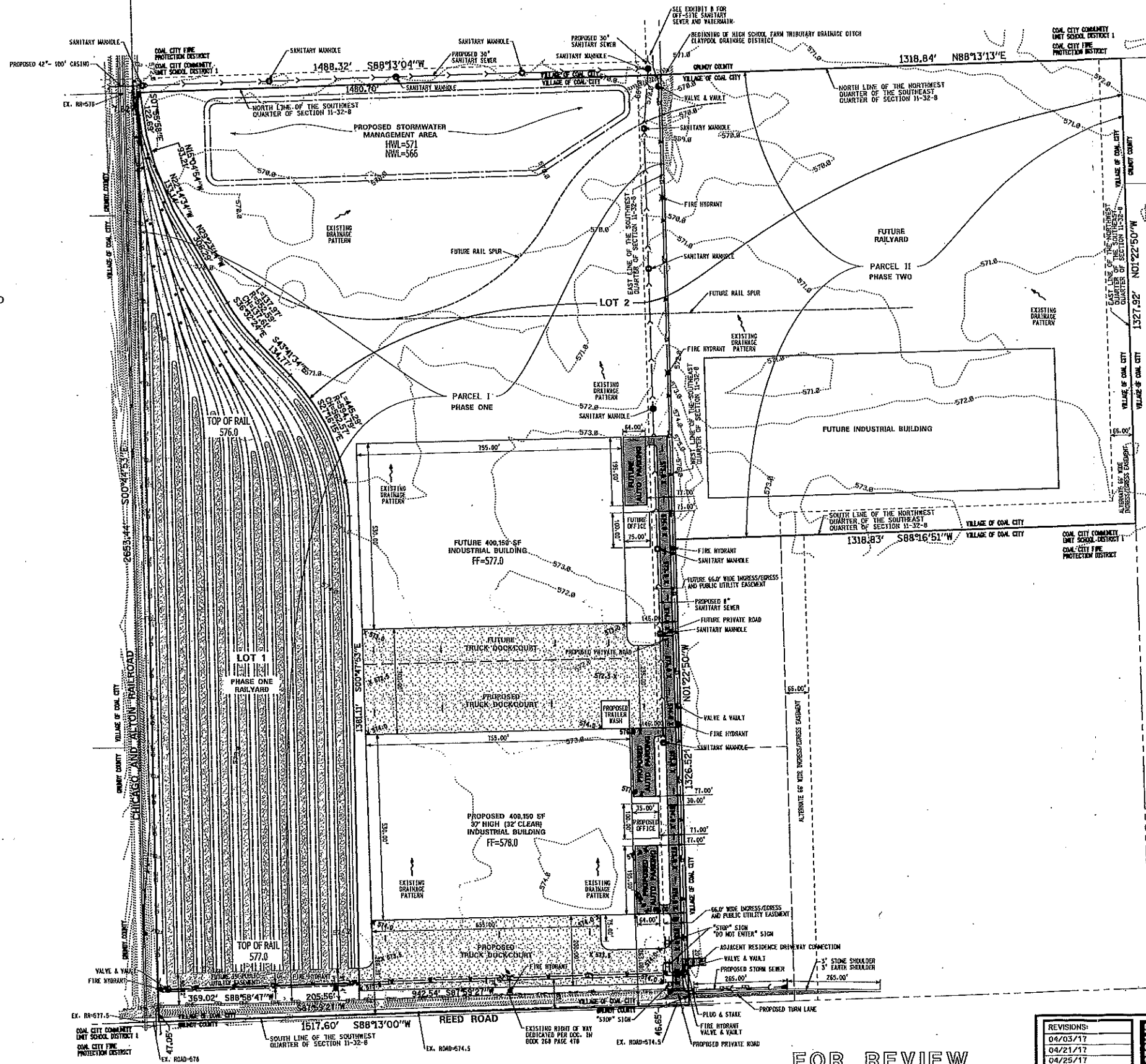
- LOT 1 - 26.01 AC. - RAILYARD
- LOT 2 - 104.17 AC. - REMAINING LAND EAST OF RAILYARD
- DEDICATED REED ROAD R.O.W. - 1.54 AC.
- SITE AREA - 131.72 AC.

LEGAL DESCRIPTION

PARCEL 1:
THE EAST 94 ACRES, MORE OR LESS OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 32 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPT THE CHICAGO AND ALTON RAILROAD RIGHT OF WAY, IN GRUNDY COUNTY, ILLINOIS, CONTAINING 84.54 ACRES, MORE OR LESS.

PARCEL 2:
THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 32 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN GRUNDY COUNTY, ILLINOIS, CONTAINING 40.18 ACRES, MORE OR LESS.

NOTES:
THIS SURVEY AND BOUNDARY INFORMATION WAS PREPARED BY KRAUSE SURVEYING INC. AND PROVIDED TO SPACECO INC.



LEGEND	
	STORM SEWER
	WATER MAIN
	SANITARY SEWER
	OVERHEAD MEDIUM VOLTAGE POLES
	RAILROAD
	FENCE
	GUARDRAIL
	FLASHED END SECTION
	STORM SEWER INFLOW
	TELEPHONE OFFSET
	FIRE HYDRANT
	WATER VALVE
	GAS VALVE
	UTILITY POLE
	MANHOLE
	SIGN
	IRON OF THE MONUMENT
	WOOD / STEEL PEG
	IRON PIPE CITY PINS
	IRON / WOOD PEG RAILROAD SPIKE
	ASPHALT
	CONCRETE
	GRAVEL

FOR REVIEW
PURPOSES ONLY

REVISIONS:
04/03/17
04/21/17
04/25/17
04/27/17



CONSULTING ENGINEERS
SITE DEVELOPMENT ENGINEERS
LAND SURVEYORS

224 1/2 N. Liberty Street
Moriah, Illinois 60450
Phone: (815) 941-0260 Fax: (815) 941-0263

DATE: 03/20/17
JOB NO: 9585
FILENAME: 9585PREPUD-01
SHEET 1 OF 1

EXHIBIT B

Landscaping Plan

ATTACHED ON FOLLOWING PAGES.

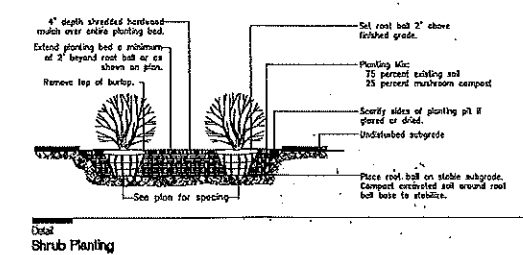
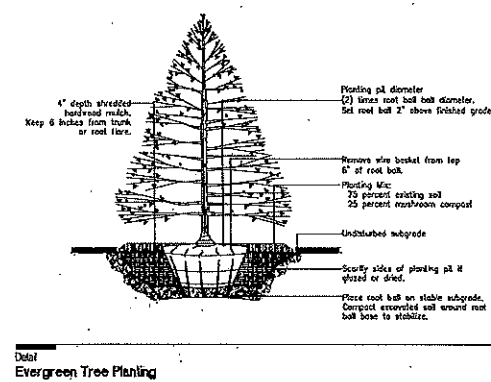
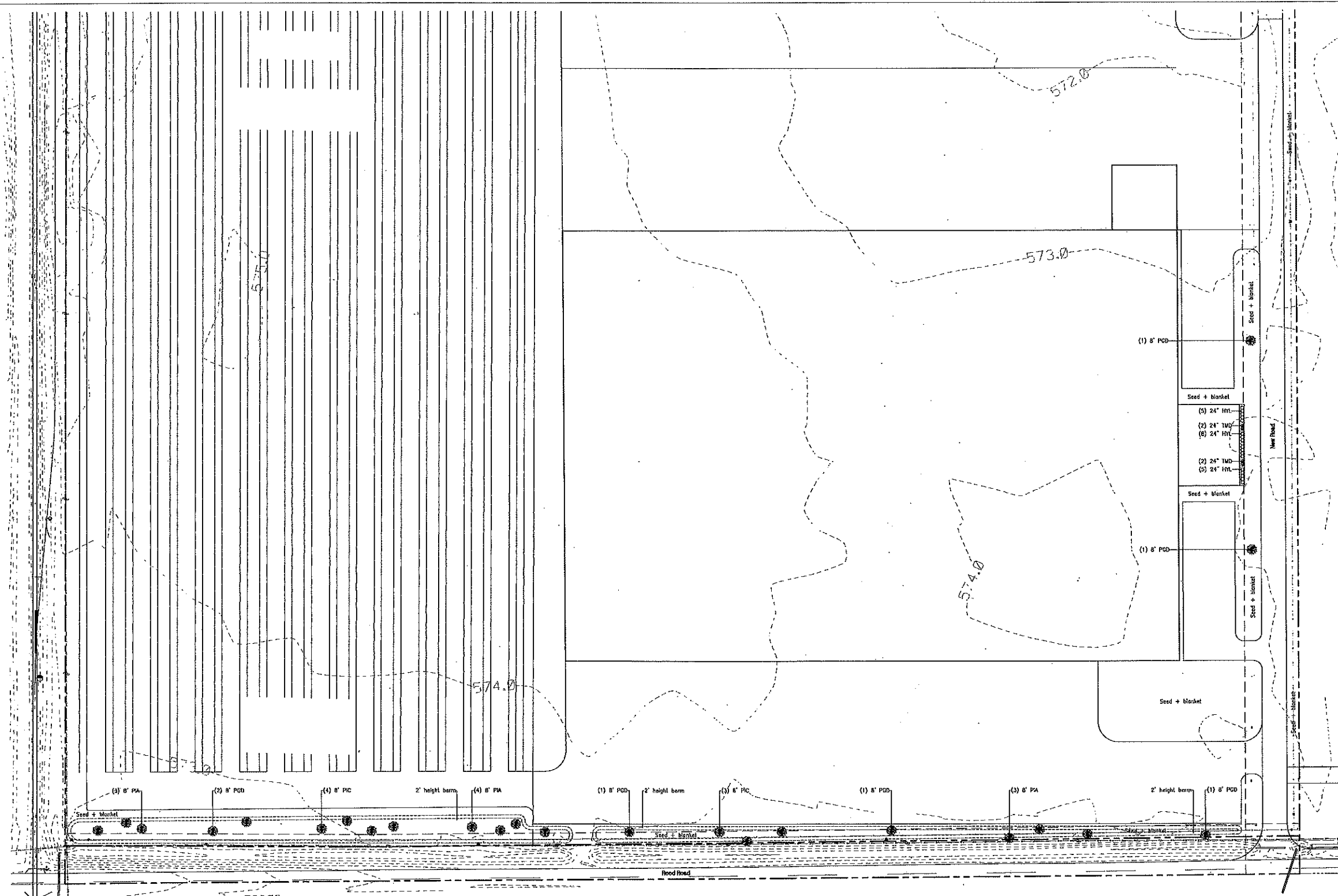
Hoffman Transportation

Coal City, Illinois

DAVID R. McCALLUM ASSOCIATES, INC.
LANDSCAPE ARCHITECTS
200 N. Main Street, Suite 100, Coal City, Illinois 62424
T 618.328.2000 | F 618.328.2001



Landscape Plan



Plant List

Evergreen Trees	Key	Qty.	Size	Botanical Name	Common Name	Remarks
PGD	7	8'	Picea glauca 'Denso'	Black Hills Spruce	BB	
PA	10	8'	Picea abies	Norway Spruce	BB	
PIC	7	8'	Picea pungens	Colorado Green Spruce	BB	
Shrubs	Key	Qty.	Size	Botanical Name	Common Name	Remarks
HML	18	24"	Hydrangea paniculata 'Limelight'	Limelight Hydrangea	BB	
TMD	4	24"	Toxus media 'Densiformis'	Dense Yew	BB	

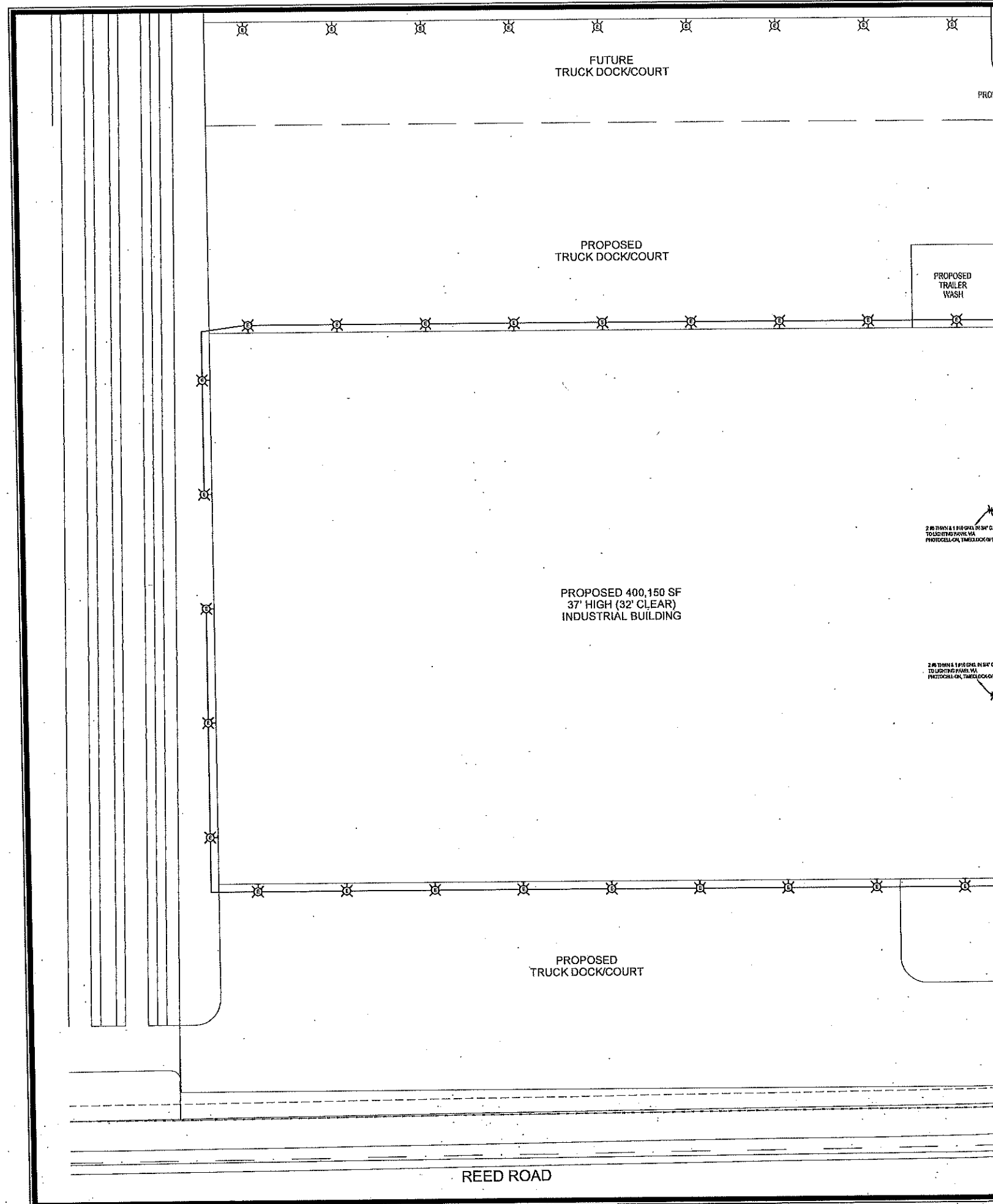
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2	For Review	03/29/17
1	For Review	03/22/17

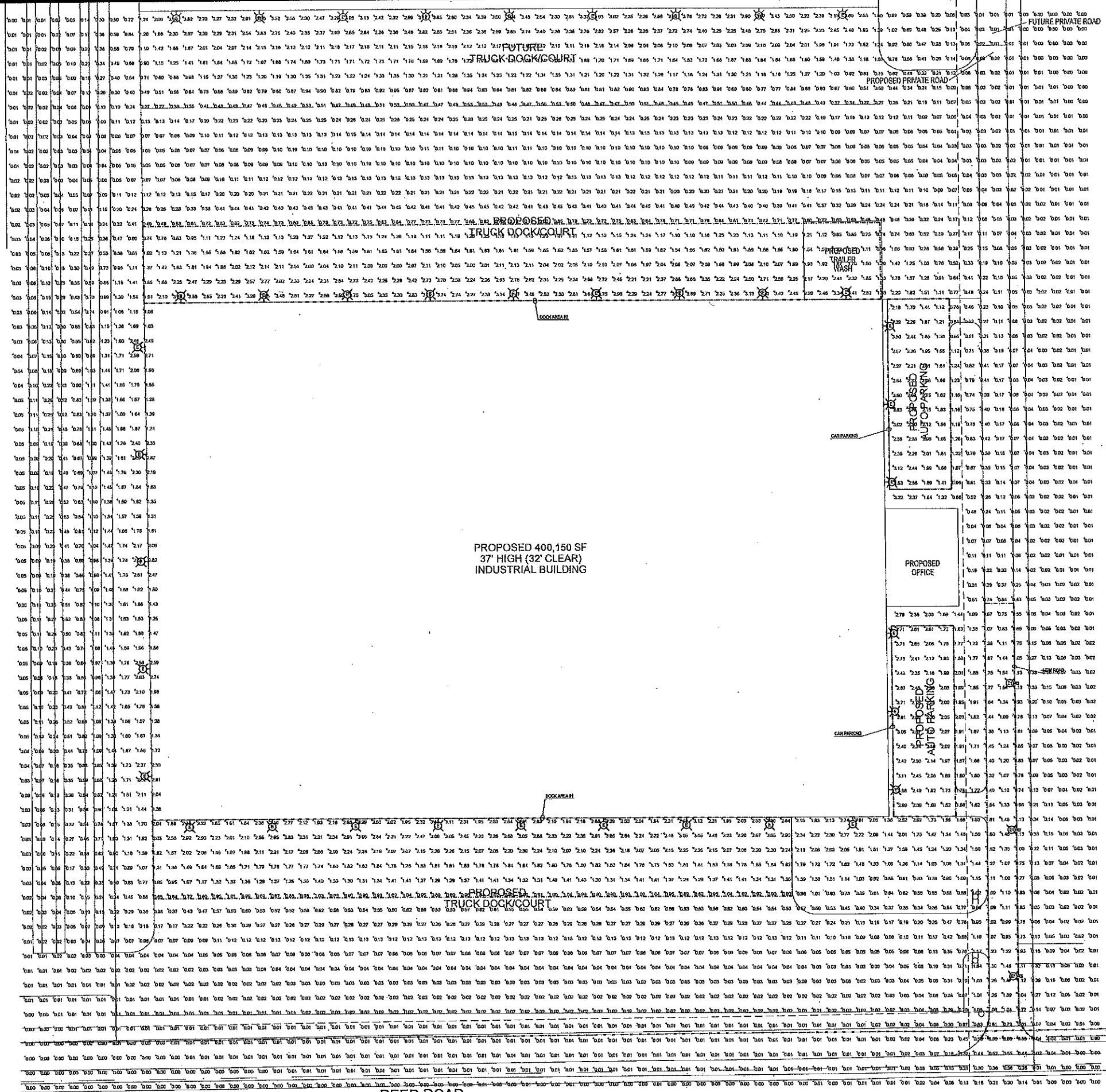
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EXHIBIT C

Photometric Plan

ATTACHED ON FOLLOWING PAGES.





PROPOSED 400,150 SF
37' HIGH (32' CLEAR)
INDUSTRIAL BUILDING

PROPOSED OFFICE

PROPOSED AUTO PARKING

PROPOSED AUTO PARKING

PROPOSED AUTO PARKING

- LIGHTING ANALYSIS NOTES:
(CAR PARKING)
1. AVERAGE FOOTCANDLES: 2.13
 2. MINIMUM FOOTCANDLES: 0.78
 3. MAXIMUM FOOTCANDLES: 3.81
 4. AVERAGE ANGLE: 2.81
 5. MAXIMUM ANGLE: 6.14

- LIGHTING ANALYSIS NOTES:
(DOCK AREA #)
1. AVERAGE FOOTCANDLES: 1.80
 2. MINIMUM FOOTCANDLES: 0.84
 3. MAXIMUM FOOTCANDLES: 3.31
 4. AVERAGE ANGLE: 2.81
 5. MAXIMUM ANGLE: 5.21

- LIGHTING ANALYSIS NOTES:
(DOCK AREA #)
1. AVERAGE FOOTCANDLES: 1.98
 2. MINIMUM FOOTCANDLES: 0.84
 3. MAXIMUM FOOTCANDLES: 3.11
 4. AVERAGE ANGLE: 2.71
 5. MAXIMUM ANGLE: 6.11

- LIGHTING ANALYSIS NOTES:
(NEW ROAD)
1. AVERAGE FOOTCANDLES: 1.01
 2. MINIMUM FOOTCANDLES: 0.55
 3. MAXIMUM FOOTCANDLES: 1.84
 4. AVERAGE ANGLE: 1.51
 5. MAXIMUM ANGLE: 2.81

PHOTOMETRIC SITE PLAN
SCALE 1/4" = 1'-0"



Date: 04/25/17
Lic. Exp: 11/30/17

KORWACKI & ASSOCIATES, INC.
5400 NORTH WILSON AVENUE
CHICAGO, ILLINOIS 60630
TEL: 773-334-1100

HARRIS ARCHITECTS INC.
PLANNING, LANDSCAPE ARCHITECTURE
4001 BROADWAY AVENUE
CHICAGO, ILLINOIS 60618
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PROPOSED 400,150 S.F. OFFICE/WAREHOUSE BUILDING AT:
HOFFMAN TRANSPORTATION
COAL CITY, ILLINOIS

DESIGNER:
DATE: 04/25/17

PROJECT NO. 17023
DRAWN BY: S.M.B.
CHECKED BY: D.B.K.

SHEET NO. E2

FIXTURE SCHEDULE

TYPE	INPUT WATTS	LAMP NO.	MANUFACTURER	DESCRIPTION	CATALOG NUMBER	VOLTS	CEILING	FINISH	MOUNTING	REMARKS
E	200	LED	LITHONIA	EXTERIOR WALL MOUNT	DSX1 LED-40C-1000-40C-TM-MY-DL-1-20A	277		SELECTED BY ARCHITECT	WALL - 30" A.F.F.	
E1	700	LED	LITHONIA	POLE LUMINAIRE	DSX1 LED-40C-1000-40C-TM-MY-DL-1-SP-410	277		SELECTED BY ARCHITECT	POLE - SEE DETAIL 103	



D-Series Size 1 LED Area Luminaire

Specifications:
 Efficacy: 100 lm/w
 Length: 18 1/2"
 Width: 13 1/2"
 Height: 7 1/2"
 Weight: 22 lbs
 Finish: White

E & E1

Capable Luminaire

This fixture is an E-1 capable luminaire, which has been designed and tested to provide consistent color appearance and system-level interoperability.

- All specifications of this luminaire meet the Academy Award® specifications for chromatic consistency.
- This luminaire is an E-1 Certified luminaire when used with DTL equipped luminaires meet the A9 specification for luminaire-to-photometric interoperability.
- This luminaire is part of an A9 Certified solution for RDM42 or RDM44 (Voltage control) networks, providing out-of-the-box control capability with simple commissioning, when combined with a RDM42 or RDM44 controller.

EXAMPLE: DSX1 LED 40C 1000 40C TM MY DL 1 SPA D10X0

Order Information	Manufacturer	Part Number	Description	Notes
DSX1 LED 40C 1000 40C TM MY DL 1 SPA D10X0	LITHONIA	DSX1 LED-40C-1000-40C-TM-MY-DL-1-SPA-D10X0	DSX1 LED 40C 1000 40C TM MY DL 1 SPA D10X0	See catalog for details.

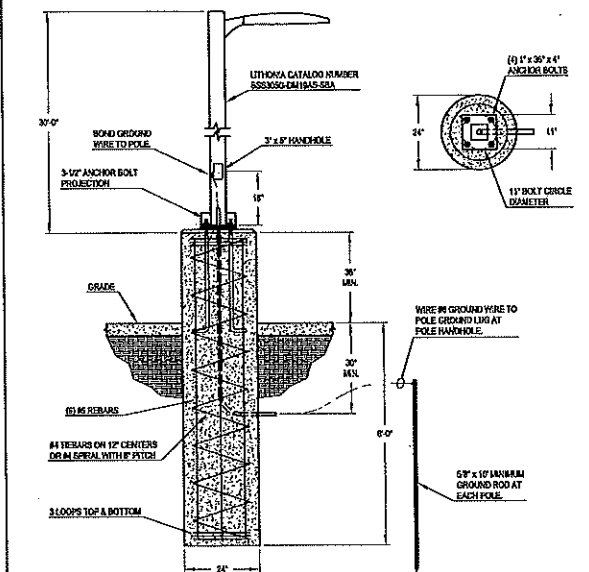


FEATURES & SPECIFICATIONS

DSX1 LED 40C 1000 40C TM MY DL 1 SPA D10X0

This luminaire is a high performance, high quality outdoor luminaire designed for use in a variety of applications. It features a die-cast aluminum housing and a high quality lens. The luminaire is designed to provide uniform illumination and is suitable for use in a variety of applications.

Order Information	Manufacturer	Part Number	Description	Notes
DSX1 LED 40C 1000 40C TM MY DL 1 SPA D10X0	LITHONIA	DSX1 LED-40C-1000-40C-TM-MY-DL-1-SPA-D10X0	DSX1 LED 40C 1000 40C TM MY DL 1 SPA D10X0	See catalog for details.



1 ELECTRICAL FIXTURE TYPE 'E1' MOUNTING DETAIL NOT TO SCALE

CONSTRUCTION PHOTOGRAPHY
LITTONIACH & ASSOCIATES, INC.
 1000 N. W. 10TH AVENUE, SUITE 200
 MIAMI, FL 33136
 (305) 575-1111

HARRIS ARCHITECTS, INC.
 400 GRESHAM PLACE
 PALM BEACH, FLORIDA 33480
 (561) 832-1111
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PROPOSED 400,150 S.F. OFFICE/WAREHOUSE BUILDING AT:
HOFFMAN TRANSPORTATION
 COAL CITY, ILLINOIS

PROJECT NO. 17023
 DRAWN BY: S.M.B.
 CHECKED BY: D.B.K.
 SHEET NO. E3

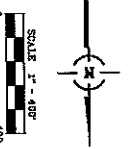
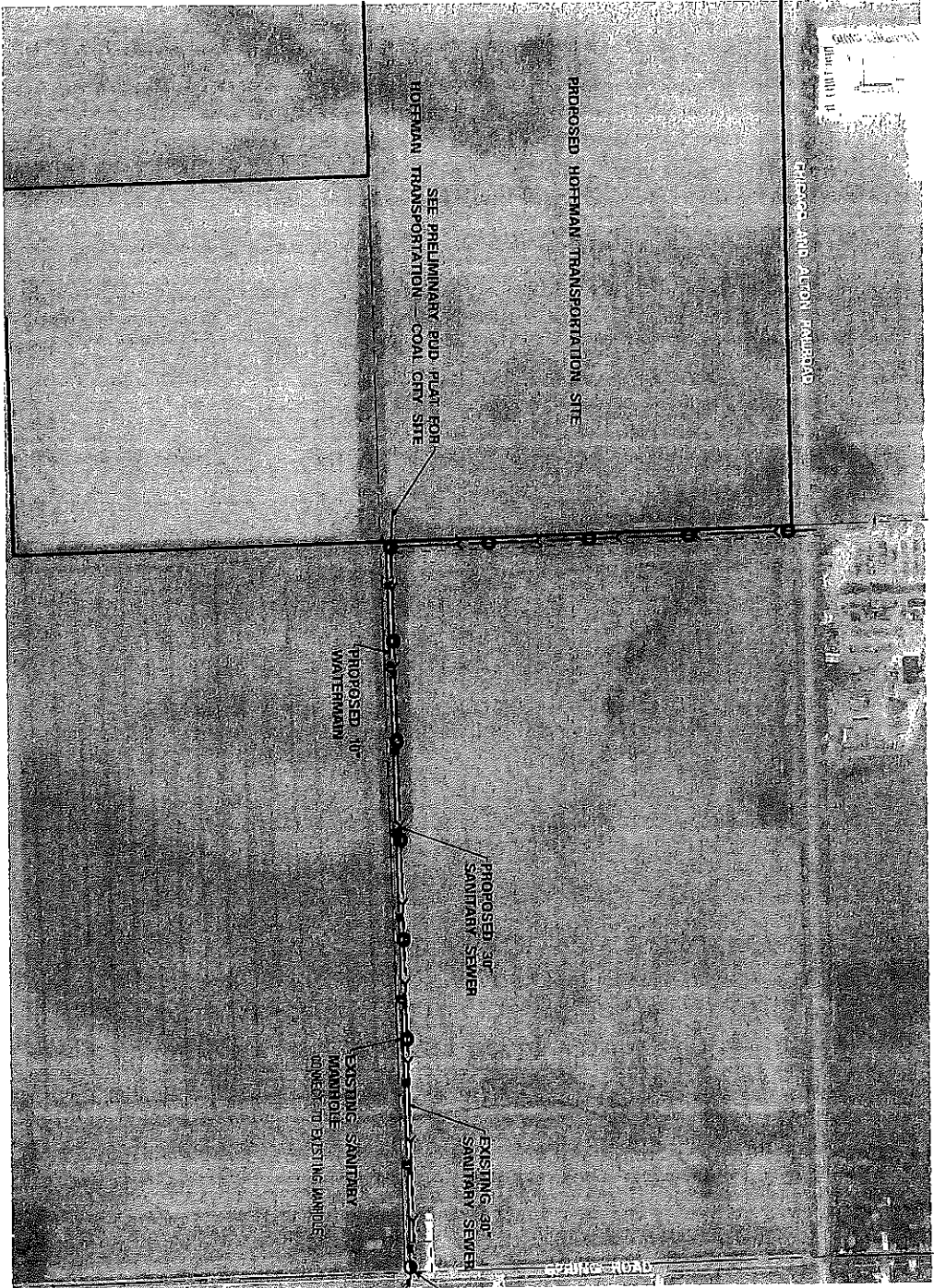


Date: 04/28/17
 Lts. Exp: 11/20/17

EXHIBIT D

Development Plans

ATTACHED ON FOLLOWING PAGES.



REVISED 4/21/17



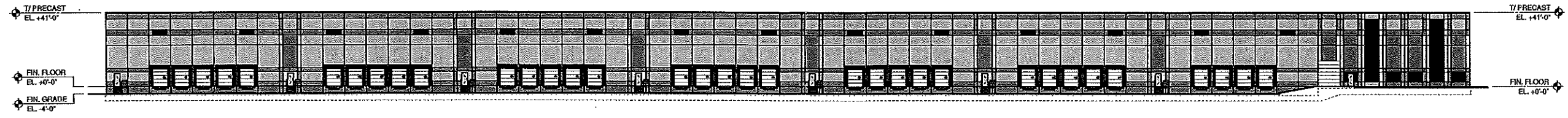
CONSULTING ENGINEERS
SITE DEVELOPMENT ENGINEERS
LAND SURVEYORS

224 1/2 North Liber Street
 Morris, Illinois 60450
 Phone: (815) 941-0260 Fax: (815) 941-0263

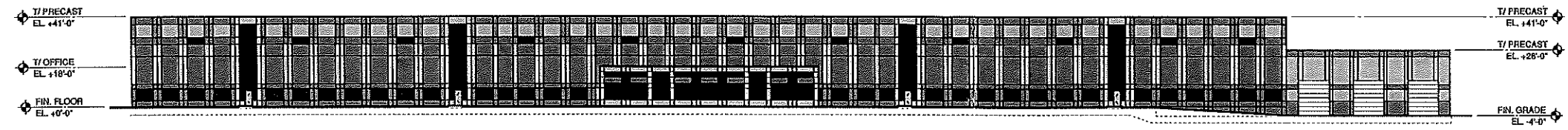
EXHIBIT B
SANITARY SEWER & WATERMAIN

HOFFMAN TRANSPORTATION
COAL CITY, ILLINOIS

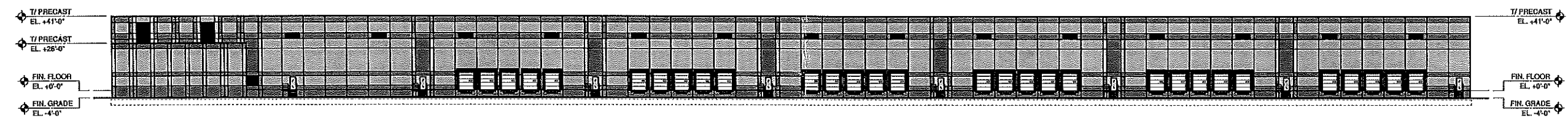
DATE: 4/3/17 FILENAME: 9585_ExhibitB JOB NO: 9585-M



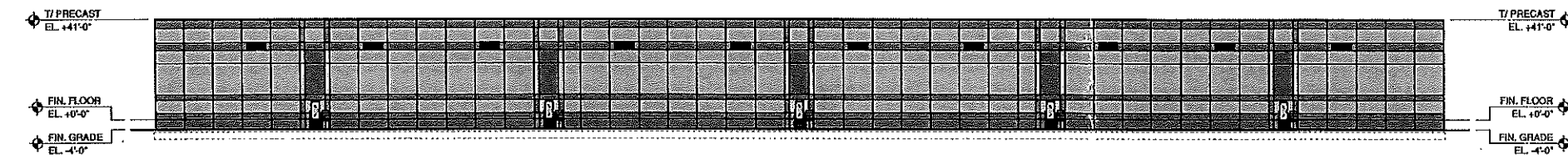
SOUTH ELEVATION
SCALE: N.T.S.



EAST ELEVATION
SCALE: N.T.S.



NORTH ELEVATION
SCALE: N.T.S.



WEST ELEVATION
SCALE: N.T.S.

HARRIS ARCHITECTS INC.
401 WASHINGTON ST. SUITE 200
CHICAGO, ILL. 60601



PROPOSED 400,150 S.F. OFFICE/WAREHOUSE BUILDING AT:
HOFFMAN TRANSPORTATION
COAL CITY, ILLINOIS

06-13-2017

ISSUED FOR REVIEW

PROJECT NO.
217017
DRAWN BY:
NAE
DATABASE:
217017BLDG.DB

SHEET NO.
A2.0
X OF X SHEETS

EXHIBIT E

**PLANNING AND ZONING BOARD FINDINGS OF FACT
REGARDING HEARING ZA-279**

ATTACHED ON FOLLOWING PAGES.

VILLAGE OF COAL CITY, COUNTIES OF GRUNDY AND WILL, ILLINOIS
PLANNING AND ZONING COMMITTEE

In Re the Matter of:)
Hoffman Transportation Development's)
Application for Preliminary Planned Unit) Hearing No. ZA-279
Development and Zoning Map Text Amendment)
Approval – +/- 143 Acres Along Reed Road)
Between Broadway and Berta Roads)

REPORT OF FINDINGS OF FACT AND RECOMMENDATION
TO THE VILLAGE BOARD OF TRUSTEES
FOR CONDITIONAL PRELIMINARY PLANNED UNIT DEVELOPMENT AND
ZONING MAP AMENDMENT APPROVALS

I. BACKGROUND

A. PETITIONER AND PROPERTY

HOFFMAN PROPERTY HOLDINGS, LLC, an Illinois limited liability company (“Developer”) is the owner of certain real property consisting of approximately 132 total acres of undeveloped agricultural property located on Reed Road between Broadway and Berta Roads in Coal City, Grundy County, Illinois. The real estate under Developer’s existing ownership and control consists of a parcel bearing real estate tax property identification number 09-11-300-002 (“Parcel 1”) and comprising approximately 91.54 acres and being legally described as follows:

PARCEL 1:

THE EAST 94 ACRES, MORE OR LESS OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 32 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPT THE CHICAGO AND ALTON RAILROAD RIGHT OF WAY, IN GRUNDY COUNTY, ILLINOIS.

and that certain parcel bearing real estate tax property identification number 09-11-400-001 (“Parcel 2”), comprising approximately 40.18 acres and being legally described as follows:

PARCEL 2:

THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 32 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN GRUNDY COUNTY, ILLINOIS.

In addition to Parcel 1 and Parcel 2, Developer is under contract to acquire an approximately twelve acre portion of certain additional real property owned, respectively, by adjacent property owners Bernie Burla and Kris Morris, which real property is improved with a detached single family residential structure, and is located immediately south of Parcel 2, as depicted and legally described in *Exhibit E* (“Parcel 3”). Parcels 1, 2 and 3 shall hereinafter be cumulatively known as the “Property.”

Appearing and testifying on behalf of the Developer before the Village's PUD Committee and at the Zoning Board of Appeals ("ZBA") public hearing for Developer were President Kevin Hoffman, attorney Ken Carlson of Tracy, Johnson & Wilson, and civil engineer Jason Wiesbrock of Spaceco Inc.

As owner and contract purchaser, respectively, of the Property, Developer has standing and is authorized by Section 156-29 the Village Zoning Code to apply for the zoning relief herein requested.

B. DEVELOPMENT PLANS

Developer is seeking approval and issuance of a preliminary planned unit development permit ("PUD") in order to allow Applicant to design, construct, equip, maintain, develop and operate the Property in accordance with the Preliminary PUD Plat for Hoffman Transportation prepared by Spaceco Inc. dated March 20, 2017 with a revision date of April 27, 2017 (attached hereto and incorporated herein as *Exhibit A*; hereinafter, the "PUD Plat"), the landscaping plan prepared by McCallum Associates and dated April 27, 2017 (attached hereto and incorporated herein as *Exhibit B*), the photometric site plan prepared by McCallum Associates and dated April 26, 2017 (attached hereto and incorporated herein as *Exhibit C*), and the revised renderings, architectural elevations of the proposed buildings, signage plans, and other supporting materials submitted as part of the application for zoning relief and/or presented at the Hearing by Harris Architects Inc., as hereinafter defined (cumulatively *Exhibit D*, hereinafter, the "Plans"), generally described as follows:

- (i) A rail spur extended from the Union Pacific Railroad tracks (the "Rail Improvements") to service the development of the "Transloading Facilities", as hereinafter defined;
- (ii) A transloading distribution, truck terminal and warehouse facility to be operated by Hoffman Transportation or other businesses owned and controlled by Developer and consisting initially in "Phase One" of up to two industrial warehouse structures of approximately 400,150 square feet each or approximately 800,000 square feet in the aggregate (the "Buildings") and;
- (iii) Truck terminals, loading docks, offices within the Buildings, washing facilities serviced by a private water well for the washing and cleaning of truck trailers and rail containers, and developing the Property with accessory surface parking, lighting, signage, landscaping, stormwater drainage facilities, 30' sanitary sewer and service line extensions thereof, watermain, private drives, public rights-of-way, and other accessory improvements related to the development of "Phase One" of the Project, as those terms are defined herein (the "Accessory Improvements") (cumulatively, the Buildings and Accessory Improvements shall be known as the "Transloading Facilities");

- (iv) Site grading on the Property;
- (v) Certain off-site traffic, infrastructure and utility improvements adjacent to the Property, including the extension of a 30' sanitary sewer and a watermain, and certain Reed Road improvements adjacent to the southern boundary lines of the Property; and
- (vi) Such other and further on- and off-site improvements in accordance with the Plans as approved and as shall be subsequently permitted and approved by the Village and other jurisdictional entities in the building permit process, including but not limited to the construction of curb-cuts, driveways, deceleration or turn lanes, pavement widening, traffic control signage or signals, and private internal roadways for onsite circulation within the Property and ingress/egress easement for the use and benefit of adjacent properties.

Cumulatively, items (i) – (vi) shall be known as the “Project”).

C. REQUESTS FOR RELIEF

The Property exceeds the ten-acre threshold established by Section 156-86(D) of the Village Code and, as such, must be developed pursuant to an approved planned unit development permit. In this case, the Property, inclusive of the portion under contract for purchase, consists of approximately 142 acres, eclipsing the minimum size requirements that trigger the requirement that a planned unit development permit (“PUD”) be obtained in order for development to proceed. Developer is seeking approval of (i) its preliminary PUD plat for the Property, inclusive of specific development, building and operational plans within Parcel 1 (“Phase One”) pursuant to Article IX of the Village Zoning Code, reserving the development and construction of improvements on Parcel II for a future construction phase (“Phase Two”); (ii) a zoning map amendment to rezone the Property from its current A-1 Agricultural Zoning district (“A-1”) designation to an I-1 Industrial Zoning district (“I-1”) designation, (iii) granting a conditional use permit to conduct rail operations on the Property, and (iv) for leave to subsequently submit for Village approval and subsequent recording a preliminary and final plat of subdivision substantially conforming to the PUD Plat as approved by the Village Board creating a 26.01 acre railyard parcel along the western edge of the Property as depicted as “Lot 1” on the PUD Plat and a second parcel consisting of the remaining 131.72 acres of present-day Parcel I and Parcel 2 as depicted as “Lot 2”) on the PUD Plat.

D. JURISDICTION

Pursuant to powers granted to it by Section 156-313 of the Village Code and in accordance with the procedures and evaluative criteria set out in Articles IX, XI and XIII of the Village Zoning Code, the Zoning Board of Appeals has jurisdiction to hear requests for planned unit developments, conditional use permits, and rezoning and act in its capacity as an advisory body to the Village Board to recommend to the Village Board whether to approve, conditionally approve, or reject the proposed preliminary planned unit development plat, conditional use, and

rezoning requested herein. In order to obtain a planned unit development permit to proceed with the Project and operate the Property in accordance with the plans set forth herein, Developer must demonstrate to the ZBA that the Project and Plans therefore satisfy the criteria for PUD approval set forth in Section 156-27 of the Village Code and the approval criteria provided in Table 16 of the Village Zoning Code. Developer must further demonstrate to the ZBA that Parcel 2 should be rezoned from A-1 to I-1 in accordance with the procedures and criteria set out in Section 156-27 and Table 26 of the Village Zoning Code. Finally, the Developer must satisfy the ZBA and, ultimately, the Village Board that its proposed rail use satisfies the approval criteria for conditional uses provided in Table 24 of the Village Zoning Code.

E. NOTICE

Notice of the public hearing was duly provided by Developer in accordance with Section 156-27 of the Village Code via (i) notice published in the *Coal City Courier* on March 29, 2017, (ii) signage posted on the Property at least 15 days prior to the public hearing, and (iii) written notice to abutting owners and owners across the street from the perimeter of the Property.

F. PUBLIC HEARING

Prior to the ZBA convening the public hearing on April 17, 2017 in accordance with the Open Meetings Act and concluding on April 24, 2017 (the "Hearing"), the Village convened multiple public meetings of its Planned Unit Development Review Committee ("PUD Committee") in accordance with Section 156-90 of the Village Code on March 13, March 27, April 17 and April 24, 2017, for purposes of reviewing the Plans and revisions thereto and offering direction and evaluation to Developer in order to enhance the Plans. On April 24, 2017, the PUD Committee offered a verbal endorsement of the Plans and Project to the ZBA prior to the conclusion of the Hearing.

Prior to the Hearing, the ZBA reviewed the Plans, the PUD Committee's favorable recommendation, and memoranda from the Village Engineer and Zoning Administrator. After reviewing the application for a planned unit development permit and rezoning, associated site plans, narrative, the PUD Plat and multiple iterations thereof as the same was refined to address questions and concerns of the Village and neighboring property owners, architectural elevations of the Buildings, a landscaping plan, and photometric plan, (cumulatively, the "Application Materials"), the ZBA conducted a properly noticed public hearing on April 17, 2017, which was continued to and concluded on April 24, 2017. At the Hearing, the ZBA listened to testimony and evidence presented by Developer and its agents and consultants in support of the requested planned development permit and rezoning, questioned the Developer, and listened to comments and questions several Village and area residents. All of the testimony and evidence presented at the Hearing was recorded, and the minutes and audiotape from the Hearing, together with the Plans, are available for review at Village Hall during regular business hours.

G. CRITERIA

1. PUD

Planned unit developments are governed by Title IX and Table 16 of the Zoning Code. The purpose of the PUD is to provide a more flexible zoning approach in which land can be developed innovatively and in a manner that encourages better design and planning for large-scale developments than would otherwise be possible under straightforward application of the Village's typical zoning regulations.

Pursuant to Table 16 to the Village Zoning Code, the specific factors considered by the ZB in formulating its recommendation as to final action on the request for a planned development permit are:

(1) Superior Design

The planned unit development represents a more creative approach to the unified planning of development and incorporates a higher standard of integrated design and amenity than could be achieved under otherwise applicable zoning district and subdivision regulations and that solely on this basis modifications to the use and design standards established by such regulations are warranted.

(2) Meets Planned Unit Development Requirements

The planned unit development meets the requirements for planned unit developments set forth in this chapter and no modifications to the use and design standards otherwise applicable are allowed other than those permitted herein.

(3) Consistent with Village Comprehensive Plan

The planned unit development is generally consistent with the objectives of the Village Comprehensive Plan as viewed in light of any changed conditions since the adoption thereof.

(4) Public Welfare

The planned unit development will not be detrimental to the public health, safety, morals, or general welfare.

(5) Compatible with Environs

Neither the planned unit development nor any portion thereof will be injurious to the use and enjoyment of other properties in its vicinity, seriously impair property values or environmental quality in the neighborhood, nor impede the orderly development of surrounding property.

(6) Natural Features

The design of the planned unit development is as consistent with the preservation of natural features of the site such as floodplains, wooded areas, natural drainageways, or other areas of sensitive or valuable environmental character.

(7) Circulation

Streets, sidewalks, pedestrianways, bicycle paths, off-street parking, and off-street loading as appropriate to the planned land uses are provided. The resulting modes of transit are adequate in location, size, capacity, and design to ensure safe and efficient circulation of automobiles, trucks, fire trucks, garbage trucks, and snow plows as appropriate without blocking traffic, creating unnecessary pedestrian-vehicular conflict, creating unnecessary through traffic within the planned unit development, or unduly interfering with the safety or capacity of adjacent streets.

(8) Open spaces and Landscaping

The quality and quantity of common open spaces and landscaping provided are consistent with the higher standards of design and amenity required of a planned unit development. The size, shape, and location of a substantial portion of total common open space provided in residential areas render it usable for recreation purposes. Open space between all buildings is adequate to allow for light and air, access by fire-fighting equipment, and for privacy where walls have windows, terraces, or adjacent patios. Open space along the perimeter of the development is sufficient to protect existing and permitted future uses of adjacent property from adverse effects from the development.

(9) Covenants

Where individual parcels are to be later sold, adequate provision has been made in the form of deed restrictions, homeowners' or condominium associations, or the like for:

- (a) The preservation and maintenance of any open spaces, thoroughfares, utilities, water retention or detention areas, and other common elements not to be dedicated to the Village or another public body.
- (b) Such control of the use and exterior design of individual structures as is necessary for continuing conformance to the planned unit development plan, such provision to be binding on all future ownership.

(10) Public Services

The land uses, intensities, and phasing of the planned unit development are consistent with the anticipated ability of the Village, the school districts, and other public bodies to provide and economically support police and fire protection, water supply, sewage disposal, schools, and other public facilities and services without placing undue burden on existing residents and businesses.

(11) Phasing

Each proposed development phase of the planned unit development can, together with any phases that preceded it, exist as an independent unit that meets all of the foregoing criteria and all other applicable regulations herein even if no subsequent phase should ever be completed.

2. Rezoning Parcel 2 from A-1 to I-1

Section 11-13-14 of the Illinois Municipal Code, 65 ILCS 5/11-13-14, grants the Village authority to amend the zoning designation of particular parcels by ordinance. Zoning map amendments are governed by Title XIII and Table 26 of the Zoning Code, as follows:

(1) Compatible with Use or Zoning of Environs

The proposed use(s) or the uses permitted under the proposed zoning classification are compatible with existing uses or existing zoning of property in the environs.

(2) Supported by Trend of Development

The trend of development in the general area since the original zoning of the affected property was established supports the proposed use or zoning classification.

(3) Consistent with Comprehensive Plan Objectives

The proposed use or zoning classification is in harmony with the objectives of the Comprehensive Plan of the Village as viewed in light of any changed conditions since the adoption of the Comprehensive Plan or adoption of a new Comprehensive Plan.

(4) Furthers Public Interest

The proposed use or zoning classification promotes the public interest and not solely the interest of the applicant.

In addition to the factors articulated in Table 26, because the rezoning criteria are the same as the original zoning criteria, the ZBA also examined the rezoning request in light of the "LaSalle/Sinclair Pipe factors," to the extent that the below factors are not encapsulated within the Table 26 criteria, as follows:

- (5) The existing uses and zoning of nearby property;
- (6) The extent to which property values are diminished by the particular zoning restrictions;
- (7) The extent to which the destruction of property values of the petitioner promotes the health, safety, morals, or general welfare of the public;
- (8) The relative gain to the public as compared to the hardship imposed on the individual property owner;

- (9) The suitability of the property for the zoned purpose; and
- (10) The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the Property;
- (11) The public need for the proposed use; and
- (12) The thoroughness with which the Village planned and zoned its land use.

Conditional Use Authorizing Rail Operations on the Property

Conditional uses are governed by Title XI and Table 24 of the Village Zoning Code, with the an approved conditional use requiring the Village to find that the proposed rail use is compatible with the existing uses of property in the area in the following ways:

(1) Traffic

Any adverse impact of types or volumes of traffic flow not otherwise typical in the zoning district has been minimized.

(2) Environmental Nuisance

Any adverse effects of noise, glare, odor, dust, waste disposal, blockage of light or air, or other adverse environmental effects of a type or degree not characteristic of permitted uses in the zoning district have been appropriately controlled.

(3) Neighborhood Character

The proposed use will fit harmoniously with the existing natural or man-made character of its surroundings, and with permitted uses in the zoning district. The use will not have undue deleterious effect on the environmental quality, property values, or neighborhood character already existing in the area or normally associated with permitted uses in the district.

(4) Public Services and Facilities

The proposed use will not require existing community facilities or services to a degree disproportionate to that normally expected of permitted uses in the district, nor generate disproportionate demand for new services or facilities, in such a way as to place undue burdens upon existing development in the area.

(5) Public Safety and Health

The proposed use will not be detrimental to the safety or health of the employees, patrons, or visitors associated with the use nor of the general public in the vicinity.

(6) Other Factors

The proposed use is in harmony with any other elements of compatibility pertinent, in the judgment of the Village Board, to the particular conditional use or its particular location.

II. FINDINGS OF FACT & LEGAL CONCLUSIONS

After reviewing all application materials, hearing testimony, receiving evidence, and listening to public comment at the Hearing conducted on April 17 and 24, 2017, the ZBA finds as follows:

1. The foregoing recitals shall be and are hereby incorporated into and made a part of the Findings and Conclusions as if fully set forth herein.
2. All exhibits, testimony and evidence presented at the Hearing are made a part of the official record of proceedings and are hereby incorporated into and made a part of the Findings and Conclusions as if fully set forth herein.
3. The ZBA finds and concludes that the Hearing was properly noticed.
4. The ZBA finds and determines that Developer abided by all of the procedural requirements associated with the Village's PUD and rezoning processes.
5. Developer is the owner of Parcel 1 and Parcel 2, the contract purchaser of Parcel 3, and the prospective developer of the Property.
6. Consistent with the application materials, including exhibits, amended exhibits and testimony presented at the Hearing, the Project is generally described as set out in the preamble, provided however, that to the extent that any of the proposed improvements are mischaracterized, reference should be made to the Plans appended hereto.
7. Applicant is under contract to acquire Parcel 3 and presently engaged in discussions with Grundy County regarding access to the Property from Reed Road and the nature, existence and dimensions of curb-cuts, dedicated public right-of-way and a right-hand westbound turn lane for approaching traffic seeking ingress into the Property. The Plans approved herein are expressly subject to Grundy County approval and compatibility of the Plans with such Grundy County approvals.
8. Developer's evidencing the closing of its acquisition of Parcel 3 or submission of the written consent of the owner(s) of Parcel 3 to the Plans shall be a condition precedent to the approvals herein granted.
9. The Village and Developer are presently in negotiations concerning an economic redevelopment agreement that would define the parties' respective rights and obligations, and such agreement is anticipated to include an economic incentive package from the Village in support of the Project using TIF incremental revenues generated by the Project and certain other benefits and entitlements.
10. Transloading operations on the Property are proposed to operate 24 hours per day, seven days per week, with access to the Property via a curb cut and 66' wide private road to be improved by Developer in accordance with Village design standards in stages as may be

necessary to enable truck traffic to access the Buildings and circulate within the Property to safely conduct the proposed operations. Such private road shall be located in a location to be determined along or near the eastern boundary of the Property, but in any event situated so as to afford continuous north-south ingress and egress from the southern to the northern boundary of the Property. The easement shall be dedicated and/or deeded to the Village as a public right-of-way for the use and benefit of the general public without charge to the Village promptly following notice by the Village of the subdivision, development or issuance of building permits for the development of parcels adjacent to the Property to the north or south. The private roadway and 66' permanent ingress/egress easement depicted on the PUD Plat shall further provide for a temporary construction easement over and across that portion of the Property (the "Road Easement Area") for the purpose of constructing roadways as per final engineering plans and specifications submitted by subsequent off-site owner(s) or developer(s) and approved by the Village for the development of adjacent properties, said grant of rights to authorize the grantee to cut, trim or remove trees, bushes, fences, dirt, rock, soils and such other items as may be reasonably required incident to the rights herein granted. Notwithstanding the foregoing, the Village and Developer agree that Developer shall not be obligated to improve the easement area up to the Village's public road standards as a condition precedent of dedication, the Village and Developer acknowledging and agreeing that the intent of the parties is that the owner or developer of the adjacent property triggering the dedication shall be responsible for required improvements located within the easement area as a condition precedent of or contemporaneously with such dedication.

11. The ZBA finds and determines that the PUD process is designed to provide a more flexible zoning procedure than would otherwise be possible under straightforward zoning regulations in order to encourage innovation, efficiency and superior design. *See* §17.56.200(A) of the Village Code.

12. The ZBA finds and determines that the proposed transloading and warehousing uses are permitted uses under the I-1 zoning district classification. "Railroad rights of way and trackage" (hereinafter, "Rail") is a conditional use within the I-1 zoning district, pursuant to Table 9 of the Village Zoning Code.

13. Rail is compatible with the proposed uses of the Property and is deemed compatible with other uses in the I-1 zoning district by inclusion of such uses as a special use.

14. The Project will be developed on Parcel 1 in accordance with the PUD Plat and the conditions set forth in any approvals appended thereto by the Village in an ordinance approving the PUD, rezoning of Parcel 2 and Rail as a conditional use on the Property.

15. The Developer did not include Parcel 3 within any of its petitions for zoning relief. The ZBA therefore makes no findings, determinations or recommendations with respect to any rezoning of Parcel 3 from A-1 to I-1.

16. The ZBA recommends that the Village pledge to promptly process and consider reasonable requests by Developer for the rezoning of Parcel 3 from A-1 to I-1, provided that Developer submits all petitions and applications for zoning relief and pays all fees required under

applicable Village ordinances, standards, rules, and regulations, and further provided that Developer makes any design, landscaping, engineering, stormwater detention, drainage, traffic pattern, site plan or other modifications as may be required by the Village as a condition of granting any Parcel 3 re-zoning.

17. The ZBA recommends that the Village pledge to promptly process and consider reasonable requests by Developer for zoning relief and building permits, and shall issue all requisite building permits and any other permits and approvals and other necessary land use and construction approvals as shall be necessary or appropriate to construct the Project in accordance with the Plans approved by the Village's planned development approval, zoning amendment and conditional use ordinance (the "Zoning Relief Ordinance"), provided that Developer submits all petitions and applications for such permits and approvals and pays all fees required under applicable Village ordinances, standards, rules, and regulations, and further provided that Developer makes any design, landscaping, engineering, stormwater detention, drainage, traffic pattern, site plan or other modifications as may be required by the Village or other jurisdictional body as a condition of granting zoning relief or approving the various permits or entitlements described herein.

18. The ZBA directs that the proposed uses of Parcel 1 will be developed in accordance with PUD Plat and Zoning Relief Ordinance and that the improvements, use and development of Phase 2 shall be subject to Developer's application for and the Village's approval of such other and further zoning relief, building permits and other approvals as may be required by the Village in order to develop within and upon Parcel 2.

19. The ZBA finds and determines that the Project is supported by the trend of development in the surrounding area. The area of Broadway and Reed Road has been and is for industrial uses. Parcel 1 is currently zoned I-1. Existing uses immediately west of the Union Pacific rail are industrial. The proposed intermodal facility is located south of Reed Road in the Broadway corridor.

20. The ZBA finds and determines that the proposed industrial uses are in harmony with the objectives of the Village's Comprehensive Plan. Development of the Property in accordance with the Zoning Relief Ordinance and as part of the PUD process promotes cohesive and unified land planning, provides planned access for other parcels likely to be developed for industrial uses without impacting streets within the Village which are intended to be used for residential traffic, supports economic stability through development of new business in the Village, creates additional opportunities for employment, and enhances and extends public infrastructure, including utility extensions that promote further regional development.

21. The ZBA finds and determines that the Project, inclusive of the rezoning and Rail use furthers the public interest insofar as it will further development in the area, increase the property tax base, bring new business into the Village, create additional jobs and employment opportunities within the Village, and generate secondary economic benefits to other businesses in the area seeking to service the needs of the new work force. The Project will further enhance and extend public improvements, and provide access to Reed Road for the development of other industrial parcels without impacting other Village streets intended for residential traffic.

22. The ZBA finds and determines that the Property once improved as depicted in the Plans will be serviceable immediately by public utilities, sanitary sewer, gas and electrical services, which utilities are capable of supporting commercial or residential uses.

23. The ZBA finds that the Project helps to meet the Village's economic development objectives of transforming underutilized agricultural properties into a thriving industrial district with opportunities for job and property tax growth.

24. The ZBA finds that the Plans evince superior design insofar as the integrated use of rail in connection with the transloading facility operations demonstrate an efficient development plan which would not otherwise be permitted under strict application of the zoning district and subdivision regulations.

25. The ZBA finds that the PUD meets the requirements for planned unit developments under the Village's ordinance without modification to Village ordinances except as set forth in the PUD Plat and subject to the conditions on approval set forth in the Zoning Relief Ordinance.

26. The ZBA finds that the proposed development is consistent with the Village's Comprehensive Plan in that development of the Property as a PUD will promote cohesive and unified land planning, provide planned access for other parcels likely to be developed for industrial uses without impacting streets within the Village which are intended to be used for residential traffic, support economic stability through development of new business in the Village, create additional opportunities for employment, and enhance and extend public improvements.

27. The ZBA finds that the Project will be developed in accordance with the PUD Plat and the conditions set forth in the Zoning Relief Ordinance. As such, the proposed uses will be operated in accordance with Village ordinances, and, as such, will not be detrimental to the public health, safety, morals or general welfare of the community.

28. The ZBA finds that Developer has revised its plans to accommodate the articulated concerns of the property owner immediately east of the Property and that the Plans now reflect compatibility with the surrounding properties.

29. The proposed uses are either permitted or conditional uses in the I-1 industrial zoning district. The proposed uses will be developed in accordance with the PUD Plat and the Zoning Relief Ordinance, all in accordance with the ordinances of the Village. The PUD Plat includes lighting and landscaping components to mitigate negative externalities to other properties in the vicinity of the Project. The proposed development will not impede the orderly development of surrounding properties and, is, in fact, consistent with the type of industrial development planned for by the Village in the general area.

30. The ZBA finds and determines that the Property does not contain significant natural features, such as flood plains, wooded areas, or other sensitive environmental features.

The proposed development takes into account and addresses the natural drainage ways in the drainage plan for the Property to the apparent satisfaction of the Claypool Drainage District.

31. The ZBA finds and determines that the proposed development provides for the eventual development and dedication of a north-south public road to service other parcels in the vicinity which are anticipated to be developed for industrial uses. The proposed development plan provides for safe and efficient circulation within the interior or the proposed industrial parcel being developed in Phase 1 of the development. The proposed development will not create unnecessary through traffic within the proposed development or unduly interfere or burden the safety or capacity of other Village streets.

32. The ZBA finds and determines that the lack of common open spaces is acceptable in the context of an intensive industrial use not anticipated to be utilized or desired for leisure by the general public or employees working on site.

33. The ZBA finds and determines that the landscaping plans sufficiently screen the sound and visual impacts of the Project on other properties in the area.

34. The ZBA finds and determines that the Project will not place an undue burden on the existing residents and businesses of the Village. The projected utility demands associated with the Project are not significant and will not create extraordinary cost to the Village. In light of the security and fire protection anticipated for the development, the demands upon the Village for police services are not anticipated to extraordinarily impact the Village's ability to effectively police its existing residences and businesses.

35. The ZBA finds and determines that the Project will have no negative impact on schools or Village-owned streets.

36. The ZBA expressly limits its findings and recommendations to Phase One of the Project. No requests have been tendered by Developer, nor any approvals granted to vary the Village's development regulations with respect to the development of Phase 2 on Parcel or any other future phases of development on the Property.

37. Based on the foregoing, and expressly subject to and contingent upon each and every recommended term, condition, and restriction specified below, the ZBA recommends approval of the PUD Plat, the development of Phase 1 on Parcel 1 in accordance with the Plans, the rezoning of Parcel 2 from A-1 to I-1, the subdivision of the Property as depicted in the PUD Plat upon submission of preliminary and final subdivision plats consistent with the PUD Plat, and the approval of Rail as a conditional use on the Property in accordance with the Plans.

38. The ZBA further recommends that upon failure or refusal of Developer to comply with the conditions, restrictions, or provisions set out herein and incorporated in the Zoning Relief Ordinance, that the conditional approvals granted in the Zoning Relief Ordinance will, at the sole discretion of the Village Board by ordinance duly adopted, be revoked and become null and void; provided, however, that the Village Board will not revoke the approvals granted herein unless it first provides Petitioner with an opportunity to be heard at a regular or special meeting

of the Village Board. The conditional approval of the zoning relief petitioned for is premised on full compliance by Developer, and any other operators or tenants and any successor owners, landlords, lessees, operators, and assigns with the conditions set forth below and, by this reference, incorporated herein.

III. RECOMMENDATION

NOW THEREFORE, following a duly noticed public hearing of the Village of Coal City ZBA, held on April 17 and 24, 2017 (Hearing No. ZA-279), the ZBA hereby recommends by a unanimous 6 – 0 vote that the Village Board approve the PUD Plat, the development of Phase 1 on Parcel 1 in accordance with the Plans, the rezoning of Parcel 2 from A-1 to I-1, the subdivision of the Property as depicted in the PUD Plat upon submission of preliminary and final subdivision plats consistent with the PUD Plat, and the approval of Rail as a conditional use on the Property in accordance with the Plans, based on the Findings of Fact and Recommendation as described herein, and subject to the following conditions:

- i. That the Property be developed and improved in accordance with the Plans.
- ii. That Developer shall adjust the lighting, signage and landscaping presented in the Plans, including after initial installation and issuance of a certificate of occupancy, as may be reasonably required by the Village, to ensure that the light and noise sources are properly screened and so as to minimize glare and sound pollution spilling onto adjacent properties in an unreasonable manner;
- iii. That Developer and end users shall, prior to commencing build-out, occupancy or operations on the Property, obtain all necessary permits, certificates, consents, authorizations and approvals of any kind or nature

as may be required by local, state or federal laws or regulations from all governmental bodies with jurisdiction over the Project or any element thereof, in order to construct, complete, use and occupy the Project as proposed;

- iv. That the Project be constructed in full accordance with the Plans appended to the Zoning Relief Ordinance, subject to any approved minor modifications thereof as may be subsequently permitted by the Village or in major revisions approved following notice and public hearings required to amend the Zoning Relief Ordinance. It is understood and agreed that the Plans are preliminary and that minor changes, revisions, refinements and other non-substantial deviations of a technical nature are likely to occur and that such technical, minor changes may be approved by Village staff following internal or third-party review without additional action by the ZBA or the Corporate Authorities of the Village. Changes that are not of a technical nature and which involve a significant deviation from the plans approved herein by the Village Board, as determined by the Village, shall be referred back to the ZBA for recommendation and the Village Board for final approval;
- v. That the Project shall comply with all building, fire and related technical code requirements, with compliance to be determined by the relevant authorities with jurisdiction thereover, and any third-party technical consultants retained by the Village for the purpose of reviewing any permit applications for conformity to technical code requirements;

- vi. That Developer enter into and execute a redevelopment agreement with the Village governing the respective rights and responsibilities of Developer and the Village with respect to the Project within thirty (30) days of the adoption of this Ordinance. If such development agreement is not executed within said timeframe and the Property not developed in accordance therewith, then the ZBA recommends that the Zoning Relief Ordinance shall be null and void and of no further effect without any further action by the Village;
- vii. That the PUD approval shall be effective for 365 days from the date of passage of the Zoning Relief Ordinance, during which time (i) a final PUD Plat shall be submitted in substantial conformity with the PUD Plat herein approved, (ii) a building permit shall be obtained for the construction of one or more Buildings, and (iii) construction shall commence. Once commenced, construction shall proceed diligently and continue in good faith until completion. Failure to comply with the provisions of this paragraph within the time periods provided for may result in a revocation of all or part of the PUD approval by the Village and the issuance of an immediate stop work order for any work in progress. In the event of such a revocation, no additional work shall be undertaken without first being authorized by the Village Board of Trustees in the form of a new PUD approval;
- viii. That Developer shall submit evidence of drainage approvals as may be required by the Claypool Drainage District, if any;

- ix. Developer's acquisition of Parcel 3 prior to commencing any work on the Project or otherwise tendering written evidence of the assent of the owner(s) of Parcel 3 to the Plans as presented;
- x. That Developer develop a 66' wide private road within to be improved by Developer in accordance with Village design standards in stages as may be necessary to enable truck traffic to access the Buildings and circulate within the Property to safely conduct the proposed operations. Such private road shall be located in a location to be determined along or near the eastern boundary of the Property, but in any event situated so as to afford continuous north-south ingress and egress from the southern to the northern boundary of the Property. The 66' wide road shall be located along and within a 66' public ingress and egress easement that shall be dedicated and/or deeded to the Village as a public right-of-way for the use and benefit of the general public without charge to the Village promptly following notice by the Village of the subdivision, development or issuance of building permits for the development of parcels adjacent to the Property to the north or south. The private roadway and 66' permanent ingress/egress easement depicted on the PUD Plat shall further provide for a temporary construction easement over and across that portion of the Property (the "Road Easement Area") for the purpose of constructing roadways as per final engineering plans and specifications submitted by subsequent off-site owner(s) or developer(s) and approved by the Village for the development of adjacent properties, said grant of rights to authorize

the grantee to cut, trim or remove trees, bushes, fences, dirt, rock, soils and such other items as may be reasonably required in order to construct, improve or maintain the right-of-way;

- xi. That Developer submit and record preliminary and final plats of subdivision in substantial conformance with the PUD Plat as a condition precedent of subdividing the Property into lots;
- xii. That Developer's use of a private well as a source for water for the proposed wash operations be expressly contingent upon providing the Village evidence of Illinois Environmental Protection Agency and other applicable federal, state or local agency approvals of the content of the runoff as the same become available or as requested by the Village from time to time, that Developer ensure the Village or its third-party agents continuing and regular access, at all times during the construction and operation upon reasonable notice, for the purpose of monitoring, sampling and testing the contaminants or pollutants in the resulting runoff resulting from the wash operations, and the opportunity to review and audit Developer's books and records as they relate to the testing and sampling of environmental conditions on site. The ZBA further recommends that the Village's approval be conditioned upon Developer's acceptance of an obligation to immediately cease any run-off inducing activities on site related to the washing operations upon notice from the Village or other jurisdictional body of evidence of elevated levels of contaminants present in such runoff.

xiii. That Developer apply to have Parcel 3 rezoned from A-1 to I-1 promptly upon closing on the acquisition of same.

By: Georgette Vota
Georgette Vota, ZBA Chair
On Behalf of and with the Approval
of the Village of Coal City ZBA

Date: 5/16/17

EXHIBIT LIST

- ATTACHMENT A - *Preliminary PUD Plat*, prepared by Spaceco, Inc. with revision date of April 27, 2017
(Previously appended to Ordinance 17-13)
- ATTACHMENT B - *Landscaping Plan*, prepared by McCallum Associates with revision date of April 27, 2017
(Previously appended to Ordinance 17-13)
- ATTACHMENT C - *Photometric Site Plan*, prepared by McCallum Associates with revision date of April 26, 2017
(Previously appended to Ordinance 17-13)
- ATTACHMENT D - *The Plans (Building Elevations)*, prepared by Harris Architects, Inc. with revision date of March 13, 2017
(Previously appended to Ordinance 17-13)
- ATTACHMENT E - Legal Description of the Developer's Property, including *Parcel 3*

ATTACHMENT E

LEGAL DESCRIPTION OF THE DEVELOPER'S PROPERTY

PARCEL ONE, with PIN 09-11-300-002, comprised of approximately 91.54 acres

THE EAST 94 ACRES, MORE OR LESS OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 32 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPT THE CHICAGO AND ALTON RAILROAD RIGHT OF WAY, IN GRUNDY COUNTY, ILLINOIS.

PARCEL TWO, with PIN 09-11-400-001, comprised of approximately 40.18 acres

THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 32 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN GRUNDY COUNTY, ILLINOIS.

PARCEL THREE, adjacent to Parcel One & Two, comprised of approximately 12 acres

THE WEST 366 FEET OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 32 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, GRUNDY COUNTY, ILLINOIS.