
THE VILLAGE OF COAL CITY
GRUNDY & WILL COUNTIES, ILLINOIS

ORDINANCE
NUMBER 21 - 06

**AN ORDINANCE APPROVING A FINAL PLANNED UNIT DEVELOPMENT PLAN
AND PLAT FOR THE CONSTRUCTION OF 18 SINGLE-FAMILY ATTACHED
DWELLING UNITS AT 130 BLACKSTONE STREET IN THE VILLAGE OF COAL
CITY**

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Coal City
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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;

WHEREAS, the Village President and Trustees of the Village (cumulatively, the “Corporate Authorities”) are authorized pursuant to Sections 156-27 and 156-189 and 156-191 of the Village of Coal City Code of Ordinances (“Village Code”) to act as the final decision-making body for conditional uses for planned unit developments generally and for approving final planned unit development plans;

WHEREAS, the Corporate Authorities shall approve final planned unit development plans submitted in substantial conformance with the approved preliminary plan;

WHEREAS, on or about March 6, 2019, the Corporate Authorities enacted Ordinance No. 19-09, entitled “An Ordinance Granting Re-Zoning and Planned Unit Development Approval for the Construction of a [sic] 18 Single Family Attached Dwelling Units at 130 Blackstone Street in the Village of Coal City” (the “Preliminary PUD Approval Ordinance”), in which the Village approved a zoning map amendment and preliminary planned unit development plan proposed by BDR Properties (“BDR”) providing for the construction of multi-family residential housing at 130 E. Blackstone, all as more particularly described therein (the “Project”);

WHEREAS, on or about April 11, 2019, BDR filed a final plan for a planned unit development (“Final Plan”) for the Project;

WHEREAS, the Final Plan was to be submitted within one year of the March 6, 2019 approval of the Preliminary PUD Approval Ordinance, unless the Village Board grants an extension of time for the filing of a final PUD plan;

WHEREAS, the Corporate Authorities hereby find that COVID-19 caused extraordinary disruptions to regular business practices and justify the grant of an extension of time for the filing of the Final Plan as provided herein;

WHEREAS, the Village Engineer has reviewed the final engineering plans and specifications set forth in the Final Plan and has recommended approval of the same;

WHEREAS, the Zoning Board of Appeals (ZBA) has received and reviewed the Final Plan, has confirmed its substantial conformance to the preliminary plan, concurs with the Village Engineer's approval of the same and recommends approval of the Final Plan as being substantially compliant with the approved preliminary planned unit development plans, in furtherance of the public health safety and welfare, and that the Project meets the criteria for PUD approval set forth in Section 156-27 and Table 16 of the Village Zoning Code; and

WHEREAS, the ZBA has jurisdiction to hear requests for planned unit developments, and act in its capacity as an advisory body to the Village Board to recommend to the Village Board, and the Village Board has final authority to approve, deny or remand the proposed Final Plan; and

WHEREAS, the Corporate Authorities have reviewed the Final Plan and, on the advice of staff, the Village Engineer, and on the recommendation of the ZBA, the Corporate Authorities, after due and careful consideration, hereby approve the Final Plans for the Project.

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. Approval of Final Planned Unit Development Plan. The Corporate Authorities shall and do hereby approve the PUD Final Plan appended hereto as Exhibit A and authorize and direct the Village President to execute the Final Plan and the Village Clerk to affix the Village seal as may be necessary to evidence the Village's approval of the Final PUD Plan in order to enable the recording of the same at the Grundy County Recorder of Deeds.

The Final PUD approval herein granted is premised on and expressly subject to full compliance by BDR, and any successors and assigns with the following conditions:

1. That the Project be developed, improved and operated in accordance with the Final PUD 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 minor, non-material changes, revisions, refinements and other non-substantial deviations of a technical nature may 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, 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 BDR shall, prior to commencing construction, 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;
3. 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;
4. That Developer submit and record the Final PUD Plan as a condition precedent to developing the Project on the Property;
5. That Developer dedicate to the Village the public improvements depicted on the Final Plans by recording the Final PUD Plans and shall execute a bill of sale and/or such other and further instruments in a form approved by the Village Attorney as may be convenient or required to effectuate such transfer;
6. That Developer grant the Village such other and further non-exclusive, permanent easements on the Property as may be reasonably necessary for the purpose of enabling the Village access to the public improvements on the property for public inspection, maintenance

and repair of the accepted public improvements, if any;

7. That Developer shall pay all outstanding review fees, if any, due and owing the Village and its professional consultants prior to the recording of the Final PUD Plat.

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 may already have occurred pursuant to Developer obtaining required permits therefore from the Village or any other jurisdictional body prior to the effective date of this Ordinance. Except as otherwise may have been, or may subsequently be 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 24 day of March, 2021, at Coal City,

Grundy and Will Counties, Illinois.

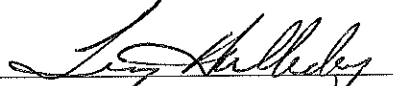
AYES: 5

ABSENT: 1

NAYS: 0

ABSTAIN: 0

VILLAGE OF COAL CITY


Terry Halliday, President

Attest:

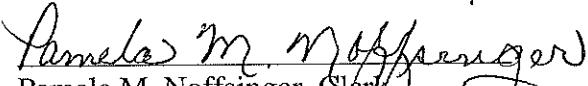

Pamela M. Noffsinger, Clerk

EXHIBIT A

Final Planned Unit Development Plans

(appended on following pages)

