
THE VILLAGE OF COAL CITY
GRUNDY & WILL COUNTIES, ILLINOIS

ORDINANCE
NO. 21-17

**AN ORDINANCE GRANTING A CONDITIONAL USE TO THE ZONING CODE
ALLOWING FOR THE HAULING, STORING, AND PROCESSING OF MATERIAL AT
300 S. FIRST AVE.**

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**AN ORDINANCE GRANTING A CONDITIONAL USE TO THE ZONING CODE
ALLOWING FOR THE HAULING, STORING, AND PROCESSING OF MATERIAL AT
300 S. FIRST AVE.**

WHEREAS, an application for conditional uses provided in Section 156-230 of the Village of Coal City Zoning Code (“Zoning Code”) was filed by an agent of the property owner, Brian Faletti (“Applicant”), on April 21, 2021 to operate a Health Club upon the property formerly known as 235 E. Oak Street to include the continuation of certain conditional uses during property construction; and

WHEREAS, Section 156-112 sets forth Conditional Uses for Industrially-zoned property within Table 9 of the Village Code; and

WHEREAS, Applicant seeks approval of a conditional use permit authorizing the storage of concrete and existing debris on the subject property and crushing the concrete onsite for recycling into road mix and coarse aggregate (cumulatively, “Aggregate Processing”) to grade the subject property for industrial utilization and possible subdivision; and

WHEREAS, the subject property is zoned I-1 and the proposed uses constitute conditional uses on the property pursuant to Village Code Chapter 156, Table 9, Use Group AA, No. 30 – Gravel Manufacturing, and Use Group AA, No. 40 – Outdoor storage associated with any permitted or conditional use in the district; and

WHEREAS, a public hearing was properly noticed and duly held on May 17, 2021; and

WHEREAS, subsequent to the public hearing, the Zoning Board of Appeals made certain findings of fact, set forth herein, and positively recommended to the Board of Trustees the approval of a conditional use permit allowing for the storage, and processing of material on Applicant’s property, subject to compliance with certain conditions set forth herein; and

WHEREAS, Article XI of Chapter 156 and Section 156-27 permits the Village Board to approve Conditional Uses in accordance with the Village Code; and

WHEREAS, the Village Board of Trustees and the President of the Village of Coal City have reviewed the petition, the Zoning Board of Appeals’ written findings of fact and recommendation, the applicable legal standards and Village Zoning Code criteria governing conditional uses, and hereby concur with said findings and recommendation of the Zoning Board of Appeals, finding and determining that it is in the best interests of the Village to grant the requested conditional use approval, subject to and contingent upon compliance with the conditions set forth in this ordinance.

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

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

Section 2. *Findings of Fact.* Furthermore, the Board of Trustees finds the following regarding the petitioner's request for a certain conditional uses:

1. **Traffic.** There shall be no significant impact of traffic because no additional hauling onto the property may occur; hours of operation are limited by those hours by which are contractors are regulated within the Village Code.
2. **Environmental Nuisance.** The intended use of the property shall comply with the Village's Performance Standards provided within Section 156-205, which sets forth the standards concerning noise, vibration, smoke, particulate matter, toxic matter, odor, glare, heat, and radioactive material. Limits upon the hours of operation are included in the conditions to assist in abiding by the noise performance standards; a limitation upon the equipment allowed to crush the aggregate has been included to ensure compliance with the particulate matter performance standard.
3. **Neighborhood Character.** This property has been zoned industrial and is set apart from adjacent residential properties to the west by the BNSF Railroad and is bordered by a natural drainage ditch restriction to the east. The utilization of the conditional use shall not result in a deleterious effect upon the neighboring properties during the creation of aggregate to bring the property up to grade and will ultimately result in improvement upon the property as it shall be prepared for further industrial development after the conditional use had been terminated.
4. **Public Services and Facilities.** The conditional use shall not result in the need for additional public services to the property. The existing water, sanitary, and road infrastructure is adequate for the utilization of this property and the conditional use shall not generate a disproportionate demand for public services. During the placement of aggregate created upon the property, positive drainage shall be improved due to the planned shaping of storm water drainage on the west side of the property.
5. **Public Safety and Health.** The proposed conditional use shall not be detrimental to the health of employees, patrons, or general public within the vicinity due to the use of specific property for the crushing of concrete on the premises. Negative secondary effects on employees and the general public within the vicinity are mitigated by required compliance with IEPA regulations requiring the debris to be free of hazardous materials and IDOT aggregate quality specifications and mandated testing procedures limiting deleterious constituents in the processed aggregate. Further, the crushing may only occur through the use of equipment with internal water dust suppression, which produces a water cloud mist limiting dust emissions.

6. **Other Factors.** The proposed conditional use is of a temporary nature as the property owner prepares the property for future industrial end users.

Section 3. Description of the Property. The property is located at 235 East Oak Street in the Village of Coal City (the "Property") within an I-1 District. The Property bears tax identification number 09-02-133-002 and is legally described as follows:

PT NW - BEG 1354.05'E & 925'S NW COR, E770.9', SW TO INT NE LN RR & C/L VERMILLION ST, N TO SE LN RR, NE TO POB SEC 2-32-8.

Section 4. Public Hearing. Following due and timely notice via an advertisement on April 28, 2021 in the *Coal City Courant*, the certified mailing of notice to abutting property owners, and the posting of a sign on the Property in accordance with Section 156-30 of the Village Code, a public hearing was held by the Zoning Board of Appeals on May 17, 2021, at which time the Board unanimously recommended the petition for approval by the Board of Trustees.

Section 5. Conditional Use. The petitioner shall be allowed to store and process currently situated legally conforming material within State of Illinois environmental standards and continue to fill the Property with the resulting aggregate until the topography of the Property has increased to a ground elevation of 571' above sea level.

Section 6. Conditions. The conditional use approvals granted herein are contingent and subject to each and every of the conditions, terms and restrictions specified in this Section 6. Upon failure or refusal of Applicant to comply with the conditions, restrictions, or provisions set forth herein, the conditional use approvals shall, at the sole discretion of the Board of Trustees, by ordinance duly adopted, be revoked and become null and void; provided, however, that the Board of Trustees will not revoke the conditional use permit herein granted unless it first provides Petitioner with an opportunity to be heard at a regular or special meeting of the Board of Trustees. The conditional approval of the conditional use permit provisionally granted herein is premised on full compliance by Applicant with the following conditions:

- A. Crushing of material shall occur during regular established hours of business, which shall not extend after 5:00pm on week days - Monday through Friday, and on Saturday until 12:00pm; work shall not begin prior to 8:00am.
- B. The conditional uses of the property authorized herein, i.e. outdoor storage of unprocessed concrete debris associated with permitted and conditional uses on the property (Table 9, Group AA, No. 40), and gravel manufacturing (Table 9, Group AA, No. 30) shall cease prior to December 31, 2022.
- C. Recycling and/or crushing of aggregate material must abide by the performance standards set forth within Section 156-205. Crushing of material may only occur utilizing equipment containing operational internal water dust suppression technology; this equipment must produce a water cloud mist to eradicate dust

emissions. The placement of the crushing/recycling machinery must occur within the bounds of the location submitted and attached as Attachment A on the far northeast portion of the industrial property.

- D. All sources of material, quantities, and post-recycling material shall be monitored and recorded per the State of Illinois Environmental specifications and shall consist of at least 97% concrete and be free of hazardous materials.
- E. Any portion of aggregate otherwise allowed to leave the premises is forfeited if it is not moved in a timely manner following notice by the Village that stockpiled aggregate must be removed from the Property or spread as fill thereon.
- F. Nothing contained within this Ordinance shall usurp any state or federal guideline/requirements for filling one's property with aggregate material. Improvements to the Property including final drainage must comply with all applicable laws. The development, use, operation, and maintenance of the Property shall be in strict conformance with all applicable Village, County, State, and Federal codes, statutes, ordinances, rules, and regulations from which no relief has been granted.
- G. The Property shall be operated according to the standards and design as presented within the Applicant's petition and consistent with the Public Hearing of May 17, 2021.

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

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

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

SO ORDAINED this 26 day of May, 2021, at Coal City, Grundy and Will Counties, Illinois.


AYES: 6

NAYS: 0

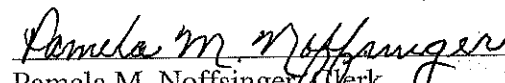
ABSENT: 0

ABSTAIN: 0

VILLAGE OF COAL CITY


Terry Halliday, President

Attest:


Pamela M. Noffsinger, Clerk