

COAL CITY PLANNING AND ZONING BOARD MEETING

Monday
October 7, 2024 @7:00 P.M.

AGENDA

1. Call Meeting to Order
2. Approval of Minutes
September 9, 2024
September 16, 2024
September 30, 2024
3. Public Comment
4. ZONING BOARD OF APPEALS
Public Hearing
Approval of a Zoning Code Text Amendment that would Replace the Temporary
Moratorium on Tobacco Shops
 - i. Swear in Testimonials
 - ii. Presentation by Petitioner
 - iii. Public Comment
 - iv. Board Consideration
 - v. Action on Request
5. Presentation: Alex Taylor
155 E. Division – Conditional Use to Allow Motor Vehicle Repair within C-4
6. PLANNING COMMISION
Approval of Findings of Fact for ZA-388
6. Adjourn

MEMO

TO: Planning & Zoning Board Members
FROM: Matthew T. Fritz
Village Administrator
MEETING DATE: October 7, 2024
RE: **OCTOBER 7TH MEETING AGENDA ITEMS**

Text Amendment Adopting the Elimination of the Permitted Use of Tobacco Shops within C3 zoned Properties

Back in February, the Board adopted a moratorium on any additional tobacco or vape shops, which wanted to locate within Coal City. Since that time, there were two occasions upon which the interested parties were informed they could not utilize the property in that manner. Disallowing their occupancy at existing retail within Coal City was not detrimental and a permanent text amendment is in order to ensure this formerly permitted use can no longer occur by right within commercially zoned areas of the village.

Included is a draft ordinance for the village board that can be adopted as soon as the October 9th Regular Meeting following the Zoning Board of Appeals conducting its public hearing this evening.

Conditional Use Allowing Motor Vehicle Repair at 155 E. Division

Alex Taylor would like to open a new business on the space formerly occupied by Ultimate Rides. Mr. Taylor's shop would specialize on the repair of diesel engines and motors. Repairing automobiles of any type at this property is a conditional use within the C4 zoning of the property. This utilization would occur within the back portion of eth business and not the front portion along Division.

This request is scheduled for a public hearing on Monday, October 21st.

Adoption of the Findings of Fact regarding the Hunters Run Senior Living Multi-Family Subdivision

The Village routinely utilizes "Findings of Fact" as a portion of the final ordinance by which petitioners are granted their request, i.e. variance, conditional use, PUD subdivision approval, etc. Usually, the findings are generated following the discussion of the presentation and public hearing, but in complicated or large impact petitions, such as this PUD, which will lead to the construction of a 44-unit senior only subdivision, the Findings have been prepared for your review to ensure that is what should be included within the final ordinance to reflect the Plan Commission's recommended action.

Remaining Work Items

Downtown Remodeling Permits
Carbon Hill Rd/113 Annexation
Metal Siding
Anti-Monotony Provisions
Signage Requirements

DRAFT

THE VILLAGE OF COAL CITY
GRUNDY & WILL COUNTIES, ILLINOIS

ORDINANCE
NUMBER _____

**AN ORDINANCE AMENDING THE ZONING CODE TO ELIMINATE TOBACCO
SHOPS AS A PRIMARY PERMITTED USE IN THE C-3 ZONING DISTRICT**

DAVID A. SPESIA, Village President
ALEXIS STONE Village Clerk

TIMOTHY BRADLEY
DANIEL GREGGAIN
CJ LAUTERBUR
BILL MINCEY
PAMELA NOFFSINGER
DAVID TOGLIATTI
Village Trustees

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

on _____, 2024

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING CODE TO ELIMINATE TOBACCO SHOPS AS A PRIMARY PERMITTED USE IN THE C-3 ZONING DISTRICT

WHEREAS, the Village of Coal City (hereinafter, the “*Village*”) is an Illinois municipal corporation organized and operated under the laws of the State of Illinois; and

WHEREAS, the Village is a non-home rule municipality and, as such, may exercise delegated statutory and Constitutional powers and such powers as are necessarily implied therefrom; and

WHEREAS, pursuant to 65 ILCS 5/11-13-1 *et seq.*, the Village has enacted zoning regulations to classify and regulate competing land uses and have codified such regulations in Chapter 156 of the Village Code (the “*Zoning Code*”); and

WHEREAS, the Village defines, regulates, licenses and zones tobacco shops; and

WHEREAS, in response to a recent proliferation of tobacco shops and prospective tobacco shops in the Village, the Village Board recently defined “tobacco shops” to distinguish between retailers whose primary stock-and-trade involves the sale of nicotine and alternative nicotine products and those retailers who incidentally sell such goods as a fractional part of their overall inventory; and

WHEREAS, tobacco shops were permitted uses in the C-3 zoning district until the Village Board adopted a temporary moratorium on the establishment of new tobacco shops via Ordinance 24-04, adopted on February 28, 2024; and

WHEREAS, the Village President and Board of Trustees (the “*Corporate Authorities*”) of the Village have determined that the externalities associated with tobacco shops and their deleterious impact on the public health, safety, comfort, morals and welfare outweigh the

economic benefits associated with the opening of new tobacco shops and wish to protect the vitality and character of development in the Village; and

WHEREAS, the Corporate Authorities have determined that eliminating tobacco shops as a primary use of property will promote and enhance the public health, safety, and welfare of the Village and its residents; and

WHEREAS, the Village Board and Zoning Board of Appeals found it to be desirable to disallow future standalone tobacco shop businesses and only allow existing tobacco shops to continue as a legal nonconforming use or for retailers desiring to sell tobacco products to incorporate such sales into part of a distinct primary use not revolving around the sale and use of nicotine and alternative nicotine products and paraphernalia; and

WHEREAS, in accordance with Sections 156-27(E)(1)(a), 156-271, and 156-313(A)(1)(a) of the Zoning Code, the Proposed Amendment to the Zoning Code was referred to the Zoning Board of Appeals (“**ZBA**”) for a public hearing and recommendation thereon; and,

WHEREAS, pursuant to notice duly published, the ZBA conducted a public hearing on October 7, 2024, for the purpose of hearing and considering testimony on the Proposed Amendment; and

WHEREAS, at the conclusion of the public hearing, the ZBA recommended that the Village Board adopt the Proposed Amendment by a vote of ; and

WHEREAS, following deliberation on the evidence and testimony elicited during the public hearing the Zoning Board of Appeals has considered and recommended approval of the proposed text amendment, pursuant to those written findings of fact contained in the ZBA’s Findings of Fact and Recommendation attached hereto as **Exhibit A** and made part of this ordinance by this reference; and

WHEREAS, to prevent long-term or irreversible changes in the character of the commercial areas of the Village, the Corporate Authorities hereby find and determine that it is necessary and in the best interests of the Village and its residents to eliminate tobacco shops as primary uses in the Village; and

WHEREAS, the President and the Board of Trustees of the Village have determined that it is the best interest of the health, safety, and welfare of the Village and its residents to amend the Zoning Code as set forth herein; and

WHEREAS, the President and Board of Trustees have considered the recommendation of the ZBA and determined that it is in furtherance of the public health, safety and welfare and in the best interests of the Village and its residents to approve the amendment as set forth in this Ordinance.

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

SECTION 1. RECITALS. That 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. AMENDMENT TO PERMITTED USE IN COMMERCIAL DISTRICTS. Title 15 (“Land Usage”), Chapter 156 (“Zoning Code”), Table 7 (“Permitted and Conditional Uses in Commercial Districts”) of the Coal City Village Code is hereby amended as follows, with all omitted portions continuing in full force and effect as currently written unless expressly stated otherwise (additions **underlined in bold font**, deletions marked with **bold strikethrough**):

(Omitted text is unaffected by this ordinance)

Table 7: Permitted and Conditional Uses in Commercial Districts

...

Group O: Additional Permitted Uses in C-3 Commercial District

- (1) Animal hospitals.
- (2) Antique shops.
- (3) Appliance sales and repair stores, including radio, television, stereo, video, lighting and clock.
- (4) Art studios.
- (5) Art and graphic supply stores.
- (6) Auto parts and accessory stores.
- (7) Bicycle sales, rental, and repair shops.
- (8) Bookstores.
- (9) Business machine sales, rental, and service.
- (10) Camera shops.
- (11) Camping equipment sales.
- (12) Card shops.
- (13) Carpet and rug stores (retail sales).
- (14) Catering services.
- (15) China and glassware shops.
- (16) Clothing stores.
- (17) Clubs or lodges, private.
- (18) Coin and stamp stores.
- (19) Computer sales and service.
- (20) Custom dressmaking shops and repair.
- (21) Dance studios.
- (22) Dental offices.
- (23) Department stores.
- (24) Discount department stores.
- (25) Employment agencies.
- (26) Exterminating services.
- (27) Financial institutions, as defined in § 156-3.
- (28) Florists.
- (29) Frozen food stores, excluding locker rental.

- (30) Furniture stores.
- (31) Furrier shops, including incidental storage and cleaning of furs.
- (32) Garden supply stores.
- (33) Gift shops.
- (34) Gunsmith shops.
- (35) Gymnastic centers. (See “tumbling, rebound tumbling and gymnastic centers.”)
- (36) Hardware stores.
- (37) Hat shops and repair.
- (38) Hobby and craft shops.
- (39) Ice sales.
- (40) Jewelry and watch sales and repair.
- (41) Kennels, as defined in § 156-3.
- (42) Laboratories, medical, dental, research, and testing within a completely enclosed building.
- (43) Luggage shops.
- (44) Medical offices.
- (45) Motor vehicle sales or rental, including cars, trucks, boats, trailers, recreational vehicles, snowmobiles or motorcycles.
- (46) Music stores and instrument repair shops.
- (47) Music studios.
- (48) Newspaper distribution agencies.
- (49) Office supply stores.
- (50) Optometry offices.
- (51) Orthopedic and medical appliance stores (retail sales only).
- (52) Paint stores.
- (53) Pet grooming (does not include kenneling).
- (54) Pet shops.
- (55) Photo processing stores, except kiosks.
- (56) Post offices.
- (57) Print shops with six or fewer employees.
- (58) Produce markets.
- (59) Propane bottle exchanges.
- (60) Secondhand stores.
- (61) Shoe shops and repair.
- (62) Sporting goods stores.

- (63) Stationary stores.
- (64) Supermarkets.
- (65) Tailor shops and repair.
- (66) Tanning salons.
- (67) Taxidermists.
- (68) Ticket offices, theater and amusement.
- (69) Ticket offices, transportation.
- (70) Tile stores.
- ~~(71) Tobacco shops. Reserved.*~~
- (72) Toy stores.
- (73) Tumbling, rebound tumbling or gymnastic centers.
- (74) Variety stores.
- (75) Veterinary offices.
- (76) Video sales or rental.
- (77) Wallpaper stores.
- (78) Yard goods stores, notions and sundries.

* Tobacco shops are not a permitted use of property.

...

SECTION 3. RESOLUTION OF CONFLICTS. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. 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.

**AN ORDINANCE AMENDING THE ZONING CODE TO ELIMINATE TOBACCO SHOPS AS A
PRIMARY PERMITTED USE IN THE C-3 ZONING DISTRICT**

SECTION 5. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner provided by law.

SO ORDAINED this _____ day of _____, 2024, at Coal City, Grundy and Will Counties, Illinois.

AYES:

ABSENT:

NAYS:

ABSTAIN:

VILLAGE OF COAL CITY

David A. Spesia, President

Attest:

Alexis Stone, Clerk

COAL CITY ZONING APPLICATION

Owners name or beneficiary of land trust: Nick Bulyantq

Address: _____ Phone number: 815-212-3968

Owner represented by: Self _____ Attorney _____

Contract purchaser _____ Other agent

Agents name Alex Taylor Phone number: 630 550 3968

Address: _____

Existing zoning: C-4 Use of surrounding properties: North RS-3 South RS-3

East C-4 West C-5

What zoning change or variance: (specify) A conditional use to allow motor vehicle repair within C-4

To allow what use _____

Tax number of subject property: 09-02-102-001

Common address of property: 155 E Division

Parcel dimensions: 150 X 75 Lot area (sq. ft.) 11250

Street frontage 150 of S Kankakee and 75 of E Division

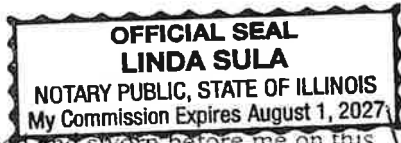
Legal description Assessor's subdivision of part N 1/2 and NW 1/4 of Section 2-32-8 and W 1/2 of lot 5 and ~~part~~ All of Lot 6 Block 4 Section 2-32-8

In addition, the applicant must comply with the ZONING ORDINANCE OF THE VILLAGE OF COAL CITY, adopted June 1, 1989, Chapter II, sections A through F available for review at the Village Clerks office. Also attached to the application are tables 1, 2 and 3 for the applicant's reference.

I, (we) certify that all of the above statements and the statements contained in any papers or plans submitted herewith are true to the best of my (our) knowledge and belief.

Alex Taylor, being first duly sworn, on oath deposes and says,
Applicant's Name

that all of the above statements and the statements contained in the documents submitted herewith are true.



Subscribed and sworn before me on this 16th day of September, 2024.

Linda Sula

[Signature]

Notary Public (Seal)

Signature of Owner

You may attach additional pages, if needed, to support the documentation of application.

Please note the number of pages attached. 0

FOR OFFICE USE ONLY

Case number	<u>2A-390</u>	Location of hearing
Filing date	<u>9-16-24</u>	Village Hall
Hearing date	<u>10-21-24</u>	515 South Broadway
Filing fee	<u>\$ 100⁰⁰</u>	Coal City, Illinois
Hearing time	<u>7pm</u>	

Findings of Fact

The Plan Commission finds the following regarding the Planned Unit Subdivision at the southwest corner of Marguerite & Maple Streets with Coal City:

Superior Design. The petitioner has utilized the available property in a manner by which much of the available space shall be preserved as available green space and recreational space to be dedicated to the village as well as dedicating an onsite amenity for the residents of this restricted senior community. The 44 dwelling units to be constructed on Lot 1 shall meet efficiency standards to ensure greater sustainability for its residents and the maintenance of the subdivision to include private roads shall have minimal impact upon existing municipal facilities.

Meets Planned Unit Development (PUD) Requirements. The petition meets all of the requirements listed within Section 156.188 of the village code including the submission for a proper site plan review, providing the required open space, its quality of design, its utilization of underground utilities, and its proposed phasing of development. Its interconnectedness to include a path atop a culvert to provide access to the adjacent bikepath on its west boundary, dense landscaping improvements, and construction of a sidewalk along the Marguerite & Hunters Run right of way are specific elements included within the PUD, which evidence these standards having been met.

Consistent with the Village Comprehensive Plan. This subdivision is to be built upon land previously and currently zoned for multi-family housing. The area is a transitional space between commercial and residential space for which the comprehensive plan states, “shall be developed into multi-family and senior housing,” while balancing with the generous open space present within the adjacent existing park spaces.

Public Welfare. This PUD meets one of the current needs identified within the community for which there is currently a paucity of open and available residential units. Constructing 44 additional senior living dwelling units shall allow current housing within the region to be vacated by the future tenants who will reside within this newly created subdivision. It shall not be detrimental to the public health, safety, morals or general welfare of the community.

Compatible with Environs. This subdivision has been designed to be compatible with the existing neighborhood ensuring its residents can only access the residential units and private roadways via access to Marguerite rather than utilizing Maple Street along its north side. Environmentally, the proposed PUD will maintain and improve the local character through careful planting of landscaping required within the residential design guidelines.

Natural Features. The design of the subdivision is intended to maximize the preserved and created greenspace and maintain the rural, natural character of the neighborhood. All old-growth and large existing trees are to be kept, and new trees and planting buffers will be created, further increasing the natural beauty and capacity of the site. Detention included on the site will be adequate for any anticipated runoff, and all applicable utility connections and garbage areas will be appropriately screened from view. Run-off detention areas will be provided to the north, south, and west of the dwelling units, and are carefully crafted and calculated to prevent

inundation of the site with water. These dry-basin areas are planted with additional natural grasses and prairie plantings. The development will be compliant with all federal, state and local regulations regarding the protection of woodlands, wetlands, and wildlife habitats and the developer shall remediate or mitigate any concerns resulting from a Phase 2 environmental study that is being conducted upon the property.

Circulation. A traffic study was conducted and provided finding the two full-movement access drives off S. Marguerite Street will be adequate for carrying the anticipated traffic volume; furthermore, this subdivision shall produce 50% fewer trips than anticipated compared to a family townhome development without a restrictive covenant. Adjacent to this subdivision, the local roadway system has sufficient reserve capacity to handle the newly generated traffic without need for roadway improvements or modifications to existing traffic control. Pedestrian paths within the development connect to every unit, as well as the central community building. 6-foot-wide sidewalks allow for free movement between structures, while a semi-circular drive aisle reduces pedestrian-vehicle conflict points by ensuring all residents must cross no more than one roadway to travel between the community building and any other part of the development. Eight (8) bike slots are provided at the community building, and a 6-foot sidewalk connects directly to the community bike trail via a westerly connection and the right of way adjacent to Marguerite and Hunters Run.

Open Spaces and Landscaping. The subdivision demonstrates a very high standard of design in creating intentional, well-connected, and versatile open spaces that improve the quality of the development. Privacy for each unit is obtained with landscaping that is compliant with the landscaping guidelines provided by the Village, generating privacy and separation for units from open space, other developments, and one another. The required combination of perennial plants, ornamental trees, evergreen trees and shrubbery in concert with rear bedrooms creates sufficient privacy for residents of all units, and the large planting barrier surrounding the site provides a picturesque, diverse parkway with shade trees and diverse native plantings along the frontage to both Maple and Marguerite Streets.

Covenants. This subdivision shall have a restriction recorded to ensure the residents within this subdivision shall be 55 years or older as evidenced within Exhibit A. In addition, this property shall be continually managed with a master lease to be utilized for each of the tenants within the subdivision. In addition, a backup special service area shall be adopted on the property to ensure maintenance of the public facility and spaces continually meets the standard of the village of Coal City.

Public Services. This development shall not strain existing residents or businesses within Coal City or Grundy County. The subdivision shall be served by existing roadways, and the developer will absorb the cost of putting in new utility connections. The covenant age restricted development will not generate any additional student population for the local school district, and the large 24' wide drive aisle that connects all units to Marguerite Street will provide ample access for police, fire, and paramedic services. Dwelling unit construction to include three-hour fire walls between units as well as audio-visual fire alarms in all units further improve fire safety. There will also be sufficient water, sewer, and power connection to the development that

will not put any strain or hindrance to the delivery of services received at other properties in the community.

Phasing. This subdivision will be constructed in a single phase, with no future construction considered for the site. The development as currently proposed will meet the criteria and intent of the PUD process, and the development has no additional adjacent land that could be acquired, functionally land-locking the PUD and removing the possibility of any future development. Furthermore, the remaining buildable land on the site in question is to be deeded back to the Village, with the presumed intention of low-intensity recreational and communal use being selected for that section in the future.

EXHIBIT A

**HUNTERS RUN
RESTRICTIVE COVENANT
(Housing for Older Persons)**

This Restrictive Covenant is made on [DATE] by [Hunters Run, LP, an Illinois limited partnership] (the "Owner") related to [Property Address], legally described on Exhibit A attached hereto (the "Property").

RECITALS

WHEREAS, the Owner owns and is developing the Property as a 44-unit senior housing community to be known as Hunters Run (the "Project"); and

WHEREAS, the Owner has agreed to establish occupancy restrictions to ensure the Project is operated as a senior living community for individuals aged 55 years and older; and

NOW, THEREFORE, the Owner hereby agrees, by and for itself, its successors and or assigns, as follows:

- A. Upon completion of the development of the Project, all dwelling units in the Project shall be leased and occupied by individuals aged 55 years or older (each a "Senior Resident"), provided, however, an individual under the age of 55 may occupy the dwelling unit if they are a spouse, partner, caregiver or nurse of the Senior Resident.
- B. No person under the age of 18 shall reside in or occupy any dwelling unit at the Project except as a temporary guest as defined within the master lease regarding the occupancy of each dwelling unit. Owner shall maintain and enforce policies and procedures demonstrating an intent to function as housing for older persons and compliant with the Housing for Older Persons Act in order to maintain an exemption from the Fair Housing Act's prohibition on age-related familial status discrimination.
- C. The Project shall be owned and operated in compliance with all fair housing laws, rules and regulations promulgated thereunder, including, but not limited to the Fair Housing Act, Housing for Older Persons Act, Illinois Human Rights Act and any local fair housing laws.
- D. This Restrictive Covenant shall run with and bind the land in perpetuity, and shall be binding upon and inure to the benefit of and be enforceable by Owner, the Village, and all respective successors, heirs, assigns of either, as well as subsequent owners of the Property. If any of the privileges or rights created by this Covenant would otherwise be unlawful or void for violation of (1) the rule against perpetuities or some analogous statutory provision, (2) the rule restricting restraints on alienation, or (3) any other statutory or common law

rules imposing time limits, then the affected privilege or right shall continue only until 21 years after the death of the last survivor of the now living lawful descendants of the current President of the United States, or for any shorter period that may be required to sustain the validity of the affected privilege or right.

- E. If any provision of this Restrictive Covenant is found to be invalid or unenforceable, the remaining provisions shall continue in full force and effect.

IN WITNESS WHEREOF, the Declarant has executed this Restrictive Covenant as of the day and year first above written.

Hunters Run, LP
an Illinois limited partnership

By: Hunters Run GP, LLC,
An Illinois limited liability company,
Its general partner

By: North Arrow Development
An Illinois limited liability company
A member

By: _____
John Cronin, Manager