
THE VILLAGE OF COAL CITY

GRUNDY & WILL COUNTIES, ILLINOIS

ORDINANCE
NUMBER 24-28

**AN ORDINANCE GRANTING THE PLANNED UNIT DEVELOPMENT PETITION
FOR NORTH ARROW INCLUDING REDEVELOPMENT OF AN 11.47 ACRE SENIOR
RESIDENTIAL SUBDIVISION IN THE VILLAGE OF COAL CITY**

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WHEREAS, an application for the PUD Plat Approval for North Arrow Development's Hunters Run Senior Residential Subdivision according to Section 156.185 of the Village of Coal City Zoning Code ("Zoning Code") was filed by John Cronin ("applicant") on August 12, 2024 for the resubdivision of the 11.47 acre property located at the southwest corner of Marguerite & Maple, establishing a senior multi-family residential development (the "Application"); and

WHEREAS, a public hearing on the Application was noticed and duly held on September 9, 2024, continued for additional consideration until September 30, 2024 by the Planning and Zoning Board ("P & Z"); and

WHEREAS, a PUD committee met on two occasions – August 22 and September 3, 2024 and independently reviewed the Application pursuant to Section 156-190 of the Zoning Code, prior to the Planning and Zoning Board's action on the Application; and

WHEREAS, the P & Z met on September 30, 2024, and recommended approval of the Application to the Board of Trustees; and

WHEREAS, Section 156.186 of the Zoning Code requires the Village to utilize a planned unit development approval for proposed developments exceeding 10 acres; and

WHEREAS, the Village Board of Trustees and the President of the Village of Coal City (the "Corporate Authorities") find and determine that Applicant has demonstrated satisfaction of the planned unit development evaluative criteria set forth in the Zoning Code as set forth herein; and

WHEREAS, the Corporate Authorities concur with the findings recommendations of the P & Z with respect to the approval and issuance of the requested planned unit development permit, subject to and contingent upon the conditions set forth in this Ordinance;

WHEREAS, the Corporate Authorities hereby find and determine that it is in the best interests of the Village to approve the Application and grant the Subdivision Plat Approval as 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. Findings of Fact. The Board of Trustees find as follows:

- A. **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.
- B. **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.
- C. **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.
- D. **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.
- E. **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.
- F. **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.

- G. **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.
- H. **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.
- I. **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.
- J. **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.

- K. **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.

Section 3. Description of the Property. The property is located at the southwest corner of Marguerite and Maple with the legal description provided in Exhibit B.

Section 4. Public Hearing. A public hearing was advertised on August 21, 2024 in the *Coal City Courant* and held by the Planning and Zoning Board on September 9, 2024 and continued until its conclusion on September 30, 2024. Following this public hearing, the Planning and Zoning Board with a majority of the Plan Commission Board members voting to recommend approval of the Plat of Subdivision to the Board of Trustees.

Section 5. Planned Unit Development Subdivision Approval. The development methodology requested in the August 12, 2024 PUD Subdivision Plat Application is granted as follows:

- A. The Application is approved in accordance with Article IX of the Zoning Code concerning Planned Unit Developments. The approval herein granted shall authorize Applicant to resubdivide the property as shown in a final plat of subdivision of Hunters Run Senior Residential Subdivision – Coal City as further provided herein and to dedicate rights of way for public access, a lot to be utilized for additional recreational green space, and public easements to provide access to common infrastructure utilities as depicted more particularly in the Application. A Final Plat shall be submitted according to the standards set forth in Section 156-191 prior to commencing the final stage of development of this subdivision. It shall align with the preliminary plat submitted and approved within Exhibit C.

Section 6. Conditions. The Senior Residential Subdivision Plat approval granted herein shall be and is hereby expressly subject to and contingent upon each and every term, condition, and restriction specified in this Section. Upon failure or refusal of petitioner to comply with the conditions, restrictions, or provisions of this Ordinance, the planned development permit approved by this Ordinance will, 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 planned development permit 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 planned development permit is premised on full compliance by petitioner, and any other operators or tenants and any successor owners, landlords, lessees, operators, and assigns with the following conditions:

- A. The petitioner shall resubdivide the 11.74-acre property in the manner presented throughout the requisite meetings held on the matter heretofore and provided within Attachment B. The current parcels shall be resubdivided allowing Lot #1 to accommodate 44 senior dwelling units to be constructed within 11 multi-tenant buildings and along with an additional shared community building.
- B. The petitioner shall record a covenant on Lot #1 as provided within Attachment A.
- C. The allowances and requirements are spelled out within a Redevelopment Agreement (RDA) regarding the requested PUD Subdivision and Improvement. The RDA shall be adopted by the Village Board of Trustees and incorporated as Attachment C.
- D. The development of this senior residential subdivision must comply with the commitments and presentations provided to the Planning & Zoning Board.

Section 7. Binding on Successors and Assigns. The terms and conditions of this Ordinance shall be binding upon Petitioner, its successors, affiliates, and assigns.

Section 8. 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 9. 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 10. 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.

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Section 11. 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 25 day of November, 2024, at Coal City, Grundy & Will Counties, Illinois.

AYES: 5

NAYS: 0

ABSENT: 1

ABSTAIN: 0

VILLAGE OF COAL CITY



David Spesia, President

Attest:



Alexis Stone, Clerk

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

EXHIBIT B

Legal Description and PINs of Four Parcels Subject to Pending Contract for Sale

PIN 09-03-401-002

COMMENCING AT THE NORTHWEST CORNER OF MAPLE STREET AND THE EAST LINE OF THE ELGIN, JOLIET AND EASTERN RAILWAY RIGHT OF WAY; THENCE SOUTH 400 FEET; THENCE EAST 218 FEET; THENCE NORTH 400 FEET AND THENCE 218 FEET WEST TO THE POINT OF BEGINNING, IN SECTION 3, TOWNSHIP 32 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN;

PIN 09-03-401-003

COMMENCING AT A POINT 218 FEET EAST OF THE NORTHWEST CORNER OF MAPLE STREET AND THE EAST LINE OF THE ELGIN, JOLIET AND EASTERN RAILWAY RIGHT OF WAY; THENCE SOUTH 400 FEET; THENCE EAST 272 FEET; THENCE NORTH 400 FEET AND THENCE WEST 272 FEET TO THE POINT OF BEGINNING, IN SECTION 3, IN TOWNSHIP 32 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN.

PIN 09-03-401-004

A PIECE OF LAND IN THE SOUTHEAST QUARTER OF SECTION 3, IN TOWNSHIP 32 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, FURTHER DESCRIBED AS FOLLOWS: COMMENCING AT A POINT 1100 FEET SOUTH OF THE INTERSECTION OF THE NORTH SIDE OF MAPLE STREET AND THE EAST SIDE OF THE ELGIN, JOLIET AND EASTERN RAILWAY RIGHT OF WAY; THENCE RUNNING NORTH 700 FEET; THENCE EAST 490 FEET; THENCE SOUTH 300 FEET; THENCE IN A STRAIGHT LINE SOUTHWESTERLY TO THE POINT OF BEGINNING;

PIN 09-03-401-005

A PIECE OF LAND IN THE SOUTHEAST QUARTER OF SECTION 3, IN TOWNSHIP 32 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING WHERE THE NORTH SIDE OF MAPLE STREET IN COAL CITY, ILLINOIS MEETS THE EAST SIDE OF THE ELGIN, JOLIET AND EASTERN RAILWAY RIGHT OF WAY, MEASURE 1100 FEET SOUTH ALONG RIGHT OF WAY TO THE POINT OF BEGINNING FOR THIS PLOT; THENCE EAST 490 FEET; THENCE NORTH 400 FEET; THENCE SOUTHWEST AT AN ANGLE TO THE POINT OF BEGINNING;

EXHIBIT C

Submitted & Approved Preliminary Plat for Hunters Run Senior Residence Subdivision

