

ORDINANCE NO. 24-25-31

An Ordinance Amending Ordinance 04-05-09 Zoning Certain Property Commonly Known as Creekside to R-4 Residential Planned Development and B-3 Planned Development and Ordinance 06-07-18 Classifying Certain Property Commonly Known as Creekside to R-4 Residential Planned Development relating to the Property Commonly Known as Phase II of Remington Grove Subdivision, Village of Johnsburg

WHEREAS, CalAtlantic Group, LLC filed an application with the Village Clerk of the Village of Johnsburg, McHenry County, Illinois, requesting an amendment to Ordinance No. 04-05-29 Zoning Certain Property Commonly Known as Creekside to R-4 Residential Planned Development and B-3 Planned Development, and Ordinance 06-07-18 Classifying Certain Property Commonly Known as Creekside to R-4 Residential Planned Development for the property commonly known as Phase II of Remington Grove Subdivision (the “Subject Property”), to accommodate the construction of 88 single family homes on the Subject Property, legally described in Exhibit A and depicted in Exhibit B; and

WHEREAS, CalAtlantic Group, LLC proposed that the following be incorporated into the Special Use Permit for a Planned Development: a) detached single family residence lots ranging in size from 10,650 to 20,591 square feet; b) an average lot size of 12,673 square feet; ; c) a minimum lot width at the front yard setback of seventy-one feet (71’); d) a minimum lot width at the right of way of forty nine feet (49’); e) a minimum side yard setback of nine (9’) feet on each sideyard of a lot within the Subject Property; f) each single story home measuring at least 1455 square feet and each two story home measuring at least 2,050 square feet on each residentially zoned lot exclusive of attic, garage, porch and basement areas; and g) a maximum lot coverage of 35%; and

WHEREAS, CalAtlantic Group, LLC further requested the approval of the Final Plat of Subdivision for the Subject Property, attached as Exhibit C and the Development Plan, attached as Exhibit D; and

WHEREAS, A PUBLIC HEARING was held by the Planning & Zoning Commission, after due notice in the manner provided by law; and

WHEREAS, THE PLANNING & ZONING COMMISSION, has, upon holding a hearing, made a report of said request to the Village Board; and

WHEREAS, THE VILLAGE BOARD has reviewed the report put forth by the Planning & Zoning Commission (the “Commission”) and based upon the Commission’s findings of fact that the granting of Special Use Permit is in harmony with the general purpose and intent of the Zoning Code has determined that:

1. The proposed zoning amendment will facilitate the development of a previously approved phase of a single family detached housing development that has been dormant for 20 years. The Remington Grove of Johnsborg subdivision was initially zoned and platted in 2004. Since that time Phases I and III received final plat approval and have been under construction. The subject property, commonly known as Remington Grove Phase II, received final plat approval in 2006. Shortly thereafter the recession occurred rendering the phase unmarketable due to economic constraints. Since that time, little to no interest has been shown in developing the property. The proposed amendment will enable the development to proceed in a manner consistent with what was anticipated at the time of the original approval and that which is in harmony with surrounding uses; and
2. Since the recession, no new single family home developments have been proposed in the Village. The proposed development will contribute to the available housing stock which is significantly diminished.
3. The development will contribute to the general welfare of the community by, among other things, contributing substantial property taxes which is not presently the case and strengthen the Village's economic base; and
4. The residents of the proposed development are anticipated to patronize businesses and amenities in the Village; and
5. The use will not be injurious to property values or improvements in the vicinity, based upon the petitioner's testimony and supported by the proposed architectural, landscaping and other plans presented which reflect that the development will enhance the overall aesthetic appeal of the area; and no evidence having been presented from an appraiser to indicate that the proposed use will lower the value of adjacent or proximate properties; and
6. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals or general welfare of persons residing in the vicinity; and
7. It is anticipated that the proposed use will comply with the regulations and conditions specified in the Zoning Code for such use as modified per the petitioner's request, and with the stipulations and conditions made a part of any authorization that may be granted by the Village Board.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the VILLAGE OF JOHNSBURG, McHenry County, Illinois, as follows:

SECTION 1: That an amendment be made to Ordinance No. 04-05-29 Zoning Certain Property Commonly Known as Creekside to R-4 Residential Planned Development and B-3 Planned Development, and Ordinance 06-07-18 Classifying Certain Property Commonly Known as Creekside to R-4 Residential Planned Development for the

property commonly known as Phase II of Remington Grove Subdivision as set forth in Section 2 herein;

SECTION 2: That the following be incorporated into the Special Use Permit for a Planned Development for the Subject Property and that the Subject Property shall be developed in accordance with the following conditions and requirements and in accordance with the Final Plat and Development Plan:

1. The contemplated improvements for the Subject Property shall be constructed in substantial conformance with the architectural elevations, floor plans, site plan, landscape plan, signage package, and photometric plan/lighting package attached hereto (collectively the "Development Plans") which incorporate, amongst other things, the following requirements: a) detached single family lots ranging in size from 10,650 to 20,591 square feet; b) an average lot size of 12,673 square feet; ; c) a minimum lot width at the front yard setback of seventy-one feet (71'); d) a minimum lot width at the right of way of forty nine feet (49'); e) a minimum side yard setback of nine (9') feet on each side yard of a lot within the Subject Property; f) each single story home measuring at least 1455 square feet and each two story home measuring at least 2,050 square feet on each residentially zoned lot exclusive of attic, garage, basement and porch areas; and g) a maximum lot coverage of 35% and in conformance with said Development Plan and depicted in Exhibit D prepared by Manhard Consulting dated _____, are attached hereto; and
2. Building plans for the development of the Subject Property shall comply with all applicable codes and must be approved by the Village's Building Department and Village Engineer; and
3. The development of the Subject Property shall comply with the anti-monotony standards set forth in the attached Exhibit E;
4. The Subject Property will be served by the Village's wastewater treatment and potable water systems; and
5. The Petitioner shall prepare covenants, conditions, and restrictions to be approved by the Village which shall provide for the establishment of a homeowner's association which shall, amongst other things, be responsible for the care and maintenance of the outlots and any common areas; and
6. The Subject Property shall remain subject to Special Service Area #29 as set forth in Village of Johnsburg Ordinance 14-15-14 attached hereto as Exhibit F; and
7. An additional Special Service Area shall be established for the Subject Property related to the maintenance and upkeep of common spaces, outlots and open areas as set forth in Exhibit G; and
8. That Outlot F on the Final Plat of Subdivision set forth in Section 4 shall be dedicated to the Village of Johnsburg in fee simple title for potential use as a park. Such Outlot E shall be dedicated to the Village free of any mortgage, lien, covenant,

encumbrance or any other restriction other than a recorded public utility easement approved by the Village and located on the perimeter of such outlot. Petitioner shall be responsible for paying the property taxes on such outlot until the Village accepts same and the Final Plat shall incorporate these terms and requirements.; and

9. Petitioner has been advised by GWF Johnsburg LLC (the "Seller"), that 76 prepaid Sewer and Water Connection Fees have been allocated for 76 of the 88 residential dwelling units included in Phase II of Remington Grove subdivision. Petitioner understands that they are responsible for water and sewer connection fees for all 88 units until such time as written confirmation from the Seller is provided to the Village, signed and notarized by the seller reflecting that there has been no assignment of such tap on fees and memorializing such sale to the petitioner in a form reasonable acceptable to the Village. Petitioner then shall be responsible to pay the water and sewer connection fees for the remaining 12 single family dwelling units at the rate in affect at the time of permitting for such units; and
10. The development of the Subject Property must comply with all other applicable local, state and federal codes and regulations; and
11. There shall be no future subdivision of any lot within the Subject Property as set forth in the Final Plat of Subdivision as set forth in Section 4; and

SECTION 4: That the Final Plat prepared by _____ dated _____ is hereby approved; and

SECTION 5: All ordinances or parts of ordinances in conflict herewith are hereby superseded to the extent of such conflict by this amendment to same.

SECTION 6: This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

Voting Aye:

Voting Nay:

Absent:

Abstain:

APPROVED:

Village President Edwin P. Hettermann

(SEAL)

ATTEST: _____
Village Clerk Claudett Sofiakis

Passed:

Approved:

Published:

Prepared by:

Claudett Sofiakis, Village Administrator

Village of Johnsburg

1515 Channel Beach Avenue

Johnsburg, IL 60051

CERTIFICATION

I, CLAUDETT SOFIAKIS, do hereby certify that I am the duly appointed, acting and qualified Clerk of the Village of Johnsburg, McHenry County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the President and Board of Trustees of said Village of Johnsburg.

I do hereby further certify that at a special meeting of the President and Board of Trustees of the Village of Johnsburg, held on the ____ day of ____ 2025, the foregoing Ordinance entitled An Ordinance Amending Ordinance 04-05-09 Zoning Certain Property Commonly Known as Creekside to R-4 Residential Planned Development and B-3 Planned Development and Ordinance 06-07-18 Classifying Certain Property Commonly Known as Creekside to R-4 Residential Planned Development relating to the Property Commonly Known as Phase II of Remington Grove Subdivision, Village of Johnsburg, was duly passed by the President and Board of Trustees of the Village of Johnsburg.

The pamphlet form of Ordinance No. 24-25-____, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the Village Hall, commencing on the ____ day of ____, 2025 and continuing for at least 10 days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Village Clerk.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said Village for safekeeping, and that I am the lawful custodian and keeper of the same.

Given under my hand and the seal of the Village of Johnsburg, Illinois, this ____ day of ____, 2025

Claudett Sofiakis, Village Clerk
Village of Johnsburg,
McHenry County, Illinois

(SEAL)