
ORDINANCE NO. 18-19-35

*An Ordinance Granting R-4 Zoning with a Conditional Use Permit
for a Planned Development to Accommodate an
Active Adult Community - 55 and Older, on the Property Commonly Known
as the Bush School Property, 2117 W. Church Street, Johnsburg, Illinois.*

AN ORDINANCE PASSED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF JOHNSBURG
AT A REGULAR MEETING ON JANUARY 15, 2019
PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF JOHNSBURG

President

Edwin P. Hettermann

Board of Trustees

Tom Curry
Kyle Frost
Josh Hagen
Mary Lou Hutchinson
Greg Klemstein
Kevin McEvoy

Village Administrator

Claudett E. Peters

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WHEREAS, General Capital Acquisitions, LLC filed an application with the Village Clerk of the Village of Johnsburg, McHenry County, Illinois, requesting, a text amendment to Section 16, Table 1 - Conditional Use Chart, to add "Active Adult Community - 55 and older" as a conditional use in the R-4 zoning district; and

WHEREAS, General Capital Acquisitions, LLC further requested the granting of R-4 Planned Development Zoning with conditions to accommodate an Active Adult Community serving residents age 55 and older on the property located at 2117 W. Church Street, Johnsburg, Illinois and described in Exhibit A.

WHEREAS, General Capital Acquisitions, LLC proposed the addition of two floors on the south wing of the existing facility, for a total of three (3) stories, measuring 35 feet in height to accommodate a total of 78 dwelling units ranging in size from 670 square feet to 1020 square feet; 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 and based upon the Commission's findings that the granting of Conditional Use Permit is in harmony with the general purpose and intent of the Zoning Code has determined that:

1. The proposed use at the particular location requested will provide housing not currently available in the Village proximate to the Village's downtown area; and
2. The development will contribute to the general welfare of the community by, among other things, contributing property taxes which is not presently the case and strengthen the Village's economic base; and

3. The residents of the proposed development are anticipated to patronize businesses and amenities in such location; and
4. 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 or working in the vicinity; and
5. The use will not be injurious to property values or improvements in the vicinity, based upon the petitioners testimony and supported by the proposed architectural, landscaping and other plans presented which reflect that the development will enhance the aesthetic appeal of the former grade school on the subject property; 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 the proposed use will comply with the regulations and conditions specified in this Zoning Code for such use, and with the stipulations and conditions made a part of the authorization 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 a text amendment is made to Section 16, Table 1 – Conditional Use Chart of the Johnsburg Zoning Ordinance to add Active Adult Community – 55 and Older as a conditional use in the R-4 Zoning District.

SECTION 2: That the subject property be zoned R-4 Planned Development;

SECTION 3: That a Conditional Use Permit be granted to allow for an Active Adult Community serving residents 55 years of age and older on the property, subject to the following conditions:

1. Final architectural elevations, floor plans, site plan, landscape plan, signage package, photometric plan/lighting package must be presented to the Village Engineer, Architectural Review Committee and Village Board for approval. Said plans shall be in substantial conformance with Exhibit A dated January 8, 2019, attached hereto. Landscaping between the subject property and neighboring lots shall be non-deciduous in nature and sufficient to provide heavy screening throughout the year. Lighting shall cast downward and not negatively affect neighboring properties while providing appropriate security for the residents of the development.
2. Building plans must comply with all applicable codes and be approved by the Village's Building Commissioner.
3. The property will be served by the Village's wastewater treatment system;
4. Potable water provisions must be approved by the Village Engineer and Village Board;
5. The total number of residential units shall not exceed 78;

6. The dwelling units shall range in size between 670-1020 square feet;
7. The total number of floors shall be limited to 3 with a total height not to exceed 35 feet;
8. There shall be 130 total parking spaces on the property with a parking lot banking area provided on site for additional parking if needed;
9. Residents must be a minimum of 55 years of age or older; spouses of qualifying residents shall be no less than 40 years of age;
10. No children shall be allowed to reside on the property;
11. Construction traffic shall be limited to Johnsburg Road;
12. Residents shall access the development from Church Street;
13. Developer will be responsible for pouring a concrete pad to accommodate a PACE bus shelter on Johnsburg Road adjacent to the development.
14. Property shall be served by a full time manager and part time maintenance personnel.
15. Leases shall be a minimum of one year
16. The development must comply with all other applicable local, state and federal codes and regulations

SECTION 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5: 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: Trustees Klemstein, Frost, Curry and Hagen

Voting Nay: Trustees Hutchinson and McEvoy

Absent: None

Abstain: None

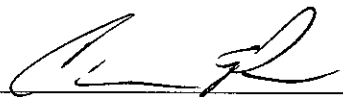
APPROVED:



Village President Edwin P. Hettermann

(SEAL)

ATTEST:


Village Clerk Claudett E. Peters

Passed: January 15, 2019

Approved: January 15, 2019

Published: January 15, 2019

Prepared by:

Claudett Peters, Village Administrator

Village of Johnsburg

1515 Channel Beach Avenue

Johnsburg, IL 60051

CERTIFICATION

I, CLAUDETT E. PETERS, 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 regular meeting of the President and Board of Trustees of the Village of Johnsburg, held on the 15th day of January 2019, the foregoing Ordinance entitled ***An Ordinance Granting R-4 Zoning with a Conditional Use Permit for a Planned Development to Accommodate an Active Adult Community – 55 and older, on the Property Commonly Known as the Bush School Property, 2117 W. Church Street, Johnsburg, Illinois***, was duly passed by the President and Board of Trustees of the Village of Johnsburg.

The pamphlet form of Ordinance No. 18-19-34, 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 15th day of January, 2019 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 15th day of January, 2019



Claudett E. Peters, Village Clerk
Village of Johnsburg,
McHenry County, Illinois

(SEAL)