
ORDINANCE NO. 21-22-31

*An Ordinance Granting an Amendment to the Conditional Use Permit for
Planned Development and Development Plan and Approving the
Final Plat of Re-Subdivision for the Rose Resubdivision*

AN ORDINANCE PASSED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF JOHNSBURG
AT A REGULAR MEETING ON MARCH 1, 2022
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
Beth Foreman
Kyle Frost
Josh Hagen
Greg Klemstein
Scott Letzter

Village Administrator

Claudett Sofiakis

ORDINANCE NO. 21-22-31

An Ordinance Granting an Amendment to the Conditional Use Permit for Planned Development and Development Plan and Approving the Final Plat of Re-Subdivision for the Rose Resubdivision

WHEREAS, Johnsburg Real Estate LLC, being the legal owner of record of the territory hereinafter described (the "Petitioner"), has petitioned the Village Clerk of the Village of Johnsburg (the "Village"), that the conditional or special use permit for a planned development for the Rose Subdivision as set forth in Ordinance No. 13-14-01, entitled *An Ordinance Granting a Conditional Use Permit for Planned Development and Certain Zoning Exceptions and Approving the Final Plat for the Rose Subdivision*, and Ordinance No. 17-18-34, entitled, *An Ordinance Granting an Amendment to the Conditional Use Permit for Planned Development and Certain Zoning Exceptions and Approving the Final Plat for Rose Re-subdivision* (together, the "Previous Ordinances") be amended, along with the "Development Plan" as defined in Ordinance No. 17-18-34, only as to Lot 2 as legally described below;

A PART OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 45 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, McHENRY COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 23; THENCE SOUTH 88 DEGREES 11 MINUTES 18 SECONDS WEST (BASIS OF BEARINGS - ILLINOIS STATE PLANE COORDINATES - EAST ZONE - NAD 83) ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER 575.56 FEET TO THE NORTHWESTERN CORNER OF A 0.467 ACRE TRACT OF LAND CONVEYED TO THE ILLINOIS DEPARTMENT OF TRANSPORTATION, RECORDED NOVEMBER 2, 2007, AS DOCUMENT 2007R0073050 IN THE OFFICE OF THE McHENRY COUNTY RECORDER, (THE FOLLOWING TWO (2) COURSES ARE ALONG THE WESTERN LINE OF SAID 0.467 ACRE TRACT; 1) THENCE ALONG A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 3860.00 FEET, AN ARC LENGTH OF 308.24 FEET, A CHORD BEARING OF SOUTH 12 DEGREES 14 MINUTES 48 SECONDS EAST AND A CHORD LENGTH OF 308.16 FEET TO ITS POINT OF TANGENCY; 2) THENCE SOUTH 14 DEGREES 32 MINUTES 04 SECONDS EAST 204.58 FEET TO THE NORTHEASTERN CORNER OF THE TRACT OF LAND CONVEYED TO WAYNE HUMMER TRUST COMPANY ("TRUST"), RECORDED OCTOBER 1, 2002, AS DOCUMENT 2002R0087539 IN THE OFFICE OF THE McHENRY COUNTY RECORDER; THENCE SOUTH 75 DEGREES 27 MINUTES 56 SECONDS WEST ALONG THE NORTHERN LINE OF SAID "TRUST" TRACT 194.03 FEET TO ITS NORTHWESTERN CORNER; THENCE SOUTH 06 DEGREES 31 MINUTES 06 SECONDS EAST ALONG THE

WESTERN LINE OF SAID "TRUST" TRACT AND ALONG THE WESTERN LINE OF THE TRACT OF LAND CONVEYED TO D.R.W. DEVELOPMENT CORPORATION ("DRW"), RECORDED JUNE 28, 2002, AS DOCUMENT 2002R0056771 IN THE OFFICE OF THE McHENRY COUNTY RECORDER, A DISTANCE OF 565.28 FEET TO THE SOUTHWESTERN CORNER OF SAID "DRW" TRACT TO THE POINT OF BEGINNING; THENCE NORTH 75 DEGREES 27 MINUTES 56 SECONDS EAST ALONG THE SOUTH LINE OF SAID "DRW" TRACT 252.86 FEET TO THE WESTERLY RIGHT OF WAY LINE OF ILLINOIS ROUTE 31 AS CONVEYED TO THE STATE OF ILLINOIS PER DOCUMENT NUMBER 2007R0073050; THENCE SOUTH 14 DEGREES 32 MINUTES 04 SECONDS EAST ALONG SAID WESTERLY RIGHT OF WAY LINE 34.00 FEET; THENCE SOUTH 75 DEGREES 27 MINUTES 56 SECONDS WEST 257.65 FEET; THENCE NORTH 06 DEGREES 31 MINUTES 06 SECONDS WEST ALONG SAID WEST LINE 34.34 FEET TO THE POINT OF BEGINNING (,the "Property").

WHEREAS, a public hearing on such proposed amendment was held by the Village's Planning and Zoning Commission (the "Commission") on February 9, 2022, after due notice in the manner provided by law by the Petitioner; and

WHEREAS, the Commission, after deliberation, receiving testimony, comment and evidence, recommended that such conditional or special use permit and Development Plan be amended, as described herein; and

WHEREAS, pursuant to the Johnsburg Subdivision Ordinance, the Commission has also considered a revised final plat of the Rose resubdivision (the "Revised Final Plat") that was also submitted to the Village by the Petitioner for approval and the Commission has recommended approval of the Revised Final Plat to the Village's Board of Trustees; and

WHEREAS, the Village Board of Trustees has considered the evidence presented at the public hearing and the recommendations made by the Commission; and

WHEREAS, in addition, the Village Board of Trustees makes the following findings of fact relative to the petition for an amendment to the special use permit for a planned development and Development Plan relative to Lot 2:

1. With respect to the existing uses and zoning classifications of nearby property, the proposed amendment to the conditional use permit for planned development for Lot 2 is compatible with the existing uses and zoning classifications of nearby property. The Wal-Mart parcel is adjacent to Lot 2 and the parcel north of Lot 2 is part of the same planned development and the property north of the immediate subdivision encompassing Lot 2 is an apartment building that includes 19 units. The parcel to the south is developed with a Discount Tire facility and is zoned B-2. Parcels located to the east of Lot 2 on the east side of Illinois Route 31, are zoned SD and B-3 and include retail and commercial uses. The parcels located to the south of the Discount Tire property are located within the corporate boundary of the City of McHenry and are zoned C-5 and include retail or commercial

uses. The parcel to the west of the Walmart parcel is zoned SD and is used for agriculture. Finally, the parcels located further north of Lot 2 are zoned R-4 PD and B-3 PD. The R-4 PD district to the far north of Lot 2 is buffered from any negative impact from the proposed development.

2. With respect to the issue as to what extent property values may be diminished by the particular zoning restrictions, the property values will not be diminished by the proposed amendment to the special use permit for planned development amendment and Development Plan. The proposed special use permit and Development Plan amendment for Lot 2 is compatible with the existing zoning districts and existing uses in the vicinity of Lot 2. The Village has planned the creation of a retail corridor along Illinois Route 31 for many years and the proposed development is merely the next step toward the completion of that goal. The proposed subject commercial development on Lot 2 situated on Illinois Route 31 will enhance property values of the existing and planned for retail and commercial developments in the surrounding area and will act as a stimulus for additional retail and commercial development in the future.

3. As to the extent, if any, to which the destruction of property values by the Petitioner promotes the health, safety, morals and general welfare of the public, the proposed special use permit and Development Plan amendment will enhance the Petitioner's property value and is expected to enhance the value of surrounding properties by increasing the demand for retail and commercial uses in the area.

4. With respect to the issue of the relative gain to the public as compared to the hardship imposed upon the individual property owner, the proposed development of Lot 2 will provide substantial benefits to the public. The proposed development will enhance the Village's real estate and sales tax bases, and will create demand for additional retail and commercial uses in the area by virtue of the number of traffic trips it generates.

5. As to the suitability of Lot 2 for the zoned purposes, the proposed use for Lot 2 is suitable for the proposed amendment to special use permit for planned development. The Petitioner intends to construct a drive through food service retail facility. Such a use is appropriate for such a special use permit. Furthermore, the Village's Comprehensive Plan calls for a retail corridor along this section of Illinois Route 31 and specifically identifies Lot 2 as one that should include retail and commercial uses.

6. With respect to the length of time Lot 2 has been vacant as zoned as is, considered in the context of land development in the area in the vicinity of Lot 2, Lot 2 has been unimproved. Lot 2, along with other property in the subject subdivision was originally annexed to the Village in 1997. The original annexation agreement contemplated retail and commercial uses on Lot 2 and planned for associated utilities and infrastructure. The proposed amendment to the special use permit for planned development and Development Plan complies with the Village Comprehensive Plan and fulfills the Village's goal of creating a retail corridor along Illinois Route 31.

7. As to the community need for the proposed use on Lot 2, the community needs and desires the proposed retail uses. The proposed use will provide the community with an expansion of

the Village's sales and real estate tax bases and will provide additional jobs and additional demand for retail and commercial uses in the area.

8. Relative to the care toward which the legislative body planned and zoned its land use, the Village Board annexed the property constituting Lot 2 in 1997 and contemplated retail, commercial and other compatible uses on Lot 2 in the annexation agreement. The Village Board has adopted a Comprehensive Plan that calls for retail and commercial uses on Lot 2.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Johnsburg, McHenry County, Illinois, as follows:

SECTION 1: Subject to compliance with the terms and conditions herein, the Development Plan and special or conditional use permit for planned development previously approved in Village ordinances No. 13-14-01 and 17-18-3 is hereby amended such that Lot 2 shall be developed and completed in strict accordance with each of the following:

1. the civil plan prepared by kolbrook design job number 1657.003 with an issuance date of 02/02/2022 consisting of one page; and
2. the photometrics plan prepared by kolbrook design job number 1657.003 with an issuance date of 02/02/2022 consisting of one page; and
3. the photometrics schedule prepared by kolbrook design job number 1657.003 with an issuance date of 02/02/2022 consisting of one page; and
4. the site plan prepared by kolbrook design job number 1657.003 with an issuance date of 02/02/2022 consisting of one page; and
5. the floor plan prepared by kolbrook design job number 1657.003 with an issuance date of 02/02/2022 consisting of one page; and
6. the elevation plan prepared by kolbrook design job number 1657.003 with an issuance date of 02/02/2022 consisting of one page; and
7. the exterior plan prepared by kolbrook design job number 1657.003 with issuance date of 02/02/2022 consisting of one page (collectively attached hereto as Exhibit A).

SECTION 2: The Revised Final Plat is hereby approved.

SECTION 3: That all requirements set forth in the Johnsburg Zoning Ordinance, as would be required by any owner of property zoned in the same manner as Lot 2, shall be complied with, except as otherwise expressly and specifically provided in this Ordinance.

SECTION 4: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall

not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

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: Trustees Curry, Foreman, Frost, Hagen and Letzter

Voting Nay: None

Abstain: None

Absent: Trustee Klemstein

APPROVED:



Village President Edwin P. Hettermann

(SEAL)

ATTEST: 
Village Clerk/ Administrator Claudett Sofiakis

Passed: March 1, 2022

Approved: March 1, 2022

Published: March 1, 2022

Prepared by:

Michael J. Smoron

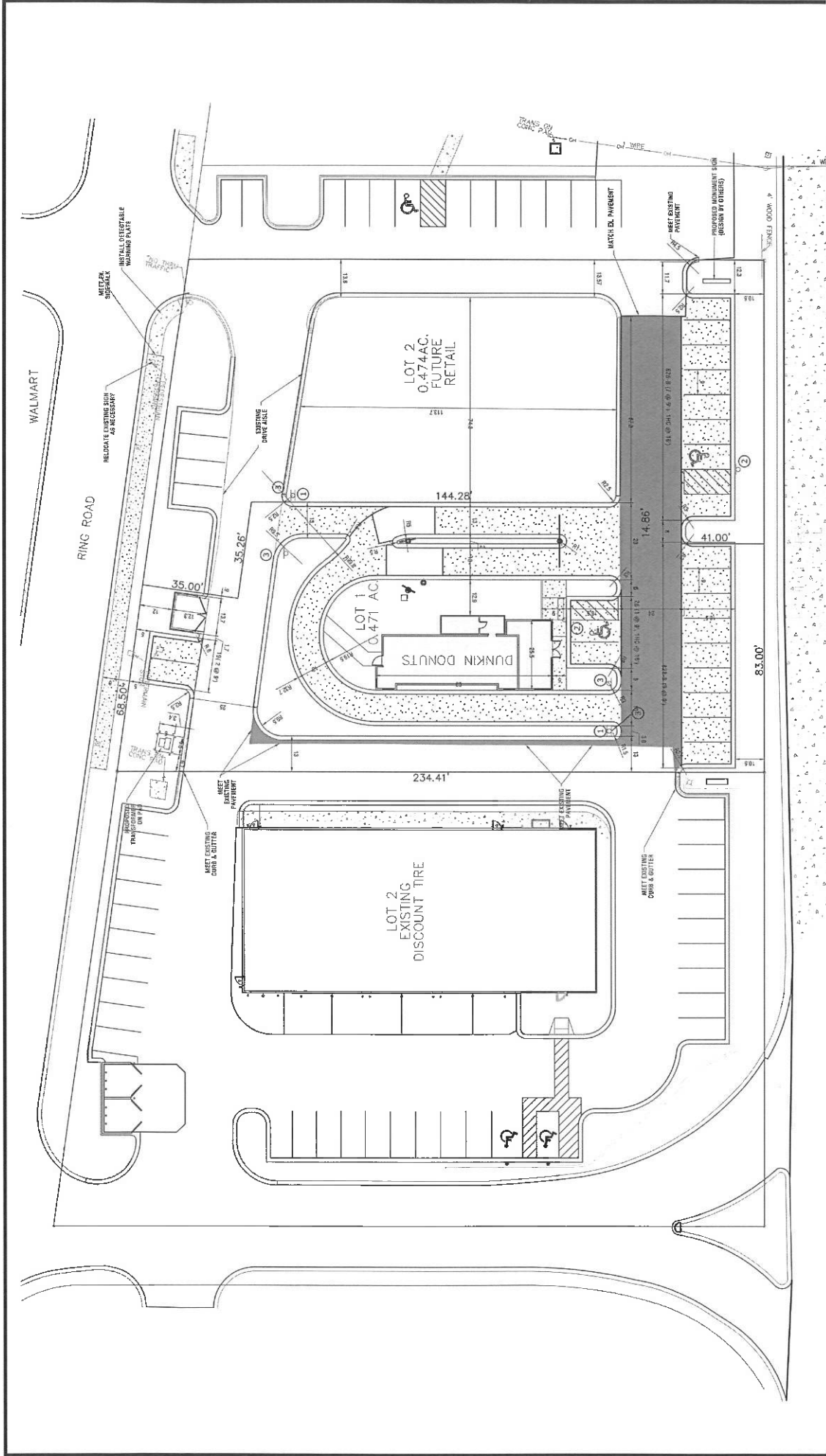
Zukowski Rogers Flood & McArdle

50 Virginia Street

Crystal Lake, Illinois 60014

(815)459-2050; Fax: (815) 459-9057

Z:\JOHNSBURG\Ordinances\Rose Subdivision.zoning.Amend.doc



WALMART

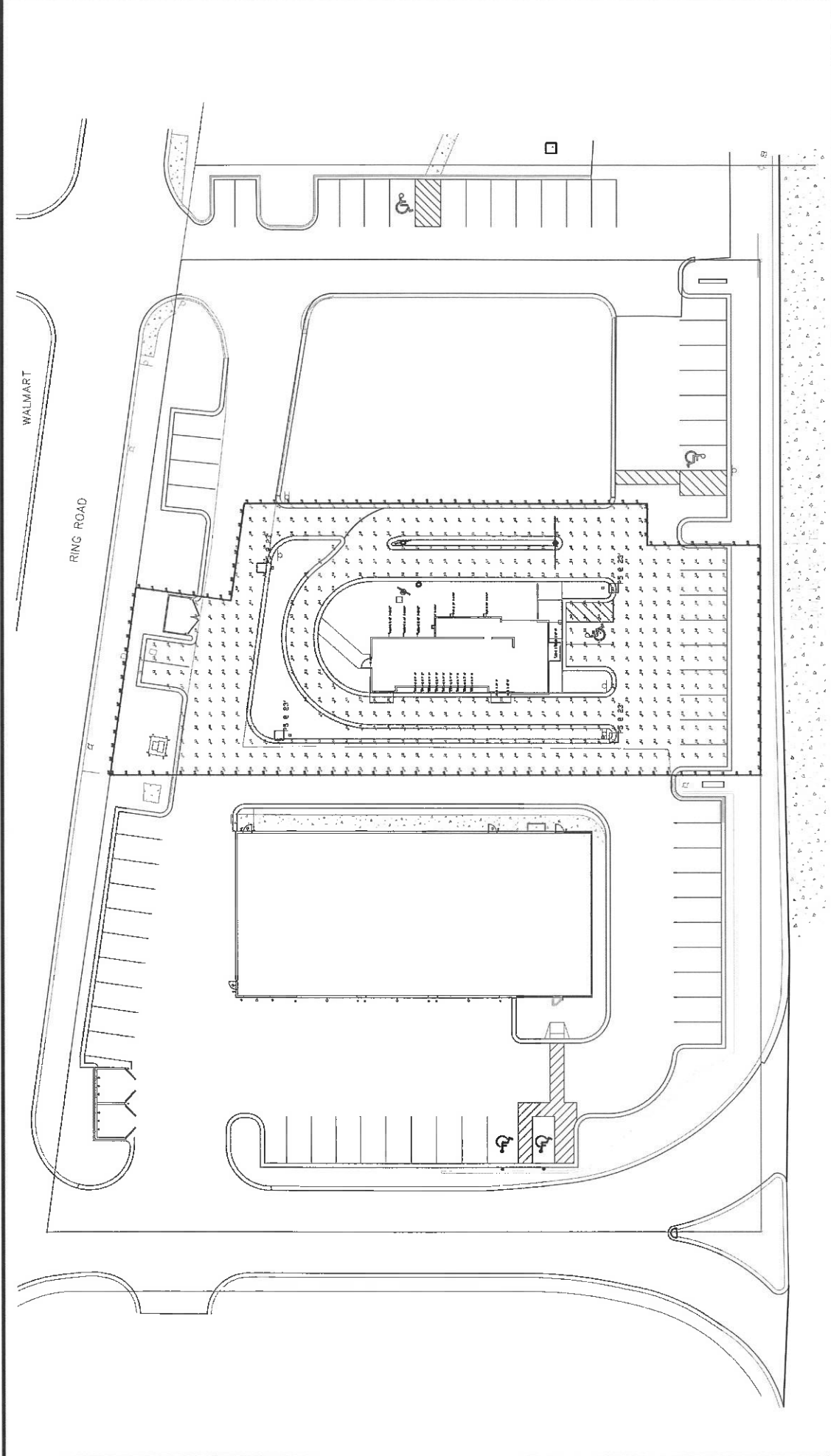
RING ROAD

Job No.	1657.003
Issue Date	02/02/2022
Project Area	14675F

PROJECT:
DD JOHNSBURG
28111 N RICHMOND

kolbrook design
825 DAVIS STREET
SUITE 300 N. 82201
Ft. Mill, SC 29504
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1 PROPOSED CIVIL PLAN
SCALE: 1/8" = 1'-0"



Job No. 1657.003
 Issue Date 02/02/2022
 Project Area 14675SF

PROJECT:
DD JOHNSBURG
 2911 N RICHMOND

kolbrook design
 828 DAVIS STREET
 SUITE 300
 EVANSTON, IL 60201
 PH 847.468.1562
 Copyright © 2022 Kolbrook Design, Inc.

1 PROPOSED PHOTOMETRICS
 SCALE: 1/32" = 1'-0"

Schedule				
Symbol	Label	Quantity	Manufacturer	Catalog Number
	EWS	3	WAC Lighting	WP-LED227-30
	WSC X-2	12	HILLITE	H-GU10-119/18-1-119
	LED-2	6	DMF Lighting	DRD2M10940-DRD2TR4SWH
	G	1	EATON - LUMARK (FORMER COOPER LIGHTING)	XTOR1B
	P5	4	EATON - LUMARK	PRV-C40-D-UNV-T5-BZ

Statistics						
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Parking Lot	+	2.1 fc	11.0 fc	0.9 fc	12.2:1	2.3:1
Property Line	+	1.3 fc	2.2 fc	0.5 fc	4.4:1	2.6:1

PROJECT:
DD JOHNSBURG
 2911 N RICHMOND

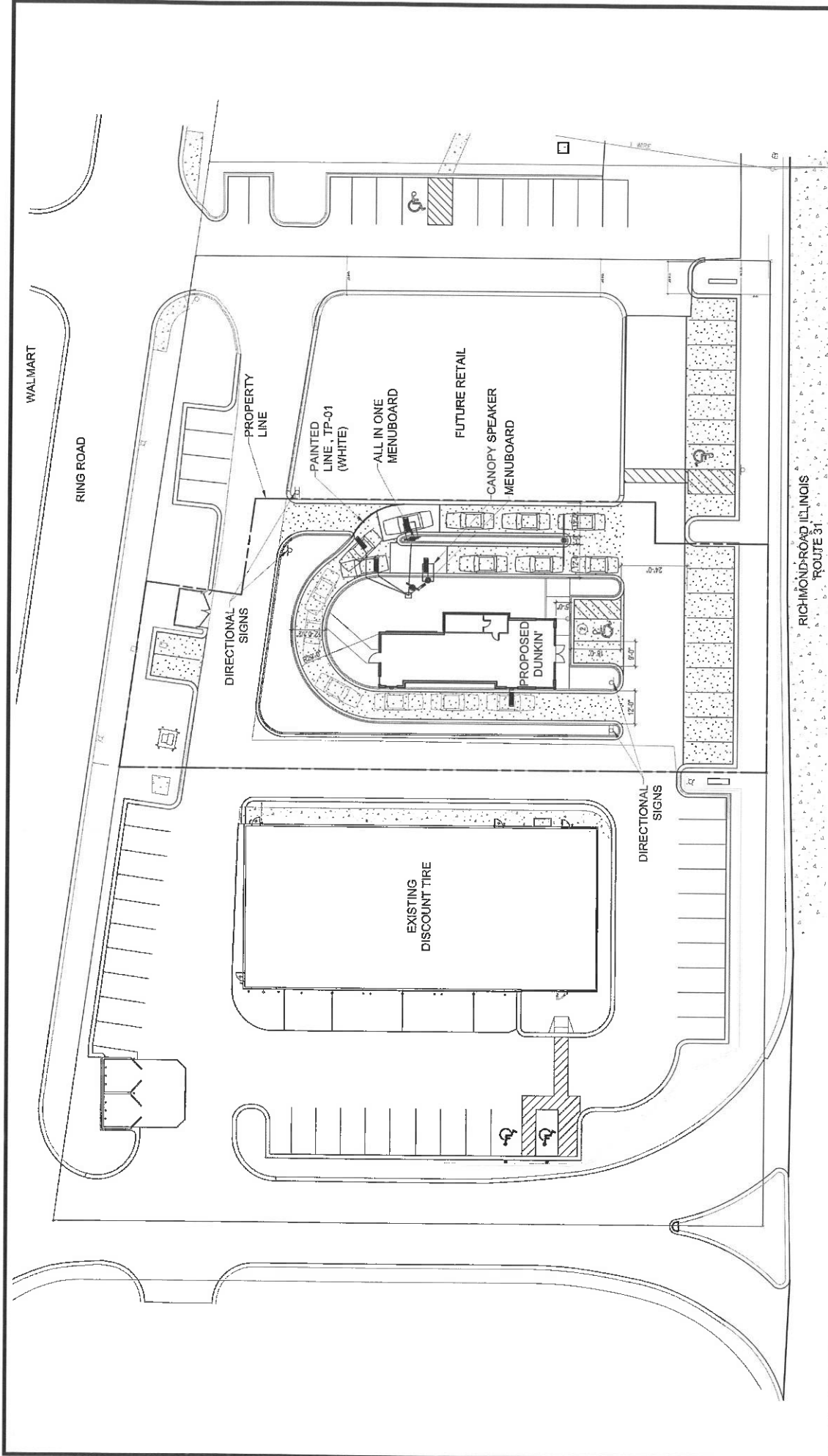


828 DAVIS STREET
 EVANSTON, IL 60201
 PH 847.482.1592

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1 PHOTOMETRICS SCHEDULE

Job No. 1657.003
 Issue Date 02/02/2022
 Project Area 1467SF



Job No.	1657.003
Issue Date	02/02/2022
Project Area	1467 SF

PROJECT:
DD JOHNSBURG
 2911 N RICHMOND

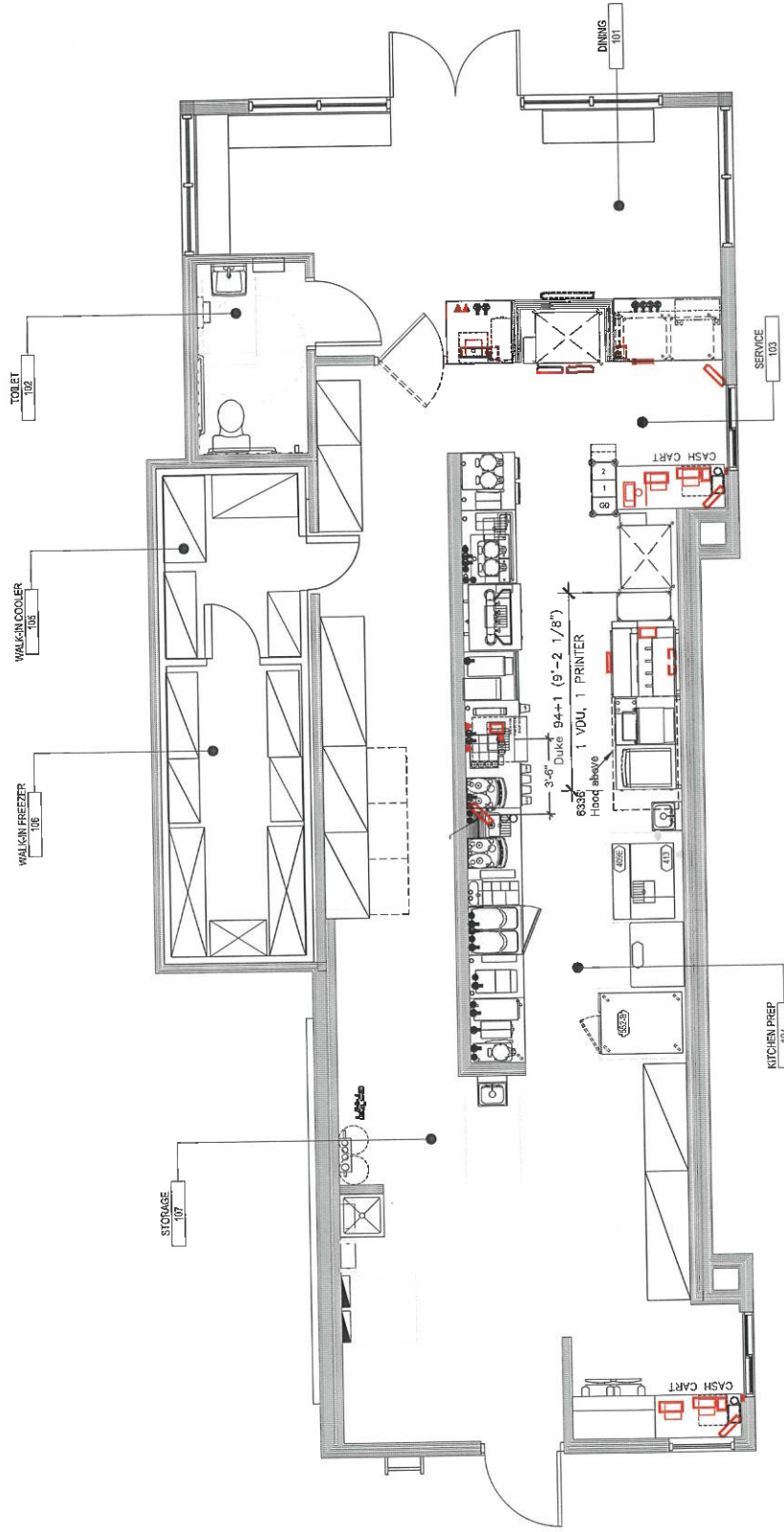


525 DAVIS STREET
 SUITE 300
 EVANSTON, IL 60201
 PH: 708.492.1867

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1 PROPOSED SITE PLAN
 SCALE: 1/8" = 1'-0"





Job No.
1857.003
Issue Date
02/02/2022
Project Area
1,467SF



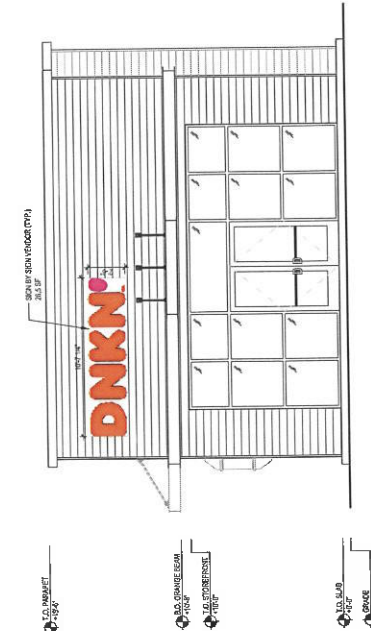
PROJECT:
DD JOHNSBURG
2911 N RICHMOND
① PROPOSED FLOOR PLAN
SCALE: 3/16" = 1'-0"

kolbrook design
1015 S STREET
SUITE 203
EVANSTON, IL 60201
Ph 847.492.1892

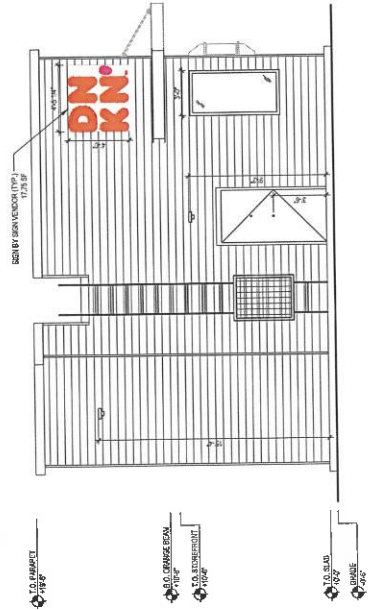
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WALL SIGN SIZE CALCULATION

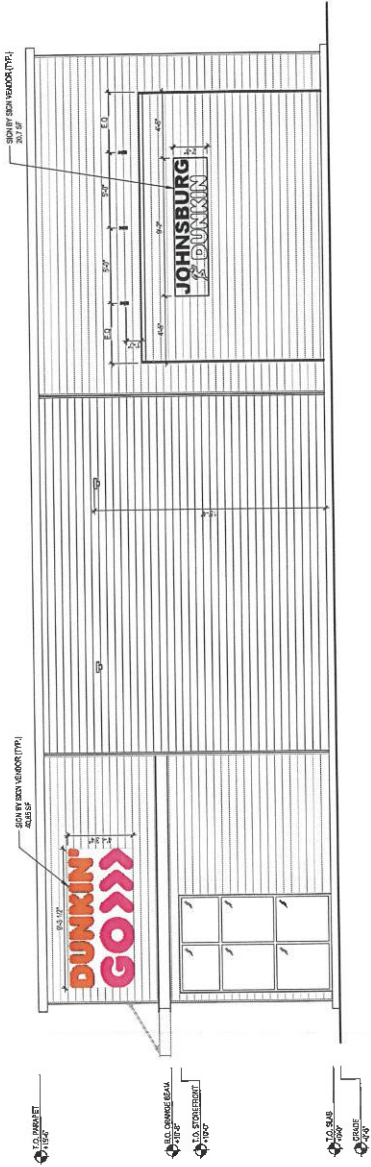
	SOUTH	NORTH	EAST	WEST
1 LF OF BUSINESS	63'	63'	20'	25'-6"
1 SF OF SIGN AREA	63 SF	63 SF	20 SF	25 SF
ALLOWED SIGN AREA	63 SF	63 SF	20 SF	25 SF
SIGNAGE AREA	25.6	40.85	17.75	26.5
	10.2	20.7		
TOTAL SIGNAGE AREA	81.3	81.55	17.75	26.5



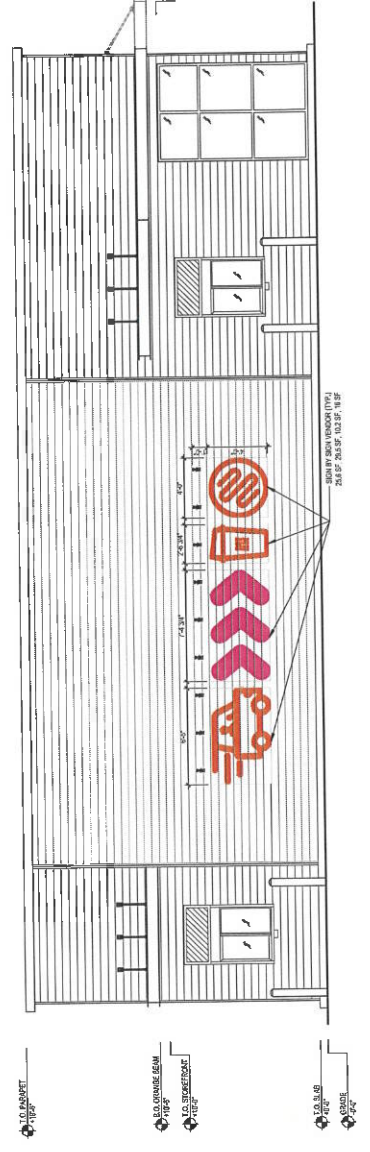
4 WEST ELEVATION
SCALE: 1/8" = 1'-0"



2 EAST ELEVATION
SCALE: 1/8" = 1'-0"



3 NORTH ELEVATION
SCALE: 1/8" = 1'-0"



1 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

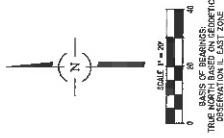
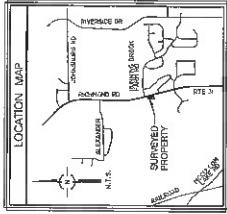
PROJECT:
DD JOHNSBURG
2911 N RICHMOND

kolbrook design
828 JAVIS STREET
SUITE 300
EVANSTON, IL 60201
PH: 847.462.1882

Job No.
1557.003
Issue Date
02/02/2022
Project Area
1,467SF

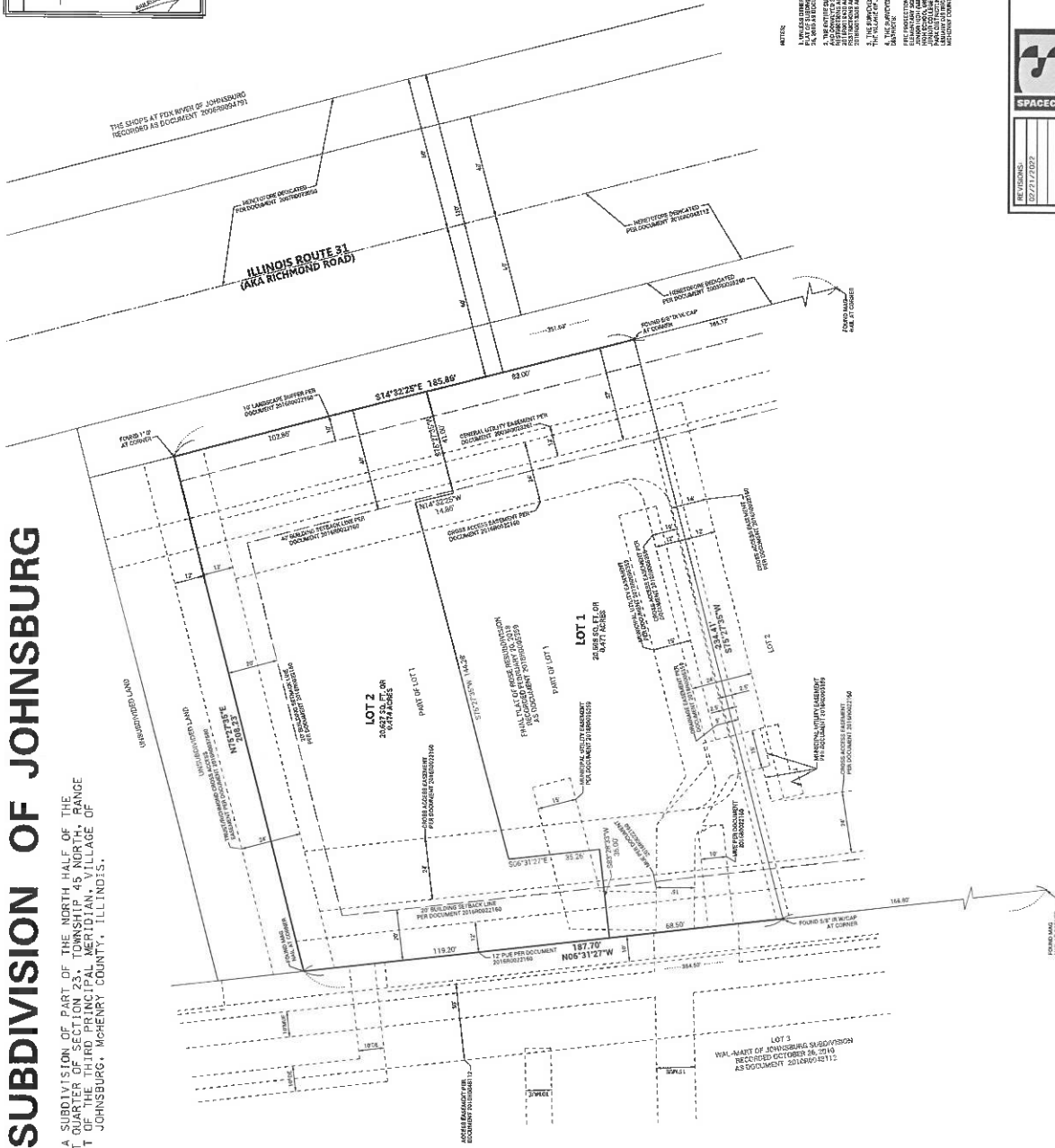


ARCHITECT:	kolbrook design	PROJECT:	DD JOHNSBURG 2911 N RICHMOND	Job No.	1657.003
328 DAVIS STREET SUITE 500 RICHMOND, IL 62001 PH 647.482.1932	Copyright © 2022 Kolbrook Design, Inc.	PROPOSED EXTERIOR	Issue Date	02/02/2022	Project Area
				1,467 SF	



FINAL PLAT 2ND ROSE RESUBDIVISION OF JOHNSBURG

BEING A SUBDIVISION OF PART OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 45 NORTH, RANGE 8 EAST JOHNSBURG, MOHENEY COUNTY, ILLINOIS.



NOTES:

1. THIS RESUBDIVISION IS SUBJECT TO THE SUBDIVISION MAP (SUBDIVISION) OF THE FINAL PLAT OF THE SUBDIVISION OF JOHNSBURG, MOHENEY COUNTY, ILLINOIS, RECORDED OCTOBER 26, 2010 AS DOCUMENT 2010021162.
2. THE ENTIRE SUBDIVISION IS SUBJECT TO AND SHALL BE HELD, TRUSTED AND CONVEYED TO THE PUBLIC IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE SUBDIVISION MAP (SUBDIVISION) OF THE FINAL PLAT OF THE SUBDIVISION OF JOHNSBURG, MOHENEY COUNTY, ILLINOIS, RECORDED OCTOBER 26, 2010 AS DOCUMENT 2010021162.
3. THE SPACED PROPERTY IS TO BE USED FOR RESIDENTIAL PURPOSES ONLY.
4. THE VALUE OF THE PROPERTY IS TO BE DETERMINED BY THE LOCAL PUBLIC LAND AND SURVEY DEPARTMENT.

REVISIONS:
02/17/2027

CONSULTING ENGINEERS
SPACECO INC.

DATE OF P.L.N. 09-25-19-005
JOB NO. 1812-01
ELEVATION
1812-0008-01
SHEET 1 OF 2

PREPARED FOR:
RICHMOND 2011 LLC
RICHMOND 2011 LLC
RICHMOND 2011 LLC
RICHMOND 2011 LLC

PHONE: (807) 684-4201 Fax: (807) 684-4202

CERTIFICATION

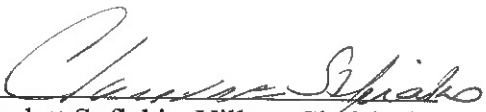
I, CLAUDETT SOFIAKIS, do hereby certify that I am the duly appointed, acting and qualified Administrator and Village Clerk of the Village of Johnsburg, McHenry County, Illinois, and that as such Clerk and Administrator, I am the keeper of the records and minutes and proceedings of the President and Board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

I do hereby further certify that at a duly scheduled meeting of the President and Board of Trustees of the Village of Johnsburg, held on the 1st day of March, 2022, the foregoing Ordinance entitled *An Ordinance Granting an Amendment to the Conditional Use Permit for Planned Development and Certain Zoning Exceptions and Approving the Final Plat for the Rose Resubdivision*, was duly passed by the President and Board of Trustees of the Village of Johnsburg.

The pamphlet form of Ordinance No. 21-22-31, 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 1st day of March, 2022, and will continue for at least 10 days thereafter. Copies of such Ordinance are 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 Administrator 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, and this 1st day of March, 2022.



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

(SEAL)