
ORDINANCE NO. 22-23-04

*An Ordinance Granting R-4 Zoning with a Conditional Use Permit
for a Planned Development to Accommodate a
Townhome Rental Housing Development on the Property Commonly Known
as the Fuhler Property, 3470 N. Richmond Road, Johnsburg, Illinois*

AN ORDINANCE PASSED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF JOHNSBURG
AT A SPECIAL MEETING ON JUNE 28, 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

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WHEREAS, General Capital Development, LLC filed an application with the Village Clerk of the Village of Johnsburg, McHenry County, Illinois, requesting the granting of R-4 Zoning with a Conditional Use Permit for Planned Development to accommodate a Townhome Rental Housing Development on the Property Commonly Known as the Fuhler Property, 3470 N. Richmond Road and legally described in Exhibit A; and

WHEREAS, General Capital Development, LLC proposed the development of 49 townhome rental units consisting of 13 one bedroom units, 11 two bedroom units and 25 three bedroom units; 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 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 will provide housing not currently available in the Village. The lack of diversified housing was identified as a weakness during the SWOT analysis conducted at the 2019 Strategic Planning Session. Following the session, the Village Board committed to increasing the amount of diversified housing options and the proposal is consistent with that goal.
2. 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

3. The residents of the proposed development are anticipated to patronize businesses and amenities in the Village; 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 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 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 the subject property be zoned R-4 Planned Development;

SECTION 2: That a Conditional Use Permit be granted to allow for townhome rental development 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 prepared by Hooker DeJong dated April 25, 2022, 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. A fence shall be provided along the south property line;
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 and potable water systems;
4. The total number of residential units shall not exceed 49;
5. The dwelling units shall consist of 13 one bedroom units, 11 two bedroom units and 25 three bedroom units;
6. The total number of floors shall be limited to 2 with a total height not to exceed ___ feet;

7. There shall be 119 total parking spaces on the property with some covered parking provisions;
8. A community building and outdoor gathering space shall be provided for the residents of the community;
9. Ingress and Egress will be provided from both Johnsburg Road and Illinois Route 31 in accordance the requirements set forth by the McHenry County Division of Transportation and the Illinois Department of Transportation respectively. Signage shall be included prohibiting thru traffic;
10. Efforts will be made to preserve oak trees along the east property line;
11. Property shall be served by a full time manager and part time maintenance personnel.
12. Leases shall be a minimum of one year
13. The development must comply with all other applicable local, state and federal codes and regulations
14. A backup special service area shall be established for the property to provide maintenance to the detention.

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: Trustee Curry, Foremann, Frost, Klemstein and Letzter

Voting Nay: Trustee Hagen

Absent: None

Abstain: None

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

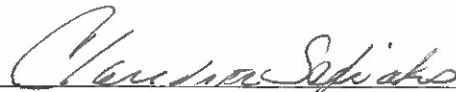
I, CLAUDETT SOFIAKIS, do hereby certify that I am the duly appointed, acting and qualified Clerk of the Village of Johnsburg, McHenry County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the President and Board of Trustees of said Village of Johnsburg.

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 28th day of June 2022, the foregoing Ordinance entitled *An Ordinance Granting R-4 Zoning with a Conditional Use Permit for a Planned Development to Accommodate a Townhome Rental Development on the Property Commonly Known as the Fuhler Property, 3470 N. Richmond Road, Johnsburg, Illinois*, was duly passed by the President and Board of Trustees of the Village of Johnsburg.

The pamphlet form of Ordinance No. 22-23-04, 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 28th day of June, 2022 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 28th day of June, 2022



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

(SEAL)