

\*\*\*\*\*

**ORDINANCE NO. 23-24-02**

*An Ordinance Granting R-4 Zoning with a Special Use Permit  
for a Planned Development to Accommodate a  
Residential Townhome Neighborhood on the Property Generally located  
Southeast of North Johnsburg Road, North and Northeast of West Church Street,  
and Northwest of Sunnyside Beach Drive.*

\*\*\*\*\*

AN ORDINANCE PASSED BY THE  
PRESIDENT AND BOARD OF TRUSTEES  
OF THE VILLAGE OF JOHNSBURG  
AT A REGULAR MEETING ON JULY 19, 2023  
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

Beth Foreman  
Mike Fouke  
Josh Hagen  
Greg Klemstein  
Jamie Morris  
Scott Letzter

Village Administrator

Claudett Sofiakis

**ORDINANCE NO. 23-24-02**

***An Ordinance Granting R-4 Zoning with a Special Use Permit  
for a Planned Development to Accommodate a  
Residential Townhome Neighborhood on the Property Generally located  
Southeast of North Johnsburg Road, North and Northeast of West Church Street,  
and Northwest of Sunnyside Beach Drive.***

WHEREAS, Redwood USA 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 Special Use Permit for Planned Development to accommodate a Residential Townhome Neighborhood on the property generally located southeast of North Johnsburg Road, north and northeast of West Church Street and northwest of Sunnyside Beach Drive and legally described and depicted in Exhibit A (the “Property”); and

WHEREAS, Redwood USA LLC proposed the development of 110 single-story homes ranging in size from 1294 square feet to 1620 square feet to be grouped in 24 buildings with up to eight homes per building with a total maximum height of 20 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 (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:

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

1. The proposed use at the proposed location will provide housing not currently available in the Village and is necessary or desirable to provide a service or facility which is in the interest of the public need and convenience. The lack of diversified housing was identified as a weakness during the SWOT analysis conducted at the 2020 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. Additionally, the Village’s Downtown

2. Addendum to the Comprehensive Land Use Plan identified the need for high density housing to support existing and new business development in the downtown area. Such development will contribute to the general welfare of the neighborhood and community;
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 strengthening the Village's economic base as a result of such revenues and the viability of such area of the Village, while at the same time contributing few children to the community's schools, and being self-sufficient relative to the use of private roads to be maintained by the owner of the development and eliminating such a burden on the Village's Public Works Department; and
4. The residents of the proposed development are anticipated to patronize businesses and amenities in the Village; and
5. 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 insofar as the developer will be responsible for maintenance of the development and screening potential tenants of these parcels, and that even the petitioner's older developments of this kind that remain under their ownership retain their appeal through periodic maintenance, upgrades and re-landscaping; and
6. The use will not be injurious to property values or improvements in the vicinity, based upon the petitioner's testimony as to the lack of impact on Village resources 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 or otherwise to indicate that the proposed use will lower the value of adjacent or proximate properties; 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.

SECTION 1: That the subject property be zoned R-4 Planned Development;

SECTION 2: That a Special Use Permit be granted to allow for townhome development subject to and contingent upon each of the following conditions:

1. Construction of such development shall be in compliance with the Final architectural elevations, floor plans, site plan, landscape plan, signage package, photometric plan/lighting package which must be presented to the Village Engineer,

Planning and Zoning Commission and Village Board along with the Final Plat of Planned Development to confirm that said plans for the development are in substantial conformance with Exhibit A prepared by Schoppe Design Associates, Inc. dated June 7, 2023, attached hereto; and

2. Building plans for the development shall comply with all applicable codes as approved by the Village's Building Commissioner and Village Engineer; and
3. Landscaping on the property and neighboring lots shall be deciduous and non-deciduous in nature sufficient to provide proper screening throughout the year; and
4. LED ambient lighting will be utilized on each unit and shall be cast in a manner to not negatively affect neighboring properties while providing appropriate security for the residents of the development. Said lighting will be on a photocell and controlled by Redwood; and
5. The total number of residential units shall not exceed 110 on the Property; and
6. The residential units shall range in size from 1294 square feet to 1620 square feet, grouped into no more than 24 buildings with up to eight homes per building; and
7. Each residential unit in the development will include two parking spaces in each garage; 2 spaces in front of each garage and an additional 24 visitor parking spaces spread throughout the development; and
8. Roads shall be privately maintained and shall be built in accordance with the engineering plans as approved by the Village and shall not be dedicated to, turned over, or accepted by the Village; and
9. No residential unit on the property shall exceed twenty feet in height; and
10. The development will be served by two ingress and egress points as depicted in the Conceptual Development Plan; and
11. The development must comply with all other applicable local, state and federal codes and regulations; and
12. A backup special service area shall be established for the property to maintain drainage; and
13. There shall be no subleasing or sublicensing of the homes to third parties; and
14. The neighborhood will be professionally managed; and
15. There shall be no subdivision of the property and it shall remain under the control of a single owner; and
16. The Property will be served by the Village's wastewater treatment and potable water systems.
17. The zoning and conditional use permit are subject to Redwood closing on the purchase of the subject properties.

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 Letzter, Foreman, Fouke, Morris, Hagen and Klemstein

Voting Nay: None

Absent: None

Abstain: None

APPROVED:

  
\_\_\_\_\_  
Village President Edwin P. Hettermann



ATTEST:   
\_\_\_\_\_  
Village Clerk Claudett Sofiakis

Passed: July 18, 2023

Approved: July 18, 2023

Published: July 18, 2023

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 18<sup>th</sup> day of June 2023, the foregoing Ordinance entitled *An Ordinance Granting R-4 Zoning with a Conditional Use Permit for a Planned Development to Accommodate a Residential Townhome Neighborhood for the Property generally located Southeast of North Johnsburg Road, North and Northeast of West Church Street, and Northwest of Sunnyside Beach Drive*, was duly passed by the President and Board of Trustees of the Village of Johnsburg.

The pamphlet form of Ordinance No. 23-24-02, 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 18th day of July, 2023 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 18<sup>th</sup> day of July, 2023



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