

**MINUTES OF THE VILLAGE OF JOHNSBURG  
SEPTEMBER 24, 2019 RECONVENED MEETING OF THE  
PLANNING AND ZONING COMMISSION**

**CALL TO ORDER** – Chairman Husby reconvened the meeting at 7:00 p.m. in the Village Hall.

**Commission Members Present**

Kim Husby  
Mark Niggemann  
Scott Letzter  
Curt Larsen  
Tom Benck (absent)  
Ken Calhoun

**Staff Present**

Claudett Peters - Village of Johnsburg  
Vinny LaMontagna – Village of Johnsburg  
Michael Smoron – Village Attorney

Chairperson Husby explained that the hearing is reconvened from September 10, 2019 at which time the public comment and question period was completed and the Commission was prepared to take action. She explained that the Commission had a question regarding the Davidson property and requested the Village Engineer's input regarding the appropriate depth to consider for the B-2 zoning. She stated that the Village Engineer proposed a depth consistent with the north property line of the Garrelts parcel, which is 495 feet. Commission Member Calhoun questioned how far east the business zoning classification would extend. Ms. Peters explained that it would extend the full length of the property to create a consistent separation between districts. There were no additional questions.

Commission Member Niggemann moved to recommend the rezoning of properties set forth in the public notice to B-2 Business District with the exception of the Anderson parcel on Ivy Lane PIN 09-13-326-001 and the Caifano parcel on Ivy Lane PIN 09-13-301-004. Commission Member Calhoun seconded the motion. All Commission Members present voted aye on the roll. Motion carried.

Commission Member Calhoun moved to clarify that the recommended depth of B-2 zoning on the Davidson is 495 feet. Commission Member Larsen seconded the motion. All Commission Members present voted aye. Motion carried.

**TEXT AMENDMENTS**

The Commission considered the proposed text amendments to the B-4 District, Use Chart and Conditional Use Chart. Chairperson Husby asked that the Commission consider each amendment individually. The Commission first addressed the recommended amendments related to the B-4 District. Village Administrator Claudett Peters explained that the Village established the B-4 District after the Sunnyside/Johnsburg annexation for specific parcels that were previously zoned B-3 in the County because the Village's B-3 District is not consistent with the County's. She added that the B-4 District only serves two parcels but by including it in the charts, it is misleading to other property owners who perceive it is a zoning that can be pursued. The amendment removes the District from the charts and includes language in Section 11.7 to accommodate the two parcels currently zoned B-4. There were no additional questions regarding the proposed amendments related to the B-4 District.

The Commission then proceeded to discuss the proposed amendments to the Use and Conditional Use charts. Chairperson Husby questioned the change to remove Athletic Fields as conditional uses in the Business zoning districts. Village Administrator Peters explained that the use is more appropriate in other districts. Chairperson Husby questioned how the Village would address a situation such as an industrial business desiring to develop an athletic field on their property for their employees to utilize. Commission Member Letzter pointed out that the use is still included as a conditional use in the Commercial and Industrial Districts. There were no additional concerns raised regarding the recommended amendments related to Athletic Fields.

Chairperson Husby questioned the proposed change to eliminate churches as conditional uses in the Business districts, adding that she does not have any issues with retaining them as conditional uses in the Business districts. She added that oftentimes churches are located in business areas and referenced a church that was located in a building along Chapel Hill Road. Commission Member Larson questioned if the Village could place requirements regarding the type of facility a church can construct so that if in the future the church no longer uses the facility, it is suitable for another use. Attorney Smoron explained that the Supreme Court has determined that if a use is included as a conditional use, the Village does not have much latitude in saying yes or no as to whether or not it will be permitted in a given district. He added that if the use is included even as a conditional use, it is expected that the use is appropriate for the district and the Village does not have much discretion. Commission Member Letzter expressed concern with retaining the use as a conditional use in the business districts because it would limit the Village's discretion.

Attorney Mark Saladin requested to speak on behalf of Lighthouse Church. He expressed disagreement with Attorney Smoron's comments related to conditional uses and stated that the Village can enforce conditions. Mr. Saladin stated that the Church has a contract pending on property and wants the opportunity to be heard. He asked that the Commission retain conditional uses for churches in Business districts.

Commission members continued their review of the proposed text amendments. Chairperson Husby questioned if removing Halfway Houses as conditional uses in the Business districts would prohibit them from being situated on the second floor of a business use. Village Administrator Peters offered that the situation could be addressed as a planned development with multiple zonings. Attorney Smoron added that a text amendment could be requested which would include retail on the lower level and housing upstairs.

## **PUBLIC QUESTIONS AND COMMENT**

Bobby Foskett of 2526 Knob Hill attended and represented himself as the President of the Dutch Creek Homeowners Association. He stated that the residents of Dutch Creek Woodlands feel they will be impacted by any business or retail use. He expressed a desire for a transitional area between residential and business uses. He stated his concern that a business use will affect the character of the neighborhood and added that he understands that things need to change but he wants to see change for the better. He stated that the neighborhood is impacted by activities at Half Time and he does not want a similar use to affect the neighborhood. He asked that the Commission take into consideration quality of life.

## **QUESTIONS FROM THE COMMISSION**

Commission Member Letzter asked Mr. Ford how long his property has been for sale. Mr. Ford stated that his father had the property for sale back in 1993 and it has been on and off the market since that time.

Mr. Saladin asked the Commission to leave the conditional use for churches in the Business district to give them a chance to come back before them.

Commission Member Calhoun questioned the size of Mr. Ford's parcel. Mr. Ford stated it is just under 10 acres.

With no other questions or comments, the public input period closed with regard to the proposed text amendments.

**MOTION** – Commission Member Larsen moved to recommend acceptance of all of the proposed amendments but to retain churches as conditional uses in the Business zoning districts. Commission Member the Letzter seconded the motion. All Commission Members present voted aye on the roll. Motion carried.

**ADJOURNMENT** – Commission Member Calhoun moved to adjourn the hearing. Commission Member Letzter seconded the motion. All Commission Members present voted aye. Motion to adjourn was carried at 8:08 p.m.

**RECONVENED PUBLIC HEARING** – Chairperson Husby reconvened the hearing regarding proposed amendments to the Comprehensive Plan at 8:08 p.m. She confirmed that all members were still in attendance. Attorney Smoron read the amendments being proposed to the plan. Chairperson Husby opened the hearing up for questions and comments from the public.

## **QUESTIONS AND COMMENTS FROM THE PUBLIC**

Attorney Mark Saladin asked that the Commission not exclude places of worship along Johnsborg Road and make the appropriate adjustments to be consistent with the Commission's recommendation to retain churches as conditional uses in the Business zoning districts.

Chairperson Husby explained that adding Places of Worship in Planning Areas 9 and 10 is being included in the plan to reflect areas where the Village feels the use is more suitable.

With no other questions or comments, the public input period closed with regard to the proposed amendments to the Comprehensive Plan.

**MOTION** - Commission Member Letzter moved to accept the amendments to the Comprehensive Plan as proposed. Commission Member Larsen seconded the motion. All Commission Members present voted aye on the roll. Motion carried.

**ADJOURNMENT** – Commission Member Letzter moved to adjourn the hearing. Commission Member Larsen seconded the motion. All Commission Members present voted aye. Motion to adjourn was carried at 8:20 p.m.

Respectfully Submitted,

*Claudett Peters*  
*Village Administrator*