

**MINUTES OF THE VILLAGE OF JOHNSBURG
OCTOBER 29, 2019 MEETING OF THE
PLANNING AND ZONING COMMISSION**

CALL TO ORDER – Chairman Husby called the meeting at 7:05 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

MAP AMENDMENTS - Chairperson Husby explained the purpose of the hearing and read the notice proposing map amendments for Parcels 09-13-176-017 (Sompel Property), 09-13-177-002, 09-13-177-007, 09-13-326-001, 09-13-326-003(Anderson Property) 09-13-301-004 (Caifano Property), 09-13-301-016, 09-13-301-020 (Hughes Property), 09-13-301-018 (Cable Property), 09-13-301-019 (Ford Property), 09-13-326-030 (MWS Holdings Property), 09-14-300-027 (Fuhler Property), 09-13-400-024 Village Property), and 09-14-400-031 (Davidson Property). She further explained that the Planning and Zoning Commission already heard the matter and a recommendation was made to the Village Board, however when the matter was addressed by the Board, a resident expressed that she felt additional notices should have been sent. To accommodate the resident’s concerns, the Village Board directed the matter to be noticed up again before the Planning and Zoning Commission with additional notices sent to adjacent property owners. Chairperson Husby then opened the hearing for questions from the public

PUBLIC INPUT - Cassandra Torstenson of 3417 Jamesway stated that she just became aware of the hearing and expressed that it was difficult for her to raise questions or comments without a map or other supportive information attached to the agenda. Matt Menoni of 3421 Jamesway concurred with Ms. Torstenson. Maps were circulated to the residents in attendance identifying the subject properties. Chairperson Husby explained that several parcels of land situated along Johnsburg Road are currently zoned Agriculture and the Village Board has asked the Planning and Zoning Commission to consider rezoning the parcels to B-2 because of where they are situated between Johnsburg’s Downtown District and the Route 31 corridor.

Bobbie Foskett of 2526 Knob Hill Road stated that has been a resident for 27 years and was in attendance on behalf of the Dutch Creek Woodlands Homeowner’s Association though he was not representing everyone in the association. He stated that the subdivision is a unique area and they are proud to live there. Mr. Foskett explained that one of the subject parcels is adjacent to the subdivision and is currently zoned A-1. He added that the owner, Mr. Ford, has been trying to sell the property for several years and now has a contract on the parcel for a church. Mr. Foskett stated that they would like to see a church on the property as a buffer rather than a retail use that will have noise and light pollution associated with it.

Mary Ellen Shine of 3318 Ivy Lane stated that her property is adjacent to the Ford property. She further stated that she understands the property first listed in August of 2015 and has been marketed since that time and there have been no offers or contracts until the Church came along. She asked that the Village keep the conditional use allowance for a church for the property.

A resident questioned traffic impacts to Johnsborg Road as they were told that the sale of Anderson property has been considered in the past but was unsuccessful because of negative traffic impacts. Chairperson Husby stated that no one has come before the Planning and Zoning Commission regarding the matter and is unaware of any denial based upon traffic. She added that the property appears to be challenging so perhaps the issue was how to get to Johnsborg Road for access. The resident questioned why the property wasn't being considered for a residential use. Chairperson Husby questioned if a multifamily use would be more acceptable. The resident questioned how that would be different. Commission Member Larsen explained that residential uses can have significant traffic impacts.

Chairperson Husby explained that the Village reviews its ordinances and zoning regularly to insure regulations are current. She added that the Village Board directed a review of this matter as changes need to be made from time to time. Chairperson Husby stated that the property along Johnsborg Road is currently zoned for agricultural uses with pocket farming that takes place on some of the parcels, which is not necessarily the best use of the properties. She explained that notification was provided to all property owners of the proposed change to B-2 zoning and only the owner of the Ford property objected to the change.

Attorney Smoron explained that nothing has been decided on this matter as the purpose of the hearing is to provide additional opportunity for residents to ask questions and provide evidence and input relative to the proposed rezoning. The Village Board has asked the Planning and Zoning Commission to make a recommendation as to whether or not the parcels should be rezoned after hearing additional testimony.

Ms. Torstenson asked the Commission to consider B-1 zoning or residential zoning rather than B-2 on the Anderson parcel as she is concerned with the liquor allowances in the B-2 zoning.

Mr. Foskett questioned Chairperson Husby's qualification in determining farming is not appropriate for the parcels. He stated that the small farms are part of what makes Johnsborg the community that it is and deferred to Commission Member Calhoun stating that he farms small parcels and makes money doing so. Commission Member Calhoun responded that he no longer farms small parcels, as it is not profitable.

Mr. Menoni questioned why all of the parcels are being rezoned without a proposed use because in his experience a plan for a property is brought forward with a request to rezone. Attorney Smoron explained that there are two processes by which property can be rezoned. The first is for a petitioner to bring forward a plan with a request for rezoning and the other is through comprehensive map amendments.

The broker of the Ford parcel spoke stating that a request was brought to the Village requesting zoning consideration and then the Village decided to include the parcel in the B-2 zoning. She

stated that if the property remains zoned agriculture, the buyer would still have to go before Commission to request a conditional use. She explained that whether the property becomes B-2 or remains Ag, a conditional use would have be pursued.

Mr. Foskett stated that the Dutch Creek Homeowner's Association is officially against rezoning the Ford property to B-2.

Pastor Neil Lundwell of Lighthouse Church stated that the church is currently located behind Culver's in McHenry. He discussed his efforts to rezone the property and reiterated the actions taken by the Planning and Zoning Commission at the initial hearings. Mr. Lundwell stated that he hopes the church will be able to proceed and become part of the community.

Ms. Caifano asked for confirmation that her parcel on Ivy Lane was no longer part of the map amendments. Attorney Smoron confirmed that it was removed.

Glenn Chappell of 3500 Johnsburg Road suggested the Village pursue B-1 or residential zoning rather than B-2 zoning and commented that Johnsburg Road already had to be re-done.

Dick Seaborn of 3507 Knob Hill questioned if anyone lives in the neighborhood from the Planning and Zoning Commission.

Shirley Hoquet of 3333 Ivy Lane stated that her property abuts the Ford property and she would like to see a church on the property.

HEARING CLOSED – With no additional comments or questions, the public hearing closed at 7:58 p.m.

MOTION – Commission Member Niggemann move to stick with the previous recommendation made to the Village Board that the subject properties be rezoned to B-2. Commission Member Letzter seconded the motion. All Commission Members present voted aye on the roll. Motion carried.

TEXT AMENDMENTS

Chairperson Husby opened the public hearing regarding the proposed text amendments. She explained that following the previous hearing the Commission recommended all of the proposed amendments with the exception of Churches – Places of Worship, which they recommended remain as a conditional use in the B1-B3,C-1, E1-E5 and R1-R3 zoning districts.

Cassandra Torstenson of 3417 Jamesway stated that she does not believe anyone has a concern with the church use on the property, the concern is the potential for a liquor use.

HEARING CLOSED – With no additional comments or questions, the public hearing closed at 8:02 p.m.

A resident questioned that since an individual did not receive notice of the hearing does the hearing have to be held again. Attorney Smoron explained that there is no requirement to notify

surrounding property therefore there is no legal reason for an additional hearing. He questioned Ms. Torstenson, who maintained that she did not receive notice of the hearing, if she is requesting another public hearing on the matter. Ms. Torstenson replied in the affirmative. Further discussion continued at which time it became known that Ms. Torstenson closed on the purchase of her home on Jamesway on October 4, 2019. Attorney Smoron explained that the notices for the hearing went out on October 10, 2019 based upon the County's record at that time. He reiterated that the question of notice is not a legal issue, but agreed to pass on the concern regarding notification to the Village Board.

Attorney Smoron explained that the Planning and Zoning Commission can either take action on the matter or continue it to another date certain. Ms. Torstenson stated that she is not concerned with the text amendments, only the map amendments. She requested the Commission rescind their motion regarding the map amendments and reconsider it with the removal of the Anderson parcel. Mr. Menoni concurred.

MOTION - Commission Member Calhoun moved to recommend the text amendments as proposed with the exception of churches, which would remain as a conditional use in the B1-B3, C-1, E1-E5 and R1-R3 zoning districts as previously recommended. Commission Member Niggemann seconded the motion. All voted aye.

TEXT AMENDMENTS - Attorney Smoron opened the hearing regarding text amendments to Section 15.6 at 8:55 p.m. He explained the proposed amendments and requested input from the public. With no questions or comments from the public, the hearing closed at 8:58 p.m.

MOTION - Commission Member Letzter moved to recommend striking the second sub-paragraph of Section 15.6, Final Decisions of the Johnsburg Zoning Ordinance as proposed. Commission Member Larsen seconded the motion. All Commission Members present voted aye on the roll. Motion carried.

TEXT AMENDMENTS - Attorney Smoron opened the hearing regarding text amendments to Section 15.5 at 9:00 p.m. He explained the proposed amendments and requested input from the public. With no questions or comments from the public, the hearing closed at 9:02 p.m.

MOTION - Commission Member Letzter moved to recommend approval of the proposed text amendments to Section 15.5. Commission Member Calhoun seconded the motion. All Commission Members present voted aye on the roll. Motion carried.

TEXT AMENDMENTS - Attorney Smoron opened the hearing regarding text amendments related to changing references in the Ordinance from Zoning Board of Appeals, Zoning Board, ZBA, and Plan Commission to the Planning and Zoning Commission at 9:04 p.m. and requested input from the public. With no questions or comments from the public, the hearing closed at 9:05 p.m.

MOTION - Commission Member Letzter moved to recommend the amendments as proposed. Commission Member Niggemann seconded the motion. All Commission Members present voted aye on the roll. Motion carried.s

Mr. Menoni again asked the Commission member to rescind their motion regarding the map amendments so that the Anderson property could be removed stating that he only had 13 days from receiving notice to respond to the matter. Mr. Menoni pressed each member individually all of who expressed no desire to rescind the motion.

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 9:18 p.m.

Respectfully Submitted,

Claudett Peters
Village Administrator