

ORDINANCE NO. 23-24-07

An Ordinance Granting B-2 Zoning with a Special Use Permit for a Car Wash Planned Development on the Vacant Parcel Generally Located on the Southeast side of Johnsburg Road in Front of Angelo's Market (4200 N. Johnsburg Road)

WHEREAS, Schnurr & Companies, LLC filed an application with the Village Clerk of the Village of Johnsburg, McHenry County, Illinois, requesting the granting of B-2 Zoning with a Special Use Permit for a Car Wash Planned Development on the vacant parcel generally located on the southeast side of N. Johnsburg Road in front of Angelo's Market (4200 N. Johnsburg Road), between McHenry Savings Bank (4000 N. Johnsburg Road) and Raymond's Bowl (3960 N. Johnsburg Road) and legally described and depicted in Exhibit A (the "Property"); and

WHEREAS, the applicant is proposing to pursue a car wash facility measuring 40x52 feet with one automatic lane and two self-serve lanes with a rear yard setback adjacent to the Valmar Center parking lot of 35 feet in lieu of the otherwise required 50 feet rear yard setback with a five feet wide sidewalk constructed along N. Johnsburg Road. The site will be improved with 2 vehicle vacuum stations, a staging lane and a small three hole putting green. A 10 feet high nautical ship anchor is proposed as a decorative feature on the site and monument and building signage will comply with Village ordinances. If permitted by the McHenry County Department of Health, the property will be served by an onsite septic system and well or alternatively a public sanitary sewer system and privately owned public water supply; 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 regarding 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:

1. The proposed use at the proposed location is necessary or desirable to provide a service or facility which is in the interest of the public need and convenience. The Village lacks adequate businesses to serve the community's needs. In the SWOT analysis conducted during the 2020 Strategic Planning Session the need to attract new business in the downtown district was identified. The Village's Downtown Addendum to the Comprehensive Land Use Plan also identified the need for shopping and service related businesses in the downtown area. Additionally, there are no car washes located in Johnsburg at the current time.

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 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 no children to the community's schools. Additionally, no new roads will be required to accommodate the development therefore there is no additional burden on the Village's Public Works Department; and
3. Residents throughout the community as well as persons traveling through the Village daily will patronize the proposed car wash making a positive economic contribution to 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 insofar as the developer will be responsible for maintenance of the development and has an existing business in the Village for which he has performed improvements and regular maintenance to retain its appeal; and
5. 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
6. 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.

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 B-2 with a Special Use Permit for a Car Wash Planned Development contingent upon the following conditions:

1. The car wash shall be developed in accordance with that certain colored rendering and Conceptual Site Plan prepared by R.B. Custom Designs Inc. dated July 28, 2023 and shall consist of a car wash facility measuring 40x52 feet with one automatic lane and two self-serve lanes attached hereto as Exhibit B. An additional automatic lane is planned for a future date; and
2. The rear yard setback adjacent to the Valmar Center parking lot shall be no less than 35 feet and a five feet wide sidewalk shall be constructed along N. Johnsburg Road; and
3. The site shall be improved with 2 vehicle vacuum stations and a small three hole putting green; and
4. A 10 feet high nautical ship anchor may be installed on the property as a decorative feature and monument signage will be utilized in conformance with Village ordinances; and

5. Building plans for the development shall comply with all applicable codes as approved by the Village's Building Commissioner and Village Engineer; and
6. A landscape plan shall be submitted and must be approved by the Village Board; and
7. The development will be served by one ingress/egress point accessing from the parking lot of the Valmar Center as depicted in the Conceptual Site Plan; and
8. Patrons shall access the car wash through a stacking lane and signage shall be utilized to discourage traffic from utilizing the Raymond's Bowl parking lot for ingress and egress; and
9. The development must comply with all other applicable local, state and federal codes and regulations; and
10. The Property will be served by a public potable water supply provided by Prairie Path Water Company; and
11. The Property will be served by an onsite septic system if authorized by the McHenry County Department of Health. Alternatively, the property will be connected to the Village's wastewater treatment system at the property owner's expense.

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:
 Voting Nay:
 Absent:
 Abstain:

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 26th day of August, 2023, the foregoing Ordinance entitled ***An Ordinance Granting B-2 Zoning with a Special Use Permit for a Car Wash Planned Development for the vacant parcel generally located on the southeast side of N. Johnsburg Road in front the Angelo's Market (4000 N. Johnsburg Road) in Johnsburg, Illinois*** as duly passed by the President and Board of Trustees of the Village of Johnsburg.

The pamphlet form of Ordinance No. 23-24-07, 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 26th day of August, 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 26th day of August, 2023

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

(SEAL)