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Tx:4127111

**2015R14949**

STATE OF ILLINOIS  
MADISON COUNTY  
05/11/2015 11:56 AM  
AMY M. MEYER, RECORDER

REC FEE: 34.00

CO STAMP FEE:

ST STAMP FEE:

FF FEE:

RHSPS FEE:

# OF PAGES: 7

**Return to:**

City Clerk  
116 E. Market Street  
Troy, Illinois 62294



34.00 CTY

**Ordinance No. 2015 - 11**

AN ORDINANCE amending Chapter 154 Zoning Ordinance  
Of the Codified Ordinances of the City of Troy  
For the Purpose Of Rezoning Specific Tracts of  
Land on the West Side of S. Main Street  
From R-2 Two-family Residential to C-2 General Commercial  
(i.e. 803 and 805 S. Main Street and 106 Fitch Street)

**Whereas**, Madison County Mass Transit District (hereinafter "Applicant") has filed an application for the rezoning of certain properties as described in Exhibit B; and

**Whereas**, the map attached hereto as Exhibit A is an accurate map of the lots so sought to be rezoned and such rezoning shall be in accordance with the boundaries indicated on the map; and

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**Whereas**, the City Planning Commission has complied with the provisions of 65 ILCS 5/11-13-14 and Section 154.143 of the Troy Municipal Ordinances regarding amendments of regulations and zoning districts by holding a public hearing on April 9, 2015 to consider the request for the rezoning of these properties, pursuant to notice as required by Statute; and

**Whereas**, as a result of said hearing, the Planning Commission has submitted Recommendation No. 2015-04PC to the City Council confirming that it recommends the request for rezoning; and

**Whereas**, the City Council has considered the recommendation of the Planning Commission and has determined that it is in the best interest of the public health, safety and welfare, and in compliance with the powers conferred upon the City and the objectives and purposes set out in 65 ILCS 5/11-13-1, to adopt an amendment to the codified ordinances of the City of Troy for the purpose of rezoning the above referenced properties in accordance with Exhibits A and B attached hereto.

***Now, Therefore, Be It Ordained By the Mayor and the City Council of the City Of Troy, Madison County, Illinois As Follows:***

**SECTION 1:** Chapter 154 Zoning Ordinance of the codified ordinances of the City of Troy is hereby amended to change the zoning classification of 803 and 805 S. Main Street and 106 Fitch Street, as described in Exhibit B and in accordance with the map attached hereto as Exhibit A, from R-2 Two-family Residential to C-2 General Commercial.

**SECTION 2:** That all other provisions of said Ordinances shall remain unchanged and in full force and effect except as specifically amended by this ordinance.

**SECTION 3:** If a court of competent jurisdiction declares any provision of this Ordinance unconstitutional or invalid, that decision shall not affect the validity of the remainder of this Ordinance.

**SECTION 4:** This Ordinance shall be effective upon its passage, signing, and publication as required by law.

*Passed* by the City Council of the City of Troy, Madison County, Illinois, approved by the Mayor, and deposited in the office of the City Clerk this twentieth day of April, 2015.

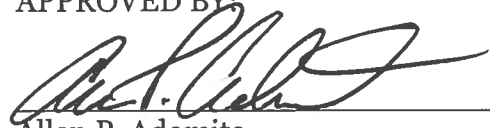
Aldermen:

DeCarli Aye  
Evans Aye  
Greenfield Aye  
Hendrickson Aye

Italiano Aye  
Jackson Aye  
Lanahan Aye  
Partney Aye

Total:  
8 Ayes  
0 Nays

APPROVED BY:



Allen P. Adomite  
Mayor, City of Troy, Illinois

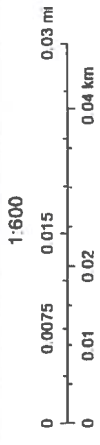
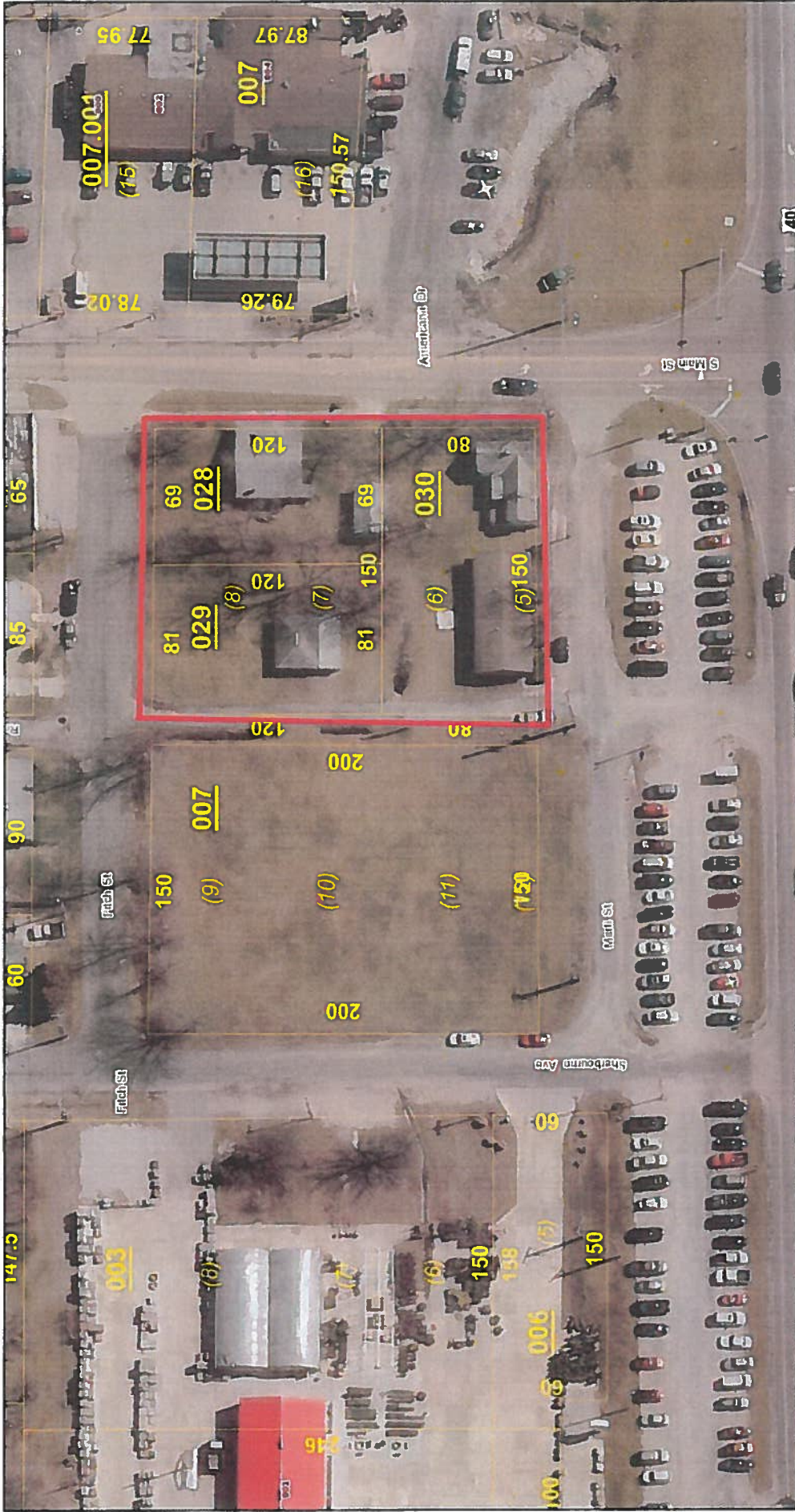
ATTEST:

  
Jamie Myers, City Clerk

(SEAL)



# Exhibit A



March 13, 2015

**LEGAL DESCRIPTION OF PROPERTY PROPOSED FOR REZONING R2 TO C2**

**MADISON COUNTY MASS TRANSIT DISTRICT **Exhibit B****

**PARCEL A** - 106 Fitch Street

LOTS NUMBERED SEVEN (7) AND EIGHT (8) IN BLOCK NUMBER FORTY-ONE (41) IN BROOKSIDE AS SHOWN BY PLAT THEREOF RECORDED IN PLAT BOOK 19 PAGE 51, OF THE RECORDER'S OFFICE OF MADISON COUNTY, ILLINOIS, EXCEPTING THEREFROM SIXTY-NINE FEET (69) OFF OF THE EAST END THEREOF CONVEYED BY HARRY MCDANIEL, UNMARRIED, TO ANTON MERSINGER, BY WARRANTY DEED DATED JULY 5, 1919, AND RECORDED IN THE RECORDER'S OFFICE OF MADISON COUNTY, ILLINOIS, IN BOOK 450, PAGE 72; SITUATED IN THE CITY OF TROY, IN THE COUNTY OF MADISON AND STATE OF ILLINOIS.

PERMANENT TAX NUMBER 09-2-22-09-19-401-029

**PARCEL B** - 805 S. Main Street

LOT NUMBER SIX (6) AND TWENTY (20) FEET OFF THE NORTH SIDE OF LOT NUMBERED FIVE (5) IN BLOCK NUMBERED FORTY-ONE (41) ORIGINAL TOWN OF BROOKSIDE, NOW A PART OF THE CITY OF TROY; AS SHOWN ON THE PLAT THEREOF, RECORDED IN THE RECORDER'S OFFICE OF MADISON COUNTY, ILLINOIS IN PLAT BOOK 4 PAGE 30 AND SUBSEQUENTLY TRANSCRIBED TO PLAT BOOK 19 PAGE 51; SITUATED IN THE CITY OF TROY, IN THE COUNTY OF MADISON AND STATE OF ILLINOIS.

PERMANENT TAX NUMBER 09-2-22-09-19-401-030

**PARCEL C** - 803 S. Main Street

PART OF LOTS SEVEN (7) AND EIGHT (8) IN BLOCK FORTY-ONE (41) IN BROOKSIDE AS SHOWN ON THE PLAT THEREOF; RECORDED IN THE RECORDER'S OFFICE OF MADISON COUNTY, ILLINOIS IN PLAT BOOK 4, AT PAGE 29, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:

BEGIN AT A POINT IN THE SOUTHEAST CORNER OF LOT 7, BLOCK 41; THENCE NORTH ALONG THE WEST SIDE OF MAIN STREET TO THE NORTHEAST CORNER OF SAID LOT 8, BLOCK 41; THEN WEST 69 FEET PARALLEL WITH THE SOUTH SIDE OF FITCH STREET; THENCE SOUTH PARALLEL WITH WEST SIDE OF MAIN STREET TO A POINT ON THE SOUTH LINE OF LOT 7, BLOCK 41; THENCE EAST 69 FEET ALONG THE SOUTH LINE OF LOT 7, BLOCK 41 TO THE PLACE OF BEGINNING. SITUATED IN THE CITY OF TROY, IN THE COUNTY OF MADISON AND STATE OF ILLINOIS

PERMANENT TAX NUMBER 09-2-22-09-19-401-028

RECOMMENDATION No. 2015 ~ 04PC

Of the Planning Commission of the City of Troy, Illinois Recommending/Not Recommending An Application for Rezoning Property from R-2 Two-family Residential to C-2 General Commercial Requested By Madison County Mass Transit District, Property Owner

Whereas, the Planning Commission met on April 9, 2015 to consider an application for rezoning filed by Madison County Mass Transit District, property owner. A copy of the application and certification regarding publication of the notice of hearing and of notification to surrounding property owners are incorporated by reference; and

Whereas, this application applies to 803 and 805 S. Main Street and 106 Fitch Street (See Exhibits A - Map and B - Legal Description); and

Whereas, the Planning Commission considered the testimony and exhibits offered on behalf of the application and the following citizens also testified regarding the application: NONE; and

Whereas, the Planning Commission considered the factors as described in Section 154.143(D) Recommendation/Findings of Fact of the Troy Code of Ordinances; and

Whereas, following the testimony and deliberations, Planning Commissioners voted as recorded below:

Burnett <u>X</u>	Hale <u>X</u>	Lawrenz <u>X</u>	Total:
Cissell _____	Hellrung <u>X</u>	Nehrt <u>X</u>	<u>7</u> Yeas
Dyer <u>X</u>	Johnson <u>X</u>	Turner _____	<u>0</u> Nays

Now Therefore It Is Recommended by the Planning Commission:

1. That the application for the following: To rezone 803 and 805 S. Main Streets and 106 Fitch Street (See Exhibits A - Map and B - Legal Description) from R-2 Two-family Residential to C-2 General Commercial.

[ ] IS NOT recommended; [X] IS recommended with the following stipulations: NONE

2. A copy of this recommendation is presented to the City Council; the original shall be filed with the Code Administrator.

Dated this 9th day of April, 2015.

By: [Signature] Chairman, Planning Commission

Attest: [Signature] Secretary, Planning Commission

# FINDINGS OF FACT

As per Section 154.143(D) Recommendation/Findings of Fact of the Troy Code of Ordinances, the Planning Commission shall not recommend the adoption of any amendment unless they find that such amendment is in the public interest and not merely for the benefit of the party proposing it. Where the effect of a proposed amendment is to alter district boundaries or to change the status (permitted, special or prohibited) of any use, the Planning Commission shall make findings regarding all of the following matters:

a) Existing uses of property in the vicinity of the property in question:

C2 Commercial

b) The district classification of property in the vicinity of the property in question:

Commercial

c) The suitability of the property in question for uses already permitted under the existing district classification:

Location is excellent for use as a transit terminal / bus stop.

d) The trend of development in the vicinity of the property in question, including changes (if any) which may have taken place since that property was placed in its present district classification:

Very little growth - only commercial growth.

e) Whether the proposed amendment is in the public interest and not merely for the benefit of the party proposing it.

The proposed amendment will help the whole community of Troy. It will make mass transportation available

JL Hehr  
Chairman, Planning Commission

4-9-15  
Date

Elizabeth Helbrung  
Secretary, Planning Commission

4-9-15  
Date