



DocId:8862697

Tx:4589394

Prepared By -
Return to:

City Clerk
116 E. Market Street
Troy, Illinois 62294

2023R10733
STATE OF ILLINOIS
MADISON COUNTY
04/26/2023 09:29 AM
LINDA A. ANDREAS
CLERK & RECORDER
REC FEE: 50.00
CO STAMP FEE:
ST STAMP FEE:
FF FEE:
RHSPS FEE:
OF PAGES: 13



\$ 50.00 CITY

Ordinance No. 2023 - 15

An Ordinance Concerning Chapter 154 of the Troy Municipal Zoning Code (also known as the Troy Zoning Code) for the Purpose of Granting a Special Use on a Specific Parcel (i.e. Four-family apartment building at 105 S. Border Street)

ADOPTED BY THE CITY COUNCIL

OF THE CITY OF TROY, ILLINOIS

THIS TWENTIETH DAY OF MARCH, 2023

WHEREAS, the City of Troy, County of Madison, State of Illinois, presently has in force the Troy Zoning Code, which is contained in Chapter 154 of the Troy Municipal Code, also known as Ordinance No. 2004-21, adopted August 2, 2004 and as amended from time to time; and

WHEREAS, Lindow Investments, owner, is requesting a special use permit to construct a new four-family apartment building on the site of an existing multi-family structure, which will be demolished, at 105 S. Border Street (PPID # 09-2-22-09-06-103-022) that is zoned C-4 Downtown Mixed-use Commercial. Multi-family dwellings are listed as a special use in the C-4 zoning district; and

WHEREAS, notice of such petition and hearing has been given as required by law; and

WHEREAS, a hearing on such petition was held by the Planning Commission on March 9, 2023; and

WHEREAS, the Planning Commission considered the testimony and exhibits offered on behalf of the application and the standards for issuance as described in Section 154.141(E) of the City of Troy Zoning Code; and

WHEREAS, in accordance with Section 154.141(F) of the City of Troy Zoning Code, the Planning Commission has submitted their recommendation, including findings of fact, to the City Council that such petition for special use be granted with the stipulation that a sidewalk is installed on the east side of the property as stated in Recommendation No. 2023-04PC; and

WHEREAS, the City Council finds that the requested special use is in the best interest of the City of Troy, Illinois.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TROY, MADISON COUNTY, ILLINOIS AS FOLLOWS:

SECTION 1: The recitals contained above in the preamble of this Ordinance are hereby incorporated by reference, the same as if set forth in this section of this Ordinance verbatim, as findings of the City Council of the City of Troy, Illinois.

SECTION 2: The City Council hereby grants a special use permit to construct a new four-family apartment building at 105 S. Border Street (PPID # 09-2-22-09-06-103-022) that is zoned C-4 Downtown Mixed-use Commercial. The existing multi-family structure will be demolished.

SECTION 3: The Planning Commission’s Recommendation No. 2023-04PC stipulates that a sidewalk is installed on the east side of the property.

SECTION 4: The special use permit is transferable to successive owners of the property.

SECTION 5: That all other provisions of said Chapter 154 shall remain unchanged and in full force and effect except as specifically amended by this ordinance.


SECTION 6: 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 March, 2023.

Aldermen:

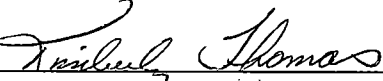
Dawson <u>AYE</u>	Italiano <u>AYE</u>	<u>Total:</u>
Flint <u>AYE</u>	Knoll <u>AYE</u>	<u>8</u> Ayes
Hellrung <u>AYE</u>	Manley <u>AYE</u>	<u>0</u> Nays
Henderson <u>AYE</u>	Turner <u>AYE</u>	<u>0</u> Abstain

APPROVED BY:



David Nonn, Mayor

ATTEST:



Kimberly Thomas, City Clerk



RECOMMENDATION NO. 2023 ~ 04PC

Of the Planning Commission of the City of Troy, Illinois Recommending/Not Recommending a Special Use Permit Lindow Investments (i.e. to construct a four-family apartment building at 105 S. Border Street)

WHEREAS, the Planning Commission met on March 9, 2023, to consider an application for a Special Use Permit filed by Lindow Investments. A copy of the application and certification by the City Clerk regarding publication of the notice of hearing and notification to surrounding property owners are incorporated by reference; and

WHEREAS, this application applies to property commonly known as 105 S. Border Street with a permanent parcel identification number 09-2-22-09-06-103-022; and

WHEREAS, the Planning Commission considered the testimony and exhibits offered on behalf of the application; and the citizens on the attached sign-in sheet also testified regarding the application; and

WHEREAS, the Planning Commission, as per Section 154.141(E) Standards for Issuance and 154.141(F) Findings of Fact of the Zoning Ordinance of the City of Troy, Illinois, has attached as Exhibit A their findings to support this recommendation; and

WHEREAS, the Planning Commission voted as recorded below:

Table with 4 columns: Name, Vote, Name, Vote, Total. Rows include Adams (ABSTAIN), Burnett (YES), Compton (YES), Lawrenz (YES), Nehrt (YES), Reiter (YES), Stone (YES), Talbert (YES), Total: 7 Yeas, 0 Nays.

NOW THEREFORE BE IT RECOMMENDED BY THE PLANNING COMMISSION AS FOLLOWS:

That the application to construct a new four-family apartment building on the site of an existing multi-family structure which will be demolished at 105 S. Border Street that is zoned C-4 Downtown Mixed Use Commercial. Multi-family dwellings are listed as a special use in the C-4 zoning district.

Is Not Recommended; [X] Is Recommended with the following stipulations, if any, noted below:

Sidewalk on Eastside

This special use permit IS / IS NOT transferable to successive owners of the property.

Copies of this recommendation are presented to the City Council; the original shall be filed with the Code Administrator.

Dated this 9th day of March, 2023.

By: [Signature] Chairman, Planning Commission

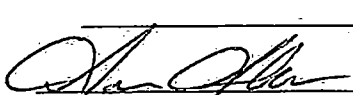
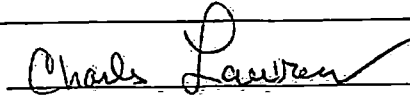
Attest: [Signature] Secretary, Planning Commission

FINDINGS OF FACT

As per Section 154.141(F) Finding of Fact, Recommendation, the Planning Commission shall submit such recommendation, including the reason or reasons for the recommendation, in writing to the City Council; and, the recommendation so submitted, shall be accompanied by findings of fact referring to any exhibits containing plans and specifications for the proposed special use, copies of which shall remain a part of the permanent record of the Planning Commission, and specifying the following:

As per Section 154.141(E) Standards for Issuance, the Planning Commission shall not make a recommendation to the City Council to grant any special use permit unless, in each specific case, the Planning Commission has found that:	Findings:
a) The establishment, maintenance or operation of the special use will not be detrimental to or endanger the public's health, safety, morals, comfort or general welfare;	True <input checked="" type="checkbox"/> False <input type="checkbox"/> N/A <input type="checkbox"/>
b) The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;	True <input checked="" type="checkbox"/> False <input type="checkbox"/> N/A <input type="checkbox"/>
c) The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;	True <input checked="" type="checkbox"/> False <input type="checkbox"/> N/A <input type="checkbox"/>
d) Adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided;	True <input checked="" type="checkbox"/> False <input type="checkbox"/> N/A <input type="checkbox"/>
e) Adequate measures have been or will be taken to provide ingress and egress so designated as to minimize traffic congestions in the public streets;	True <input checked="" type="checkbox"/> False <input type="checkbox"/> N/A <input type="checkbox"/>
f) Adequate measures have been taken or will be taken to protect any facilities near the proposed special use, such as a school or nursing home that may require special protection.	True <input checked="" type="checkbox"/> False <input type="checkbox"/> N/A <input type="checkbox"/>
g) The special use shall in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the City Council pursuant to the recommendation of the Planning Commission.	True <input checked="" type="checkbox"/> False <input type="checkbox"/> N/A <input type="checkbox"/>
h) The special use, as conditioned, is in keeping with the general purposes of the Zoning Ordinance and the Troy Comprehensive Plan.	True <input checked="" type="checkbox"/> False <input type="checkbox"/> N/A <input type="checkbox"/>

1. The extent to which the proposed special use departs from the zoning and subdivision regulations of the City;
R3 in C4. However, currently multi family
2. The conformance or nonconformance of the proposed special use with the Standards for Issuance section;
yes
3. The relationship and the compatibility of the proposed special use to adjacent properties and neighborhoods;
Already is multi family upgrading property
4. The effect of the proposed special use on the development pattern, tax base, and economic well being of the City.
Vacant now


3/9/23

3/9/23
 Chairman, Planning Commission Date Secretary, Planning Commission Date

Building & Zoning Department



Notice of a Public Hearing

The Troy Planning Commission will hold a public hearing on Thursday, March 9, 2023 at 7:00 p.m. in Council Chambers at the Troy Municipal Building, 116 E. Market St., Troy, Illinois to consider the petition of owner Lindow Investments. Lindow Investments is requesting a special use permit to construct a new four-family apartment building on the site of an existing multi-family structure, which will be demolished, at 105 S. Border Street (PPID # 09-2-22-09-06-103-022) that is zoned C-4 Downtown Mixed-use Commercial. Multi-family dwellings are listed as a special use in the C-4 zoning district.

The above application is open to inspection in the Building & Zoning Dept., 116 E. Market St., Troy, Illinois.

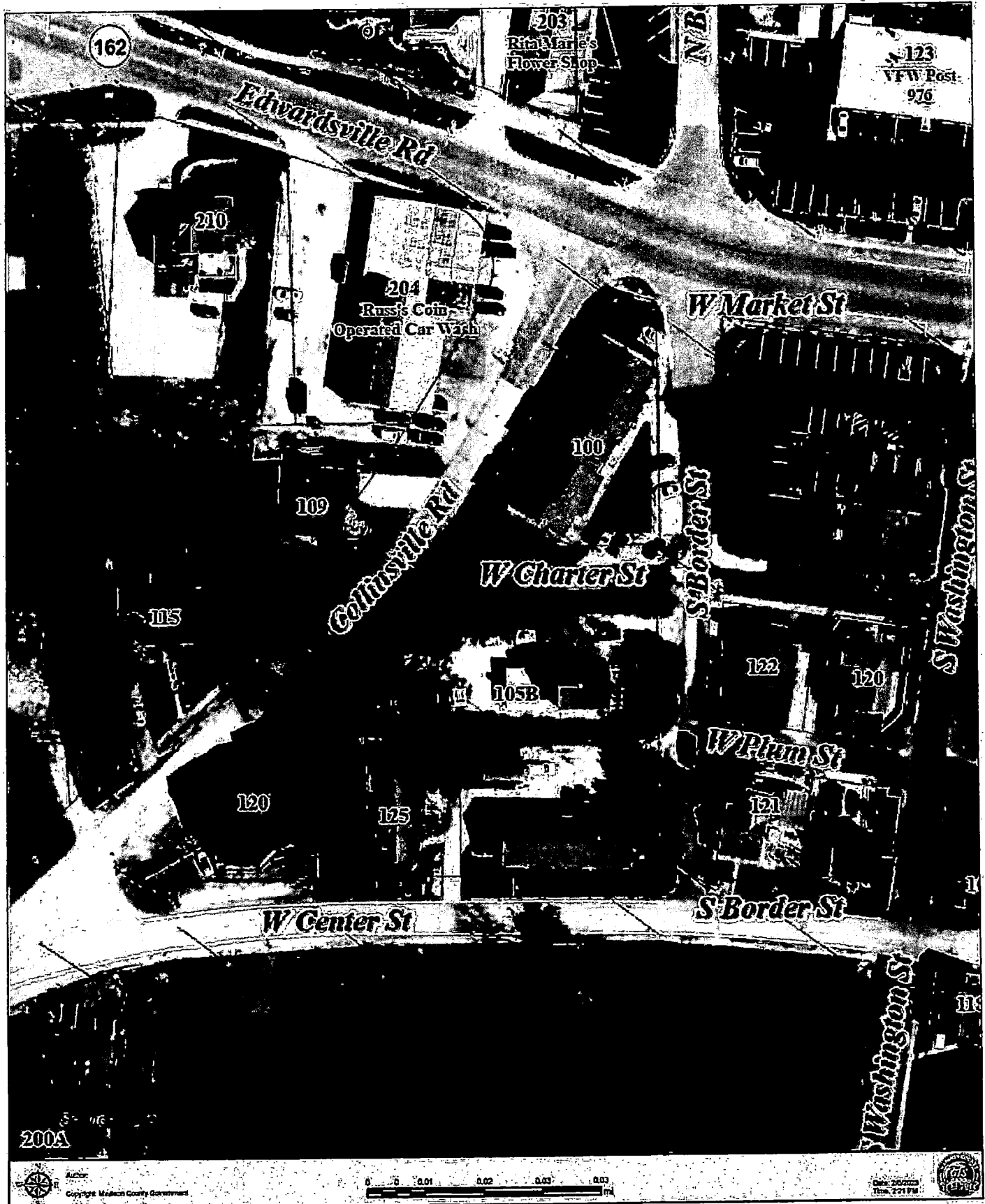
This hearing is open to the public. Persons wishing to appear at such hearing may do so in person or by attorney or their representative. Persons who wish to give evidence in favor of, or against, this request should attend the hearing prepared to present their evidence.

Linda Taake
Building & Zoning
Administrative Coordinator

Public Notified: February 17, 2023
Media Notified: February 17, 2023

Building & Zoning Dept.

105 S. Border Street





APPLICATION FOR SPECIAL USE PERMIT

1. Names of all owners:

Name: Lindow Investments Phone: 618-644-2589
Address: 10725 US Highway 40, St. Jacob, IL 62281

2. Property Information:

Street address or location of property: 105 S. Border St., Troy, IL 62294
Present use(s) of property: 5 Family Apartment Building
Present zoning of property: 060 TOWN M. RES USE

3. Special Use information:

a. Nature of request for special use: To allow a new construction build of a multi-family building. 4 Family. Tear down existing 5 family

b. Applicant's interest in property: Owner

c. Legal description and map, plat or site plan showing the location, entrances, exits, etc., of the requested special use must be attached to application.

d. Nature of the order or decision of the Code Enforcement Official:

e. The reason the applicant feels the special use permit should be granted: It will be continuing the same use by previous owner, but with a new, nicer building.

Building & Zoning Dept.
116 E. Market Street
Troy, Illinois 62294

(618) 667-8734 ext. 4
buildingzoning@trovil.us
www.trovil.us

- f. What effect will the proposed special use have on the value of the neighboring property? It should increase the value.
- g. What effect will the proposed special use have on the City's overall tax base? increase it.
- h. What effect will the proposed special use have on public utilities and on traffic circulation on nearby streets? Should not produce significant change.
Going From 5 family to 4 Family

In the consideration of the requested special use permit, the Planning Commission and City Council base their findings and decisions on the City of Troy Code of Ordinances ONLY. In the event the special use permit is granted by the City Council, the City of Troy does not warrant or guarantee that this special use permit will conform to any restrictions which may be described in the applicant's deed, lease or subdivision restrictions. The City of Troy may not have authority to grant special use permits for those restrictions, if they exist.

I (We) hereby certify that all of the above information given herein and in the attachments hereto is true and correct to the best of my (our) knowledge.

Dated this 27th day of January, 2023.


Signature of Owner

TOOO LINDEN
Printed name of Owner

Signature of Owner

Printed name of Owner

Date submitted: 1/30/23

Hearing Paid: 1/30/23

Receipt #: 3123

