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Prepared By:
Return to:

City Clerk
116 E. Market Street
Troy, Illinois 62294

2023R10738
STATE OF ILLINOIS
MADISON COUNTY
04/26/2023 09:29 AM
LINDA A. ANDREAS
CLERK & RECORDER
REC FEE: 50.00
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\$50.00 CTY

Ordinance No. 2023 - 21

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. a single-family dwelling at 110 W. Market Street)

ADOPTED BY THE CITY COUNCIL

OF THE CITY OF TROY, ILLINOIS

THIS SEVENTEENTH DAY OF APRIL, 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

L Taake - 4/13/2023

WHEREAS, Jeff Thomas, owner, is requesting a special use permit to construct a new single-family dwelling at the rear of an existing commercial-use building at 110 W. Market Street (PPID # 09-2-22-09-07-204-021) that is zoned C-4 Downtown Mixed-use Commercial. Single-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 but was tabled until the next regularly scheduled Planning Commission meeting, as stated in the hearing; and

WHEREAS, notice of such petition and hearing has been given again and the hearing was reconvened on April 13, 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 the applicant must submit engineered plans to the Planning Commission for architectural review as stated in Recommendation No. 2023-05PC; 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 single-family dwelling at the rear of an existing commercial-use building at 110 W. Market Street (PPID # 09-2-22-09-07-204-021) that is zoned C-4 Downtown Mixed-use Commercial.

SECTION 3: The Planning Commission’s Recommendation No. 2023-05PC stipulates that the applicant must submit engineered plans to the Planning Commission for architectural review.

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.

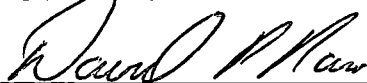
SECTION 6: This Ordinance shall be effective upon its passage, signing, and publication as required by law.

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 seventeenth day of April, 2023.


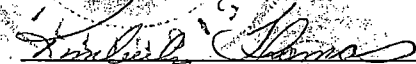
Aldermen:

Dawson <u>AYE</u>	Italiano <u>AYE</u>	Total:
Flint <u>AYE</u>	Knoll <u>AYE</u>	<u>7</u> Ayes
Hellrung <u>AYE</u>	Manley <u>ABSENT</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

(SEAL)

RECOMMENDATION NO. 2023 ~ 05PC

Of the Planning Commission of the City of Troy, Illinois Recommending/Not Recommending an Application for a Special Use Permit Requested By Jeff Thomas (i.e. to construct a single-family dwelling at the rear of 110 W. Market Street)

WHEREAS, the Planning Commission met on March 9, 2023, to consider an application for a Special Use Permit filed by Jeff Thomas but tabled the meeting until their next regularly scheduled meeting; and

WHEREAS, the Planning Commission reconvened on April 13, 2023, to reconsider said application. 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 110 W. Market Street with a permanent parcel identification number 09-2-22-09-07-204-021; 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, Name, Vote, Total. Rows include Adams (ABSTAIN), Bogue (YES), Burnett (NO), Compton (YES), Lawrenz (YES), Nehrt (YES), Reiter (YES), Stone (YES), Talbert (NO), Total (6 Yeas, 2 Nays).

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

That the application to construct a new single-family dwelling at the rear of an existing commercial-use building at 110 W. Market Street that is zoned C-4 Downtown Mixed Use Commercial. Single-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:

Must return to Planning Commission with Architectural Review

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 13th day of April, 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 type="checkbox"/> False <input checked="" 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 type="checkbox"/> False <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
d) Adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided;	True <input type="checkbox"/> False <input type="checkbox"/> N/A <input checked="" 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;

C4 is open

2. The conformance or nonconformance of the proposed special use with the Standards for Issuance section;

Conforms as min USP

3. The relationship and the compatibility of the proposed special use to adjacent properties and neighborhoods;

N/A

4. The effect of the proposed special use on the development pattern, tax base, and economic well being of the City.

Improvement and on demolition

[Signature]
Chairman, Planning Commission

4/13/23
Date

[Signature]
Secretary, Planning Commission

Date

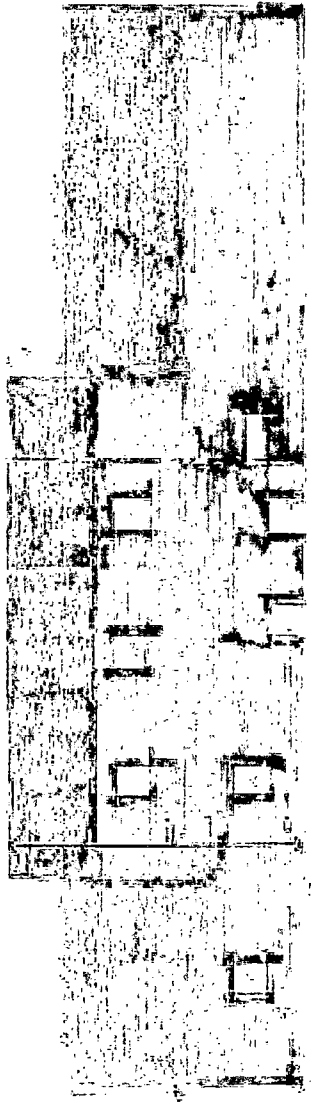
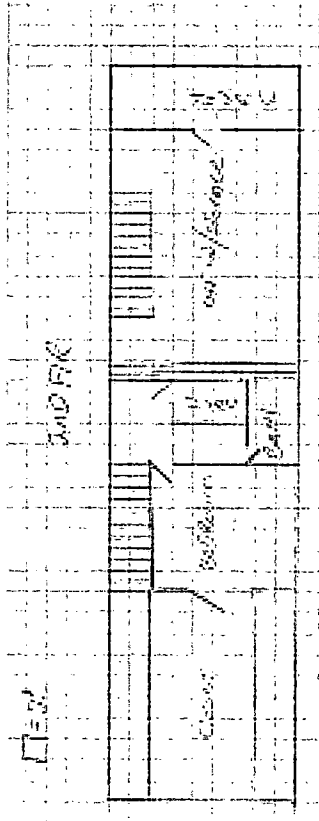
110 W. Market St.

Existing

- 1,260 sq. ft. building
- Former Star Bakery
- Zoned C-4
- Single-family is a Special Use in C-4

Proposed

- Demo existing structure in the rear
- Construct a new 2-story single-family apartment



FOOTER SCALE

