

**Return to:**

City Clerk  
116 E. Market Street  
Troy, Illinois 62294



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***Ordinance No. 2023 - 53***

AN ORDINANCE Denying an Amendment to the Official Zoning Map  
Changing the Zoning Designation of Real Estate  
Owned by the Myrna L. Steele Revocable Living Trust from  
R-1 Single-family Residential to R-2 Two-family Residential  
(17± acre tract on the south side of Hazel Street)

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***Whereas***, Annette and Frank Menchak, applicants, have filed an application with the City of Troy to change the zoning designation of a 17± acre tract on the south side of Hazel Street with PIN #09-1-22-04-20-401-027 from R-1 Single-family Residential to R-2 Two-family Residential as depicted on Exhibit A – map and Exhibit B – legal description; and

***Whereas***, prior to the presentation of this ordinance to the City Council, the Planning Commission held a public hearing on March 9, 2023 in compliance with Section 154.143 of the Troy Municipal Code and the provisions of 65 ILCS 5/11-13-14 pursuant to proper legal notice; and

***Whereas***, as a result of said hearing, the Planning Commission has submitted Recommendation No. 2023-15PC to the City Council confirming that it does not recommend the request for a change in the zoning designation.

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

**SECTION 1:** The City Council hereby accepts the Planning Commission’s Recommendation No.2023-16PC to deny the requested zoning map amendment.

**SECTION 2:** The City Council hereby denies the requested zoning map amendment to change the zoning designation of the subject property, as depicted in Exhibits A and B attached hereto, from R-1 Single-family Residential to R-2 Two-family Residential.

**SECTION 3:** The Code Official is hereby authorized to note the change, if any, made by this ordinance on the city’s Official Zoning Map.

**SECTION 4:** The authority and approval provided in the ordinance is granted subject to all ordinances, rules, and regulations of the City of Troy.

**SECTION 5:** This Ordinance shall be effective upon its passage, signing, and publication as required by law.

**Passed** by the City Council and approved by the Mayor this 16<sup>th</sup> day of October, 2023.

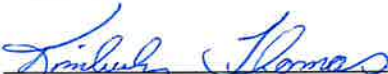
**Aldermen:**

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>AYE</u>	<u>0</u> Nays
Henderson <u>AYE</u>	Turner <u>ABSENT</u>	<u>0</u> Abstains

APPROVED:

  
\_\_\_\_\_  
David Nonn, Mayor

ATTEST:

  
\_\_\_\_\_  
Kimberly Thomas, City Clerk



RECOMMENDATION NO. 2023~15PC

Of the Planning Commission of the City of Troy, Illinois Recommending/Not Recommending an Application for a Zoning Map Amendment (rezoning) from R-1 Single-family Residential to R-2 Two-family Residential on a 17.6 acre tract on the south side of Hazel Street

WHEREAS, the Planning Commission met on October 12, 2023 to consider an application for rezoning filed applicant and pending buyer Annette & Frank Menchak. 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 a 17.6 acre tract on the south side of Hazel Street with PIN 09-1-22-04-20-401-027; 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:

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:

Table with 4 columns: Name, Vote, Name, Vote, Name, Vote, Total. Rows: Adams (N), Bogue (N), Compton (A), Curtis (N), Lawrenz (N), Lybarger (N), Reiter (N), Stone (N), Talbert (N), Total: 0 Yeas, 7 Nays.

NOW THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION AS FOLLOWS, that the application for the following: To amend the Zoning Map and rezone a 17.6 acre tract on the south side of Hazel Street with PIN 09-1-22-04-20-401-027 from R-1 Single-family Residential to R-2 Two-family Residential.

[X] IS NOT recommended [ ] IS recommended with the following stipulations, if noted:

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

DATED this 12th day of October, 2023.

By: [Signature] Vice 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:

Needs additional considerations properly enforced.  
Predominantly single family

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

NO

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

Flooding not an issue for houses to the east but  
why change if existing is suitable

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:

No

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

No

  
Chairman, Planning Commission

Charles Lawrence      12 Oct 23  
Secretary, Planning Commission      Date



## NOTICE OF PUBLIC HEARING

The City of Troy Planning Commission will hold a public hearing on Thursday, October 12, 2023 at 7:00 p.m. in Council Chambers at the Troy Municipal Building, 116 E. Market Street, Troy, Illinois. The Planning Commission will consider a zoning map amendment (rezoning) in accordance with Section 154.143 of the Troy Code of Ordinances. The applicants, Annette and Frank Menchak, are requesting a change in zoning from R-1 Single-family Residential to R-2 Two-family Residential on a 17.6 acre tract on the south side of Hazel Street with PIN # 09-1-22-04-20-401-027.

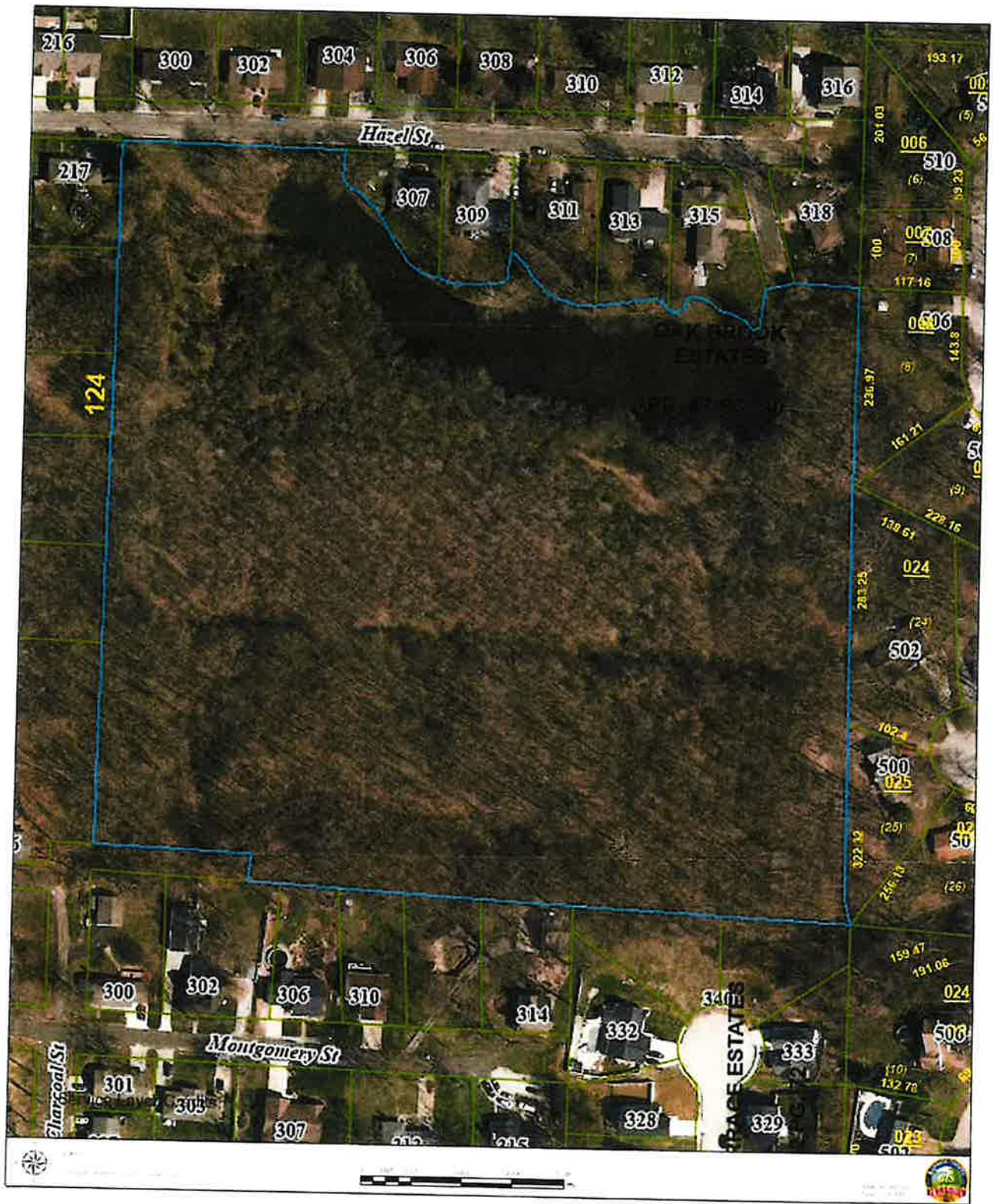
A copy of the request and map is available for public inspection in the Building & Zoning Dept., 116 E. Market Street, Monday through Friday, 7:00 a.m. to 3:30 p.m. This hearing is open to the public. All interested members of the public are invited to attend and express their opinions in favor of or against this proposal.

Linda Taake  
Building & Zoning  
Administrative Coordinator

Public Notified: September 19, 2023  
Media Notified: September 19, 2023



# 17+ Acres on Hazel Street





# REQUEST FOR ZONING AMENDMENT

Date of Application: \_\_\_\_\_

Rezoning requested from: \_\_\_\_\_ to \_\_\_\_\_

### Applicant(s)/Agent(s):

Name: Annette menchak Phone: 618-792-5504

Address: 8449 Hilltop Drive Troy IL 62294

Name: Frank menchak Phone: 618-972-8908

Address: 8449 Hilltop Drive Troy IL 62294

### Property Owner(s): (if different than applicant)

Name: Myrna L Steele Revocable Living Trust Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

### Property Information:

1. Address/location of land: Rose Street Troy IL 62294

2. Existing use(s) and zoning classification of property: None zoned R-1 single family

3. Existing use(s) and zoning classification of other lots in the vicinity of property in question: \_\_\_\_\_

Residential + multi family rentals

4. Suitability of the property in question for uses already permitted under existing regulations: \_\_\_\_\_

It is 17 acres unused undeveloped property once cleared is suitable for building sites.

5. Suitability of the property in question for the proposed uses: nic quiet place for

multifamily townhouses like on 1122 hopefully for ~~elder~~ seniors

6. The trend of development in the area of the property in question, including any changes which may have occurred since the property was initially zoned or last rezoned: 3 townhouses built within

last 5 yrs. otherwise just older homes surround the area



7. The effect the proposed rezoning would have on implementation of the Comprehensive Plan:

We are not looking to develop this property but in living here in Troy for over 50 years its development in multifamily dwellings seems what people especially older are looking for a community

8. The effect the proposed use would have on public utilities and on traffic circulation on nearby streets:

depending on lot size how many structures it should not have to much effect. As far as traffic there could be 2 ways Hazel St + Charcoal St.

9. Provide any additional information pertinent to the proposed rezoning:

Aproximately 20 years ago it was zoned R-2

10. Attach a legal description and map, plat or survey of the property proposed for rezoning.

11. Applicants shall provide a list of names and addresses of the owners of record for all properties located within 250 feet of the subject property's boundary. Property owner lists shall be obtained from the Madison County Maps and Plats GIS Division of the Chief County Assessment Office.

12. A fee of \$300 must accompany this request.

***I/We hereby certify that all of the information given herein and in the attachments hereto are true and correct to the best of my/our knowledge.***

Dated this 8-16-23 day of August, 2023

Applicant(s)/Agent(s) Annette Menchak Annette Menchak  
Signature Printed Name

Applicant(s)/Agent(s) Frank Menchak Frank Menchak  
Signature Printed Name

Property Owner(s) Annette Menchak Trustee Annette menchak  
Signature Printed Name

Property Owner(s) Judy L. Steele TTEE Judy L. Steele  
Signature Printed Name

<b>Office Use:</b>		
Date of Filing: _____	Check No.: _____	Receipt No.: _____



**Linda Taake**

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**From:** Laura Deluca <ldeluca14@gmail.com>  
**Sent:** Wednesday, September 27, 2023 2:53 PM  
**To:** Building & Zoning  
**Subject:** Rezone

To whom it may concern,  
Please do not re-zone 17.5 acres from single-family to two family units. Rental property always ends up making property values go down in a town. Even if they start off very nice, eventually, people do not take care of rental property as they would their own. It invites crime. I work in a town with a lot of rental properties. The locals have expressed to me that it is one of the things the town did wrong was to encourage apartments. Now the property values continue to go down in the town. People are moving out.

Thank you for your time,

Laura Pavlovec  
Concerned Homeowner

## Linda Taake

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**From:** Zarzecki, Jeff (US-POC1) <Jeff.Zarzecki@Avient.com>  
**Sent:** Monday, October 9, 2023 2:31 PM  
**To:** Building & Zoning; Dan Dawson; Tim Flint  
**Cc:** Sam Italiano; Troy Turner; Nathan Henderson; Debbie Knoll; Alderwoman Elizabeth Hellrung; Tony Manley  
**Subject:** Opposition to Menchak Re-Zoning Request

Dear Planning Commission, Mr. Dawson, & Mr. Flint,

As residents of 502 Lakewood Dr., we are writing to express **opposition** to rezoning the 17.5 acres bordered by Hazel, Charcoal, Montgomery, Pike, Trout and Jennifer Ct. from R-1 to R-2. As is detailed in the 2004 public record, this property was zoned as R-1 (single family) due to property limitations preventing medium density development. Beyond those limitations, my opposition to re-zoning include:

1. **Infrastructure Capacity:** The area lacks the necessary infrastructure (roads, utilities, and public services) to support increased population density. In particular, storm water management systems are not adequate in the area under consideration and impacts to down-stream properties receiving increased flow velocity have not been addressed. Furthermore, sewage treatment facilities will be further strained.
2. **Environmental Impact:** This development will harm water resources, especially existing storm water conveyance and management systems.
3. **Adequate Public Services:** Increased population density will place additional strain on local schools and public safety resources.
4. **Neighborhood Character:** Multi-family development does not align with the existing character of the neighborhood. Please preserve the area's identity.
5. **Traffic Concerns:** Increased medium density housing will lead to more traffic congestion and noise.
6. **Property Values:** Multi-family housing will have negative impacts on all single-family dwellings in the area.

We thank you for considering these comments as the City contemplates this issue. We are happy to discuss further if you wish. We can be reached at this e-mail address or at the number listed below.

Regards,

Jeff, Robin & Luke Zarzecki  
502 Lake wood Dr.  
Troy, IL 62294  
Mobile: +1 618 973 5146

This email and any attachment(s) may contain confidential information. If you were not the intended recipient, please notify the Avient person who sent you this email and immediately delete the message and any attachments without copying them or disclosing them. Thank you.

Petition Against the Rezoning of 17.5 Acres on Hazel St

Print Name	Address
Corey & Lindsey Markham	216 Montgomery Street
Brenda Cusanelli	333 Jennifer Ct.
Adi Romketh	506 Lakewood Dr
Hayley Bultmann	501 Lakewood Dr.
Susan Adomito	500 Lakewood Dr.
Ben Bultmann	501 Lakewood Dr.
Kennan Fagan	505 Lakewood Dr.
Lisa Fagan	505 Lakewood Dr
Jedd Heelt	216 Hazel St
Jen Heelt	216 A Hazel St.
Rodney Loepker	309 - Hazel st
Kevin Putnam	318 Hazel st
Brittany Putnam	318 Hazel st

7:00 am  
10/10/13  
KT

Petition Against the Rezoning of 17.5 Acres on Hazel St

Print Name

Address

JAMES GAINES	210 HAZEL ST
Lyle Pierce	213B Hazel St.
Jean Pierce	213B Hazel St.
Craig W. Zittig	214 Hazel ST
Peggy Zitta	214 Hazel Troy IL
Lebra Rosson	103 W. Throp, IL
Josh Walker <del>Q</del>	100 E. Throp, IL
Keith McGowan	313B Hazel St. Troy, IL

7:00am  
10/10/23  
KT



Petition Against the Rezoning of 17.5 Acres on Hazel St

**Print Name**

**Address**

Dutch & Debbie Clemings

310 HAZEL ST

LEEL & BARBARA

312 HAZEL ST

James Kuhn

311 Hazel St

Jakob and Sabrina Hoult

307 Hazel St

Michael Nenninger

314 Hazel St

Renee Nenninger

314 Hazel St

7:00 am  
10/10/23  
LT

## Linda Taake

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**From:** Doyle, Kerry <kdoyle@siue.edu>  
**Sent:** Tuesday, October 10, 2023 7:19 AM  
**To:** Building & Zoning  
**Subject:** Vote NO to rezone 17.5 acres off Hazel st.

1. Sanitary sewer capacity is already taxed. It is said the reason lot sizes were so large along Staunton Road north was to limit homes and not overly burden sewers.
2. Allowing duplexes would contribute to congestion and possibly overload Hazel St.  
Drivers already frequently break speed limit on Staunton Road.
3. The acreage currently serves as flood retention and an ecological buffer. The addition of impermeable surfaces (roofs, pavement) forces that water into adjoining properties , which already face saturation during heavy rains
4. Property values of existing single family homes will be compromised by duplexes, particularly rentals. This neighborhood is an example of the balance achieved in older housing stock invested in and maintained by stable families.
5. Residential properties historically cost a municipality more in services than taxes can generate.

I live at 322 Staunton Road, with a daily view of Staunton Road traffic and am a beneficiary of the biological diversity found on the property.

While it is the property owners' right to use their property as they wish, zoning laws have their purpose. Given conditions 1,2, &3 above I would strongly urge the Commission to not only vote no to this rezoning but to severely limit the number of single family dwellings when the time comes to build.

Respectfully submitted,

Kerry Doyle

323 Staunton Road

Get [Outlook for iOS](#)

**Linda Taake**

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**From:** Renee Nenninger <rnenn314@gmail.com>  
**Sent:** Tuesday, October 10, 2023 8:22 AM  
**To:** Building & Zoning  
**Subject:** Zoning Concern

To whom it may concern,

My husband and I are residents and homeowners of 314 Hazel St. Our home is a single-family residence and we live among neighbors that own their homes and have lived on Hazel for 40+ years. We moved here 8 years ago and our parents live 1 block over on Burlington. We have an exuberant 3 year old and a 9 year old that plays football at the park. Currently, I have the 9 year old run our street to practice for football and we love having the flexibility of having him ride his bike to grandma & grandpas. Our front yard is the turn around point for our dead end road and the previous owners put large rocks to keep cars from pulling into our grass.

We were the last house on the left side of the street before Lindow Properties bought the lot next to us and built a townhome. The Menchak's mention rental properties for seniors. If the 17+ acres turns into rentals that resemble what was built next to me, it surely has not been with "seniors". We have seen 6-8 different tenants in the 4-5 years that the property was built. The Menchak's may mean well but once the property is sold, the new land owner/developer is able to do what they wish. Hazel Street is a quiet road that was not meant for a huge influx of traffic. We are on septic and have issues with water draining properly from rain. The pond that the Menchak's own on our street is laden with duck weed and mosquitoes.

I understand that family situations change, people pass away and property changes hands. I am a financial advisor and am all too aware of estate situations. I am asking for the city and zoning departments to keep in mind that we are a dead end street full of children. To open Hazel St. up to a potential of 100's of residents and vehicles would be catastrophic for our road and other roads nearby.

If anything can be done, I vote to leave the zoning as single family residence in hopes that this would attract homeowners instead of a continuous cycle of renters.

Sincerely,  
Renee and Michael Nenninger  
314 Hazel St  
(618) 750-8144

Sent from my iPhone

**Linda Taake**

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**From:** MCarn <carnajam@sbcglobal.net>  
**Sent:** Tuesday, October 10, 2023 10:54 AM  
**To:** Building & Zoning  
**Subject:** Proposed Rezoning 17.5 acres off Hazel St, Charcoal St, Montgomery St, Pike Ln, Trout Ln, Jennifer Ct, Lakewood Dr

To Whom it may concern,

My wife and I live in the 300 block of Staunton Rd and are unable to attend the Thursday Oct 12 public hearing. We live a block away from the proposed rezoning from R-1 single family to R-2 two family residents and are firmly **against** the rezoning.

Here are some the reason we feel the rezoning would be detrimental to the community.

- 1) Congestion on a already busy Staunton Rd will be worse along with the issue of cars speeding way over 25mph.
- 2) We chose to buy a house in Troy for the small town feel and rezoning will take that away.
- 3) Building a multi family residential area will negatively affect single family home values in that community.
- 4) It will negatively affect the already high property tax that we already pay.
- 5) It could increase the crime rate in the community.

We moved here in 2015 to get away from the crowded city feel and retire to a community that had the small town feel. We built our small home to fit into the neighborhood and since then many other single family homes have been restored and or built to revitalize and improve the neighborhood and believe this development will take that away along with more traffic, crime, noise and higher taxes and lower property values.

Sincerely,  
Michael Carnahan  
Staunton Rd, Troy



## Linda Taake

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**From:** John Jarvis <jmjjarvis@outlook.com>  
**Sent:** Thursday, October 12, 2023 9:08 PM  
**To:** Linda Taake  
**Subject:** Rezoning R1 to R2 hearing 10/12

Against. Personally, against any development. Based solely on personal profit. Not best interest of the public and definitely not any neighboring residents of the property.

If second access not within the confines of the blue lines of the map would Troy claim imminent domain of a homeowner's property near end of Montgomery or Jennifer Court (example) to satisfy one outside party's request ?

Presently it is a green space/woodland which is sorely lacking in the confines of Troy. And should be saved.

This is more worthy of consideration than a subdivision.

Respectfully submitted,

John Jarvis 309 Staunton Road

Sent from my iPhone