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Troy, Illinois 62294

2025R20825
STATE OF ILLINOIS
MADISON COUNTY
07/30/2025 10:37 AM
LINDA A. ANDREAS
CLERK & RECORDER
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50 CT4

Ordinance No. 2025 - 35

**AN ORDINANCE Approving an Amendment to the Official Zoning Map
Changing the Zoning Designation of Real Estate
Owned by Patrick and Louise McDill from
R-1 Single-family Residential to C-2 General Commercial
(4.5-acre tract on East Highway 40)**

Whereas, Patrick and Louise McDill, applicants, have applied with the City of Troy to change the zoning designation of a 4.5-acre tract on East Highway 40 with PPID 09-1-22-10-03-301-036 from R-1 Single-family Residential to C-2 General Commercial as depicted on Exhibit A – map and Exhibit B – legal description; and

Whereas, before the presentation of this ordinance to the City Council, the Planning Commission held a public hearing on July 10, 2025, in compliance with Section 154.143 of the Troy Municipal Code and the provisions of 65 ILCS 5/11-13-14 under proper legal notice; and

Whereas, as a result of said hearing, the Planning Commission has submitted Recommendation No. 2025-08PC to the City Council confirming that it recommends the request for a change in the zoning designation with any stipulations as noted.

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

DR

SECTION 1: The City Council hereby accepts the Planning Commission's Recommendation No.2025-08PC to approve the requested zoning map amendment.

SECTION 2: The City Council hereby approves 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 C-2 General Commercial, and that any stipulations as noted on the Planning Commission's Recommendation 2025-08PC shall be in full force and effect.

SECTION 3: The Code Official is hereby authorized to note the change made by this ordinance on the city's Official Zoning Map.

SECTION 4: The authority and approval provided in the ordinance are 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 21st day of July, 2025.

Aldermen:

Dawson <input checked="" type="checkbox"/>	Italiano <input checked="" type="checkbox"/>	Total:
Flint <input checked="" type="checkbox"/>	Knoll <input checked="" type="checkbox"/>	<u>8</u> Ayes
Hellrung <input checked="" type="checkbox"/>	Manley <input checked="" type="checkbox"/>	<u>0</u> Nays
Henderson <input checked="" type="checkbox"/>	Turner <input checked="" type="checkbox"/>	<u>0</u> Abstains



APPROVED:

David Nonn

David Nonn, Mayor

ATTEST:

Kimberly Thomas

Kimberly Thomas, City Clerk

RECOMMENDATION No. 2025~08PC

Of the Planning Commission of the City of Troy, Illinois Recommending/Not Recommending an Application for a Zoning Map Amendment (rezoning) 4.5-acre tract on East Highway 40 with PIN # 09-1-22-10-03-301-036 from R-1 Single-family Residential to C-2 General Commercial.

WHEREAS, the Planning Commission met on July 10, 2025 to consider an application for a zoning map amendment filed by applicant Patrick and Louise McDill. A copy of the application, certification regarding publication of the hearing notice, and of notification to surrounding property owners are incorporated by reference; and

WHEREAS, this application applies to 4.5 acres on the southern side of East Highway 40 - PIN # 09-1-22-10-03-301-036; 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 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, the members of the Planning Commission voted as recorded below:

Bogue <u>Y</u>	Lybarger <u>Y</u>	Patton <u>Y</u>	<u>6</u> Yeas
Compton <u>ABSENT</u>	McBride <u>Y</u>	Reiter <u>Y</u>	<u>0</u> Nays
Curtis <u>Y</u>	Niermann <u>ABSENT</u>	Stone <u>ABSTAIN</u>	<u>1</u> Abstains

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION AS FOLLOWS, that the application for the following: Amend the official Zoning Map to rezone 4.5-acres on the southern side of East Highway 40 with PIN # 09-1-22-10-03-301-036 from R-1 Single-family Residential to C-2 General Commercial.

IS NOT recommended. **IS** recommended with the following stipulations, if noted:

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

DATED this 10th day of July, 2025.

By: [Signature] 7/10/2025
Chairman, Planning Commission

Attest: [Signature] 7/10/25
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:

Masterplan includes commercial to continue in this area and is suitable to adjacent zoning

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

Current zone is due to annex into city
Change is warranted.

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

Matches masterplan

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

Commercial is encouraged in this corridor

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

Benefits are apparent for the area and the city

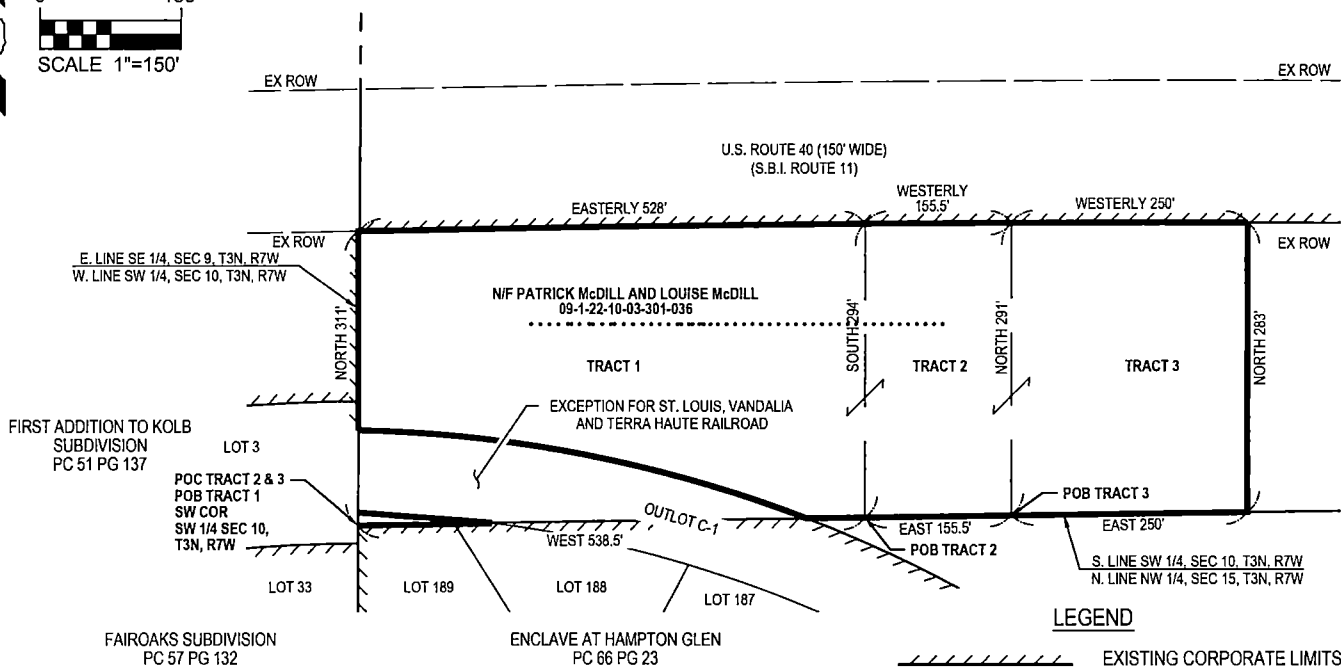
JM Stone
Chairman,
Planning Commission

4/10/2025
Date
Planning Commission

Rachel Mylchrege
Secretary, Date

EXHIBIT A

TERRITORY TO BE ANNEXED BY THE CITY OF TROY, ILLINOIS BY ORDINANCE NO. 2025-30
 BEING PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 10,
 TOWNSHIP 3 NORTH, RANGE 7 WEST OF THE 3RD PRINCIPAL MERIDIAN, MADISON COUNTY, ILLINOIS



LEGEND

- EXISTING CORPORATE LIMITS
- AREA TO BE ANNEXED
- EX SECTION LINE
- EX RIGHT OF WAY LINE
- POB
- POC

WE, OATES ASSOCIATES, INC., HAVE AT THE REQUEST OF THE CITY OF TROY, ILLINOIS, PREPARED THIS PLAT FROM RECORD SOURCES.

William A. Mueller 05/08/2025

WILLIAM A. MUELLER
 ILLINOIS PROFESSIONAL LAND SURVEYOR
 NO. 035-004060
 EXPIRES 11-30-2026



OATES ASSOCIATES	ANNEXATION PLAT U.S. ROUTE 40 CITY OF TROY, IL		PROJECT NO.: 15062.002	EXHIBIT: A
			DATE: 05/07/2025	
			REVISION:	

Annexation Legal Description

Owner: Patrick McDill and Louise McDill

Parcel: 09-1-22-10-03-301-036

Tract 1

Part of the Southwest quarter of the Southwest Quarter of Section Ten (10) in Township Three (3) North, Range Seven West of the Third Principal Meridian, more particularly described as follows, to wit: Beginning at the Southwest corner of said Section Ten thence running North along the West line of Section 10 a distance of 311 feet to a point on the South line of the right-of-way of S.B.I. Route 11 (now U.S. 40), thence Easterly along the South line of said Highway a distance of 528 feet, thence South a distance of 294 feet to a point on the South line of said Section Ten (10), thence West along said section line a distance of 538 ½ feet to the point of beginning, containing Two (2) acres more or less and excepting all that part of said tract of land lying South of the North line of the right-of-way of St. L. Van & T.H.R.R.

Subject to the easements, conditions and restrictions of record, if any.

Subject to the reservation of all coal and mine rights underlying said tract of land for and during their natural lives of August Schultze and Louise Schultze as reserved in a Warranty deed from August Schultze and Louise Schultze, his wife, to John G. Gebauer and Mary Gebauer, his wife, dated May 10, 1944, and recorded May 12, 1944, in Book 903 on Page 537.

Tract 2

Also, part of the Southwest quarter of the Southwest Quarter of Section Ten (10) in Township Three (3) North, Range Seven (7) West of the Third Principal Meridian, more particularly described as follows, to-wit: Beginning at a point in the South line of said Section Ten (10) 538 ½ feet East of the Southwest corner of the Southwest Quarter of the Southwest Quarter of said section, thence running East along the South line of said Section Ten (10) a distance of 155 ½ feet to a point; thence North 291 feet to the South line of the right-of-way of S.B.I. Route 11, (now U.S. 40); thence Westerly along the South line of said Highway a distance of 155 ½ feet to a point; thence South 294 feet to the point of beginning, containing one (1) acre, more or less and excepting all that part of said tract lying South of the North line of the right-of-way of the St. Louis, Vandalia and Terra Haute R.R.

Subject to easements, conditions and restrictions of record, if any.

Subject to the reservation of all coal and mine rights underlying said tract of land for and during their natural lives of August Schultze and Louise Schultze as reserved in a Warranty deed from August Schultze and Louise Schultze, his wife, to John G. Gebauer and Mary Gebauer, his wife, dated March 26, 1946, and recorded July 18, 1950, in Book 1214 on Page 215.

Tract 3

Also, part of the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of Section Ten (10) in Township Three (3) North, Range Seven (7) West of the Third Principal Meridian, more particularly described as follows: Beginning at a point in the South line of said Section Ten (10) 694 feet East of the Southwest corner of said Section Ten (10), THENCE East along the South line of said Section a distance of 250 feet; thence North 283 feet to the South line of the right-of-way of S.B.I. Route 11 (now U.S. 40); thence Westerly along the South line of said right-of-way a distance of 250[??] feet to a point; thence South 291 feet, more or less, to the point of beginning, containing One and One-half (1 ½) acres more or less. Situated in the Township of Jarvis, County of Madison, and State of Illinois.

Subject to easements, conditions and restrictions of record, if any. Excepting therefrom the coal, gas, oil and other mineral rights conveyed, excepted or reserved in prior conveyances, if any; situated in the County of Madison and State of Illinois.

END OF DOCUMENT