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**CITY OF TROY
RESOLUTION 2023-36**

5000 city

**RESOLUTION OF THE CITY COUNCIL ADOPTING A
PRELIMINARY DEVELOPMENT PLAN FOR A PLANNED
DEVELOPMENT – RESIDENTIAL (PD-R) KNOWN AS
SHADOW WOOD PHASE 3**

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**RESOLUTION OF THE CITY COUNCIL ADOPTING A PRELIMINARY
DEVELOPMENT PLAN FOR A PLANNED DEVELOPMENT-RESIDENTIAL (PD-R)
KNOWN AS SHADOW WOOD PHASE 3**

Whereas, Shadow Wood Development, LLC is the owner of a 29± acre tract southwest of Shadow Wood Subdivision located in the City of Troy, Illinois and is proposing to establish a Planned Development-Residential (PD-R) known as Shadow Wood Phase 3 consisting of 72 single-family and 5 common area lots; and

Whereas, the City of Troy Planning Commission has complied with the provisions set forth in *Section 154.064 Planned Developments* of the Zoning Ordinance by holding a public hearing September 14, 2023, pursuant to notice as required by statute for consideration of the PD-R preliminary development plan; and

Whereas, the Planning Commission recommended approval of the PD-R preliminary development plan (see attachment) with a stipulation as incorporated in Recommendation No. 2023-13PC hereto attached; and

Whereas, the proposed PD-R, as evidenced by the preliminary development plan, has been reviewed the City engineer and complies with all applicable codes and ordinances.

Now Therefore, be it resolved by the City Council of the City of Troy, Madison County, Illinois as follows:

Section 1. The recitals set forth above are true and accurate and are hereby adopted and incorporated herein as if fully set forth.

Section 2. The City Council hereby accepts the Planning Commission's recommendation No. 2023-13PC to approve the preliminary development plan with the stipulation that the required 30' buffer at the property lines is clearly delineated along with details of the buffer use and restrictions.

Section 3. The attached preliminary development plan marked as Addendum 1 and referenced as the "preliminary development plan" is hereby approved.

Section 4. **Payment for allocation.** In addition to providing the required areas of common open space within the residential development, the owner/developer shall pay to the City the sum of \$500 per dwelling unit. This payment shall be allocated to one or more of the following accounts as determined by the City Council: (1) a street improvement account; (2) a sewer plant capital improvement account; or (3) a city enhancement (“streetscaping”) account. This payment shall be paid at the time of approval of the final plat of the subdivision by the City Council. If the payment is not made to the city at such time, the Mayor shall not sign the final plat for recording purposes.

Section 5. All conditions imposed as a part of any planned development shall run with the land and shall not lapse or be waived as a result of a subsequent change in ownership of any or all of the area.

Section 6. Approval of the preliminary development plan by the City Council is merely an authorization to proceed with the preparation of the final development plan.

Approval of the preliminary development plan shall be valid for a period of two years from the date of City Council approval. If an application for final plan approval for all or a geographic portion of the preliminary plan has not been filed within the two year period, then a resubmission of the preliminary development plan shall be required if the applicant intends to pursue final plan approval.

The City Council, upon recommendation from the Planning Commission, may grant up to a one-year extension, from the date that the period of validity expired. The City Council may reject such resubmission of the same development plan in light of new facts and circumstances relating to the development plan.

In no case shall a building permit be issued prior to final development plan approval.

At such time the period of validity has expired, the resolution approving the preliminary development plan shall become null and void. In the event that the development plan involved rezoning all or a portion of the property comprising the development, the City Council may initiate proceedings to rezone the property to its original or other appropriate zoning district, in accordance with the procedures and requirements of the Zoning Code.

Section 7. The City Clerk shall file with the Madison County, Illinois Recorder of Deeds a copy of this Resolution and the preliminary development plan as attached hereto.

Section 8. This Resolution shall be in full force and effect after its passage and approval as provided by law.

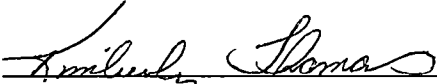
Dated this 18th day of September, 2023.

APPROVED:



David Nonn, Mayor

ATTEST:



Kimberly Thomas, City Clerk



City of Troy

RECOMMENDATION NO. 2023 ~ 13PC

**Of the Planning Commission of the City of Troy, Illinois
Regarding the Review of a Preliminary Development Plan and Associated Rezoning
(i.e. Shadow Wood Phase 3)**

Name of Subdivision: Shadow Wood Phase 3 Subdivider/Developer: Shadow Wood Development LLC

Location of Property: 72 single-family and 5 common area lots on 29± acres southwest of Shadow Wood Subdivision

The Planning Commission met on September 14, 2023 to consider the above referenced preliminary development plan. Copies of the supporting documents are incorporated by reference.

This application applies to property commonly known as Shadow Wood Phase 3 with PIN 09-1-22-14-00-000-001; See Planned Development Application and Preliminary Plat

The Planning Commission has reviewed the preliminary development plan and associated rezoning for compliance with the provisions of Chapter 153 Subdivision Code and Chapter 154 Zoning Code and voted as recorded below:

Adams Y
Bogue Y
Compton Y
Curtis Y
Lawrenz Y

Lybarger Y
Reiter Y
Stone Abstain
Talbert Y

Total:
8 Yeas
0 Nays
1 Abstains

The preliminary development plan:

Is approved with the following stipulations, if noted: Preliminary plat plan to clearly delineate the 30' buffer at the property lines long with details and etch

Is Not approved

If the preliminary development plan is not approved, the Planning Commission shall furnish to the applicant, within 30 days of the date of filing, a written statement specifying the aspects in which the proposed plan fails to conform to the Subdivision Code, Zoning Code and/or the Official Map.

All conditions imposed as a part of any planned development shall run with the land and shall not lapse or be waived as a result of a subsequent change in ownership of any or all of the area. Copies of this recommendation are presented to the City Council; the original shall be filed with the Code Administrator.

Dated this 14th day of September, 2023.

By: Jami M Stone
Chairman, Planning Commission

Attest: Charles Lawrence
Secretary, Planning Commission