

Return to:

City Clerk
116 E. Market Street
Troy, Illinois 62294



Ordinance No. 2013 - 14

AN ORDINANCE Amending Ordinance 2004-21 of the Troy Municipal Code Also Known as the Troy Zoning Ordinance For the Purpose Of Rezoning Certain Property, Namely a vacant 9.71 Acre Tract in The Greens of Troy (Lots 4-10) on the East Side of SrA Bradley Smith Drive (The Ottwein Trust, owner/Merrill Ottwein, applicant)

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

Whereas, Merrill Ottwein (hereinafter "Applicant") and The Ottwein Trust (hereinafter "Owner") have filed an application for the rezoning of a vacant 9.71 acre tract in The Greens of Troy (Lots 4-10) on the east side of SrA Bradley Smith Drive in the City of Troy, Illinois from A-R Agricultural Reserve to C-2 General Commercial; and

Whereas, the map attached hereto is an accurate map of the property so sought to be rezoned and such rezoning shall be in accordance with the boundaries indicated on the map; and

Whereas, the City Planning Commission has complied with the provisions of 65 ILCS 5/11-13-14 and Article 8, Section 8-4 of the Troy Zoning Ordinance regarding amendments of regulations and zoning districts by holding a public hearing on October 19, 2013 to consider the request for a rezoning of certain property filed by the property owner, pursuant to notice as required by Statute; and

Whereas, as a result of said hearing, the Planning Commission has submitted Recommendation No. 2013-03PC to the City Council confirming that it approves the request for rezoning; and

Whereas, the City Council has considered the recommendation of the Planning Commission and has determined that it is in the best interest of the public health, safety and welfare, and in compliance with the powers conferred upon the City and the objectives and purposes set out in 65 ILCS 5/11-13-1, to adopt an amendment to the Troy Zoning Ordinance for the purpose of rezoning the above referenced land from A-R Agricultural Reserve to C-2 General Commercial in accordance with the map attached hereto.

Now, Therefore, Be It Ordained By The Mayor And The City Council Of The City Of Troy, Madison County, Illinois As Follows:

SECTION 1: Ordinance 2004-21 of the City of Troy, as amended from time to time and commonly known as the Troy Zoning Ordinance, is hereby amended to change the zoning classification from A-R Agricultural Reserve to C-2 General Commercial in accordance with the map attached hereto and as more particularly described on the legal description attached hereto.

SECTION 2: That all other provisions of said Ordinance 2004-21 shall remain unchanged and in full force and effect except as specifically amended by this ordinance.

SECTION 3: If a court of competent jurisdiction declares any provision of this Ordinance unconstitutional or invalid, that decision shall not affect the validity of the remainder of this Ordinance.

SECTION 4: 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 twenty-first day of October, 2013.

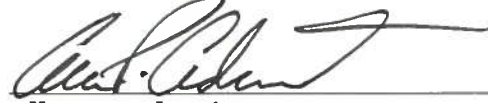
Aldermen:

DeCarli Abstain
Evans Aye
Greenfield Aye
Hendrickson Aye

Italiano Aye
Jackson Aye
Lanahan Aye
Partney Aye

Total:
7 Ayes
0 Nays

APPROVED BY:



Allen P. Adomite
Mayor, City of Troy, Illinois

ATTEST:



City Clerk

(SEAL)

Attachments –

- Application to rezone property
- Map of area to rezone
- Legal description
- Planning Commission Recommendation 2013-03PC

RECOMMENDATION NO. 2013 ~ 03PC

Of the Planning Commission of the City of Troy, Illinois Recommending/Not Recommending An Application for Rezoning Property from A-R Agricultural Reserve to C-2 General Commercial Requested By Merrill Ottwein

Whereas, the Planning Commission met on October 19, 2013 to consider an application for rezoning filed by Merrill Ottwein. 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 lots 4-10 in the Greens of Troy and consisting of 9.71 acres on the east side of SrA Bradley Smith Drive (See Exhibit B); 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: Merrick Ottwein; and

Whereas, the Planning Commission considered the factors as described in Section 8-4.4 Recommendation/Findings of Fact of the City of Troy Zoning Ordinance (See Exhibit A); and

Whereas, following the testimony and deliberations, Planning Commissioners voted as recorded below:

Burnett <u>Y</u>	Hayes <u>Y</u>	Lawrenz <u>Y</u>	Total:
Cissell <u>Absent</u>	Hellrung <u>Y</u>	Nehrt <u>Y</u>	<u>7</u> Yeas
Hale <u>Absent</u>	Johnson <u>Y</u>	Turner <u>Y</u>	<u>0</u> Nays

Now Therefore Be It Recommended by the Planning Commission:

- That the application for the following: To rezone lots 4-10 in the Greens of Troy consisting of a 9.71 acres on the east side of SrA Bradley Smith Drive as shown on the map (Exhibit B) from A-R Agricultural Reserve to C-2 General Commercial.

IS NOT recommended: IS recommended: X with the following stipulations:

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

Dated this 19th day of October, 2013.

By: [Signature]
Chairman, Planning Commission

Attest: [Signature]
Secretary, Planning Commission

Findings of Fact

As per Section 8-4.4 Recommendation/Findings of Fact, 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:

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

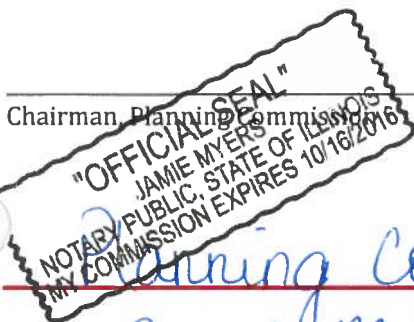
c) The suitability of the property in question for uses already permitted under the existing district classification:

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:

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

Chairman, Planning Commission Date

Secretary, Planning Commission Date



Planning Commission did not fill out this page.
Jamie Myers Building and Zoning Department

Madison County Surveyors, Inc.

P.O. Box 127

Edwardsville, IL 62025

(618) 692-4414

FAX (618) 692-4404

October 16, 2013

Legal Description for Merrill Ottwein
(Commercial Tracts – 9.71 Acres)

Part of the Northeast Quarter of Section 8, Township 3 North, Range 7 West of the Third Principal Meridian, Madison County, Illinois, being more particularly described as follows:

Commencing at a stone at the southwest corner of the Northeast Quarter of Section 8; thence South 89 degrees 30 minutes 32 seconds East 516.99 feet to the centerline of SrA Bradley R Smith Drive; thence along said centerline on a curve to the left having a radius of 6000.00 feet and a chord which bears North 0 degrees 28 minutes 47 seconds East 162.39 feet, an arc distance of 162.40 feet; thence along said centerline North 0 degrees 17 minutes 44 Seconds West 57.61 feet to the point of beginning of the tract herein described; thence continuing along said centerline North 0 degrees 17 minutes 44 seconds West 913.55 feet; thence along said centerline on a curve to the left having a radius of 500.00 feet and a chord which bears North 17 degrees 57 minutes 00 seconds West 303.28 feet, an arc distance of 308.13 feet; thence along said centerline North 35 degrees 36 minutes 17 seconds West 50.00 feet to the proposed centerline of Dorothy Drive; thence along said proposed centerline North 54 degrees 23 minutes 43 seconds East 87.63 feet; thence along said proposed centerline along a curve to the left having a radius of 400.00 feet and a chord which bears North 45 degrees 06 minutes 41 seconds West 129.06 feet, an arc distance of 129.63 feet; thence South 35 degrees 36 minutes 17 seconds East 324.33 feet; thence South 0 degrees 17 minutes 44 seconds East 486.00; thence North 89 degrees 42 minutes 16 seconds East 240.00 feet; thence South 0 degrees 17 minutes 44 seconds East 421.16 feet; thence South 89 degrees 42 minutes 16 seconds West 190.00 feet; thence South 0 degrees 17 minutes 44 seconds East 216.62 feet to the north line of Lot 3 of "The Greens of Troy – No .2" as shown by plat recorded in Plat Cabinet 65 on page 346 of the Madison County records; thence North 89 degrees 30 minutes 32 seconds West along said north line 280.03 feet to the point of beginning, containing 9.71 acres.





APPLICATION FOR REZONING

Date of Application: September 30 2013

Rezoning requested from: Agr to C-2

Applicant(s)/Agent(s):

Name: Merrill Ottwein Phone: 618-781-1822

Address: 29 Lilac, Glen Carbon, Il 62034

Name: Audrey Deeren Phone: 618-667-9764

Address: 409 Cook Street, Troy, Il 62294

Property Owner(s): (If different than applicant)

Name: same, title held as "The Ottwein Trust" Phone: same

Address: with Merrill Ottwein, Grace Ottwein and Audrey Deeren the sole trustees

Name: _____ Phone: _____

Address: _____

Property Information:

1. Address/location of land: The east side of Bradley Smith Drive- proposed lots 4,5,6,7,8,etc
2. Existing use(s) and zoning classification of property: Agr
3. Existing use(s) and zoning classification of other lots in the vicinity of property in question: Mostly agricultural, adjacent to C-2 (Aspen Creek Development)
4. Suitability of the property in question for uses already permitted under existing regulations: not suitable for intended purposes
5. Suitability of the property in question for the proposed uses: excellent
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: The trend is strongly toward C-2

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

Very consistent

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

Would generate additional utility utilization and traffic, believing the ultimate use would be mostly offices

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

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

11. A deposit of \$300 must accompany this application with all expenses associated with this request deducted from the deposit. These expenses include, but are not limited to, copying costs, certified mailing fees, publishing the legal notice in the newspaper and/or any other hearing related expenses. After all expenses are deducted, any remaining balance will be refunded to the applicant.

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 30th day of September, 2013

Applicant(s)/Agent(s) Merrill Ottwein, Grace Ottwein
Signature Printed Name

Applicant(s)/Agent(s) Audrey Deeren
Signature Printed Name

Property Owner(s) Merrill Ottwein, Grace Ottwein
Signature Printed Name

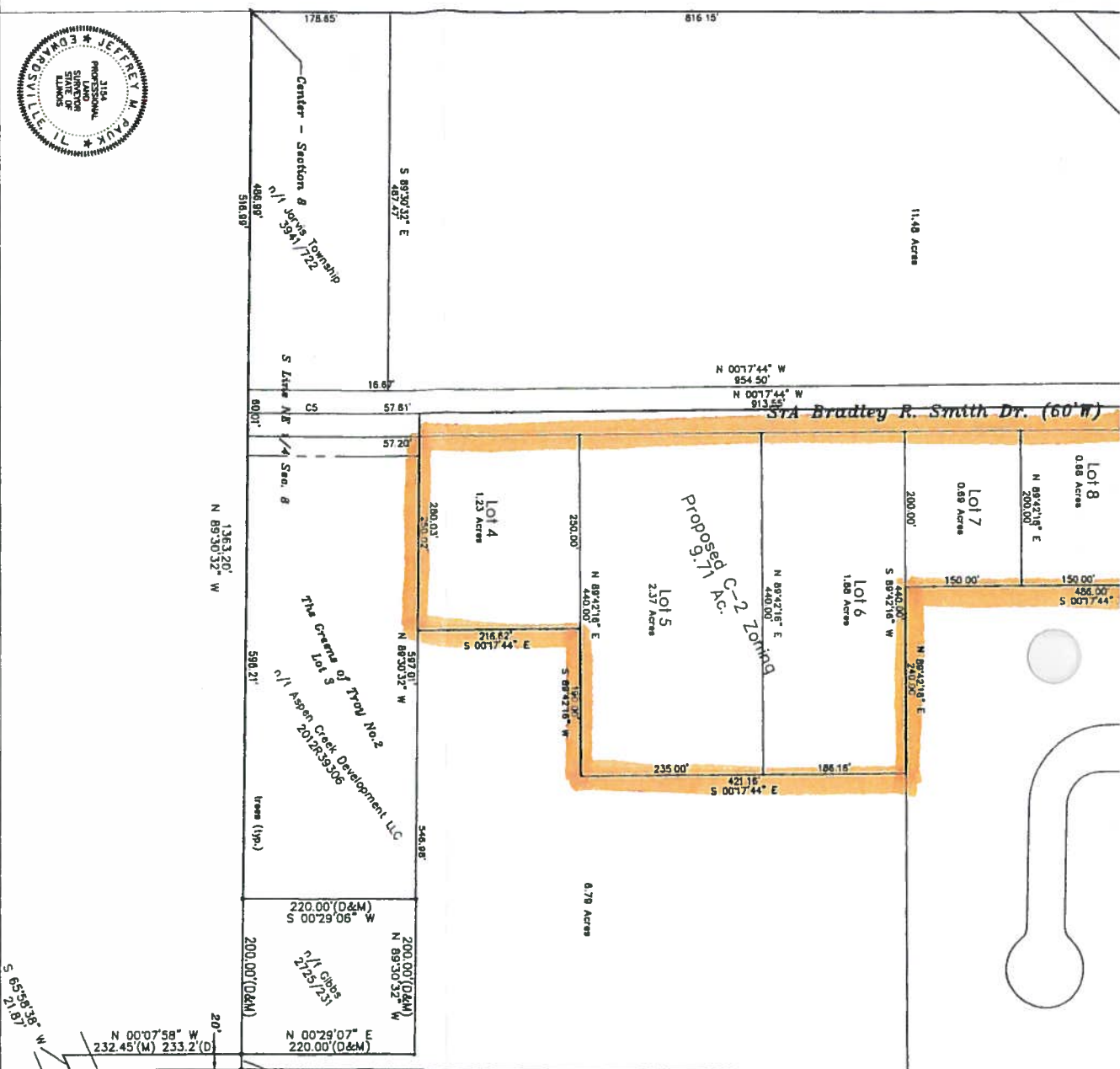
Property Owner(s) Audrey Deeren
Signature Printed Name

Office Use:

Date of Filing: 9/30/13 Check No.: 1207 Receipt No.: 13624

NUMBER	Radius	Chord Bearing	Chord Length
C1	470.00	N 175° 07' W	288.08
C2	720.00	N 17° 00' W	448.33
C3	670.00	S 17° 00' E	412.42
C4	557.50	S 175° 00' E	321.47
C5	6000.00	N 00° 28' 47" E	182.39
C6	400.00	N 45° 06' 41" E	128.08
C7	500.00	N 175° 00' W	303.28

Curve Tot



MADISON COUNTY SURVEYORS

140 A NORTH MAIN STREET
EDWARDSVILLE, IL 62025
PH. (618) 692-4414
FAX (618) 692-4404



Rezoning Exhibit

Merrill Ottwein
515 W. Highway 50
Market Center
O'Fallon, IL 62269-2012

DN. BY: JRP

SHEET 1 OF 2

Revisions: 9/15/13-Fresh-Plat

JOB NUMBER: 09025

"The Greens of Troy"

Part of the East Half of Section 8, Township 3 North, Range 7 West of the Third Principal Meridian, Madison County, Illinois

