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City Clerk  
116 E. Market Street  
Troy, Illinois 62294

**2014R19281**  
STATE OF ILLINOIS  
MADISON COUNTY  
06/24/2014 4:06 PM  
AMY M. MEYER, RECORDER  
REC FEE: 29.00  
CO STAMP FEE:  
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# OF PAGES: 5



29.00 CTY

**Ordinance No. 2014 - 10**

An Ordinance Concerning Ordinance No. 2004-21 of the Troy Municipal Zoning Code (also known as the Troy Zoning Code) for the Purpose of Granting a Special Use of a Specific Parcel (Operation of a bridal shop and hall along with any associated bridal and wedding services at 312 S. Main Street)

ADOPTED BY THE CITY COUNCIL

OF THE CITY OF TROY, ILLINOIS

THIS SIXTEENTH DAY OF JUNE, 2014

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

**WHEREAS**, Todd Lindow, owner, is requesting a special use permit for a specific parcel currently zoned R-2 Two-family Residential within the corporate limits (as more particularly described below); 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 June 12, 2014, and a few citizens expressed concerns about the petition; 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 8-2.4 of the City of Troy Zoning Code; and

**WHEREAS**, in accordance with Section 8-2.5 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 stipulations as stated in Recommendation No. 2014-04PC 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:** That the applicants be granted a special use permit to operate a bridal shop and hall along with any associated bridal and wedding services at 312 S. Main Street with a permanent parcel identification number 09-2-22-09-11-202-025.

**SECTION 2:** The special use permit is not transferable to successive owners of the property; is not transferable to any other person; and is not transferable to any other property.

**SECTION 3:** 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 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 sixteenth day of June, 2014.

Aldermen:

DeCarli <u>Aye</u>	Italiano <u>Aye</u>	<u>Total:</u>
Evans <u>Aye</u>	Jackson <u>Aye</u>	<u>4</u> Ayes
Greenfield <u>Aye</u>	Lanahan <u>Aye</u>	<u>1</u> Nays
Hendrickson <u>Nay</u>	Partney <u>Absent</u>	

APPROVED BY:



Allen P. Adomite  
Mayor

ATTEST:

Jamie Myers  
Jamie Myers, City Clerk

(SEAL)

RECOMMENDATION NO. 2014 ~ 04PC

Of the Planning Commission of the City of Troy, Illinois Recommending/Not Recommending an Application for a Special Use Permit Requested By Todd Lindow (i.e. to Operate A Bridal Shop, Hall and Any Associated Services at 312 S. Main Street)

WHEREAS, the Planning Commission met on June 12, 2014, at to consider an application for A Special Use Permit filed by Todd Lindow. 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 312 S. Main Street with a permanent parcel identification number: No. 09-2-22-09-11-202-025; 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: Debbie Payne, Willard Payne, Colleen Fischer, Mary Chasteen, Barbara Abel, Jean Cunningham, Lois Walden, Todd Lindow, Gerald Lenahan, & Diane Keller

WHEREAS, the Planning Commission, as per Section 8-2.4 Standards for Issuance and 8-2.5 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, Total. Rows include Burnett (Y), Cissell (A), Dyer (Y), Hayes (Y), Hellrung (Y), Johnson (N), Lawrenz (Y), Nehrt (A), Turner (Y), and Total (6 Yeas, 1 Nays).

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

That the application to operate a bridal shop and hall along with any associated bridal and wedding services at 312 S. Main Street, currently zoned R-2 Two-family Residential.

Is Not Recommended \_\_\_ Is Recommended X With the following stipulations: N/A

This special use permit IS IS NOT transferable to any other person or any other property.

Copies of this recommendation are presented to the City Council; the original shall be filed with the Code Administrator.

Dated this 12th day of June, 2014.

By: [Signature] Chairman, Planning Commission

Attest: [Signature] Secretary, Planning Commission

# FINDINGS OF FACT

As per Section 8-2.5 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 8-2.4 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;	Yes <input checked="" type="checkbox"/> No <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;	Yes <input checked="" type="checkbox"/> No <input 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;	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
d) Adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided;	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input 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;	Yes <input checked="" type="checkbox"/> No <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.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" 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.	Yes <input checked="" type="checkbox"/> No <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.	Yes <input checked="" type="checkbox"/> No <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;

Zoning Dist located in R-2 not a permitted use. Allowed by Special Use per the application.

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

\_\_\_\_\_

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

Will blend in well & be a quite use for adjoining property owners

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

Development pattern to be complied with for old town Dist - 0-4 Business will provide increase in tax base & economic well being for City of Troy

Chairman, Planning Commission

Date

Secretary, Planning Commission

Date

Building & Zoning Department