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2015R14947
STATE OF ILLINOIS
MADISON COUNTY
05/11/2015 11:56 AM
AMY M. MEYER, RECORDER
REC FEE: 34.00
CO STAMP FEE:
ST STAMP FEE:
FF FEE:
RHSPS FEE:
OF PAGES: 7

Return to:

City Clerk
116 E. Market Street
Troy, Illinois 62294



34.00 CTY

Ordinance No. 2015 - 7

AN ORDINANCE amending Chapter 154 Zoning Ordinance
Of the Codified Ordinances of the City of Troy
For the Purpose Of Rezoning Specific Tracts of
Land on the East Side of the First Addition to Waterford Place
From C-2 General Commercial to I-1 Light Industry
(i.e. Part of Outlots B, C, and D, and part of
Waterford Place and Spring Mill Drive)

Whereas, the Waterford Place of Troy, LLC (hereinafter "Applicant") has filed an application for the rezoning of certain property as described in Exhibit A; and

Whereas, the map attached hereto as Exhibit B is an accurate map of the lots 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 Section 154.143 of the Troy Municipal Ordinances regarding amendments of regulations and zoning districts by holding a public hearing on March 11, 2015 to consider the request for the rezoning of this property, pursuant to notice as required by Statute; and

Whereas, as a result of said hearing, the Planning Commission has submitted Recommendation No. 2015-03PC to the City Council confirming that it recommends the request for rezoning with the noted stipulations; 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 codified ordinances of the City of Troy for the purpose of rezoning the above referenced property in accordance with Exhibits A and B 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: Chapter 154 Zoning Ordinance of the codified ordinances of the City of Troy is hereby amended to change the zoning classification of specific tracts of land on the east side of the First Addition to Waterford Place, as described in Exhibit A and in accordance with the map attached hereto as Exhibit B, from C-2 General Commercial to I-1 Light Industry.

SECTION 2: That all other provisions of said Ordinances 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 sixteenth day of March, 2015.

Aldermen:

DeCarli Abstain
Evans Aye
Greenfield Aye
Hendrickson Aye

Italiano Aye
Jackson Aye
Lanahan Aye
Partney Aye

Total:
7 Ayes
0 Nays

APPROVED BY:

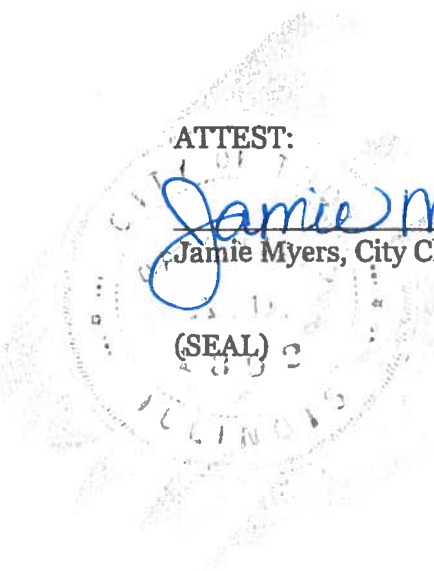


Allen P. Adomite
Mayor, City of Troy, Illinois

ATTEST:

Jamie Myers
Jamie Myers, City Clerk

(SEAL)



**SHERBUT-CARSON-CLAXTON, LLC
CIVIL ENGINEERS – LAND SURVEYORS
LAND DEVELOPMENT CONSULTANTS**

J.G. Sherbut, P.E., L.S. (1979-2004)
Keith G. Carson, L.S.

4 MEADOW HEIGHTS PROFESSIONAL PARK
COLLINSVILLE, ILLINOIS, 62234
(618) 345-5454
(618) 345-3017 Fax
email info@sherbutpc.com

David B. Claxton, P.E., L.S.
Michael J. Graminski, L.S.

**Land Description for Don Osborn
25.64 Acres**

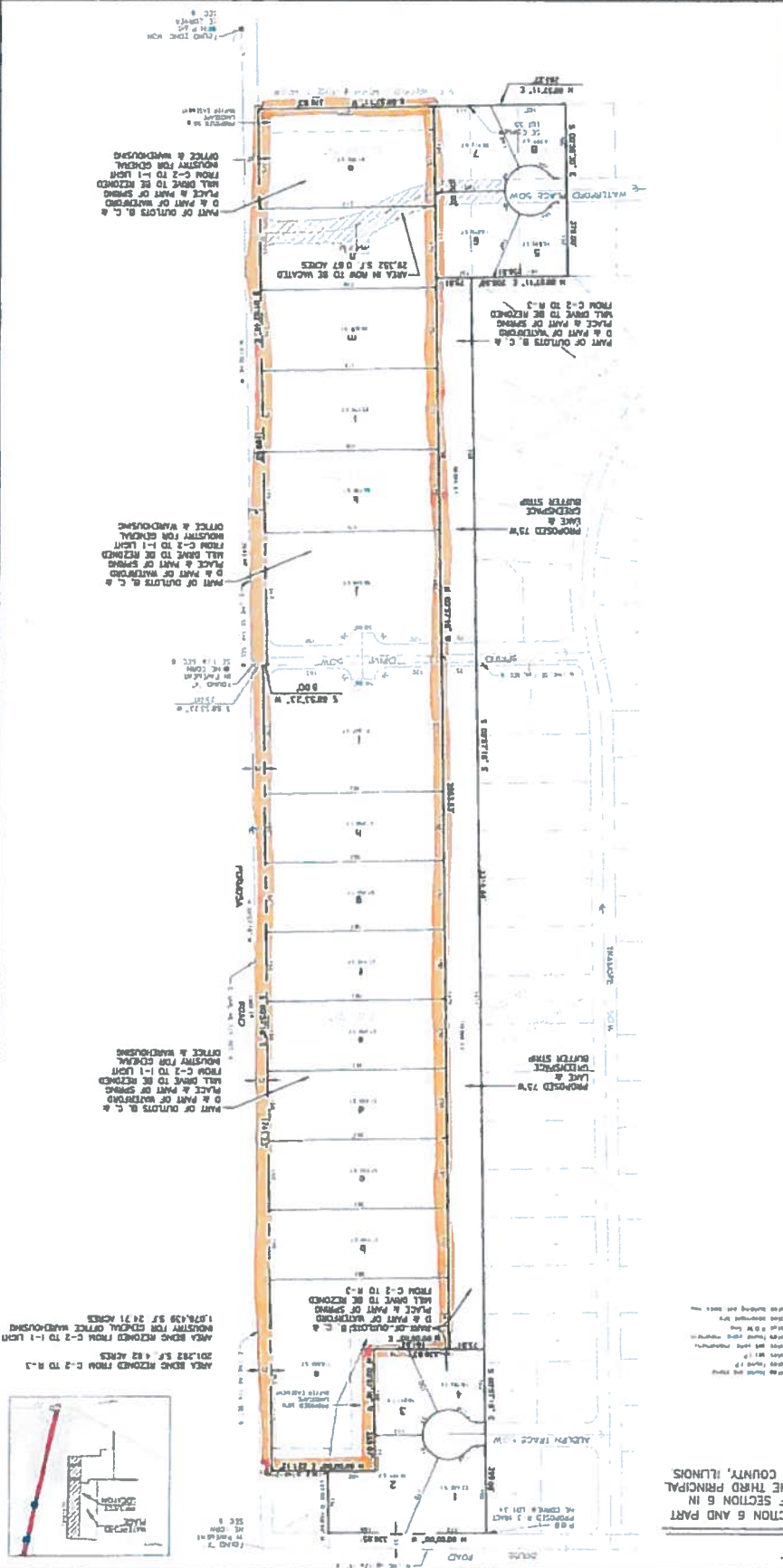
Area Being Rezoned from C-2 to Business Park District for General Office and Warehousing

Part of Outlots B, C, and D and part of Waterford Place and part of Mill Drive, all being part of "First Addition to Waterford Place", as same appears in Plat Cabinet 65 on Page 331 in the Recorder's Office of Madison County, Illinois, being a subdivision in part of the Fractional Northeast Quarter of Section 6 and Part of the East Half of the Southeast Quarter of Section 6 in Township 3 North, Range 7 West of the Third Principal Meridian in the City of Troy, Madison County, Illinois, and being more particularly described as follows:

Commencing at the northeast corner of Lot 34 of "Waterford Place" as same appears in Plat Cabinet 65 on Page 129 in the Recorder's Office of Madison County, Illinois; thence South 0 degrees 57 minutes 18 seconds East along the east line of said "Waterford Place" and the southerly prolongation thereof, being the same as the west line of Outlots B, C, and D of the aforementioned "First Addition to Waterford Place", a distance of 3083.50 feet to the southeast corner of Lot 55 of "First Addition to Waterford Place"; thence North 88 degrees 57 minutes 11 seconds East along the south line of Outlot B, a distance of 50.00 feet to the Point of Beginning of the tract described herein; thence North 0 degrees 57 minutes 18 seconds West, a distance of 2683.53 feet; thence North 90 degrees 00 minutes 00 seconds East, a distance of 286.94 feet; thence North 0 degrees 57 minutes 18 seconds West, a distance of 265.07 feet; thence North 90 degrees 00 minutes 00 seconds East, a distance of 121.12 feet to the westerly right of way line of Formosa Road; thence South 00 degrees 57 minutes 18 seconds East along said right of way, a distance of 1741.23 feet to a point on the north line of the Southeast Quarter of Section 6 bearing South 88 degrees 53 minutes 23 seconds West, a distance of 25.00 feet from the "x" found in concrete at the northeast corner of the Southeast Quarter of Section 6; thence South 88 degrees 53 minutes 23 seconds West along said north line of the Southeast Quarter of Section 6, a distance of 8.00 feet; thence South 01 degrees 02 minutes 49 seconds East continuing along the westerly right of way line of Formosa Road, a distance of 1199.90 feet to the southeast corner of Outlot B; thence South 88 degrees 57 minutes 11 seconds West, a distance of 401.93 feet to the Point of Beginning and containing 25.64 acres.

MJG
2/24/14
Job No. 2211

REMANDER OF WATERFORD PLACE	
CONCEPT PLAN	
DATE	11-20-11
DRAWN BY	W. H. H. / J. S. S.
SCALE	AS SHOWN
CHECKED BY	
PROJECT NO.	11111
SUBMIT-CARSON-CANTON, LLC	
14 WATERFORD PROVISION, ILLINOIS	
111 (EIR) 143-5134	
© 2011 Carson Canton, LLC	



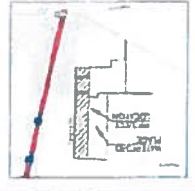
AREA BEING REZONED FROM C-2 TO R-3
201,282 S.F. 4.5 ACRES

AREA BEING REZONED FROM C-2 TO R-3
178,436 S.F. 4.1 ACRES

AREA BEING REZONED FROM C-2 TO R-3
178,436 S.F. 4.1 ACRES

AREA BEING REZONED FROM C-2 TO R-3
178,436 S.F. 4.1 ACRES

AREA BEING REZONED FROM C-2 TO R-3
178,436 S.F. 4.1 ACRES



PART OF THE FRACTIONAL NE 1/4 OF SECTION 6 AND PART OF THE EAST HALF OF THE SE 1/4 OF SECTION 6 IN TOWNSHIP 3 NORTH, RANGE 7 WEST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF TROY, MADISON COUNTY, ILLINOIS

EXHIBIT PLAT

EXHIBIT B

RECOMMENDATION NO. 2015 ~ 03PC

Of the Planning Commission of the City of Troy, Illinois Recommending/Not Recommending An Application for Rezoning Property from C-2 General Commercial to I-1 Light Industry Requested By Waterford Place of Troy, Property Owner

Whereas, the Planning Commission met on March 11, 2015 to consider an application for rezoning filed by Waterford Place of Troy, LLC, property owner. 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 Part of Outlots B, C, and D and part of Waterford Place and Spring Mill Drive (See Exhibits A - Concept Plan Map and B - Legal Description); 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, Yes/No, Name, Yes/No, Name, Yes/No, Total. Rows include Burnett, Cissell, Dyer, Hale, Hellrung, Johnson, Lawrenz, Nehrt, Turner, and Totals for Yeas and Nays.

Now Therefore Be It Recommended by the Planning Commission:

- 1. That the application for the following: To rezone part of Outlots B, C, and D and part of Waterford Place and Spring Mill Drive (See Exhibits A - Concept Plan Map and B - Legal Description) from C-2 General Commercial to I-1 Light Industry

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

Lot 1 & 6 will be removed and the western property line be moved west. The 50' wide buffer will be widened to encompass the lake + 10' and the buffer be in the R-3 district. A 50'-wide buffer be added on Lot "P" between I-1 & Fifth

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

Dated this 11th day of March, 2015.

By: [Signature] 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:

R-3 to the west
C-3 to the east

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

Existing C-2

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

No ^{significant} commercial interest in the past 5-years.

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:

R-3 homes have been built to the west.

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

I-1 would potentially bring business and be congruent with the area around it.

[Signature]
Chairman, Planning Commission

3/11/15
Date

[Signature]
Secretary, Planning Commission

3-11-15
Date