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Troy, Illinois 62294



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2016R25960

STATE OF ILLINOIS

MADISON COUNTY

07/29/2016 3:28 PM

AMY M. MEYER, RECORDER

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32.00 City

Ordinance No. 2016 - 16

An Ordinance Concerning Chapter 154 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 an automotive repair business at 320 E. Center Street)

ADOPTED BY THE CITY COUNCIL

OF THE CITY OF TROY, ILLINOIS

THIS SIXTEENTH DAY OF MAY, 2016

WHEREAS, the City of Troy, County of Madison, State of Illinois, presently has in force the Troy Zoning Code, which is contained in Chapter 154 of the Troy Municipal Code, also known as Ordinance No. 2004-21, adopted August 2, 2004 and as amended from time to time; and

Linda T.

WHEREAS, Jerry Baumgartner, owner, is requesting a special use permit for a specific parcel currently zoned R-1 Single-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 May 12, 2016; 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 154.141(E) of the City of Troy Zoning Code; and

WHEREAS, in accordance with Section 154.141(F) 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. 2016-04PC; 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 applicant be granted a special use permit to operate an automotive repair business at 320 E. Center Street with the following stipulations: The property can only operate as an auto repair/service shop with operation hours 7:00 a.m. to 8:00 p.m. There can be no towing operations, derelict vehicles, or abandoned vehicles on the property. Only 7 vehicles will be allowed on the exterior of the building overnight and non-business hours. Trash and recycling dumpsters must be enclosed.

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 Chapter 154 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 May, 2016.

Aldermen:

DeCarli <u>Aye</u>	Italiano <u>Aye</u>	<u>Total:</u>
Dyer <u>Aye</u>	Jackson <u>Aye</u>	<u>7</u> Ayes
Greenfield <u>Aye</u>	Partney <u>Absent</u>	<u>0</u> Nays
Hendrickson <u>Aye</u>	Turner <u>Aye</u>	

APPROVED BY:



Allen P. Adomite
Mayor

ATTEST:



Jamie Myers, City Clerk



RECOMMENDATION NO. 2016 ~ 04PC

Of the Planning Commission of the City of Troy, Illinois Recommending/Not Recommending an Application for a Special Use Permit Requested By Jerry Baumgartner (i.e. to Operate an Automotive Repair Business at 320 E. Center Street)

WHEREAS, the Planning Commission met on May 12, 2016, to consider an application for a Special Use Permit filed by Jerry Baumgartner. 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 320 E. Center Street with a permanent parcel identification number: No. 09-2-22-09-12-201-017.002; 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:

_____ ; and

WHEREAS, the Planning Commission, as per Section 154.141(E) Standards for Issuance and 154.141(F) 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:

Burnett <u>Y</u>	Hellrung _____	Lawrenz _____	Total:
Delgado <u>Y</u>	Johnson <u>Y</u>	Nehrt <u>Y</u>	<u>6</u> Yeas
Hale <u>Y</u>	Lasseigne _____	Reiter <u>Y</u>	<u>0</u> Nays

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

That the application to operate an automotive repair business at 320 E. Center Street, currently zoned R-1 Single-family Residential

Is Not Recommended _____ Is Recommended With the following stipulations: The property can only operate as an auto repair / service shop with operational hours 7AM to 8PM. There can be no towing operations, derelict vehicles, or abandoned vehicles on the property. Only 7 vehicles will be allowed on exterior of the building overnight and Non Business Hours. Transit and Recycling dumpsters must be enclosed. 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 May, 2016.

By: Robert L. Johnson, Chairman, Planning Commission

Attest: _____ Secretary, Planning Commission

FINDINGS OF FACT

As per Section 154.141(F) 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 154.141(E) 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 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,

Auto Repair in R-1 Zoning district

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

It will comply with Standards of Issuance

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

Been auto repair for past 20 yrs

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

will help increase tax base

Robert L. Johnson 5-12-2016
 Chairman, Planning Commission Date

[Signature] 5/12/16
 Secretary, Planning Commission Date

Building & Zoning Department
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