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Tx:4431325

**Return to:**

City Clerk  
116 E. Market Street  
Troy, Illinois 62294

**2019R13815**  
STATE OF ILLINOIS  
MADISON COUNTY  
05/06/2019 02:27 PM  
AMY M. MEYER, RECORDER  
REC FEE: 42.00  
CO STAMP FEE:  
ST STAMP FEE:  
FF FEE:  
RHSPS FEE:  
# OF PAGES: 15



42.00 CT

**Ordinance No. 2019 - 04**

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 on a Specific Parcel (i.e. Construction of a paint booth at 1920 Formosa Road)

ADOPTED BY THE CITY COUNCIL

OF THE CITY OF TROY, ILLINOIS

THIS FIFTEENTH DAY OF APRIL, 2019

**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**, Ed Lesage and Kerry Lesage, owners of EJ Equipment, are requesting a special use permit for a specific parcel currently zoned C-3 Highway Commercial within the corporate limits; 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 April 11, 2019; 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, if any, as stated in Recommendation No. 2019-04PC; 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 construct a paint booth at 1920 Formosa Road that is zoned C-3 Highway Commercial.

**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.

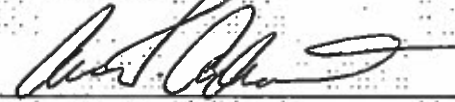
**SECTION 4:** This Ordinance shall be effective upon its passage, signing, and publication as required by law.

**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 fifteenth day of April, 2019.


**Aldermen:**

Henderson <u>Y</u>	Partney <u>Y</u>	<b>Total:</b>	
Italiano <u>Y</u>	Thompson <u>ABSENT</u>	<u>5</u>	Ayes
Jackson <u>ABSENT</u>	Turner <u>Y</u>	<u>0</u>	Nays
Levo <u>ABSENT</u>	Zarzecki <u>ABSENT</u>	<u>4</u>	ABSENT
MAYOR ADOMITE <u>Y</u>			

APPROVED BY:

  
\_\_\_\_\_  
Allen P. Adomite  
Mayor

ATTEST:

  
\_\_\_\_\_  
Andrea Lambert, City Clerk



City of Troy

**RECOMMENDATION No. 2019 ~ 04PC**

**Of the Planning Commission of the City of Troy, Illinois Recommending/Not Recommending an Application for a Special Use Permit Requested By Ed Lesage and Kerry Lesage (i.e. to construct a paint booth at EJ Equipment at 1920 Formosa Road)**

WHEREAS, the Planning Commission met on April 11, 2019, to consider an application for a Special Use Permit filed by Ed Lesage and Kerry Lesage. 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 1920 Formosa Road with a permanent parcel identification number: No. 09-1-22-08-00-000-002.003; 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>	Johnson <u>Y</u>	Niermann _____	Total:
Délgado _____	Lawrenz <u>Y</u>	Reiter _____	<u>5</u> Yeas
Héllrung <u>Y</u>	Nehrt <u>Y</u>	_____	<u>0</u> Nays

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

That the application to construct a paint booth that is not a permitted use in C-3 Highway Commercial at EJ Equipment, 1920 Formosa Road

Is Not Recommended \_\_\_\_\_ Is Recommended X With the following stipulations: \_\_\_\_\_

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 11<sup>th</sup> day of April, 2019.

By: Elizabeth Héllrung  
Chairman, Planning Commission

Attest: Jude Grabe  
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:  
Painting booths are not accepted in this zoning classification.

2. The conformance or nonconformance of the proposed special use with the Standards for Issuance section:  
It generally conforms and is not detrimental to neighboring parcels.

3. The relationship and the compatibility of the proposed special use to adjacent properties and neighborhoods:  
Currently, what is around the business is not developed yet. The exterior of the building will not change.

4. The effect of the proposed special use on the development pattern, tax base, and economic well being of the City:  
Should have neutral or positive impact. It does leave the precedent for future similar requests.

Elizabeth Hillburg      4-11-19      Jenna Tooke      4/11/19  
 Chairman, Planning Commission      Date      Secretary, Planning Commission      Date  
 Building & Zoning Department

**Planning Commission Public Hearing**

Thursday, April 11, 2019

Public hearing to consider a special use permit for EJ Equipment

Please Sign In:

	Name	Address	Phone #
1	Ed LeSage	Farmose Road	815 953 3700
2	Jenna Jennings	EJ Equipment	
3	Bruce Collins		
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			



## Notice of a Public Hearing

The Troy Planning Commission will hold a public hearing on Thursday, April 11, 2019 at 7:00 p.m. in Council Chambers at the Troy Municipal Building, 116 E. Market St., Troy, Illinois to consider the petition of owners Ed Lesage and Kerry Lesage requesting a special use permit to construct a paint booth at EJ Equipment, 1920 Formosa Road, with permanent parcel no. 09-1-22-08-00-000-002.003.

The above application is open to inspection in the Building & Zoning Dept., 116 E. Market St., Troy, Illinois.

This hearing is open to the public. Persons wishing to appear at such hearing may do so in person or by attorney or their representative. Persons who wish to give evidence in favor of, or against, this request should attend the hearing prepared to present their evidence.

Linda Taake  
Building & Zoning  
Administrative Coordinator

Public Notified: March 22, 2019  
Media Notified: March 22, 2019



AAA Compatible View

- Illinois
- Troy, IL Code of Ordinances
- CITY OF TROY, ILLINOIS CODE OF ORD.
- TITLE I: GENERAL PROVISIONS
- TITLE II: ADMINISTRATION
- TITLE III: PUBLIC WORKS
- TITLE IV: TRAFFIC CODE
- TITLE V: GENERAL REGULATIONS
- TITLE VI: BUSINESS REGULATIONS
- TITLE VII: GENERAL OFFENSES
- TITLE VIII: LAND USAGE
- CHAPTER 150: PLANNING IN GENERAL
- CHAPTER 151: BUILDINGS AND BUILDINGS
- CHAPTER 152: MOBILE HOMES AND TRAILERS
- CHAPTER 153: SUBDIVISION CODE
- CHAPTER 154: ZONING REGULATIONS
- CHAPTER 155: SIGN REGULATIONS
- CHAPTER 156: STORMWATER DRAINAGE
- TABLE OF SPECIAL ORDINANCES
- PARALLEL REFERENCES

### Permitted and Special Uses in the Zoning Classifications

(P = Permitted Use, S = Special Use)

	A-R	R-1	R-1A	R-2	R-3	M-1	C-1	C-2	C-3	C-4
Mountaintop sales								P		
Motor vehicle repairs and service facilities (buses, tractor trailers, etc.)										P
Motor vehicle sales, new and used (buses, tractors, etc.)								P		P
Motorcycle sales								P		
Movie theaters - indoor										
Multiple family dwellings				P						
Music stores								P	P	P



\$300.00  
Deposit



**APPLICATION FOR  
SPECIAL USE PERMIT**

1. Names of all owners:

Name: Ed Lesage Phone: 815-953-3700

Address: 4949 N. 3000 E Rd Manteno, IL 60950

Name: Kerry Lesage Phone: 800-522-

Address: 4949 N. 3000 E Rd Manteno, IL 60950

email: ed@ejequipment.com.

2. Property Information:

Street address or location of property: 1920 Formosa Rd. Troy, IL 62294

Present use(s) of property: Heavy Equipment Repair

Present zoning of property: \_\_\_\_\_

3. Special Use Information:

a. Nature of request for special use: Requesting variance to approve paint booth to be professionally installed in wash bay.

b. Applicant's interest in property: building & business owner.

c. Legal description and map, plat or site plan showing the location, entrances, exits, etc., of the requested special use must be attached to application.

d. Nature of the order or decision of the Code Enforcement Official: \_\_\_\_\_

e. The reason the applicant feels the special use permit should be granted: Internally generate more revenue with in our facility.

Building & Zoning Dept.  
116 E. Market Street  
Troy, Illinois 62294

(618) 667-8734 ext. 4  
[buildingzoning@trovil.us](mailto:buildingzoning@trovil.us)  
[www.trovil.us](http://www.trovil.us)

f. What effect will the proposed special use have on the value of the neighboring property? \_\_\_\_\_

NONE

g. What effect will the proposed special use have on the City's overall tax base? \_\_\_\_\_

increase in sales  
tax revenue

h. What effect will the proposed special use have on public utilities and on traffic circulation on nearby streets? \_\_\_\_\_

NONE

In the consideration of the requested special use permit, the Planning Commission and City Council base their findings and decisions on the City of Troy Code of Ordinances ONLY. In the event the special use permit is granted by the City Council, the City of Troy does not warrant or guarantee that this special use permit will conform to any restrictions which may be described in the applicant's deed, lease or subdivision restrictions. The City of Troy may not have authority to grant special use permits for those restrictions, if they exist.

I (We) hereby certify that all of the above information given herein and in the attachments hereto is true and correct to the best of my (our) knowledge.

Dated this 4th day of February, 2019.

  
Signature of Owner

St George Paul

Signature of Owner

  
Printed name of Owner

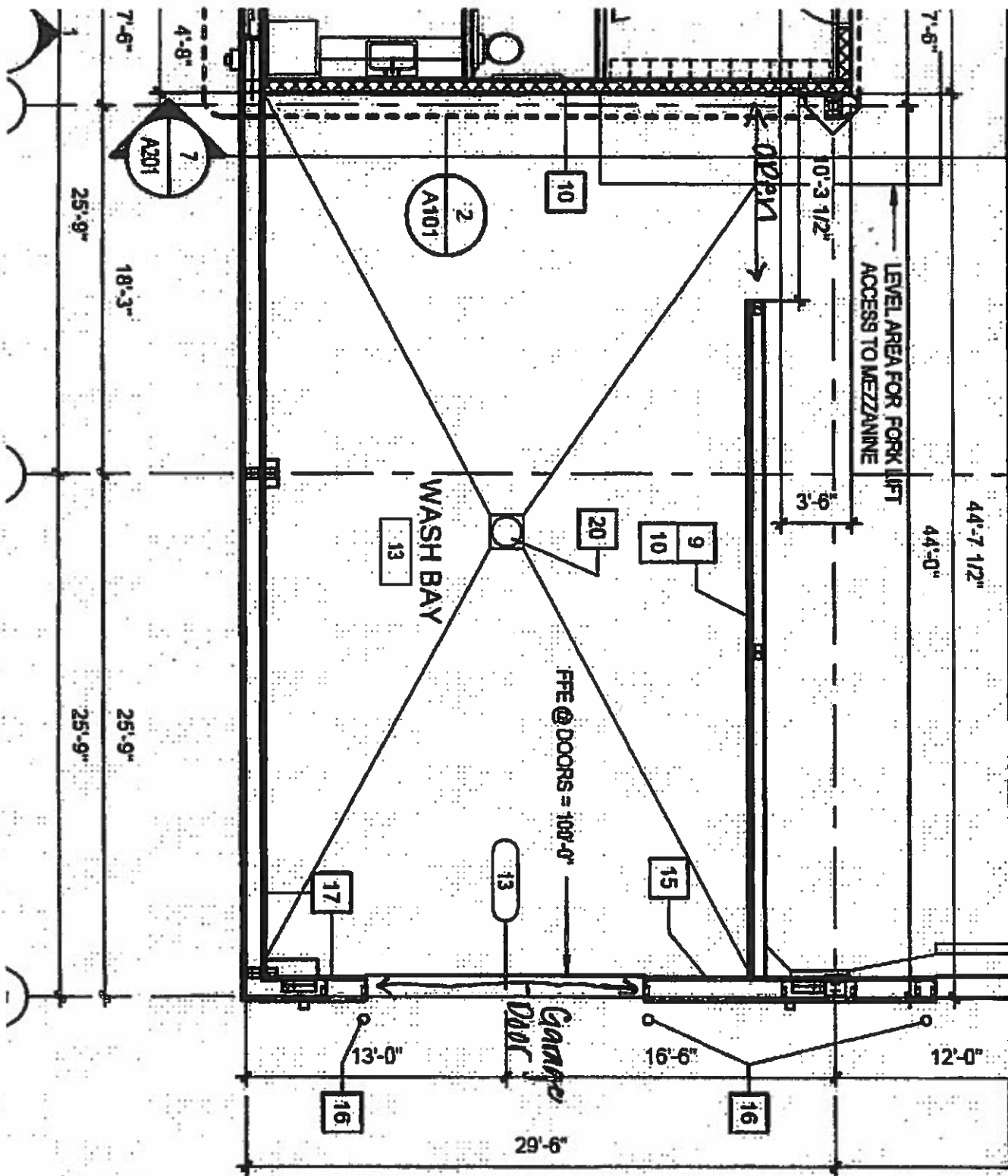
St George Paul

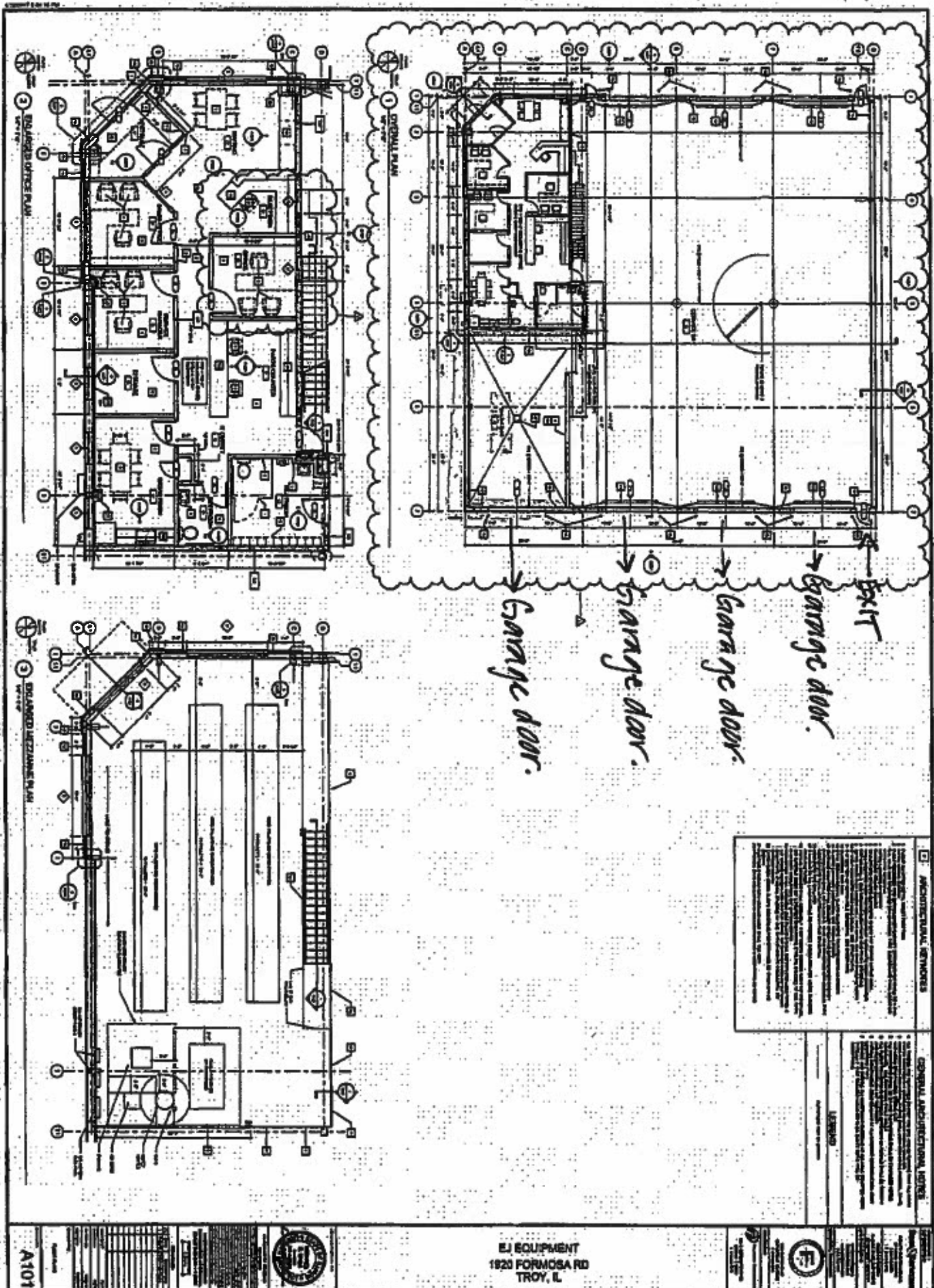
Printed name of Owner

Date submitted: 3/20/19

Hearing Deposit Paid: \$300

Receipt #: 1370





**EMERGENCY EXIT PROCEDURES**

1. In the event of an emergency, all occupants must remain calm and follow the instructions of the fire warden.

2. Evacuation routes are clearly marked on the floor plan.

3. Do not use lifts or elevators during an emergency.

4. Proceed to the designated assembly point outside the building.

5. Do not re-enter the building until authorized by the fire department.

6. Report any injuries or missing persons to the fire department immediately.

**GENERAL INFORMATION**

This plan is for informational purposes only and does not constitute a contract.

All work must be done in accordance with the relevant building codes and regulations.

The architect is not responsible for the construction of the building.

For more information, please contact the architect's office.

**A101**

Architect's name and registration details.

**EJ EQUIPMENT**  
 1820 FORMOSA RD  
 TROY, IL

**EMERGENCY EXIT PROCEDURES**

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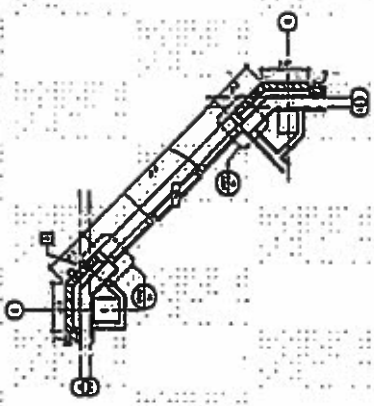
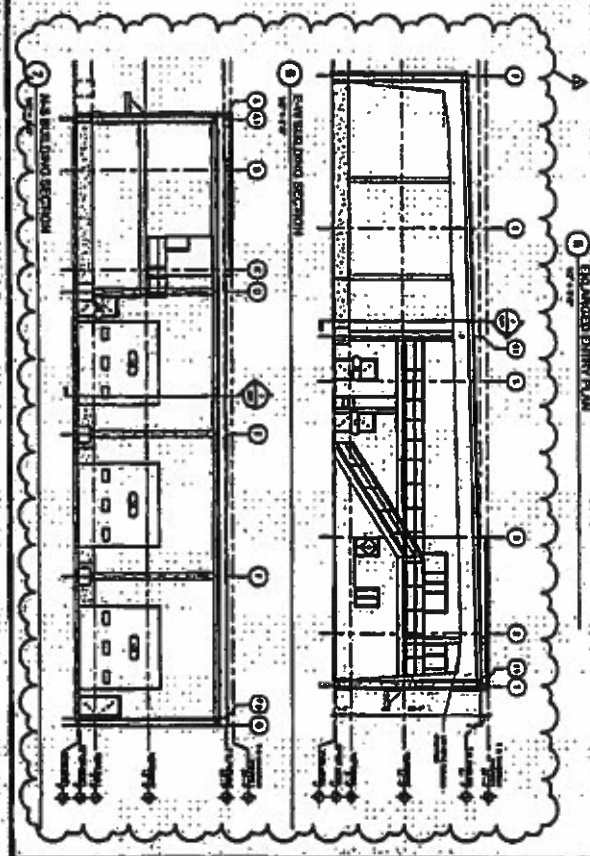
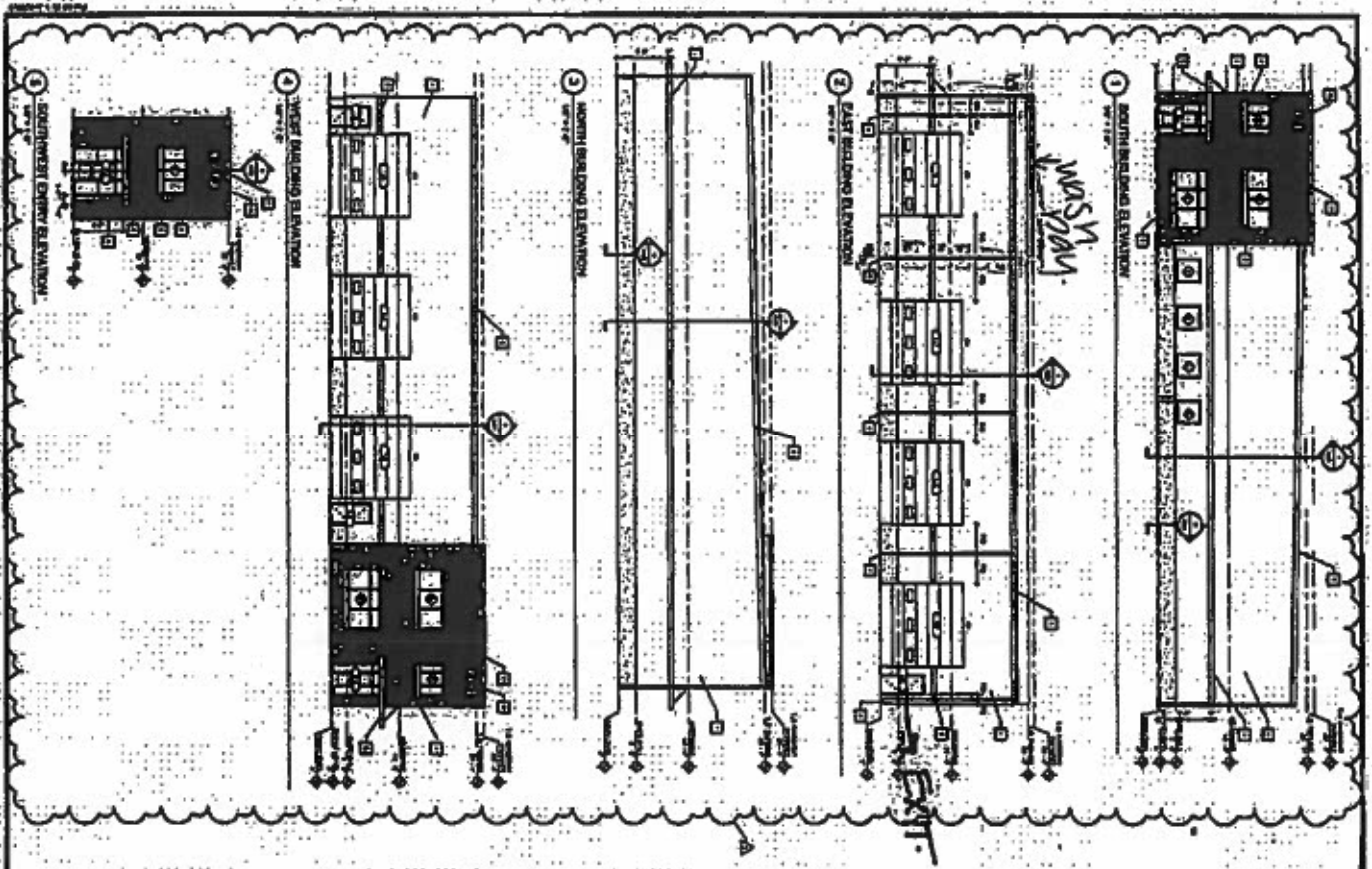
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**EXTERIOR ELEVATOR ENCLOSURE**

1. ENCLOSURE SHALL BE CONSTRUCTED OF GALVALUMINUM OR GALVALUMINUM CLAD STEEL WITH A MINIMUM THICKNESS OF 0.075 INCHES (1.9 MM) AND SHALL BE FINISHED WITH A POLYESTER BLENDED WITH FLUOROPOLYMER FINISH.

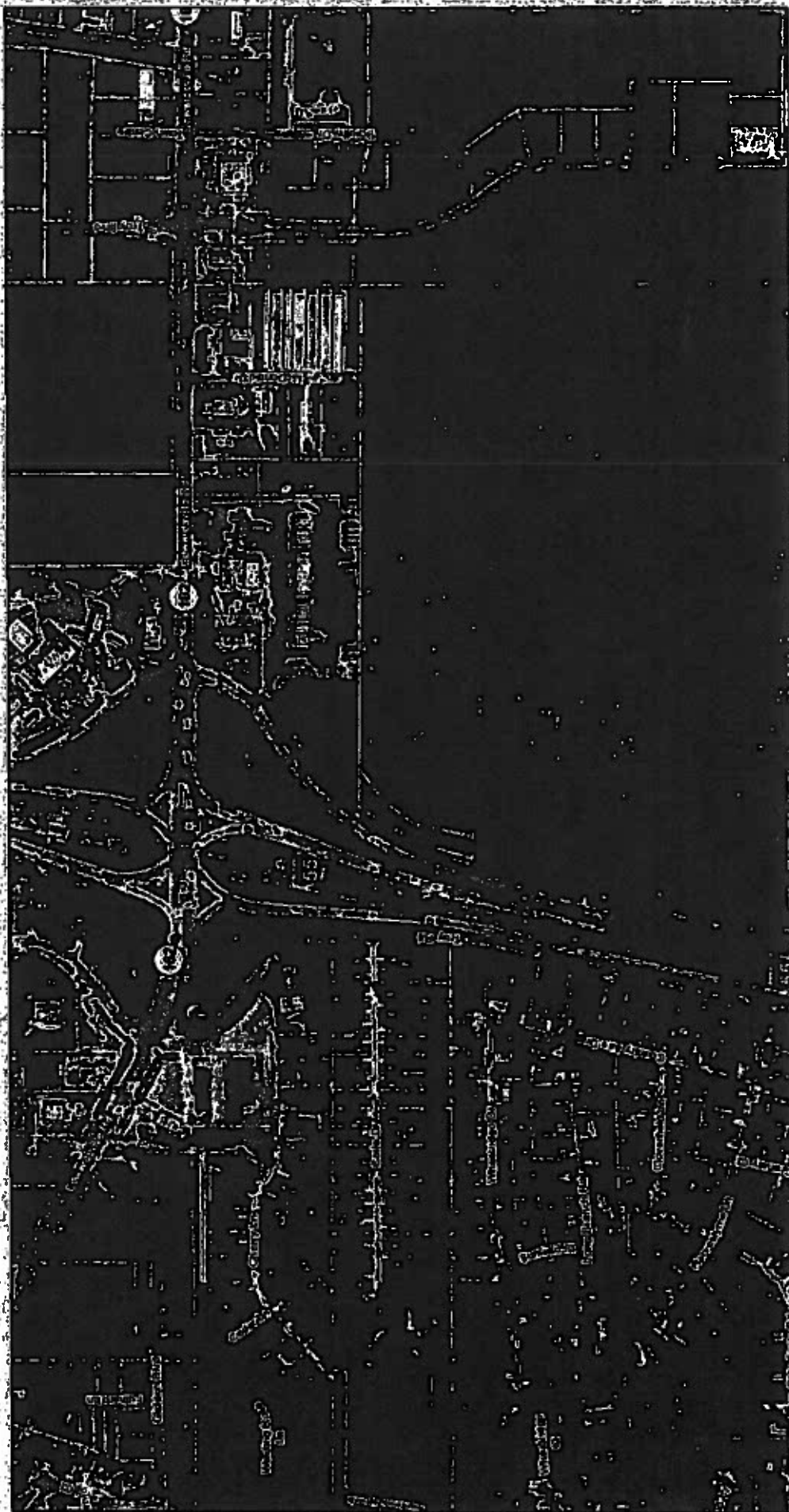
2. ENCLOSURE SHALL BE PROVIDED WITH A WEATHER-RESISTANT GROUNDING SYSTEM AND SHALL BE GROUND TO THE MAIN ELECTRICAL SERVICE PANEL.

3. ENCLOSURE SHALL BE PROVIDED WITH A WEATHER-RESISTANT VENTILATION SYSTEM AND SHALL BE VENTILATED TO THE OUTSIDE.

4. ENCLOSURE SHALL BE PROVIDED WITH A WEATHER-RESISTANT DOOR AND SHALL BE LOCKED AT ALL TIMES.

5. ENCLOSURE SHALL BE PROVIDED WITH A WEATHER-RESISTANT SIGN AND SHALL BE IDENTIFIED AS AN ELEVATOR ENCLOSURE.

	<b>EJ EQUIPMENT</b> 1920 FORMOSA RD TROY, IL	
	A201	



1:4,800  
0 0.05 0.1 0.2 mi  
0 0.075 0.15 0.3 km

Madison County Assessor's Office  
Madison County GIS

Madison County Government (MCOG) Group  
Madison County Department

**CERTIFICATE OF PUBLICATION**

State of Illinois )  
County of Madison )

THIS IS TO CERTIFY, that the notice of which a printed copy is hereto annexed, was published 1 consecutive times in the **TIMES-TRIBUNE**, a newspaper of general circulation, published in the City of Troy, in said County and State, by Newsprint Ink, Inc. and that the first insertion was made in the paper published on the 28 day of MARCH A.D. 20 19, and the last in the paper published on the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 20 \_\_\_\_\_, and said newspaper was regularly published for six months prior to date of first publication of said notice.

Printer's Fees \$ 11.60

**TIMES - TRIBUNE**  
Troy • St. Jacob • Marine • Maryville

By Masja LaRue

Troy, IL MARCH 28 A.D. 20 19

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The above application is open to inspection in the Building & Zoning Dept., 116 E. Market St., Troy, Illinois.  
This hearing is open to the public. Persons wishing to appear at such hearing may do so in person or by attorney or their representative. Persons who wish to give evidence in favor of or against this request should attend the hearing prepared to present their evidence.  
Linda Tealce  
Building & Zoning  
Administrative Coordinator  
3/29/19

**END OF DOCUMENT**