

**Return to:**

City Clerk  
116 E. Market Street  
Troy, Illinois 62294



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## ***Ordinance No. 2021 - 28***

An Ordinance Concerning Chapter 154 of the Troy Municipal Zoning Code (also known as the Troy Zoning Code) for the Purpose of Granting a Temporary Use on a Specific Parcel (i.e. Drive-thru Coffee Shop at 7640 Plummer Business Drive)

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ADOPTED BY THE CITY COUNCIL

OF THE CITY OF TROY, ILLINOIS

THIS FIRST DAY OF NOVEMBER, 2021

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***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

**WHEREAS**, Jason Tye and Sarah Stines, applicants, are requesting a temporary use permit to place a 12' x 16' temporary building to be used as a drive-thru coffee shop off the northern edge of the parking lot in front of 7640 Plummer Business Drive 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 October 21, 2021; 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 temporary use be granted with the stipulations as stated in Recommendation No. 2021-09PC; and

**WHEREAS**, the City Council finds that the requested temporary 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:** The recitals contained above in the preamble of this Ordinance are hereby incorporated by reference, the same as if set forth in this section of this Ordinance verbatim, as findings of the City Council of the City of Troy, Illinois.

**SECTION 2:** The City Council hereby grants a temporary use permit to place a 12' x 16' temporary building to be used as a drive-thru coffee shop off the northern edge of the parking lot in front of 7640 Plummer Business that is zoned C-3 Highway Commercial.

SECTION 3: The temporary use permit is transferable to successive owners of the property.

SECTION 4: Temporary use permits shall not exceed one year from the time of approval; however, an extension period of one additional year may be obtained from the City Council.

SECTION 5: 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 6: 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 first day of November, 2021.

Aldermen:

Dawson <u>YES</u>	Italiano <u>YES</u>	<u>Total:</u>
Flint <u>YES</u>	Knoll <u>YES</u>	<u>8</u> Ayes
Hellrung <u>YES</u>	Manley <u>YES</u>	<u>0</u> Nays
Henderson <u>YES</u>	Turner <u>YES</u>	<u>0</u> Abstain

APPROVED BY:

  
\_\_\_\_\_  
David Nonn, Mayor

ATTEST:

  
\_\_\_\_\_  
Kimberly Thomas, City Clerk

RECOMMENDATION NO. 2021 ~ 09PC

Of the Planning Commission of the City of Troy, Illinois Recommending/Not Recommending an Application for a Temporary Use Permit Requested By Jason Tye and Sarah Stines (i.e. to place a temporary building off the edge of the parking lot in front of 7640 Plummer Business Drive to be operated as a drive-thru coffee shop)

WHEREAS, the Planning Commission met on October 21, 2021, to consider an application for a Temporary Use Permit filed by Jason Tye and Sarah Stines. 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 7640 Plummer Business Drive with a permanent parcel identification number 09-2-22-17-05-101-023; 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:

Table with 4 columns: Name, Vote, Name, Vote, Name, Vote, Total. Rows include Adams (YES), Boeren (ABSENT), Burnett (YES), Lawrenz (YES), Nehrt (YES), Niermann (ABSENT), Reiter (ABSENT), Stone (YES), Talbert (YES), and Total (6 Yeas).

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

That the application to place a 12' x 16' temporary building off the northern edge of the parking lot in front of 7640 Plummer Business Drive to be operated as a drive-thru coffee shop

Is Not Recommended; Is Recommended with the following stipulations, if any, noted below:

Temporary use permits shall not exceed one year from the time of approval; however, an extension period of one additional year may be obtained from the City Council

This temporary use permit 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 21st day of October, 2021.

By: [Signature] Chairman, Planning Commission

Attest: [Signature] 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;

N/A

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;

Paying for Sewer and Tap that could lead to a permanent spot.

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

\_\_\_\_\_

[Signature]  
Chairman, Planning Commission

10/21/21  
Date

[Signature]  
Secretary, Planning Commission

10/21/21  
Date



## APPLICATION FOR SPECIAL USE PERMIT

1. Names of all owners:

Name: Jason Tye Phone: 910-354-7944

Address: 3 Longshot Dr Troy IL 62294

Name: Sarah Strines Phone: 240-440-8092

Address: 3 Longshot Dr Troy IL 62294

2. Property Information:

Street address or location of property: 7640 Riedle Dr Troy IL 62294

Present use(s) of property: empty field in front of Shopping Center

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

3. Special Use Information:

a. Nature of request for special use: We are requesting to put a 12'x16' portable building on site to be utilized as a drive thru coffee shop. we also request that the building be tied into commercial utilities (water, sewer, electric)

b. Applicant's interest in property: \_\_\_\_\_

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: To give local residents another option of getting coffee and breakfast since there is no place on this side of town. The City would also be supporting 2 disabled veteran business owners.

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? Minimal  
as we hope this will lead to a permanent business
- g. What effect will the proposed special use have on the City's overall tax base? Should increase
- h. What effect will the proposed special use have on public utilities and on traffic circulation on nearby streets?  
See attached plan for what the cup (under location)

*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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

  
\_\_\_\_\_  
Signature of Owner

  
\_\_\_\_\_  
Printed name of Owner

  
\_\_\_\_\_  
Signature of Owner

  
\_\_\_\_\_  
Printed name of Owner

Date submitted: 9/24/21

Hearing Deposit Paid: \$300<sup>00</sup>

Receipt #: 2547

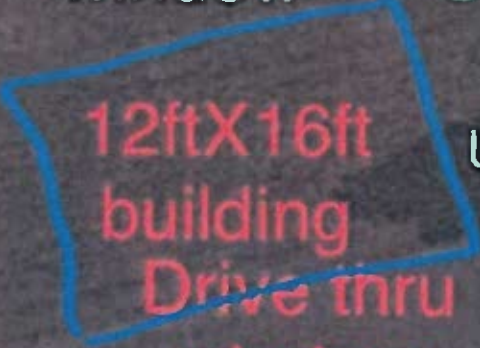
79°



Water, Sewer and phone location

Walk up window

Seating area under tree



12ftX16ft building  
Drive thru window

Traffic flow from left to right







[www.bluemarkproperty.com](http://www.bluemarkproperty.com)

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September 23, 2021

Sarah Stines and Jason Tye  
3 Longshot Drive  
Troy, IL 62294

RE: Lease to review, sign and return  
Plummer Investments, LLC

Dear Sarah and Jason,

Please find enclosed three (3) copies of your lease for operating a drive-through and walk-up café business at Troy Shopping Center. Please review and sign all pages marked with a sticky note and mail all 3 signed copies back to me. Once received, I will have landlord sign. Once all signatures have been obtained, I will mail you back a fully executed lease.

If you have any questions or concerns, please contact me at (618) 632-1202.

Sincerely,

A handwritten signature in cursive script that reads "Susan Nielsen".

Susan Nielsen  
Real Estate Broker

Plummer Investments, LLC

By: BlueMark Property Management  
It's Authorized Property Manager

## **Plan for What the Cup?**

**Purpose:** Troy Illinois. What the Cup is a drive through business for coffee lovers who need/want coffee with a great taste. What the cup?, is for the person who loves the great aroma, want variety of choices and always is greeted with a smile. This will be a local, veteran owned/operated business. Not only will we be helping the workers who travel that road, but we will be supporting local businesses as well.

**Owners/History:** Jason and Sarah (Stines) Tye. Jason retired from the United States Air Force in May 2020. He served 21 years and has many deployments at home and abroad. Sarah retired from the United States Air Force in May 2020. She served 22 years and has many deployments at home and abroad. Sarah is currently employed at Boeing.

**Company Vision:** What the Cup, will be considered the best, friendliest, most convenient place to get coffee around.

### **Company Goals**

1. Within the first year, I would like to have 4 employees, my husband and I as manager. We would like to have an income of approximately \$80000 and transition into a permanent facility
2. Within the first three years, we would like to have a second facility starting or in the process of starting.
3. Within five years, I would like to have 2 facilities running with 8 employees. We would like to profit approximately \$160K a year.

**Legal Structure:** What the Cup? Limited Liability Company

### **Products and Services**

**Your company's products and/or services:** We plan to sell coffee, specialty coffee, smoothies, breakfast burritos and pastries. We will work with local business owners to prepare "ready to eat" food and work with "veteran owned" coffee company named "Alpha Coffee."

**The problem the product or service solves:** This is a convenient, fast place for people to get a cup of coffee and breakfast on the way to work. We will be the only coffee place on this side of Troy Illinois and a place that treats each customer as if they were the most valued and important customer.

**Any proprietary features that give you a competitive advantage:** We have the ability to build personal relationships with each customer while providing the best customer service.

**How you will price your product or service:** Our pricing will be similar to small coffee shops around like Scooters and Goshen. We will offer military/veteran discount, run specials and do coffee/deals of the month. We will offer products at the same pricing or lower, while offering quick, hospitable, family-oriented service. Our goal is to get to know our customers on a first name bases, while understanding and meeting the customers' needs and wants.

**Location:** Shopping Center on Riedle Drive

**About Location:** The shopping center has a total of 176 parking spots. The plan for "What the Cup?" will only occupy 7 to 10 parking spots at a time, which is less than 6% of the total amount of parking spots.

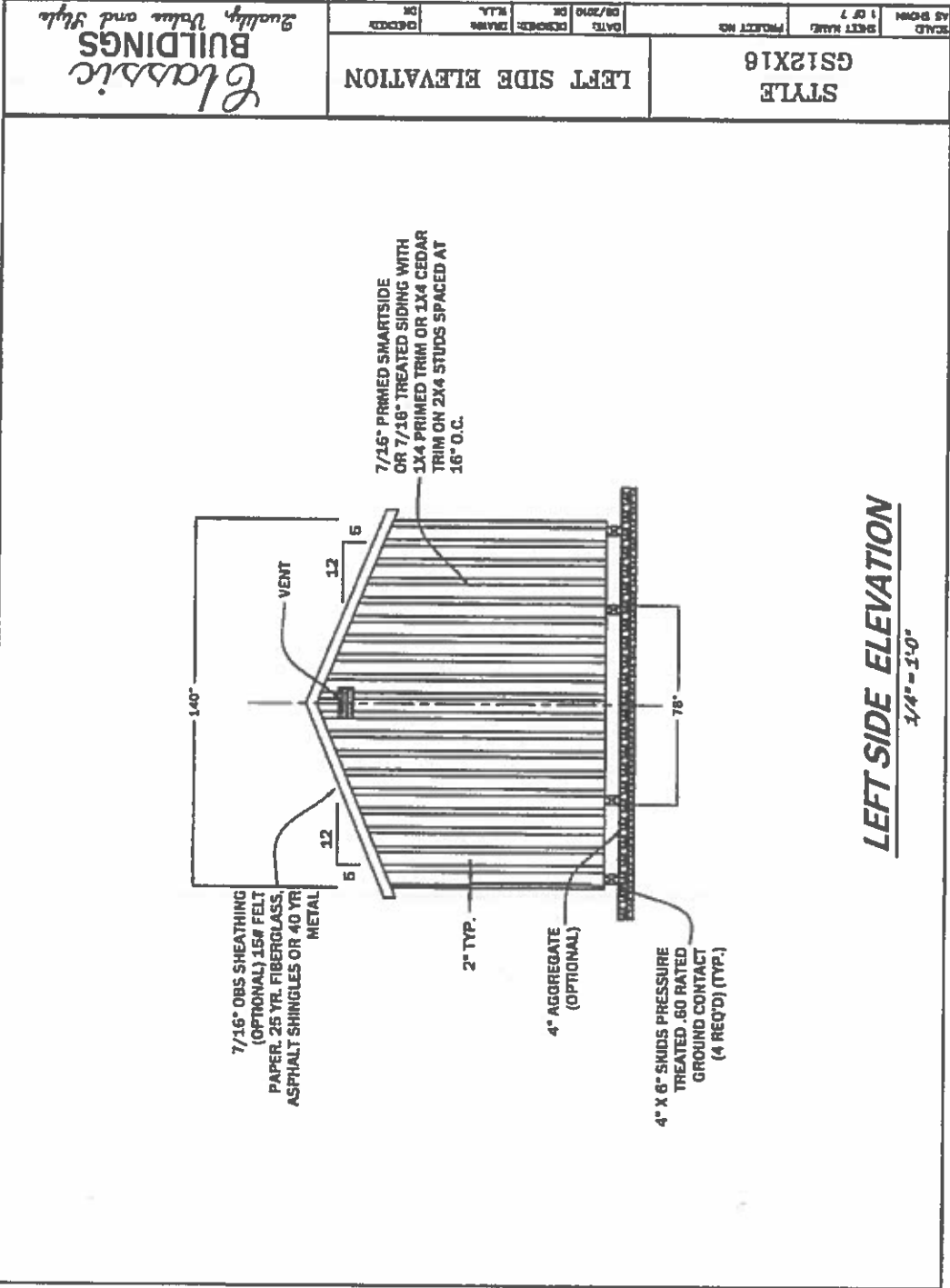
- The flow of traffic will go from West to East
- Our operation will be much like that of Chick-fil-A....There will be an employee outside to take orders. Once the order is taken it will print out the order in the building and we will fulfill that order. The customer will also pay at the time of placing their order. The vehicle will then pull up to the drive thru window and receive their order.
- We will also offer a walk-up service. That window will be on the North side of the building. We will have 2 picnic tables out so that our customers can enjoy their coffee while sitting outside.

**Construction:** 12' X 16' portable building

- (2) 36"X36" windows
- (2) 3'X6'X2" house doors
- Lap siding which will match the shopping centers exterior color
- Blue metal roof which will match the shopping centers exterior color
- (1) indoor bathroom
- 100-150 Amp Electrical service
- City water and sewer connection
- After our first year in business, we would like to transition to a permanent structure in the same location. We would then move this temporary building to another location in town and grow that location as well.

**Inspections:** Troy IL and Madison County IL inspections

- We have been in contact with Madison County Health Department, and we will meet or exceed all of their requirements. They have been supportive and guided us on what we will need to do on our end to meet their requirements
- We will meet all the building codes/requirements from the City of Troy IL.



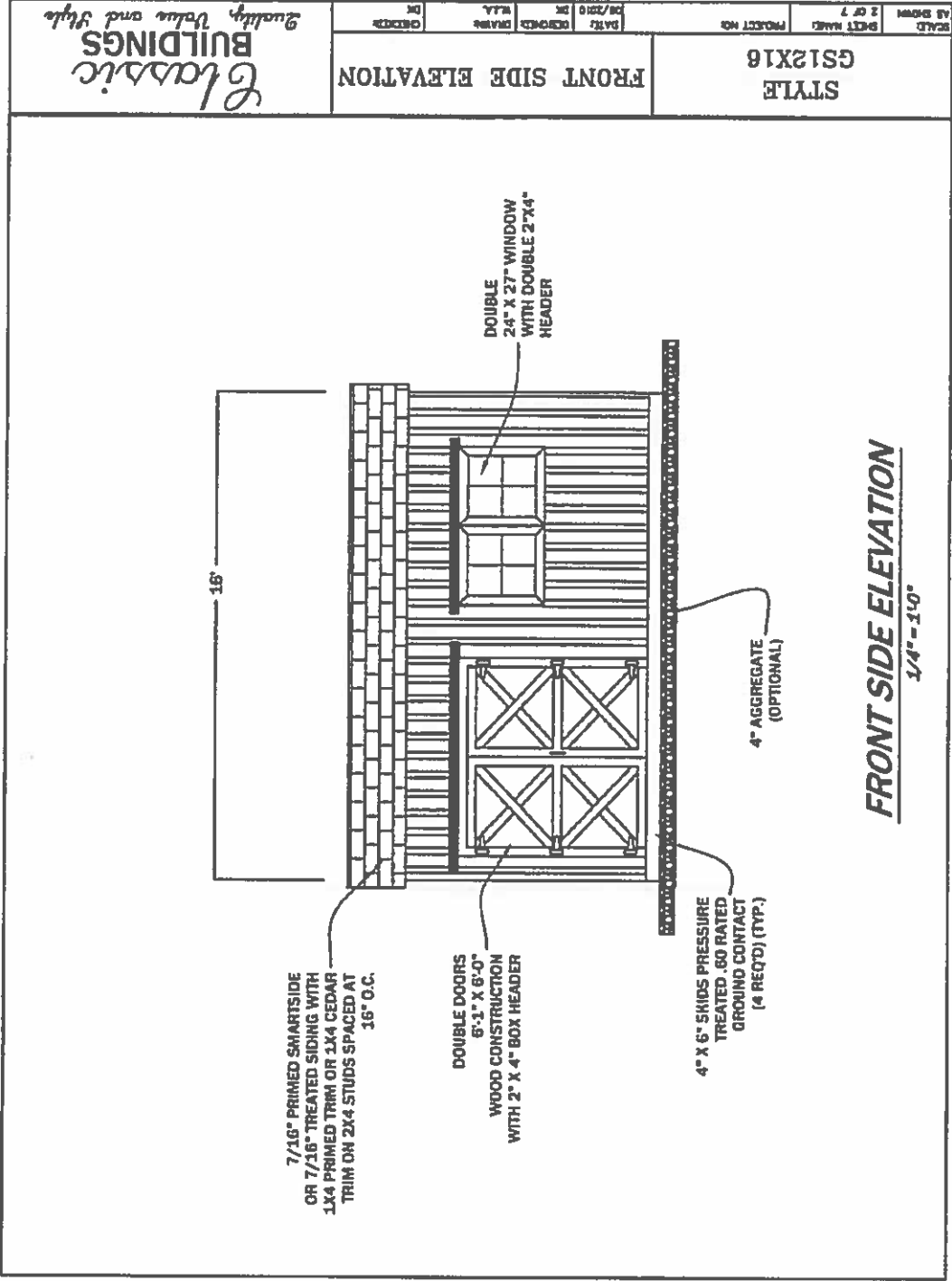
7/16" OBS SHEATHING  
 (OPTIONAL) 16# FELT  
 PAPER, 25 YR. FIBERGLASS,  
 ASPHALT SHINGLES OR 40 YR  
 METAL

7/16" PRIMED SMARTSIDE  
 OR 7/16" TREATED SIDING WITH  
 1X4 PRIMED TRIM OR 1X4 CEDAR  
 TRIM ON 2X4 STUDS SPACED AT  
 16" O.C.

2" TYP.

4" AGGREGATE  
 (OPTIONAL)

4" X 6" SKIDS PRESSURE  
 TREATED .60 RATED  
 GROUND CONTACT  
 (4 REQ'D) (TYP.)



7/16" PRIMED SMARTSIDE  
OR 7/16" TREATED SIDING WITH  
1X4 PRIMED TRIM OR 1X4 CEDAR  
TRIM ON 2X4 STUDS SPACED AT  
16" O.C.

DOUBLE DOORS  
6'-1" X 6'-0"  
WOOD CONSTRUCTION  
WITH 2" X 4" BOX HEADER

DOUBLE  
24" X 27" WINDOW  
WITH DOUBLE 2"X4"  
HEADER

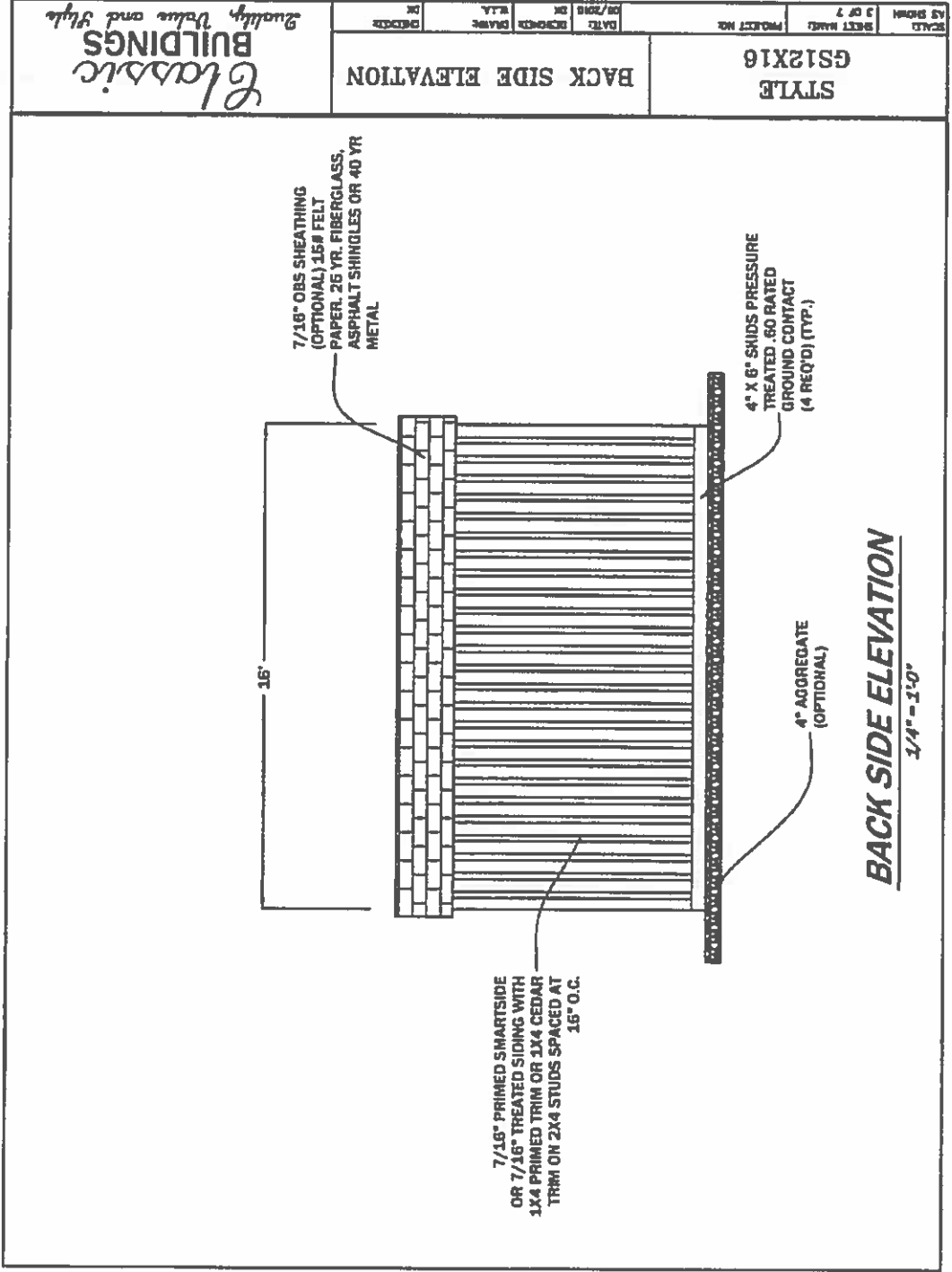
4" X 6" 5KIDS PRESSURE  
TREATED .60 RATED  
GROUND CONTACT  
(4 REQ'D) (TYP.)

4" AGGREGATE  
(OPTIONAL)

16'

**FRONT SIDE ELEVATION**  
1/4" = 1'-0"

<b>Classic BUILDINGS</b> <i>Quality Value and Style</i>	FRONT SIDE ELEVATION		SCALE: 1/4" = 1'-0" SHEET NAME: GS12X16 PROJECT NO:
	DATE: 08/20/10 DESIGNED BY:	DRAWN BY:	CHECKED BY:



16'

7/16" OBS SHEATHING  
(OPTIONAL) 15# FELT  
PAPER, 25 YR. FIBERGLASS,  
ASPHALT SHINGLES OR 40 YR  
METAL

4" X 6" SKIDS PRESSURE  
TREATED .60 RATED  
GROUND CONTACT  
(4 REQ'D) (TYP.)

4" AGGREGATE  
(OPTIONAL)

7/16" PRIMED SMARTSIDE  
OR 7/16" TREATED SIDING WITH  
1X4 PRIMED TRIM OR 1X4 CEDAR  
TRIM ON 2X4 STUDS SPACED AT  
15" O.C.

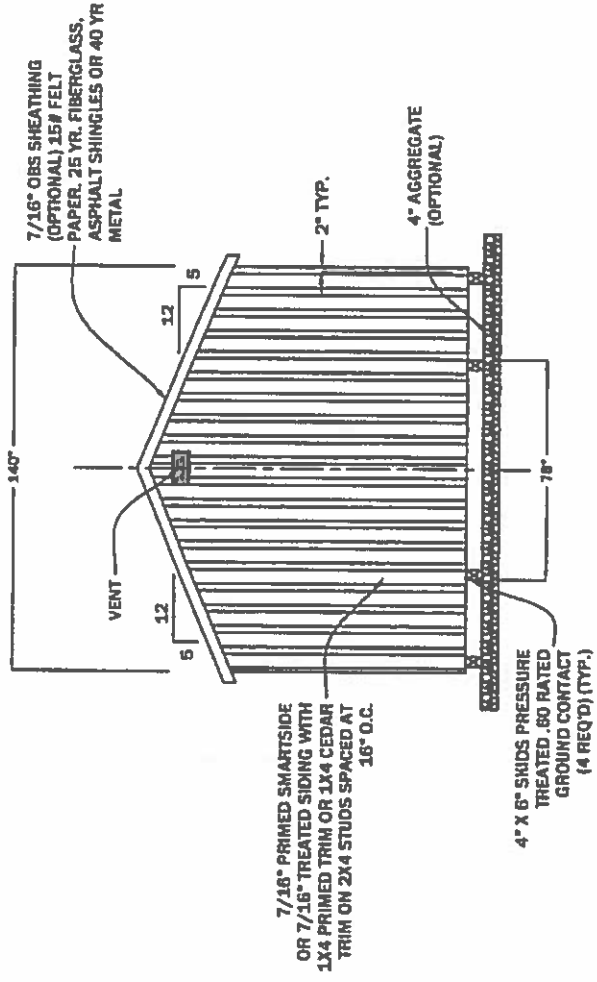
**BACK SIDE ELEVATION**  
1/4" = 1'-0"

<b>Classic BUILDINGS</b> <i>Quality, Value and Style</i>	<b>BACK SIDE ELEVATION</b>		PROJECT NO.	SHEET NAME:	SCALE:
	DATE:	DESIGNED BY:	DRAWN BY:	3 OF 7	AS SHOWN

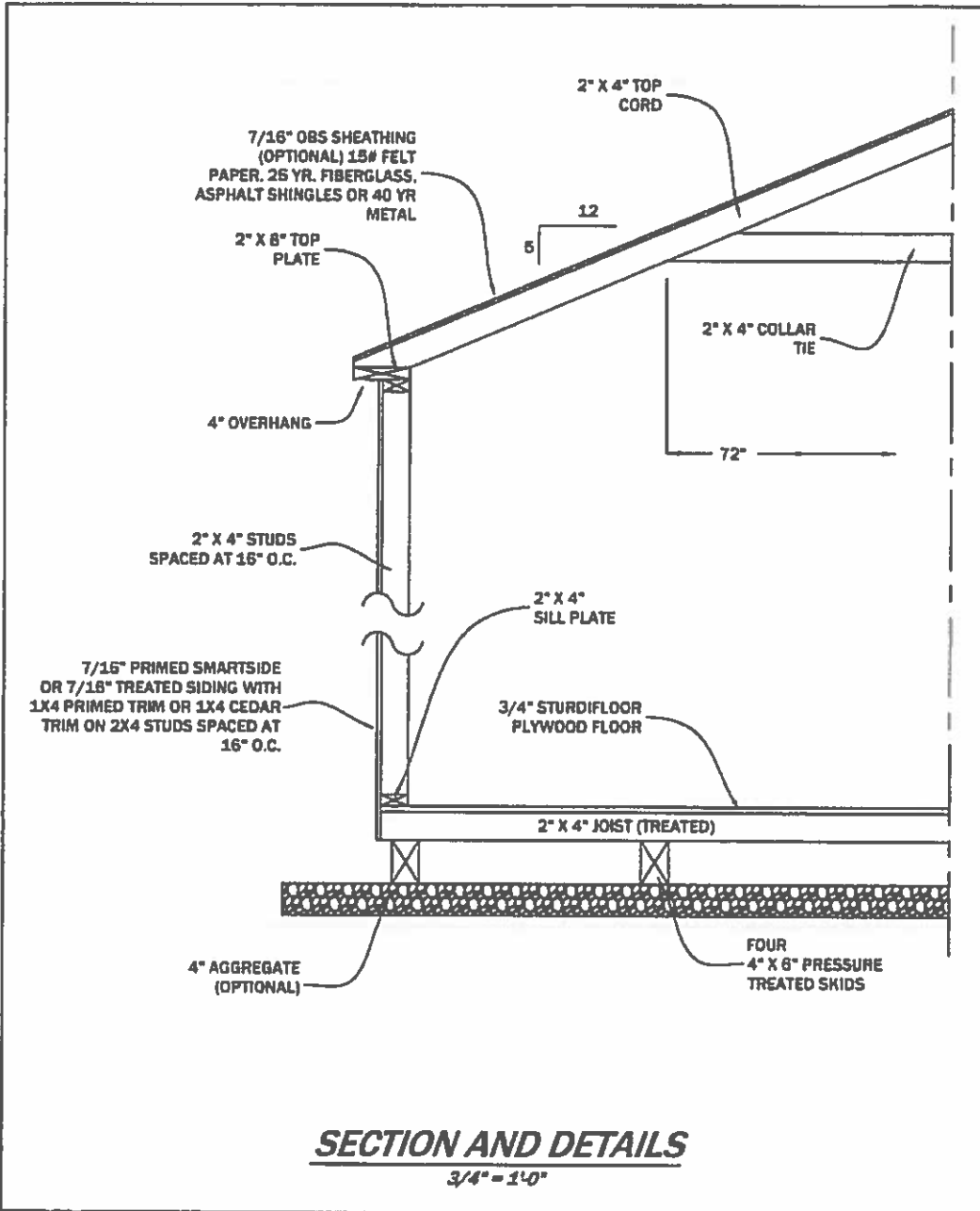
*Classic*  
**BUILDINGS**  
*Quality, Value and Style*

RIGHT SIDE ELEVATION		PROJECT NO.	SHEET NAME	SCALE
DATE	REVISION	DATE	1 OF 7	AS SHOWN
BY	CHK	BY		
DR	CHK	DR		

STYLE  
 GS12X16

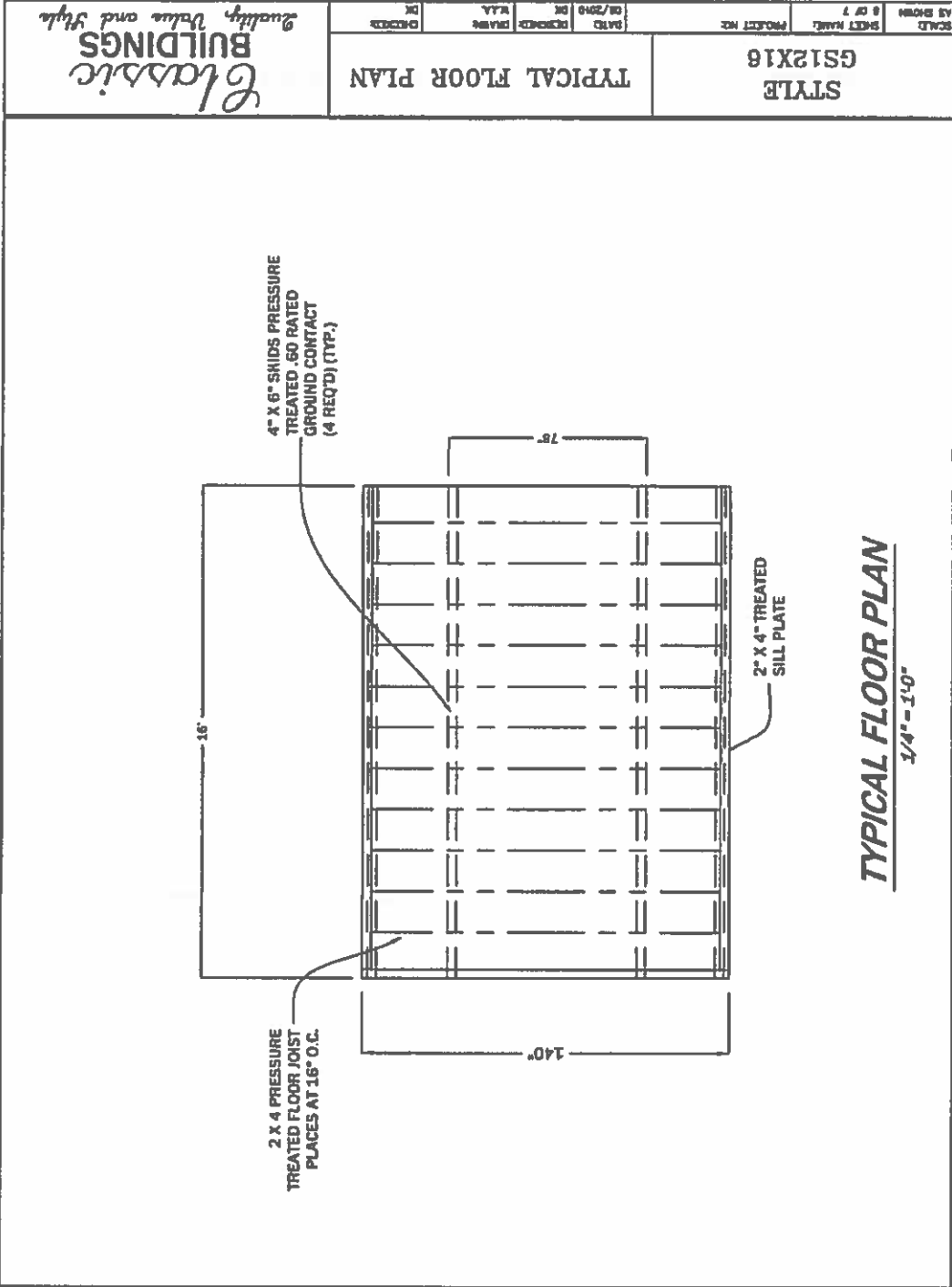


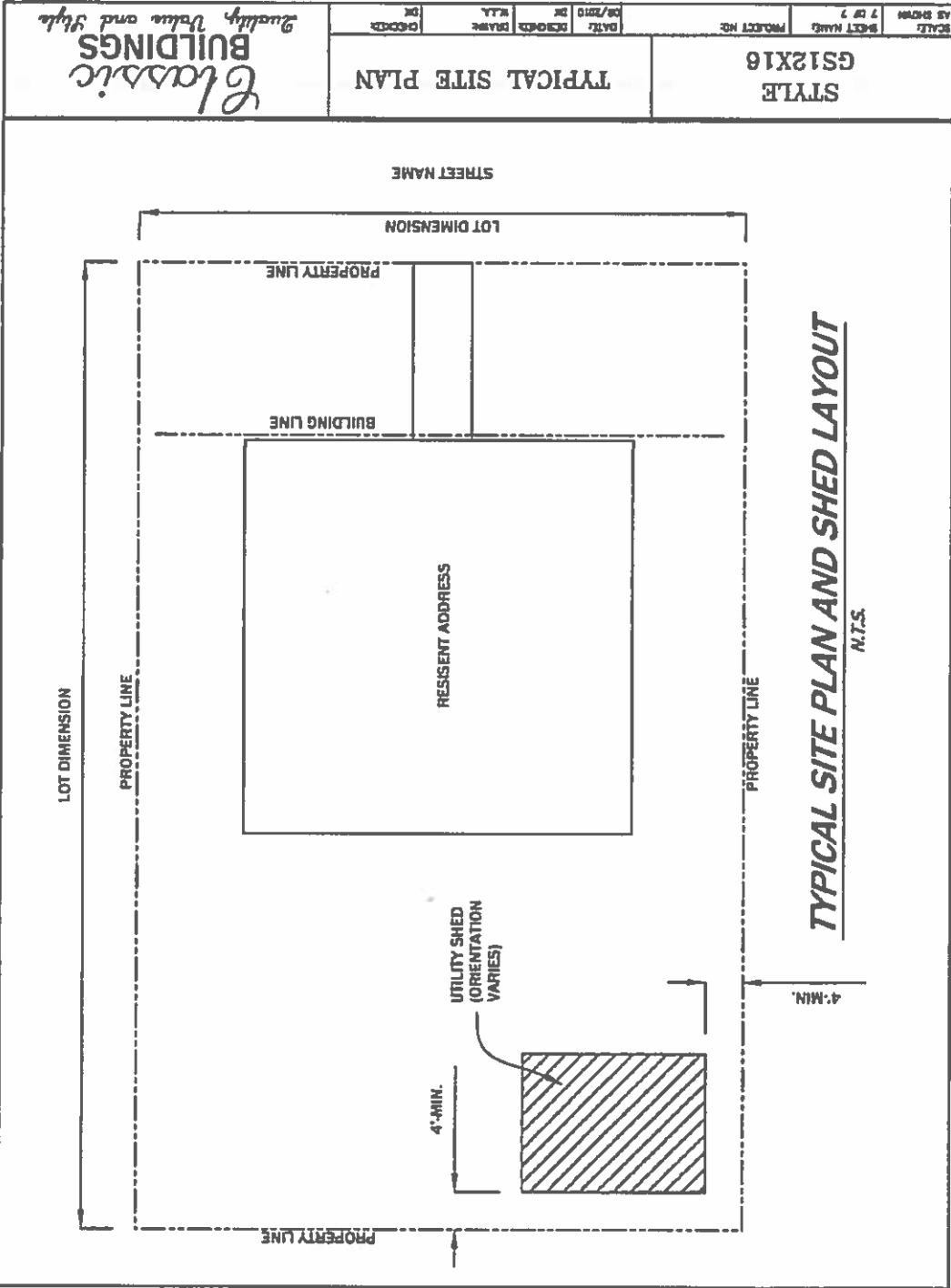
**RIGHT SIDE ELEVATION**  
 1/4" = 1'-0"



STYLE GS12X16		SECTION AND DETAILS				<i>Classic</i> <b>BUILDINGS</b> <i>Quality, Value and Style</i>	
SCALE: AS SHOWN	SHEET NAME: 8 OF 7	PROJECT NO.:	DATE: 08/2000	DESIGNED: BK	DRAWN: W.L.A.		







**TYPICAL SITE PLAN AND SHED LAYOUT**  
N.T.S.

STYLE  
GS12X16

TYPICAL SITE PLAN

SCALE: AS SHOWN	SHEET NAME: 7 OF 7	PROJECT NO.:	DATE: 06/28/10	DESIGNER: W.L.	OWNER: DK
<i>Classic BUILDINGS</i> Quality Value and Style			TYPICAL SITE PLAN		
			PROJECT NO.		

