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**Return to:**

City Clerk  
116 E. Market Street  
Troy, Illinois 62294

2024R15929  
STATE OF ILLINOIS  
MADISON COUNTY  
06/10/2024 09:28 AM  
LINDA A. ANDREAS  
CLERK & RECORDER  
REC FEE: 50.00  
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# OF PAGES: 9



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**Ordinance No. 2024 - 29**

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 Permit on a Specific Parcel (Operate an automotive repair business at 320 E. Center Street)

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ADOPTED BY THE CITY COUNCIL

OF THE CITY OF TROY, ILLINOIS

THIS TWENTIETH DAY OF MAY, 2024

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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

L Taake - 6/20/24

DR

**WHEREAS**, Thomas & Christina Eyman, applicants, are requesting a special use permit to operate an automotive repair shop at 320 E. Center Street (PPID #s 09-2-09-16-12-201-017.002 and 09-2-09-16-12-201-017) that is zoned R-1 Single-family Residential. Commercial uses are not permitted in the R-1 zoning district; 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 9, 2024; 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 a special use permit be granted with the stipulations as stated in Recommendation No. 2024-03PC; 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:** 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 special use permit to the applicant to operate an automotive repair business at 320 E. Center Street (PPID #s 09-2-09-16-12-201-017.002 and 09-2-09-16-12-201-017) that is zoned R-1 Single-family Residential.

**SECTION 3:** The Planning Commission's Recommendation No. 2024-03PC stipulates that the property can only operate as an auto repair/service shop with operation hours of 7:00 a.m. to 8:00 p.m. Monday – Saturday and 8:00 a.m. to 8:00 p.m. on Sunday; there can be no towing operations, derelict vehicles, or abandoned vehicles on the property; only seven vehicles will be allowed on the exterior of the building overnight and during non-business hours; and trash and recycling dumpsters must be enclosed.

**SECTION 4:** The special use permit is not transferable to successive owners of the business; is not transferable to any other person; and is not transferable to any other property.

**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.

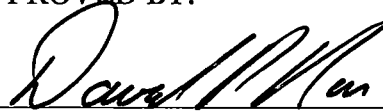
**SECTION 6:** This Ordinance shall be effective upon its passage, signing, and publication as required by law.

**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 twentieth day of May, 2024.

Aldermen:

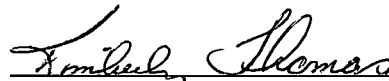
Dawson <u>AYE</u>	Italiano <u>AYE</u>	Total:
Flint <u>AYE</u>	Knoll <u>AYE</u>	<u>7</u> Ayes
Hellrung <u>AYE</u>	Manley <u>ABSENT</u>	<u>0</u> Nays
Henderson <u>AYE</u>	Turner <u>AYE</u>	<u>0</u> Abstains

APPROVED BY:



David Nonn, Mayor

ATTEST:



Kimberly Thomas, City Clerk



(SEAL)

RECOMMENDATION NO. 2024 ~ 03PC

Of the Planning Commission of the City of Troy, Illinois Recommending/Not Recommending an Application for a Special Use Permit Requested By Thomas & Christina Eyman (i.e. to operate an automotive repair shop at 320 E. Center Street)

WHEREAS, the Planning Commission met on May 9, 2024, to consider an application for a Special Use Permit filed by Thomas & Christina Eyman. A copy of the application and certification regarding publication of the notice of hearing and notification to surrounding property owners are incorporated by reference; and

WHEREAS, this application applies to the property commonly known as 320 E. Center Street with PPID #s 09-2-09-16-12-201-017.002 and 09-2-09-16-12-201-017; and

WHEREAS, the Planning Commission considered the testimony and exhibits offered on behalf of the application, and the citizens on the attached sign-in sheet 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:

Adams Y Curtis Y Reiter Y 6 Yeas
Bogue Y Lawrenz ABSENT Stone ABSTAIN 0 Nays
Compton Y Lybarger Y Talbert ABSENT 1 Abstains

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

That the application to operate an automotive repair shop in an existing building at 320 E. Center Street that is zoned R-1 Single-family Residential. Commercial uses are not permitted in the R-1 zoning district.

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

Property to operate as an auto repair/service shop with the following hours.
to towing operations, derelict or abandoned vehicles. Only 7 vehicles will be allowed overnight and during non-business hours. Trash receptacles must be enclosed.
This special use permit IS NOT transferable to successive owners of the property. Hours: M-S 7a-8P Sun 8a-8P

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

Dated this 9th day of May, 2024.

By: JM Stone Chairman, Planning Commission

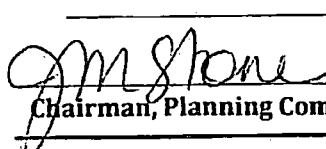

Attest: [Signature] Secretary, Planning Commission

# 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 <b>will not be detrimental to or endanger the public's health, safety, morals, comfort or general welfare;</b>	True <input checked="" type="checkbox"/> False <input type="checkbox"/> N/A <input type="checkbox"/>
b) The special use <b>will not be injurious to the use and enjoyment of other property in the immediate vicinity</b> for the purposes already permitted, <b>nor substantially diminish and impair property values</b> within the neighborhood;	True <input checked="" type="checkbox"/> False <input type="checkbox"/> N/A <input type="checkbox"/>
c) The establishment of the special use <b>will not impede the normal and orderly development and improvement of the surrounding property</b> for uses permitted in the district;	True <input checked="" type="checkbox"/> False <input type="checkbox"/> N/A <input type="checkbox"/>
d) Adequate utilities, access roads, drainage and/or other <b>necessary facilities have been or are being provided;</b>	True <input checked="" type="checkbox"/> False <input type="checkbox"/> N/A <input type="checkbox"/>
e) <b>Adequate measures have been or will be taken</b> to provide ingress and egress so designated as to <b>minimize traffic congestion</b> in the public streets;	True <input checked="" type="checkbox"/> False <input type="checkbox"/> N/A <input type="checkbox"/>
f) <b>Adequate measures have been taken or will be taken to protect any facilities near the proposed special use</b> , such as a school or nursing home that may require special protection.	True <input checked="" type="checkbox"/> False <input type="checkbox"/> N/A <input type="checkbox"/>
g) <b>The special use shall in all other respects, conform to the applicable regulations of the district</b> 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.	True <input checked="" type="checkbox"/> False <input type="checkbox"/> N/A <input type="checkbox"/>
h) The special use, as conditioned, <b>is in keeping with the general purposes of the Zoning Ordinance and the Troy Comprehensive Plan.</b>	True <input checked="" type="checkbox"/> False <input type="checkbox"/> N/A <input type="checkbox"/>

- The extent to which the proposed special use departs from the zoning and subdivision regulations of the City;  
Precedence has been set for this business use for many previous years.
- The conformance or nonconformance of the proposed special use with the Standards for Issuance section;  
Conforms as it has for some time.
- The relationship and the compatibility of the proposed special use to adjacent properties and neighborhoods;  
Surrounding property is R-1 although precedence has been set since 2014 for this use.
- The effect of the proposed special use on the development pattern, tax base, and economic well being of the City.  
Positive impact as a necessary business in town


5/9/2024

9 May 24  
 Chairman, Planning Commission      Date      Secretary, Planning Commission      Date

## NOTICE OF A PUBLIC HEARING

The Troy Planning Commission will hold a public hearing on May 9, 2024, at 7:00 pm in Council Chambers at the Troy Municipal Building, 116 E. Market St., Troy, Illinois to consider the application of Thomas & Christina Eyman, prospective buyers of 320 E. Center Street (PPID #s 09-2-09-16-12-201-017.002 and 09-2-09-16-12-201-017).

The Eymans are requesting a special use permit to operate an automotive repair shop in an existing building that is zoned R-1 Single-Family Residential. Commercial uses are not permitted in the R-1 zoning district.

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

This hearing is open to public comment. All interested persons are invited to attend this hearing and be heard. If you have questions concerning this application please contact the Building & Zoning Department at 618-667-8734 ext. 4 or [buildingzoning@troyil.us](mailto:buildingzoning@troyil.us).

Linda Taake  
Building & Zoning  
Administrative Coordinator

Public Notified: April 19, 2024  
Media Notified: April 19, 2024



320 East Center Street





# APPLICATION FOR SPECIAL USE PERMIT

1. Names of all owners:

Name: Thomas EYman Phone: 217-791-4353

Address: 213 Livingston Ave, Livingston, IL 62058

Name: Christina EYman Phone: 217-791-4079

Address: 213 Livingston Ave, Livingston, IL 62058

2. Property Information:

Street address or location of property: 300 E Center St, Troy, IL 62294

Present use(s) of property: Vacant Automotive Repair Shop

Present zoning of property: Residential

3. Special Use information:

a. Nature of request for special use: To have property zoned back to Commercial use to operate a Automotive Repair Shop. The Property has historically been operated in such fashion and the intent is to keep the use the same.

b. Applicant's interest in property: To Open a Closed Business

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: Troy is a rapidly growing City and there is a need for auto repair in the town

the business will not only generate tax dollars for us, but our customers will also be spending money within the city with hotel stays dining in restaurants etc.



- f. What effect will the proposed special use have on the value of the neighboring property? It will increase the value by not having an empty building falling into disrepair
- g. What effect will the proposed special use have on the City's overall tax base? it will increase
- h. What effect will the proposed special use have on public utilities and on traffic circulation on nearby streets?

The entrance is on 162, therefore residential neighbors will not be affected  
Test Drives of repaired vehicles will be driven down 162. Business Hours of  
operation will be Mon-Fri 8-6 SAT 8-3 Sun closed

*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 1st day of April, 2024.

[Signature]  
Signature of Owner

Thomas Eyman  
Printed name of Owner

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

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

Date submitted: 4-1-24      Hearing Paid: Ac 4-1-24      Receipt #: 3707

**END OF DOCUMENT**