

City of Troy -Planning Commission Public Hearing (#1) January 12th, 2023

A. Agenda Items

1. Call to Order with the Pledge of Allegiance

The meeting was held in the Council Chambers in the City Municipal Building, 116 East Market Street, Troy, Illinois, 62294 and was called to order by Chairman Aaron Adams at 7:15 p.m. followed by the Pledge of Allegiance.

2. Roll Call in Alphabetical Order:

Present: Aaron Adams, Jack Burnett, Liz Compton, Chuck Lawrenz, John Nehrt, Matt Reiter, and Larry Talbert.

Absent: Mike Niermann and Jami Stone. **Other officials present:** Building & Zoning Administrative Coordinator Linda Taake, City Engineer Tom Cissell, City Administrator Jay Keeven, and City Clerk Kim Thomas.

3. Chairman's Presentation and Discussion of Petition of Hometown Family Properties Requesting a Change in Zoning from R-1 Single-family Residential to R-2 Two-family Residential at 416-418 Franklin Avenue with a PPI# 09-1-22-04-18-301-001.002.

Chairman Adams announced the reason for this Public Hearing and explained that this property was annexed into the city as R-1 Residential. A potential plan to divide and add a duplex to the lot would require a zoning change.

4. Chairman's Request for Anyone Wishing to Speak During the Hearing to Sign In

Chairman Adams asked anyone wishing to speak to sign in.

5. Swearing in of Persons Who Wish to Speak

Those wishing to speak were asked to stand while they were sworn in.

6. Comments of Petitioner and/or Representative (or Attorney, if Present)

Shawn Hartmann presented his proposal from his engineers for the water/drainage with pictures of existing structures on Franklin. He planned to clear about 20 feet into brush area. That area would need to be regraded and maintained. He owns 1 duplex there and wants to add a duplex next to it and extend the driveway.

He explained that a barrier of trees will remain. His engineer said there are at least 3 types of retention they could use if zoning were approved.

7. Comments from Members of the Audience

Sam Johnson – (sent in statement including a link and pictures) spoke to address water as his major concern. He said the city has come out several times but never addressed the flooding issue. This project would produce greater water challenges. He later spoke to address the zoning stating that it feels like a technicality. The property is zoned R-1 incorrectly and just happens to be near a farmed lot that is also zoned R-2 incorrectly, making this rezoning possible.

Lisa Jackson – (lives on Mark Stevens Ct.) spoke of erosion on her lot and failed efforts of bringing in soil and digging the creek deeper to remedy the issue. The flooding has been significant - standing often for longer than 24 hours. The new structure would displace even more water.

Billy Peck - displayed a set of pictures of the ditch running behind the area (Meadow Dr to behind Franklin). He stated that the ground would need to be built up five feet adding greater issue to the flooding area. He said the city installed two 10" pipes last year that are dumping onto that property, that has no natural drainage.

Eric Patton - 20-yr resident of Franklin, spoke on behalf of other neighbors as well as himself. He lived in the area prior to 416-418 Franklin was built. When it was built, water started pooling – standing for weeks beginning in 2003 or 2004. He said the owners were having issues with water entering the basement even.

Karen Long – spoke of the addition of Mark Stevens subdivision marking the start of her basement water issues. The end of her driveway is bus stop where kits have to stand in mud or on Franklin due to the flooding in the area.

Christy Nutter – spoke of a concern that the current driveway to 416-418 Franklin is on/near her property. She is afraid that additional pavement would divert water to her property even more than it does now. She also suggests an environmental impact study for the removal of the wooded area.

Shawn Hartmann replied to these concerns stating that there are some valid points. He is aware that the property holds water and there is a plan to retain and slowly drain the water. Existing nearby swales work, but do so slowly. He's committed to finding a solution to retain water and let it dissipate correctly, employing an engineer, grading soil, and following code.

8. Discussion by the Planning Commission

The commission discussed the flag lot (driveway is a long thin portion of the lot making it the shape of a flag), and the fact that it would be a private drive maintained by the owner. This lot would have to be subdivided and meet

the minimum lot size. Cissell added that building on a lot like this will likely cost more than building on a flat green lot. Some solutions to drainage issues here do not include getting rid of trees. We want to be responsible and environmentally sensitive. He reminded everyone that we are not giving him permission to build at this hearing. We are deciding only to rezone from R-1 to R-2 (or not). Any plans for the lot would have to be approved by the city before any work could begin. Nehrt said that the engineers would take into account the water issue and hopefully end up with an improved situation. Reiter feels this would be the best avenue to get the issue addressed.

Taake explained the zoning. Many years ago our zoning map did not have a minimum district sizes for zoning districts. You may presently see a parcel zoned a certain way with 10 surrounding lots zoned something different. We later implemented minimum district sizes. We tried to zone mass areas for the largest use. In this instance, there are some duplexes. If something were to demolish them, they could be rebuilt within a year the same as the previous structure. If they did not rebuild in that time, (In this instance) it would go to an R-1 use.

It was discussed that Hartmann also owns 420 A and B (a duplex). It, too, could be part of a rezoning request to work on non-conforming zoning issues.

9. Motion to Approve or Deny Applicant's Request

Motion: To Recommend Approval to Rezone the Plat (416-418 Franklin) from R-1 to R-2 Residential.

Moved by: Nehrt; **Seconded by:** Talbert. **Vote:** Motion passed (**summary:** Aye =4, Abstain = 3).

(**Aye:** Burnett, Nehrt, Reiter, and Talbert. **Abstain:** Adams, Compton, and Lawrenz.)

10. Complete Recommendation

Chairman Adams completed the Recommendation on behalf of the Commission. Linda Taake explained that the recommendation will be presented to the City Council at the next meeting.

11. Adjournment (Motion: Burnett, Seconded by: Nehrt, unanimous) – 8:26pm