

AN ORDINANCE
AMENDING THE TROY ZONING ORDINANCE TO RE-ZONE
CERTAIN REAL PROPERTY
ORDINANCE NO. 431

BE IT ORDAINED by the City Council of the City of Troy, Alabama, as follows:

Section 1. That the Troy Zoning Ordinance, as amended, be amended as follows:

By changing the classification and the zoning the following described property, situated in the City of Troy, County of Pike, and the State of Alabama below from R-1: Low Density Residential Zoning District to the C-O: Commercial-Office Zoning District:

A parcel of land lying on the west side of Alabama Highway #87 in the SE ¼ of Section 5, Township 9 North, Range 21 East, in the City of Troy, Pike County, Alabama, being described as follows:

Beginning at the northeast corner of Lot #12, Dunn Acres Subdivision, as recorded in the Office of the Judge of Probate, Pike County, Alabama, in Plat Book 3, page 74; thence North 72° 37' 46" East 88.20 feet to the west side of Highway #87; thence along said highway chord = North 20° 08' 28" West 144.14 feet; thence South 76° 11' 41" West 161.11 feet; thence South 09° 14' 30" East 84.84 feet; thence South 09° 22' 39" East 43.87 feet; thence North 88° 04' 29" East 101.26 feet to the point of beginning.

Section 2. It is the intention of the City Council that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the City Council that if any provision of this ordinance be declared invalid or unconstitutional, all other provisions thereof shall remain valid and enforceable.


Section 3. All ordinances or parts of ordinances in conflict herewith, are to the extent of such conflict hereby repealed.

Section 4. This ordinance shall become effective upon its approval and publication as provided by law.

ADOPTED AND APPROVED this 26th day of April, 2022.




Marcus Paramore, Presiding Officer

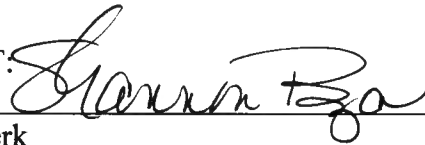
ATTEST: 

City Clerk

APPROVED this the 26th day of
April, 2022.



Jason A. Reeves, Mayor

ATTEST: 

City Clerk

Passed and Approved this 26th day of
April, 2022.



Shannon Bryan, City Clerk

JASON A. REEVES
Mayor

CITY OF TROY

SHARON McSWAIN-HOLLAND
District 1 Councilwoman

MARCUS PARAMORE
Council President, District 3



STEPHANIE BAKER
District 4 Councilwoman

GREG MEEKS
Council President Pro Tempore, District 2

WANDA H. MOULTRY
District 5 Councilwoman

PLANNING AND ZONING

MEMORANDUM

Date: March 25, 2022

To: Mrs. Shannon Bryan (via email)
City Clerk & Treasurer

From: Ms. Melissa Sanders
Planning & Zoning Administrator

Re: Rezoning Request – 401 Elba Hwy

This is to advise you that the Planning Commission, at its March 24, 2022 meeting, approved the request for recommendation to City Council to rezone .57 +/- acres of land located at 401 Elba Hwy, Troy, Alabama from R-1: Low Density Residential Zoning District to the C-O: Commercial-Office Zoning District.

If I can be of any further assistance, feel free to call on me.

attachments

cc: Mayor Jason A. Reeves (via email)
Mr. Richard Calhoun, City Attorney (via email)

MELISSA SANDERS, PLANNING AND ZONING ADMINISTRATOR

P.O. Box 549 • 301 Charles W. Meeks Avenue • Troy, Alabama 36081 • Tel: (334) 670.6058 • Fax: (334) 670.6078
www.troyal.gov

JASON A. REEVES
Mayor

CITY OF TROY

SHARON McSWAIN-HOLLAND
District 1 Councilwoman

MARCUS PARAMORE
Council President, District 3



STEPHANIE BAKER
District 4 Councilwoman

GREG MEEKS
Council President Pro Tempore, District 2

WANDA H. MOULTRY
District 5 Councilwoman

PLANNING AND ZONING

TROY PLANNING COMMISSION AGENDA

March 24, 2022 | 4:00 PM

Council Chambers, City Hall, Troy

CALL TO ORDER

ROLL CALL

CHAIRMAN'S MESSAGE

APPROVAL OF MINUTES: February 24, 2022 Meeting

PUBLIC HEARINGS:

REZONING REQUEST

APPLICANT: Scott and Lana Hartley

SUBJECT: Request recommendation to City Council to rezone .16 +/- acres of land located at **106 Charold Drive** from R-2: Medium Density Residential Zoning District to the C-2: General Commercial Zoning District.

REZONING REQUEST

APPLICANT: David Nelson

SUBJECT: Request recommendation to City Council to rezone .57 +/- acres of land located at **401 Elba Hwy, Troy, Alabama** from R-1: Low Density Residential Zoning District to the C-O: Commercial-Office Zoning District.

FINAL PLAT APPROVAL REQUEST

APPLICANT: Flowers & White

SUBJECT: Request for final plat approval of the **Cyprus Plat No. 1** located on the southwestern side of Trojan Parkway, approximately 864' southeast of, but not including, 601 Trojan Parkway in the C-2: General Commercial Zoning District.

ADMINISTRATIVE HEARING:

FINAL PLAT CONSIDERATION REQUEST

APPLICANT: Walter H. Stell

SUBJECT: Request for consideration of the request for final plat approval of the **Trojan Parkway Commercial Property Plat No. 2**.

PUBLIC HEARING:

FINAL PLAT APPROVAL REQUEST

APPLICANT: Walter H. Stell

SUBJECT: Request for final plat approval of the **Trojan Parkway Commercial Property Plat No. 2** located on the eastern side of Trojan Parkway, east of, but not including, 1147 US Hwy 231 S; and west of, but not including, 1225 US Hwy 231 S in the C-4: Highway Commercial Zoning District.

OTHER BUSINESS

ADMINISTRATIVE MATTERS

ADJOURNMENT

MELISSA SANDERS, PLANNING AND ZONING ADMINISTRATOR

P.O. Box 549 • 301 Charles W. Meeks Avenue • Troy, Alabama 36081 • Tel: (334) 670.6058 • Fax: (334) 670.6078

www.troyal.gov

TROY CITY PLANNING COMMISSION

March 24, 2022

(Public Hearing – Item 2 of 4)

REZONING REQUEST - 401 ELBA HWY

APPLICANT: David Nelson

SUBJECT: Request recommendation to City Council to rezone .57 +/- acres of land located at 401 Elba Hwy, Troy, Alabama from R-1: Low Density Residential Zoning District to the C-O: Commercial-Office Zoning District.

PURPOSE OF REQUEST AND INTENDED USE OF PROPERTY IS REZONED – PER THE APPLICATION: The purpose of this request is to change R-1 Residential zoning to C-O commercial Office zoning. The intended use of the property is professional office space.

PLANNING REMARKS: The property requested for rezoning fronts Elba Hwy/US Hwy 167/AL Hwy 87 and is north of the lot rezoned to C-O: Commercial Office in 2021 and south of the lot which received a use variance in 2005 for the operation of a professional Chiropractic Health Care office. The property to the west of this site is zoned R-1: Low Density Residential. The structure on the premises of 401 Elba Highway is currently a single-family home with a residential driveway. The structure and parking area of the premises will have to be brought up to commercial office standards if rezoned for the proposed use of the property based on all applicable zoning, codes, and regulations.

Elba Highway is an ALDOT right-of-way. Elba Highway is listed as an Existing Major Thoroughfare on the Thoroughfare and Street Plan adopted in the Comprehensive Master Community Plan.

The CO District permits the following uses: business or professional offices; public buildings of a governmental nature, banks, barber shops, beauty salons, doctors and dentist offices or other similar services. Section 5.341 of the Troy Zoning Ordinance states that the intent of this district to provide for the development of professional office buildings designed to intermingle with other types of uses without having a detrimental effect on adjacent properties and zoning districts. If a Special Exception or Variances are involved, the Board of Adjustment shall not grant such Exception except with a favorable report from the Planning Commission.

COUNCIL DISTRICT: 3

CURRENT ZONING DISTRICT: R-1

APPLICABLE DEFINITION(S) FROM THE COMMUNITY MASTER PLAN:

Residential/Commercial Corridor - Mid-scaled developments of varying types that occur along collector roadways, these types of developments usually require assembled tracts of land and are designed to serve a local purpose, rather than regional service.

DEPARTMENT COMMENTS:

ALDOT: Any commercial use on this property must bring driveway up to full commercial access status per ALDOT standards. Any access onto ALDOT ROW (AL Hwy 87), construction on ALDOT ROW, and stormwater will have to be submitted, reviewed, approved by ALDOT prior to construction.

TROY CITY PLANNING COMMISSION

March 24, 2022

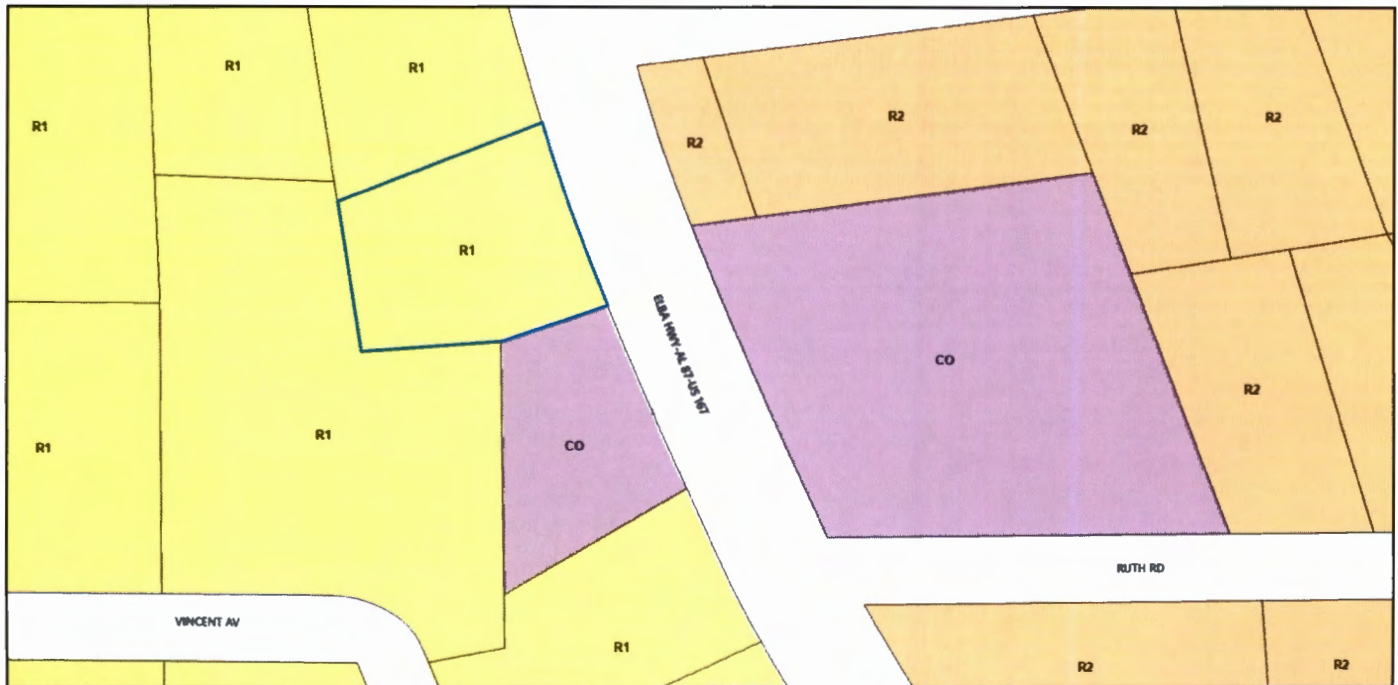
(Public Hearing – Item 2 of 4)

REZONING REQUEST - 401 ELBA HWY

AERIAL OF SITE:



ZONING MAP:



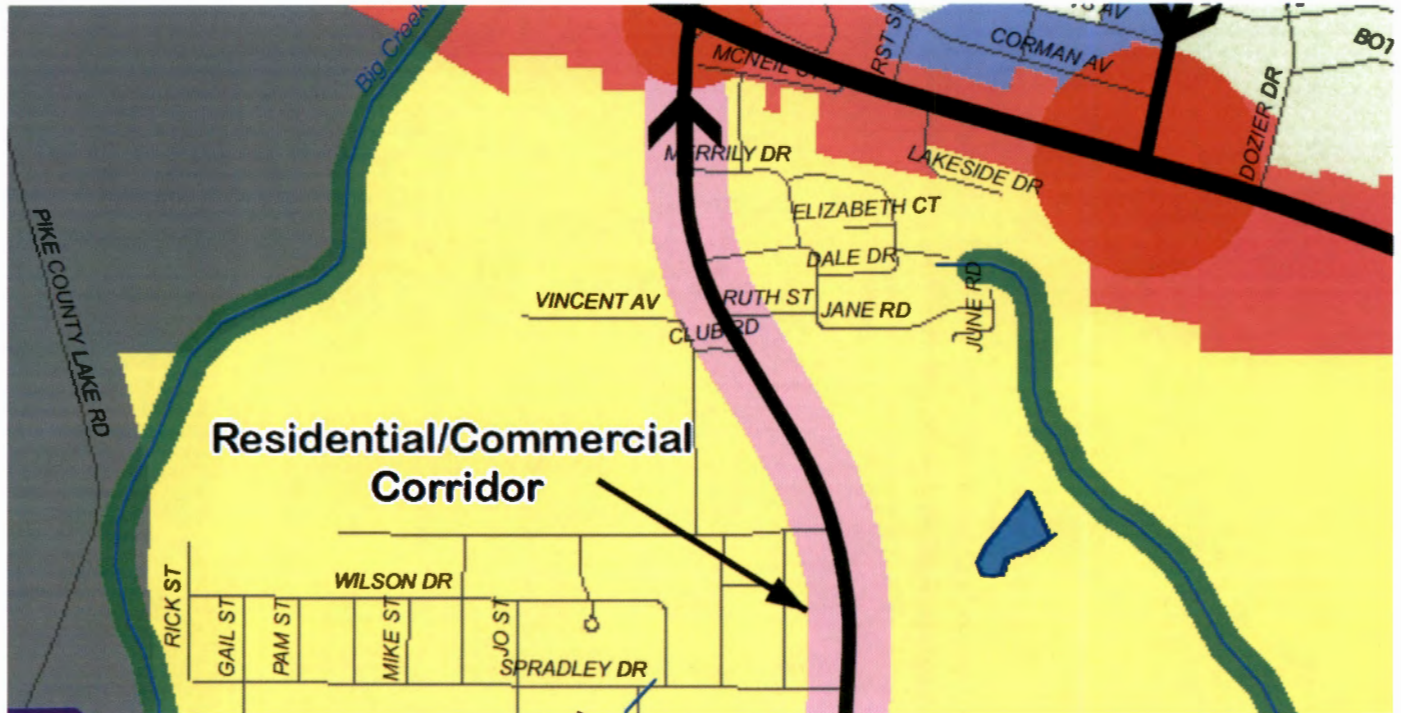
TROY CITY PLANNING COMMISSION

March 24, 2022

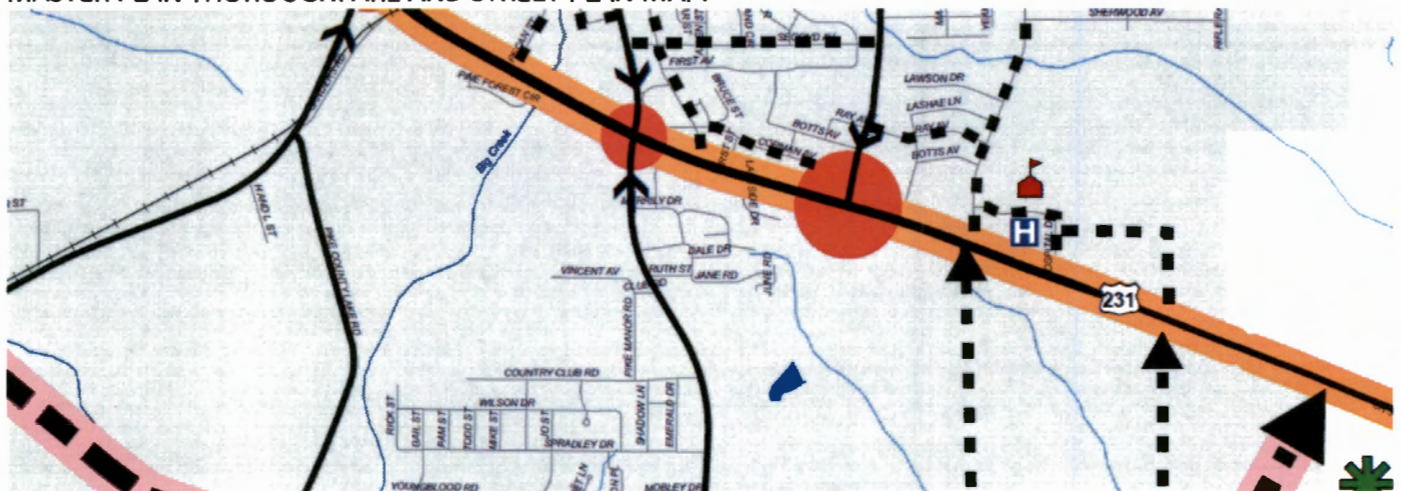
(Public Hearing – Item 2 of 4)

REZONING REQUEST - 401 ELBA HWY

MASTER PLAN LAND USE MAP:



MASTER PLAN THOROUGHFARE AND STREET PLAN MAP:



Thoroughfare and Street Plan

- | | | |
|--------------------------------|----------------------------|-------------------|
| — Existing Major Thoroughfares | — Local Complete Streets | ● Gateways |
| — Proposed Major Thoroughfares | — Context Sensitive Design | 🏫 School |
| — Local Arterials/Proposed | — Access Management | ★ University Lake |
| — Special Street/Boulevard | — Town Square | 🏥 Hospital |

TROY CITY PLANNING COMMISSION

March 24, 2022

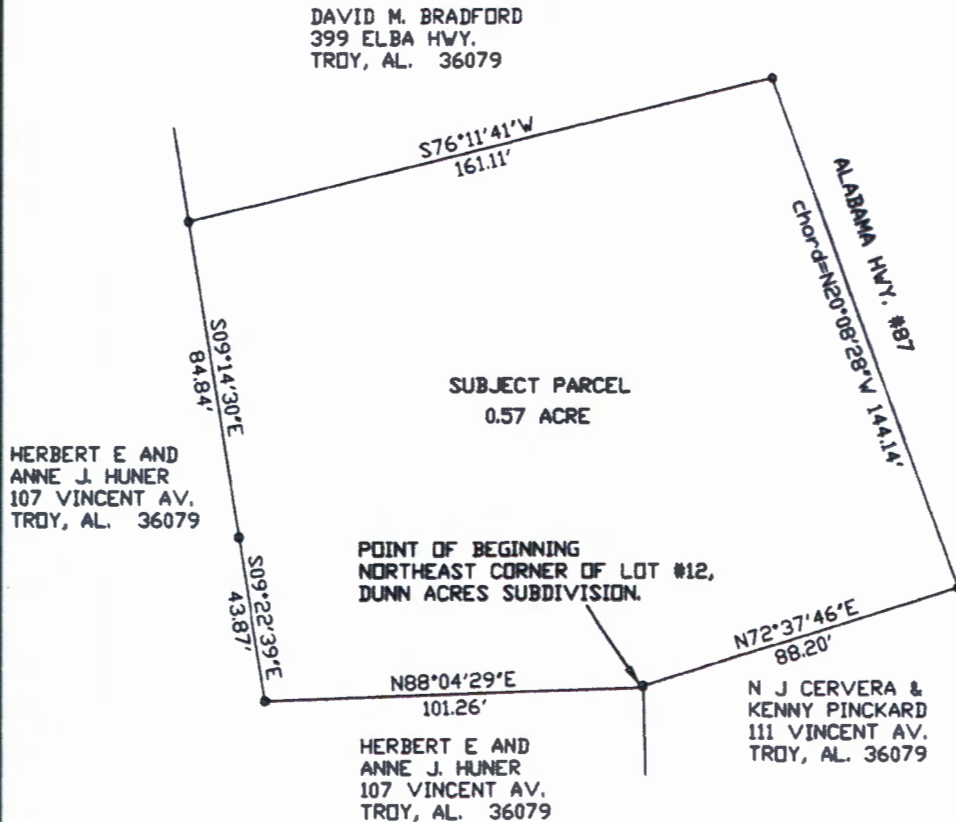
(Public Hearing – Item 2 of 4)

REZONING REQUEST - 401 ELBA HWY

PICTURES OF SITE:



PROPERTY BOUNDARY
IN THE SE 1/4 of SECTION 5, TOWNSHIP 9 NORTH, RANGE 21 EAST
TROY, PIKE COUNTY, ALABAMA
DATE: 28 FEBRUARY 2022
SCALE: 1 INCH = 50 FEET



DESCRIPTION:
A PARCEL OF LAND LYING ON THE WEST SIDE OF ALABAMA HIGHWAY #87 IN THE SE 1/4 OF SECTION 5, TOWNSHIP 9 NORTH, RANGE 21 EAST, IN THE CITY OF TROY, PIKE COUNTY, ALABAMA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT #12, DUNN ACRES SUBDIVISION, AS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE, PIKE COUNTY, ALABAMA, IN PLAT BOOK 3, PAGE 74; THENCE NORTH 72°37'46" EAST 88.20 FEET TO THE WEST SIDE OF HIGHWAY #87; THENCE ALONG SAID HIGHWAY CHORD=NORTH 20°08'28" WEST 144.14 FEET; THENCE SOUTH 76°11'41" WEST 161.11 FEET; THENCE SOUTH 09°14'30" EAST 84.84 FEET; THENCE SOUTH 09°22'39" EAST 43.87 FEET; THENCE NORTH 88°04'29" EAST 101.26 FEET TO THE POINT OF BEGINNING, AND CONTAINING 0.57 ACRE, MORE OR LESS.

John R. Watkins
John R. Watkins, Alabama License Number 20147



LEGEND:
○ = DEED CALL POINT

DATE OF SURVEY	
REVIEWED BY: JRW	
SCALE 1" = 50'	
TITLE	
FIELD BOOK: N/A	
REV. NO. 0	

SURVEY REFERENCES:
1. DEED BOOK 2005 PAGE 54

RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE, PIKE COUNTY, ALABAMA

NOTES TO ACCOMPANY DRAWING:
1. NO REQUEST FOR OR ATTEMPT MADE TO LOCATE ANY IMPROVEMENTS, EXCEPT AS SHOWN.
2. THIS SURVEY PLAT OR DRAWING WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH OR SURVEY. THE DESCRIPTION AND DRAWING WERE PERFORMED BASED SOLELY ON THE LISTED SURVEY REFERENCE. IT IS SUBJECT TO THE FINDINGS OF A VALID TITLE SEARCH.
3. BEARINGS ARE ASSUMED BASED ON DEED OF RECORD.
4. THERE MAY BE ADDITIONAL RESTRICTIONS NOT SHOWN ON THIS PLAT OR DRAWING THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THE COUNTY WHERE THE PROPERTY IS LOCATED.
5. REPRODUCTIONS OF THIS DRAWING ARE NOT VALID UNLESS SEALED WITH AN EMBOSSED SEAL.
6. NO REQUEST FOR OR ATTEMPT MADE TO SATISFY MUNICIPAL ZONING OR SUBDIVISION REGULATIONS.

WATKINS
Consulting Engineering
100 108 COUNTY ROAD 2299
TROY, ALABAMA 36079
PHONE: 334-372-0447

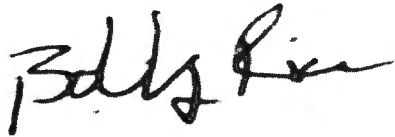
Publisher's Certificate of Publication

STATE OF ALABAMA COUNTY OF PIKE

Bobby Rice, being duly sworn, on oath says he is and during all times herein stated has been an employee of Troy Publications, Inc. publisher and printer of the The Messenger (the "Newspaper"), has full knowledge of the facts herein stated as follows:

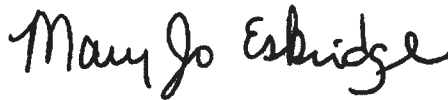
1. The Newspaper printed the copy of the matter attached hereto (the "Notice") was copied from the columns of the Newspaper and was printed and published in the English language on the following days and dates:
2. The sum charged by the Newspaper for said publication is the actual lowest classified rate paid by commercial customer for an advertisement of similar size and frequency in the same newspaper in which the Notice was published.
3. There are no agreements between the Newspaper, publisher, manager or printer and the officer or attorney charged with the duty of placing the attached legal advertising notice whereby any advantage, gain or profit accrued to said officer or attorney

04/02/22



Bobby Rice, publisher

Subscribed and sworn to before me this
2nd Day of April, 2022



Mary Jo Eskridge, Notary Public
State of Alabama at large
My commission expires 3-02-2026



Account #
Ad # 1421681

CITY OF TROY
PO BOX 549
TROY AL 36081

PUBLIC NOTICE

NOTICE

Notice is hereby given that at the regular meeting of the City Council of, the City of Troy, Alabama, to be held at the Troy City Hall located at 306 E. Academy Street, Troy, Alabama in said city on the 26th day of April, 2022, at 5 o'clock, p.m., the City Council will consider adoption and approval of the following proposed ordinance, at which time and place all persons who desire shall have an opportunity of being heard in opposition to or in favor of such ordinance.

AN ORDINANCE AMENDING THE TROY ZONING ORDINANCE TO RE-ZONE CERTAIN REAL PROPERTY ORDINANCE NO. 431

BE IT ORDAINED by the City Council of the City of Troy, Alabama, as follows:

Section 1. That the Troy Zoning Ordinance, as amended, be amended as follows:

By changing the classification and the zoning the following described property, situated in the City of Troy, County of Pike, and the State of Alabama below from R-1: Low Density Residential Zoning District to the C-O: Commercial-Office Zoning District:

A parcel of land lying on the west side of Alabama Highway #87 in the SE 1/4 of Section 5; Township 9 North, Range 21 East, in the City of Troy, Pike County, Alabama, being described as follows:

Beginning at the northeast corner of Lot #12, Dunn Acres Subdivision, as recorded in the Office of the Judge of Probate, Pike County, Alabama, in Plat Book 3, page 74; thence North 72° 37' 46" East 88.20 feet to the west side of Highway #87; thence along said highway chord = North 20° 08' 28" West 144.14 feet; thence South 76° 11' 41" West 161.11 feet; thence South 09° 14' 30" East 84.84 feet; thence South 09° 22' 39" East 43.87 feet; thence North 88° 04' 29" East 101.26 feet to the point of beginning.

Section 2. It is the intention of the City Council that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the City Council that if any provision of this ordinance be declared invalid or unconstitutional, all other provisions thereof shall remain valid and enforceable. Section 3. All ordinances or parts of ordinances in conflict

herewith, are to the extent of such conflict hereby repealed. Section 4. This ordinance shall become effective upon its approval and publication as provided by law.

ADOPTED AND AP-
PROVED this _____ day of _____, 2022.

Officer
ATTEST: _____

APPROVED this the _____ day of _____, 2022.

Mayor

ATTEST: _____
City Clerk

Passed and Approved this
_____ day of _____, 2022.

City Clerk

The Messenger: Apr. 2, 2022
ORD 431

Publisher's Certificate of Publication

STATE OF ALABAMA COUNTY OF PIKE

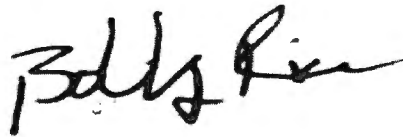
Bobby Rice, being duly sworn, on oath says he is and during all times herein stated has been an employee of Troy Publications, Inc. publisher and printer of the The Messenger (the "Newspaper"), has full knowledge of the facts herein stated as follows:

1. The Newspaper printed the copy of the matter attached hereto (the "Notice") was copied from the columns of the Newspaper and was printed and published in the English language on the following days and dates:

04/09/22

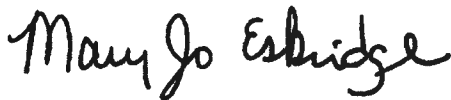
2. The sum charged by the Newspaper for said publication is the actual lowest classified rate paid by commercial customer for an advertisement of similar size and frequency in the same newspaper in which the Notice was published.

3. There are no agreements between the Newspaper, publisher, manager or printer and the officer or attorney charged with the duty of placing the attached legal advertising notice whereby any advantage, gain or profit accrued to said officer or attorney

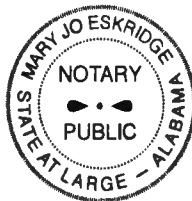


Bobby Rice, publisher

Subscribed and sworn to before me this
9th Day of April, 2022



Mary Jo Eskridge, Notary Public
State of Alabama at large
My commission expires 3-02-2026



PUBLIC NOTICE

NOTICE

Notice is hereby given that at the regular meeting of the City Council of the City of Troy, Alabama, to be held at the Troy City Hall located at 306 E. Academy Street, Troy, Alabama on the 26th day of April, 2022, at 5 o'clock, p.m., the City Council will consider adoption and approval of Ordinance 431 to rezone .57 +/- acres of land located at 401 Elba Hwy, Troy, Alabama from R-1: Low Density Residential Zoning District to the C-O: Commercial-Office Zoning District, at which time and place all persons who desire shall have an opportunity of being heard in opposition to or in favor of such ordinance. This Ordinance was published in full on the 2nd day of April, 2022, in the legal section of The Troy Messenger. A copy of the full ordinance may be obtained from the office of the City Clerk of the City of Troy, Alabama, Troy City Hall, 301 306 E. Academy Street, Troy, Alabama, during regular business hours.

The Messenger: Apr. 9, 2022
ORD 431/SYNOPSIS

Account #
Ad # 1425334

CITY OF TROY
PO BOX 549
TROY AL 36081

Publisher's Certificate of Publication

STATE OF ALABAMA COUNTY OF PIKE

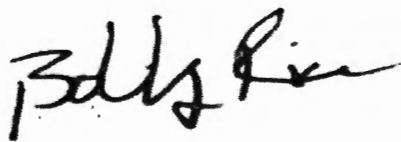
Bobby Rice, being duly sworn, on oath says he is and during all times herein stated has been an employee of Troy Publications, Inc. publisher and printer of the The Messenger (the "Newspaper"), has full knowledge of the facts herein stated as follows:

1. The Newspaper printed the copy of the matter attached hereto (the "Notice") was copied from the columns of the Newspaper and was printed and published in the English language on the following days and dates:

04/30/22

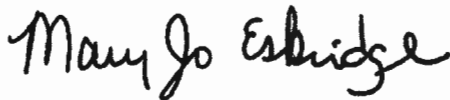
2. The sum charged by the Newspaper for said publication is the actual lowest classified rate paid by commercial customer for an advertisement of similar size and frequency in the same newspaper in which the Notice was published.

3. There are no agreements between the Newspaper, publisher, manager or printer and the officer or attorney charged with the duty of placing the attached legal advertising notice whereby any advantage, gain or profit accrued to said officer or attorney



Bobby Rice, publisher

Subscribed and sworn to before me this
30th Day of April, 2022



Mary Jo Eskridge, Notary Public
State of Alabama at large
My commission expires 3-02-2026



PUBLIC NOTICE

NOTICE

Notice is hereby given that at the regular meeting of the City Council of the City of Troy, Alabama, held at the Troy City Hall located at 306 E. Academy Street, Troy, Alabama on the 26th day of April, 2022, the City Council passed Ordinance 431 to rezone .57 +/- acres of land located at 401 Elba Hwy, Troy, Alabama from R-1: Low Density Residential Zoning District to the C-O: Commercial-Office Zoning District. This ordinance will become effective the 30th day of April, 2022. A copy of the full ordinance may be obtained from the office of the City Clerk of the City of Troy, Alabama, Troy City Hall, 306 E. Academy Street, Troy, Alabama, during regular business hours.

The Messenger: Apr. 30, 2022
SYNOPSIS/ORD 431

Account #
Ad # 1438187

CITY OF TROY
PO BOX 549
TROY AL 36081