

ORDINANCE NO. 12-25

ORDINANCE AMENDING THE MARION CODE OF ORDINANCES REGARDING A REQUEST TO REZONE PROPERTY LOCATED EAST OF 35TH STREET, NORTH OF QUAIL TRAIL DRIVE FROM A-1, RURAL RESTRICTED TO R-2, MEDIUM DENSITY, SINGLE-FAMILY RESIDENTIAL AND PD-R, PLANNED DEVELOPMENT - RESIDENTIAL (Miriam Freiter and Edward Freiter/Morris/Wood, LLC)

WHEREAS, Miriam Freiter and Edward Freiter, owners and Morris/Wood, LLC, applicant have made application to rezone from A-1, Rural Restricted to R-2, Medium Density, Single-Family Residential and PD-R, Planned Development - Residential for property located east of 35th Street, north of Quail Trail Drive in Marion, Iowa, more particularly described as follows:

A-1 to R-2

That part of the Northeast Quarter of the Southwest Quarter of Section 29, Township 84 North, Range 6 West of the 5th P.M., Marion, Linn County, Iowa described as follows:

Beginning at the Northeast corner of Parcel A, Plat of Survey No. 83, Marion, Iowa;

thence N 89° 39' 27" E a distance of 1017.96 feet along the North Line of said Northeast Quarter to its East line;

Thence S 01° 03' 24" E for a distance of 817.86 feet along said East line,

Thence S 88° 56' 36" W for a distance of 256.20 feet to the beginning of a curve,

Said curve turning to the left through an angle of 06° 23' 58", having a radius of 300.00 feet, and whose long chord bears S 85° 44' 37" W for a distance of 33.49 feet,

Thence S 82° 32' 39" W for a distance of 254.13 feet to the beginning of a curve,

Said curve turning to the right through an angle of 10° 41' 08", having a radius of 300.00 feet, and whose long chord bears S 87° 53' 13" W for a distance of 55.87 feet,

Thence N 86° 46' 13" W for a distance of 342.07 feet to the beginning of a curve,

Said curve turning to the left through an angle of 12° 57' 22", having a radius of 300.00 feet, and whose long chord bears S 86° 45' 06" W for a distance of 67.69 feet,

Thence S 80° 16' 25" W for a distance of 159.10 feet to the beginning of a curve,

Said curve turning to the right through an angle of 08° 46' 13", having a radius of 300.00 feet, and whose long chord bears S 84° 39' 31" W for a distance of 45.88 feet,

Thence S 89° 02' 37" W for a distance of 109.61 feet to the West line of said Northeast Quarter,

Thence N 00° 57' 23" W for a distance of 569.53 feet along said West line to the Southwest corner of said Parcel A,

Thence N 89° 29' 25" E for a distance of 300.04 feet along the South line of said Parcel A to its Southeast corner,

Thence N 00° 57' 10" W for a distance of 299.35 feet along the East line of said Parcel A to the Point of Beginning, containing 23.43 acres subject to easements and restrictions of record.

A-1 to PD-R

That part of the Northeast Quarter of the Southwest Quarter of Section 29, Township 84 North, Range 6 West of the 5th P.M., Marion, Linn County, Iowa described as follows:

Beginning at the Northwest corner of The Coves at English Glen First Addition to Marion, Iowa;

Thence N 00° 57' 23" W for a distance of 150.90 feet along the West line of said Northeast Quarter,

Thence N 89° 02' 37" E for a distance of 109.61 feet to the beginning of a curve,

Said curve turning to the left through an angle of 08° 46' 13", having a radius of 300.00 feet, and whose long chord bears N 84° 39' 31" E for a distance of 45.88 feet,

Thence N 80° 16' 25" E for a distance of 159.10 feet to the beginning of a curve,

Said curve turning to the right through an angle of 12° 57' 22", having a radius of 300.00 feet, and whose long chord bears N 86° 45' 06" E for a distance of 67.69 feet,

Thence S 86° 46' 13" E for a distance of 342.07 feet to the beginning of a curve,

Said curve turning to the left through an angle of 10° 41' 08", having a radius of 300.00 feet, and whose long chord bears N 87° 53' 13" E for a distance of 55.87 feet,

Thence, N 82° 32' 39" E for a distance of 254.13 feet to the beginning of a curve,

Said curve turning to the right through an angle of 06° 23' 58", having a radius of 300.00 feet, and whose long chord bears N 85° 44' 37" E for a distance of 33.49 feet,

Thence, N 88° 56' 36" E for a distance of 256.20 feet to a point on the East line of said Northeast Quarter,

thence S 01° 03' 24" E a distance of 189.10 feet,

thence S 89° 03' 42" W for a distance of 1319.71 feet to the Point of Beginning, containing 5.20 acres subject to easements and restrictions of record.

WHEREAS, said application has been considered by the Planning and Zoning Commission and the Commission adopted CPC Resolution No. 12-23 dated August 14, 2012, recommending approval of said rezoning request; and,

WHEREAS, said application has heretofore been set for public hearing before the City Council as required by law and said public hearing having been concluded and the Council having considered the record and all statements for and against said application and being fully advised of the premises; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission regarding said application.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARION IOWA;

Section 1. That Section 176.04 of the Marion Code of Ordinances is hereby amended, including the Zoning District Map, and the zoning classification is changed for the above described real estate from A-1, Rural Restricted to R-2, Medium Density, Single-Family Residential and PD-R, Planned Development - Residential subject to the following:

1. Zero Lot Line Units must have a minimum of 40% visible façade that does not include the garage door.
2. Zero Lot Line Units shall contain a mix of materials / colors similar to previously approved multi-family subdivisions in the area. These elements may include mix of brick / stone / shake siding.

Section 2. That all ordinances and parts of ordinances in conflict with the same are hereby repealed.

Section 3. This ordinance shall be in full force and effect from and after its passage, approval, and publication as by law provided.

Passed and approved this 4th day of October, 2012.



Snooks Bouska, Mayor

ATTEST:



Wesley A. Nelson, City Clerk

ACCEPTANCE: As the petitioner for this requested change in zoning district classification, I hereby accept the conditions as included in the above ordinance

MORRIS / WOOD, LLC



Peggy Morris, Manager

CERTIFICATE OF SERVICE

The undersigned City Clerk of Marion, Iowa certifies that the Ordinance & Summary shown immediately above was published in the Marion Times on the 18th day of October, 20 12.
Wes Nelson/pet

City Clerk