

ORDINANCE NO. 16-07

ORDINANCE AMENDING THE MARION CODE OF ORDINANCES REGARDING A REQUEST TO REZONE PROPERTY FROM C-3, GENERAL COMMERCIAL TO R-6, HIGH DENSITY MULTIPLE FAMILY FOR PROPERTY LOCATED WEST OF HIGHWAY 13 AND SOUTH OF 29TH AVENUE. (PLATINUM DEVELOPMENT LLC, APPLICANT).

WHEREAS, Platinum Development LLC, applicant, has made application to rezone property from C-3, General Commercial to R-6, High Density Multiple Family for property located West of Highway 13 and South of 29th Avenue, Marion, Iowa, more particularly described as follows:

Rezone C-3 to R-6

A part of Parcel B of Amended Plat of Survey #988 in the E $\frac{3}{4}$ NW $\frac{1}{4}$ of Section 33, Township 84 North, Range 6 West of the 5th Principal Meridian, City of Marion, Linn County, Iowa described as follows: Beginning at the NW corner of Lot 33, Prairie Hill Seventh Addition to said City; thence N00°37'18"W along the east line of Prairie Hill Fourteenth Addition to said City and the N-ly extension thereof, 344.07 feet; thence N89°22'42"E, 189.77 feet; thence N73°10'45"E, 36.86 feet; thence N89°22'42"E, 151.10 feet to the east line said Parcel B; thence S00°54'55"E along the east line of said Parcel B, 247.59 feet; thence S06°37'33"E along the east line of said Parcel B, 107.67 feet to the NE corner of said Lot 33; thence S89°25'24"W along the north line of said Lot 33, 388.79 feet to the Point of Beginning, containing 3.03 acres.

WHEREAS, on May 10, 2016 the Marion Planning and Zoning Commission held a public hearing regarding said amendment and adopted CPC Resolution No. 16-16 recommending approval of said Comprehensive Plan amendment; and,

WHEREAS, said application has heretofore been set for public hearing on June 9, 2016 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 & Zoning Commission regarding said rezoning application.

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

Section 1. That Section 176.05 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 C-3, General Commercial to R-6, High Density Multiple Family for property located West of Highway 13 and South of 29th Avenue, Marion, Iowa, subject to the following conditions:

1. Extruding faces on both primary facades of the building shall have brick or stone veneer with a minimum 2' return around the side.
2. Decks shall have metal railings.
3. Decks shall have Aztec Decking or similar product along all deck fronts.
4. 24 stall garages shall have a minimum of three dormers on each roof face, while all other garages shall at a minimum have two dormers.
5. Shall be subject to site plan concept plan. Any changes shall be required to be reviewed by the Planning & Zoning Commission.

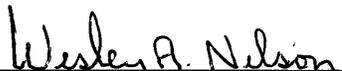
Section 2. That all ordinances and parts of ordinances in conflict with the same are hereby repealed.

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 7 day of July, 2016.

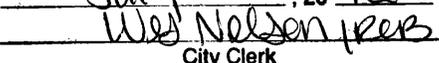

Nicolas AbouAssaly, Mayor

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.

Platinum Development LLC

CERTIFICATE OF SERVICE
The undersigned City Clerk of Marion, Iowa certifies that the Ordinance shown immediately above was published in the Marion Times on the 21 day of July, 2016.

Wesley Nelson
City Clerk


Mark Mowrer, Project Manager