

ORDINANCE NO. 14-06

ORDINANCE AMENDING THE MARION CODE OF ORDINANCES REGARDING A REQUEST TO REZONE WITH CONDITIONS PROPERTY LOCATED WEST OF 35TH STREET AND NORTH OF TOWER TERRACE ROAD FROM A-1, RURAL RESTRICTED TO R-2, MEDIUM DENSITY SINGLE-FAMILY RESIDENTIAL, R-3, TWO-FAMILY RESIDENTIAL, AND R-4, FOUR-FAMILY RESIDENTIAL (M&W Ventures, LLC)

WHEREAS, M&W Ventures, LLC, owner, has made application to rezone with conditions from A-1, Rural Restricted to R-2, Medium Density Single-Family Residential, R-3, Two-Family Residential and R-4, Four-Family Residential for property located west of 35th Street and north of Tower Terrace Road in Marion, Iowa, more particularly described as follows:

A-1 to R-2

That part of Parcel A, Plat of Survey No. 1874, Marion, Linn County, Iowa described as follows:

Beginning at the Northwest corner of Parcel A, Plat of Survey No. 1874, Marion, Iowa;
Thence S 89° 01' 33" E for a distance of 344.46 feet along the North line of said Parcel A;
Thence S 47° 56' 13" E for a distance of 294.61 feet along the Northeasterly line of said Parcel A;
Thence S 42° 03' 47" W for a distance of 180.00 feet;
Thence N 47° 56' 13" W for a distance of 33.26 feet;
Thence S 42° 03' 47" W a distance of 110.00 feet;
Thence S 70° 54' 46" W for a distance of 94.86 feet;
Thence N 47° 55' 06" W for a distance of 39.23 feet;
Thence S 58° 13' 44" W for a distance of 262.14 feet;
Thence S 43° 06' 57" W for a distance of 178.18 feet;
Thence S 41° 49' 18" W for a distance of 60.00 feet;
Thence S 34° 58' 03" W for a distance of 236.41 feet;
Thence S 25° 09' 47" W for a distance of 708.64 feet;
Thence S 14° 58' 14" W for a distance of 30.00 feet to the beginning of a non-tangential curve, Said curve turning to the left through an angle of 79° 29' 13", having a radius of 200.00 feet, and whose long chord bears N 65° 13' 38" E for a distance of 255.74 feet;
Thence N 25° 29' 01" E for a distance of 42.34 feet;
Thence S 64° 30' 59" E for a distance of 100.29 feet to the beginning of a curve, Said curve turning to the right through an angle of 44° 09' 11", having a radius of 150.00 feet, and whose long chord bears S 42° 26' 23" E for a distance of 112.75 feet
Thence S 20° 21' 48" E for a distance of 116.95 feet to a point on the southerly line of said Parcel A (the proceeding ten bearings and distances follow the Southerly and Westerly boundary of said Parcel A);
Thence S 69° 19' 08" W for a distance of 974.60 feet to the beginning of a curve, Said curve turning to the right through an angle of 01° 33' 02", having a radius of 940.00 feet, and whose long chord bears S 70° 05' 39" W for a distance of 25.44 feet to a point of intersection with a non-tangential line;

Thence S 11° 29' 31" E for a distance of 18.21 feet;
Thence S 00° 32' 21" W for a distance of 33.00 feet;
Thence N 89° 27' 39" W for a distance of 144.82 feet to the beginning of a non-tangential curve,
Said curve turning to the left through an angle of 07° 41' 04", having a radius of 1909.90 feet,
and whose long chord bears N 26° 57' 56" E for a distance of 255.96 feet to a point of
intersection with a non-tangential line;
Thence N 23° 08' 38" E for a distance of 1082.05 feet to the beginning of a curve,
Said curve turning to the right through an angle of 18° 56' 17", having a radius of 1145.90 feet,
and whose long chord bears N 32° 36' 46" E for a distance of 377.03 feet;
Thence N 42° 04' 54" E for a distance of 714.30 feet along the Westerly line of said Parcel A to
the point the beginning, containing 24.02 acres subject to easements and restrictions of record.

Rezoning A-1 to R-3

That part of Parcel A, Plat of Survey No. 1874, Marion, Linn County, Iowa described as follows:

Commencing at the Northwest corner of Parcel A, Plat of Survey No. 1874, Marion, Iowa;

Thence, S 89° 01' 33" E for a distance of 344.46 feet along the North line of said Parcel A;

Thence, S 47° 56' 13" E for a distance of 294.61 feet along the Northeasterly line of said Parcel A to the point of beginning;

Thence, continuing S 47° 56' 13" E for a distance of 155.98 feet;

Thence, S 42° 00' 38" W a distance of 202.07 feet to the beginning of a curve
Said curve turning to the right through an angle of 29° 43' 33", having a radius of 300.00 feet,
and whose long chord bears S 56° 52' 24" W for a distance of 153.90 feet.

Thence, S 71° 44' 11" W for a distance of 87.88 feet to the beginning of a curve,
Said curve turning to the left through an angle of 46° 15' 10", having a radius of 800.00 feet, and
whose long chord bears S 48° 36' 36" W for a distance of 628.42 feet.

Thence, S 25° 29' 01" W for a distance of 538.05 feet to the beginning of a curve,
Said curve turning to the right through an angle of 79° 29' 13", having a radius of 200.00 feet,
and whose long chord bears S 65° 13' 38" W for a distance of 255.74 feet to a point of
intersection with a non-tangential line.

Thence, N 14° 58' 14" E for a distance of 30.00 feet;

Thence, N 25° 09' 47" E for a distance of 708.64 feet;

Thence, N 34° 58' 03" E for a distance of 236.41 feet;

Thence, N 41° 49' 18" E for a distance of 60.00 feet;

Thence, N 43° 06' 57" E for a distance of 178.18 feet;

Thence, N 58° 13' 44" E for a distance of 262.14 feet;

Thence, S 47° 55' 06" E for a distance of 39.23 feet;

Thence, N 70° 54' 46" E for a distance of 94.86 feet;

Thence, N 42° 03' 47" E for a distance of 110.00 feet;

Thence, S 47° 56' 13" E for a distance of 33.26 feet;

Thence, N 42° 03' 47" E for a distance of 180.00 feet to the point of beginning, containing 7.02 acres subject to easements and restrictions of record.

Rezoning A-1 to R-4

That part of Parcel A, Plat of Survey No. 1874, Marion, Linn County, Iowa described as follows:

Beginning at the Northeast corner of Parcel A, Plat of Survey No. 1874, Marion, Iowa (the proceeding five bearings and distances follow the Southerly boundary of said Parcel A):
Thence S 07° 29' 25" E for a distance of 61.22 feet;
Thence S 29° 48' 49" W for a distance of 23.53 feet;
Thence S 42° 03' 47" W a distance of 267.04 feet to the beginning of a curve;
Said curve turning to the right through an angle of 27° 15' 21", having a radius of 1940.00 feet, and whose long chord bears S 55° 41' 27" W for a distance of 914.19 feet;
Thence S 69° 19' 08" W for a distance of 387.81 feet;
Thence N 20° 21' 48" W for a distance of 116.95 feet to the beginning of a curve;
Said curve turning to the left through an angle of 44° 09' 11", having a radius of 150.00 feet, and whose long chord bears N 42° 26' 23" W for a distance of 112.75 feet;
Thence N 64° 30' 59" W for a distance of 100.29 feet;
Thence N 25° 29' 01" E for a distance of 495.71 feet to the beginning of a curve;
Said curve turning to the right through an angle of 46° 15' 10", having a radius of 800.00 feet, and whose long chord bears N 48° 36' 36" E for a distance of 628.42 feet;
Thence N 71° 44' 11" E for a distance of 87.88 feet to the beginning of a curve;
Said curve turning to the left through an angle of 29° 43' 33", having a radius of 300.00 feet, and whose long chord bears N 56° 52' 24" E for a distance of 153.90 feet;
Thence N 42° 00' 38" E for a distance of 202.07 feet to an Easterly line of said Parcel A;
Thence S 47° 56' 13" E for a distance of 640.57 feet along said Easterly line to the point of beginning, containing 24.02 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. 14-06 dated April 13, 2014, recommending approval with conditions 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 with conditions, A-1, Rural Restricted to R-2, Medium Density Single-Family Residential, R-3, Two-Family Residential, and R-4, Four-Family Residential.

- (1) A limit of no more than 137 residential units be allowed in the subdivision.
- (2) Only a single-family residence be allowed on Lot 59 of the preliminary plat.
- (3) Within the R-4, Four-Family Residential Zoning District, only threeplexes, duplexes, or single-family homes will be allowed to be constructed.
- (4) A. Architectural Requirements – The following standards shall be applied to all dwellings and/or buildings to prevent monotony:

i. Units shall utilize side load garages and shared access drives to public streets when possible throughout the development. A minimum of 1/3 of the units must have a garage door not facing the public street.

ii. All building entrances shall be accented with overhead features to indicate primary entry point to the units.

1. No two (2) dwellings or buildings on a street face shall be identical in floor plan or color unless differing by at least two of the following:

i. Rotated or reversed lot orientation.

ii. Different roof configuration or orientation.

iii. Different materials or exterior walls. A mix of materials is encouraged on buildings. For example, the use of stone and shingle or brick and horizontal siding.

iv. The addition of architectural features that alter the appearance.

v. Identical color schemes shall require the addition of another differentiating feature from 1-4 above to offset the similarity in color.

B. Landscaping Standards – The following standards shall apply to each residential unit zoned R-3, Two Family Residential and R-4, Four Family Residential

1. The following standards shall apply to each residential unit zoned R-3, Two Family Residential and R-4, Four Family Residential

i. One (1) shade variety tree per unit a minimum of 6' in height shall be placed in the front yard.

ii. One (1) shade variety tree per unit a minimum of 6' in height shall be placed in the rear yard or One (1) flowering tree and One (1) evergreen tree per unit to be placed in rear yard.

iii. One (1) additional shade tree for every five (5) condominium units to be placed within the rear yard along Tower Terrace Road and 35th Street.

2. The following standards shall apply to lots 19-24 as indicated on the preliminary plat.

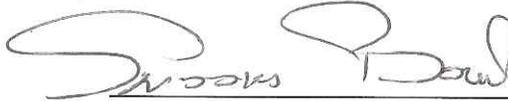
i. One (1) shade variety tree per home a minimum of 6' in height shall be placed within the required front yard.

ii. One (1) shade variety tree per home a minimum of 6' in height shall be placed in the rear yard or one (1) flowering tree and one (1) evergreen tree per unit to be placed in the rear yard.

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 19th day of June, 2014.



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



Jon Morris, M&W Ventures, LLC

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 3rd day of July, 2014.

Wes Nelson, RCH
City Clerk