

ORDINANCE NO. 14-15

ORDINANCE AMENDING THE MARION CODE OF ORDINANCES REGARDING A REQUEST TO REZONE PROPERTY LOCATED at 2188, 2218, and 2254 5th Avenue from C-4, Warehouse Commercial to PD-S, Planned Development Special (City initiated).

WHEREAS, The City of Marion, owner, has made application to rezone from C-4, Warehouse Commercial to PD-S, Planned Development Special for property located at 2188, 2218, and 2254 5th Avenue, more particularly described as follows:

C-4 to PD-S

A part of Lots 1, 2, 3 and 4 of Mitchells Addition to Marion, a part of Outlot 1, Isabell's Section Addition and Lot 6 of Irregular Survey of the N 1/2 NE frl 1/4 NW frl 1/4 of Section 6, Township 83 North, Range 6 West of the 5th Principal Meridian, City of Marion, Linn County, Iowa described as follows:

Commencing as a point of reference at said the S1/4 corner of said Section 6;
thence N01° 38' 59"W along the east line of the NE frl 1/4 NW frl 1/4 and its southerly extension, 4081.26 feet to the north right of way line of 5th Avenue and the Point of Beginning;
thence S89° 02' 05"W along said north right of way line, 155.12 feet to the west line said Outlot 1;
thence N01° 22' 59"W along said west line, 177.75 feet to the north right of way line of the former Dubuque Southwestern Railroad;
thence NE-ly along said north right of way line on an arc of 281.08 feet of a 5754.65-foot radius curve
to the right, having a chord length of 281.05 feet bearing N75° 43' 49"E to the east line of Lot 1 of said Mitchells Addition;
thence N01° 39' 30"W along the east line of said Lot 1, 7.11 feet to the NW corner of said Lot 6;
thence N88° 53' 12"E along the north line of said Lot 6, 120.00 feet to the NE corner of said Lot 6;
thence S01° 31' 09"E along the east line of said Lot 6, 249.85 feet to the north right of way line of said 5th Avenue;
thence S89° 02' 05"W along said north line of way line of 5th Avenue, 239.42 feet to the Point of Beginning, containing 2.02 acres.

WHEREAS, said application has been considered and amended by the Planning and Zoning Commission and the Commission adopted CPC Resolution No. 14-12 dated August 12, 2014, recommending approval of said rezoning request; and,

WHEREAS, said application has heretofore been set for public hearing on August 21, 2014 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 176.04 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 C-4, Warehouse Commercial to PD-S, Planned Development Special.

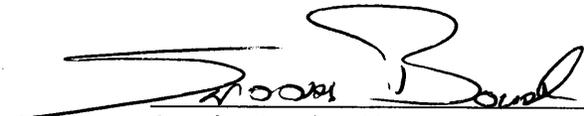
Section 2. That all ordinances and parts of ordinances in conflict with the same are hereby repealed.

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

First reading passed and approved this 21st day of August, 2014.

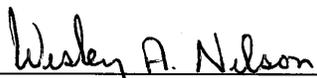
Second reading passed and approved this 26th day of August, 2014

Final reading passed and approved this 26th day of August, 2014.



Snooks Bouska, Mayor

ATTEST:



Wesley A. Nelson, City Clerk

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 4th day of September, 20 14.
Wes Nelson

City Clerk