ORDINANCE 18-38

AN ORDINANCE APPROVING THE REZONING OF PROPERTY SOUTH OF BLAIRS FERRY ROAD, NORTH OF TWIXT TOWN ROAD AND WEST OF MARION BOULEVARD FROM R-2 MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL TO R-6 HIGH DENSITY MULTIPLE FAMILY RESIDENTIAL (DELONG DEVELOPMENT CO., LC)

WHEREAS, Delong Development Co., LC has made application to rezone from R-2 Medium Density Single Family Residential to R-6 High Density Multiple Family Residential for certain property located between south of Blairs Ferry Road, north of Twixt Town Road and west of Marion Boulevard, more particularly described as follows:

A PART OF LOTS 3 AND 8 AUDITOR’S PLAT NO.514, RECORDED IN LINN COUNTY RECORDER’S OFFICE, BOOK 3299, PAGE 72, LINN COUNTY, IOWA AND A PART OF THE IRREGULAR SURVEY IN NE FRL ¼ OF SECTION 2, TOWNSHIP 83 NORTH, RANGE 7 WEST OF THE 5TH WEST PRINCIPAL MERIDIAN, LINN COUNTY, IOWA, DESCRIBED AS FOLLOWS:
BEGINNING AT THE SE CORNER OF EL-MAR HEIGHTS FIRST ADDITION TO SAID CITY;
THENCE N00°49'20"W ALONG THE EAST LINE OF SAID FIRST ADDITION, 32.96 FEET TO THE NW-LY LINE OF SAID LOT 3 OF AUDITOR’S PLAT NO.514;
THENCE N44°38'45"E ALONG THE NW-LY LINE OF SAID LOT 3, 443.43 FEET;
THENCE N-LY ALONG SAID NW-LY LINE ON AN ARC OF 31.34 FEET OF A 1092.14-FOOT RADIUS CURVE
TO THE RIGHT HAVING A CHORD LENGTH OF 31.34 FEET BEARING N14°23'52"E;
THENCE N-LY ALONG SAID NW-LY LINE ON AN ARC OF 158.54 FEET OF A 1092.14-FOOT RADIUS CURVE
TO THE RIGHT HAVING A CHORD LENGTH OF 158.40 FEET BEARING N18°05'14"E TO THE SOUTH RIGHT-OF-WAY LINE OF BLAIRS FERRY ROAD;
THENCE S78°56'32"E ALONG SAID RIGHT-OF-WAY LINE, 102.10 FEET TO THE NE CORNER OF SAID LOT 3;
THENCE S-LY ALONG THE EAST LINE OF SAID LOT 3 ON AN ARC OF 269.49 FEET OF A 992.14-FOOT RADIUS CURVE
TO THE LEFT HAVING A CHORD LENGTH OF 268.66 FEET BEARING S15°26'41"W;
THENCE S04°56'53"W ALONG SAID EAST LINE OF LOT 3, 185.42 FEET TO THE NW CORNER OF LOT 4 SAID AUDITOR’S PLAT #514;
THENCE S04°42'06"W ALONG THE WEST LINE OF SAID LOT 4, 57.79 FEET TO THE SW CORNER OF SAID LOT 4;
THENCE N85°55'29"W ALONG THE NORTH LINE OF LOT 5 AND LOT 6 SAID AUDITOR’S PLAT #514, 50.28 FEET TO THE NW CORNER OF SAID LOT 6;
THENCE S04°30'23"W ALONG THE WEST LINE OF SAID LOT 6, 92.28 FEET;
THENCE S-LY ALONG THE EAST LINE OF SAID LOT 3 ON AN ARC OF 400.28 FEET OF A 1432.69-FOOT RADIUS CURVE TO THE RIGHT HAVING A CHORD LENGTH OF 398.98 FEET BEARING S12°46'24"W TO THE SE CORNER OF SAID LOT 3; THENCE N69°26'54"W ALONG THE SOUTH LINE OF LOT 3, 49.90 FEET TO THE NORTH CORNER OF LOT 7, AUDITOR’S PLAT #514; THENCE S-LY ALONG SAID SOUTH LINE OF LOT 3 ON AN ARC OF 9.77 FEET OF A 1382.69-FOOT RADIUS CURVE TO THE RIGHT HAVING A CHORD LENGTH OF 9.77 FEET BEARING S19°10'02"W; THENCE S22°33'34"W ALONG SAID SOUTH LINE, 6.29 FEET; THENCE N89°51'58"W ALONG THE NORTH LINE OF LOT 7, AUDITOR’S PLAT #514, 56.47 FEET; THENCE N01°04'05"W, 72.00 FEET; THENCE N89°51'58"W, 85.19 FEET; THENCE N10°45'41"W, 165.79 FEET; THENCE N89°35'23"W, 205.72 FEET TO THE SE CORNER OF PARCEL A, PLAT OF SURVEY #187, RECORDED IN BOOK 2185, PAGE 34, LINN COUNTY RECORDER’S OFFICE, LINN COUNTY, IOWA; THENCE N00°48'01"W ALONG THE EAST LINE OF SAID PARCEL A, 230.35 FEET TO THE SOUTH LINE OF EL-MAR HEIGHTS FIRST ADDITION TO SAID CITY; THENCE S89°52'29"E ALONG THE SOUTH LINE OF SAID EL-MAR HEIGHTS FIRST ADDITION, 204.81 FEET TO THE POINT OF BEGINNING, CONTAINING 6.32 ACRES.

WHEREAS, the Marion Planning and Zoning Commission, on October 9, 2018, conducted a public hearing and approved CPC Resolution No 18-48 recommending approval of a request by Delong Development Co., LLC to rezone the above described property from R-2 Medium Density Single Family Residential to R-6 High Density Multiple Family Residential; and

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission regarding said rezoning application and finds that the rezoning should be approved subject to the following:

1. Development within the area described above shall submit a site plan and building elevations for approval by the City Council following a Planning and Zoning Commission recommendation.

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 R-2 Medium Density Single Family Residential to C-3 General Commercial.

Section 2: All other chapters shall remain unchanged by this ordinance.
Section 3: All ordinances and parts of ordinances in conflict with the same are hereby repealed.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law.

Passed and approved this 20th day of November, 2018.

Nicolas AbouAssaly, Mayor

ATTEST:

I, Rachel Bolender, Assistant City Clerk of the City of Marion, Iowa hereby certify that at a meeting of the City Council of said City, held on the above date, among other proceedings the above was adopted.

Rachel Bolender, Assistant City Clerk

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

Douglas DeLong, Treasurer
DeLong Development Co., LC

CERTIFICATE OF SERVICE
The undersigned City Clerk of Marion, Iowa certifies that theOrdinance shown immediately above was published in the
City Times on the 13 day of December, 2018.

Rachel Bolender
City Clerk