ORDINANCE NO. 19-10

ORDINANCE APPROVING ZONING FROM UNDESIGNATED AND C-1, NEIGHBORHOOD COMMERCIAL TO PD-S PLANNED DEVELOPMENT-SPECIAL FOR PROPERTY BETWEEN 35TH AVENUE & TOWER TERRACE ROAD EXTENDED AND 35TH STREET & 44TH STREET EXTENDED. (City of Marion)

WHEREAS, the City of Marion, made application to zone property from undesignated and C-1, Neighborhood Commercial to PD-S, Planned Development - Special for development of The Neighborhood at Indian Creek located between 35th Avenue & Tower Terrace Road extended and 35th Street & 44th Street extended in Marion, Iowa, more particularly described as follows:

Legal Description
Beginning at the Northwest Quarter of the Northeast Quarter of Section 29, Township 84 North, Range 6 West of the 5th P.M.; thence Westerly along the right-of-way line of Tower Terrace Road extended to a point of intersection with 35th Street; thence Southerly along the right-of-way line of 35th Street to a point of intersection with 35th Avenue; thence easterly along the right-of-way line of 35th Avenue to a point of intersection with 44th Street extended; thence northerly to the point of beginning, excluding the Southwest Quarter of the Northeast Quarter of Section 29, Township 84 North, Range 6 West of the 5th P.M.; containing approximately 138 acres.

WHEREAS, the City of Marion contracted with RDG Planning and Design to prepare the The Neighborhood at Indian Creek Design Guidelines Manual – revised 2019 to regulate the zoning, land use, and design of projects within The Neighborhood at Indian Creek and to be adopted as the regulatory document of the Planned Development- Special designation; and,

WHEREAS, said application was considered by the Planning and Zoning Commission and the Commission adopted CPC Resolution No. 19-08 and CPC Resolution No. 19-10 dated March 12, 2019 recommending approval of said The Neighborhood at Indian Creek Design Guidelines Manual – revised 2019 and zoning 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 176.05 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 Undesignated and C-1, Neighborhood Commercial to PD-S, Planned Development-Special and regulated by The Neighborhood at Indian Creek Design Guidelines Manual — revised 2019.

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 9 day of May, 2019.

Nicolas AbouAssaly, Mayor

ATTEST:

I, Rachel Bolender, 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, City Clerk

CERTIFICATE OF SERVICE

The undersigned City Clerk of Marion, Iowa certifies that the Ordinance shown immediately above was published in the Times on the 11th day of May, 2019.

Rachel Bolender
City Clerk