

ORDINANCE 19-20

AN ORDINANCE APPROVING A REZONING TO PD-R, PLANNED DEVELOPMENT RESIDENTIAL, SR-3, SUBURBAN MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL AND SR-4, SUBURBAN TWO-FAMILY RESIDENTIAL FOR PROPERTY LOCATED NORTH OF 29TH AVENUE ON EITHER SIDE OF WINCHESTER DRIVE EXTENDED. (ROBSON HOMES)

WHEREAS, Robson Homes, LLC has made application to rezone to PD-R, Planned Development Residential, SR-3, Suburban Medium Density Single Family Residential and SR-4, Suburban Two-Family Residential for property north of 29th Avenue on either side of Winchester Drive extended, more particularly described as follows:

See Attached Exhibit A

WHEREAS, the Marion Planning and Zoning Commission, on May 14, 2019, conducted a public hearing and approved CPC Resolution No 19-24 recommending approval of a request by Robson Homes, LLC to rezone certain property located north of 29th Avenue on either side of Winchester Drive extended to PD-R, Planned Development Residential, SR-3, Suburban Medium Density Single Family Residential and SR-4, Suburban Two-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) Only Black vinyl coated chain link fences permitted in the rear of the 50' lots zoned PD-R and SR-4
- (2) A landscape buffer shall be provided between the home and the 29th Avenue right-of-way, consisting of one (1) shade variety tree per lot with a minimum 40' spacing and one (1) evergreen tree per lot. A landscape plan shall be submitted as part of the Final Site Development Plan.
- (3) All property zoned PD-R and SR-4 shall have a homeowners association

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 to PD-R, Planned Development Residential, SR-3, Suburban Medium Density Single Family Residential and SR-4, Suburban Two-Family Residential.

Section 2: That all ordinances and parts of ordinances in conflict with the same are hereby repealed.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

Passed and approved this 2 day of July, 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

ACCEPTANCE


For Robson Homes, 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 11 day of July, 2019.
Rachel Bolender
City Clerk

PROPERTY DESCRIPTION – PDR ZONING

A PART OF THE SOUTHEAST 1/4 AND THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 84 NORTH, RANGE 6 WEST OF THE 5TH P.M., CITY OF MARION, LINN COUNTY, IOWA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EAST LINE OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF SAID SECTION 29 AND THE NORTH RIGHT-OF-WAY LINE OF 29TH AVENUE; THENCE S 89° 46' 24" W ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 936.98 FEET TO THE EAST RIGHT-OF-WAY LINE OF WINCHESTER DRIVE; THENCE N 00° 38' 20" W ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 317.41 FEET; THENCE N 88° 33' 28" W, 60.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF WINCHESTER DRIVE; THENCE S 00° 10' 47" E ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 26.14 FEET; THENCE S 89° 23' 53" W ALONG THE NORTH LINE OF THE COMMONS AT ENGLISH GLEN FOURTH ADDITION, AN OFFICIAL PLAT IN THE CITY OF MARION, LINN COUNTY, IOWA, A DISTANCE OF 109.86 FEET; THENCE N 00° 40' 20" W, 55.27 FEET; THENCE N 10° 19' 08" E, 57.03 FEET; THENCE N 15° 59' 43" E, 58.43 FEET; THENCE N 17° 26' 06" E, 58.89 FEET; THENCE N 08° 20' 27" E, 56.69 FEET; THENCE N 00° 59' 46" W, 146.92 FEET; THENCE N 89° 20' 37" E, 139.97 FEET; THENCE N 01° 00' 38" W, 100.00 FEET; THENCE NORTH ALONG A CURVE CONCAVE WEST WHOSE RADIUS IS 300.00 FEET, WHOSE ARC LENGTH IS 81.05 FEET AND WHOSE CHORD BEARS N 08° 45' 02" W, 80.81 FEET; THENCE N 89° 20' 37" E, 496.81 FEET; THENCE S 83° 03' 42" E, 75.66 FEET; THENCE N 89° 20' 37" E, 173.71 FEET; THENCE SOUTH ALONG A CURVE CONCAVE EAST WHOSE RADIUS IS 300.00 FEET, WHOSE ARC LENGTH IS 22.12 FEET AND WHOSE CHORD BEARS S 15° 31' 57" E, 22.12 FEET; THENCE SOUTH ALONG A CURVE CONCAVE WEST WHOSE RADIUS IS 300.00 FEET, WHOSE ARC LENGTH IS 86.91 FEET AND WHOSE CHORD BEARS S 09° 20' 46" E, 86.60 FEET; THENCE S 01° 02' 50" E, 491.77 FEET; THENCE N 88° 59' 22" E, 155.14 FEET TO THE EAST LINE OF SAID SOUTHWEST ¼ OF THE SOUTHEAST 1/4; THENCE S 01° 05' 40" E ALONG SAID EAST LINE, A DISTANCE OF 298.96 FEET TO THE POINT OF BEGINNING, CONTAINING 18.34 ACRES (798,725 SQUARE FEET) MORE OR LESS, SUBJECT TO ANY AND ALL EASEMENT OF RECORD.

PROPERTY DESCRIPTION – SR3 ZONING

A PART OF THE SOUTHEAST 1/4 OF SECTION 29, TOWNSHIP 84 NORTH, RANGE 6 WEST OF THE 5TH P.M., CITY OF MARION, LINN COUNTY, IOWA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EAST LINE OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF SAID SECTION 29 AND THE SOUTH RIGHT-OF-WAY LINE OF 35TH AVENUE; THENCE S 01° 05' 45" E ALONG THE WEST LINE OF BRIARGATE SIXTH ADDITION, BRIARGATE FIFTH ADDITION, BRIARGATE FIRST ADDITION AND PRESTWICK PLACE FIRST ADDITION, OFFICIAL PLATS IN THE CITY OF MARION, LINN COUNTY, IOWA, A DISTANCE OF 2266.72 FEET; THENCE S 88° 59' 22" W, 155.14 FEET; THENCE N 01° 02' 50" W, 491.77 FEET; THENCE NORTH ALONG A CURVE CONCAVE WEST WHOSE RADIUS IS 300.00 FEET, WHOSE ARC LENGTH IS 86.91 FEET AND WHOSE CHORD BEARS N 09° 20' 46" W, 86.60 FEET; THENCE NORTH ALONG A CURVE CONCAVE EAST WHOSE RADIUS IS 300.00 FEET, WHOSE ARC LENGTH IS 22.12 FEET AND WHOSE CHORD BEARS N 15° 31' 57" W, 22.12 FEET; THENCE S 89° 20' 37" W, 173.71 FEET; THENCE N 83° 03' 42" W, 75.66 FEET; THENCE S 89° 20' 37" W, 496.81 FEET; THENCE NORTH ALONG A CURVE CONCAVE WEST WHOSE RADIUS IS 300.00 FEET, WHOSE ARC LENGTH IS 52.48 FEET AND WHOSE CHORD BEARS N 21° 30' 06" W, 52.41 FEET; THENCE NORTHWEST ALONG A CURVE CONCAVE NORTHEAST WHOSE RADIUS IS 300.00 FEET, WHOSE ARC LENGTH IS 268.76 FEET AND WHOSE CHORD BEARS N 00° 50' 51" W, 259.87 FEET; THENCE NORTHEAST ALONG A CURVE CONCAVE NORTHWEST WHOSE RADIUS IS 300.00 FEET, WHOSE ARC LENGTH IS 135.51 FEET AND WHOSE CHORD BEARS N 11° 52' 38" E, 134.36 FEET; THENCE N 01° 03' 47" W, 125.00 FEET; THENCE NORTH ALONG A CURVE CONCAVE EAST WHOSE RADIUS IS 300.00 FEET, WHOSE ARC LENGTH IS 102.04 FEET AND WHOSE CHORD BEARS N 08° 40' 52" E, 101.55 FEET; THENCE N 18° 25' 30" E, 61.64 FEET; THENCE S 88° 56' 00" W, 454.00 FEET TO THE EAST LINE OF AUTHORS THIRD ADDITION, AN OFFICIAL PLAT IN THE CITY OF MARION, LINN COUNTY , IOWA ; THENCE N 01° 06' 56" W ALONG THE EAST LINE OF AUTHORS THIRD ADDITION, AUTHORS FORTH ADDITION AND AUTHORS FIFTH ADDITION, OFFICIAL PLATS IN THE CITY OF MARION, IOWA, A DISTANCE OF 936.20 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF 35TH AVENUE; THENCE N 89° 14' 08" E ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 660.75 FEET; THENCE N 89° 14' 08" E ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 139.73 FEET; THENCE N 89° 14' 08" E ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 521.02 FEET TO THE POINT OF BEGINNING, CONTAINING 45.92 ACRES (2,000,402 SQUARE FEET) MORE OR LESS, SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

PROPERTY DESCRIPTION – SR4 ZONING

A PART OF THE SOUTHEAST 1/4 AND THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 84 NORTH, RANGE 6 WEST OF THE 5TH P.M., CITY OF MARION, LINN COUNTY, IOWA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 3, THE COMMONS AT ENGLISH GLEN FOURTH ADDITION, AN OFFICIAL PLAT IN THE CITY OF MARION, LINN COUNTY, IOWA; THENCE N 00° 41' 15" W ALONG THE EAST LINE OF THE COMMONS AT ENGLISH GLEN THIRD ADDITION, AN OFFICIAL PLAT IN THE CITY OF MARION, LINN COUNTY, IOWA, A DISTANCE OF 1167.36 FEET TO THE NORTH RIGHT-OF-WAY LINE OF QUAIL TRAIL; THENCE S 88° 50' 34" W ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 45.50 FEET TO THE EAST LINE OF THE COMMONS AT ENGLISH GLEN SECOND ADDITION TO THE CITY OF MARION, LINN COUNTY, IOWA; THENCE N 00° 58' 21" W ALONG SAID EAST LINE, A DISTANCE OF 120.02 FEET TO THE SOUTH LINE OF AUTHORS THIRD ADDITION, AN OFFICIAL PLAT IN THE CITY OF MARION, LINN COUNTY, IOWA; THENCE N 89° 21' 06" E ALONG SAID SOUTH LINE, A DISTANCE OF 124.54 FEET TO THE EAST LINE OF SAID AUTHORS ADDITION; THENCE N 01° 03' 47" W ALONG SAID EAST LINE, A DISTANCE OF 39.09 FEET; THENCE N 88° 56' 00" E, 454.00 FEET; THENCE S 18° 25' 30" W, 61.64 FEET; THENCE SOUTH ALONG A CURVE CONCAVE EAST WHOSE RADIUS IS 300.00 FEET, WHOSE ARC LENGTH IS 102.04 FEET AND WHOSE CHORD BEARS S 08° 40' 52" W, 101.55 FEET; THENCE S 01° 03' 47" E, 125.00 FEET; THENCE SOUTH ALONG A CURVE CONCAVE WEST WHOSE RADIUS IS 300.00 FEET, WHOSE ARC LENGTH IS 135.51 FEET AND WHOSE CHORD BEARS S 11° 52' 38" W, 134.36 FEET; THENCE SOUTHWEST ALONG A CURVE CONCAVE SOUTHEAST WHOSE RADIUS IS 300.00 FEET, WHOSE ARC LENGTH IS 268.76 FEET AND WHOSE CHORD BEARS S 00° 50' 51" E, 259.87 FEET; THENCE SOUTHEAST ALONG A CURVE CONCAVE SOUTHWEST WHOSE RADIUS IS 300.00 FEET, WHOSE ARC LENGTH IS 52.48 FEET AND WHOSE CHORD BEARS S 21° 30' 06" E, 52.41 FEET; THENCE SOUTH ALONG A CURVE CONCAVE WEST WHOSE RADIUS IS 300.00 FEET, WHOSE ARC LENGTH IS 57.28 FEET AND WHOSE CHORD BEARS S 11° 01' 15" E, 57.19 FEET; THENCE SOUTH ALONG A CURVE CONCAVE WEST WHOSE RADIUS IS 300.00 FEET, WHOSE ARC LENGTH IS 23.77 FEET AND WHOSE CHORD BEARS S 03° 16' 51" E, 23.77 FEET; THENCE S 01° 00' 38" E, 100.00 FEET; THENCE S 89° 20' 37" W, 139.97 FEET; THENCE S 00° 59' 46" E, 146.92 FEET; THENCE S 08° 20' 27" W, 56.69 FEET; THENCE S 17° 26' 06" W, 58.89 FEET; THENCE S 15° 59' 43" W, 58.43 FEET; THENCE S 10° 19' 08" W, 57.03 FEET; THENCE S 00° 40' 20" E, 55.27 FEET TO THE NORTH LINE OF THE COMMONS AT ENGLISH GLEN FORTH ADDITION; THENCE S 89° 23' 53" W ALONG SAID NORTH LINE, A DISTANCE OF 304.23 FEET TO THE POINT OF BEGINNING, CONTAINING 13.33 ACRES (580,748 SQUARE FEET) MORE OR LESS, SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.