

ORDINANCE NO. 14989

AN ORDINANCE APPROVING THE REZONING OF APPROXIMATELY 73.76 ACRES INCLUDING PARCELS 8418-26-229-015, 8418-25-151-001 AND 8418-25-101-002 FROM R-2 LOW DENSITY RESIDENTIAL TO M-2 HEAVY INDUSTRY

WHEREAS the City of Marshalltown currently owns the parcels 8418-26-229-015, 8418-25-151-001 and 8418-25-101-002 and is proposing the rezoning of approximately 73.76 acres, currently zoned R-2 Low Density Residential to be rezoned to M-2 Heavy Industry; and

WHEREAS the Plan and Zoning Commission reviewed this rezoning request and held a public hearing on October 3, 2019, and recommended approval of the rezoning at said meeting; and

WHEREAS, the City Council has fully examined the same and has found the same to be in the best interests of the City of Marshalltown, Iowa and that the same should now be approved and accepted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF MARSHALLTOWN, IOWA:


Section 1. Parcel 8418-26-229-015, 8418-25-151-001 and 8418-25-101-002, be rezoned to M-2 Heavy Industry.

Section 2. The public hearing required on this zoning amendment shall be held in the Council Chambers of City Hall, 10 West State Street, Marshalltown, Iowa at 5:30 p.m., local time, on the 25th day of November 2019 and the City Clerk is directed to cause a publication of the notice of the public hearing in one issue of the Marshalltown Times-Republican, a newspaper published in Marshalltown, Marshall County, Iowa, not less than 7 days nor more than 20 days prior to the date of the public hearing fixed herein.

Section 3. This Ordinance shall be in full force and effect from and after public notice of hearing on this Rezoning has been duly given as required by the said Zoning Ordinance and the statutes of the State of Iowa and said public hearing has been duly held and after passage by this Council and publication as is provided by law.

Passed this 25th day of November 2019, and signed this 26th day of November 2019.

CITY OF MARSHALLTOWN, IOWA


Joel T.S. Greer, Mayor

ATTEST:


Shari L. Coughenour, CMC, City Clerk

Affidavit of Publication

STATE OF IOWA,
Marshall County, ss.

City of Marshalltown
Ordinance 14989

I, Colleen Ward, being first duly sworn, on oath depose and say that Marshalltown Newspaper, LLC is a corporation for pecuniary profit organization under the law of the State of Iowa, with its principal place of business in Marshalltown, Iowa; that the "Times-Republican" is a daily newspaper of general circulation printed wholly in the English language and published by said corporation at the city of Marshalltown, in Marshall County, Iowa; that I am the Accounting Manager of said corporation and a full time employee of the said newspaper, and have personal knowledge of the facts stated herein; that the Notice hereto attached in the above entitled action was published in the regular daily edition of the said "Times-Republican" for:

One

consecutive weeks on the days and dates as follows, to-wit
January 15, 2020

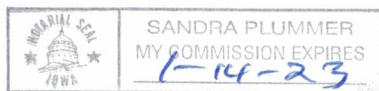
Statutory fees for publishing said notice are:
28.72

Colleen Ward

Sworn to before me and subscribed in my presence by the said Colleen Ward, this Twentieth Day of January, 2020

Sandra Plummer
Sandra Plummer, Notary Public
Marshall County, Iowa
Commission No. 766297
Commission Expires January 14, 2020

Account No. and Account Name
D02000 City of Marshalltown



PUBLIC NOTICE
Ordinance 14989

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Passed this 25th day of November 2019, and signed this 26th day of November 2019.
CITY OF MARSHALLTOWN, IOWA

Shari L. Coughenour, CMC,
City Clerk
City of Marshalltown
-----28376

MARSHALLTOWN

— I O W A —

TO: Mayor, Members of City Council and City Administrator

FROM: Michelle Spohnheimer, Housing & Community Development Director *MS*

DATE: November 25, 2019 – Meeting Date

Rezoning Request:

FROM: City of Marshalltown

SUBJECT: PIN 8418-26-229-015, 8418-25-151-001 & 8418-25-101-002 – Rezone from R-2 to M-2

New Information for 11/25/19

On November 21st a petition was filed by Mr. Marquess in opposition to the rezoning proposal. Iowa Code section 414.5 outlines the criteria for when a petition is filed where 20% of the property within 200' of the exterior boundary is represented that a favorable vote of three-fourths of the all Council members is required (6 members).

The petition filed includes 8 properties within 200' of the parcels to be rezoned. There is a total of 39 parcels in the area, therefore the 20% threshold is satisfied.

When considering the location of the road extension various conditions were evaluated. The right of way along Highway 14 is wider further north, which makes turning movements easier than it is further south onto Marion. Additionally, as discussed in various meetings throughout the Highway 14 Corridor study process and the Comprehensive Plan process, a common concern related is related to the truck traffic traveling south to Marion and then East to JBS. Diverting the traffic off of the main corridor earlier improves safety for travelers along the corridor.

Creating a connection point/truck diversion has been in discussion for close to 20 years and with the recent Iowa DOT RISE grant award and possible additional funding this project can be completed with little cost to the City budget. The rezoning is however essential to the funding approval.

There are approximately 50 parcels that have frontage on Highway 14 south of Edgewood to Marion and along Marion to JBS. The diversion of traffic will have a positive impact on those roadways.

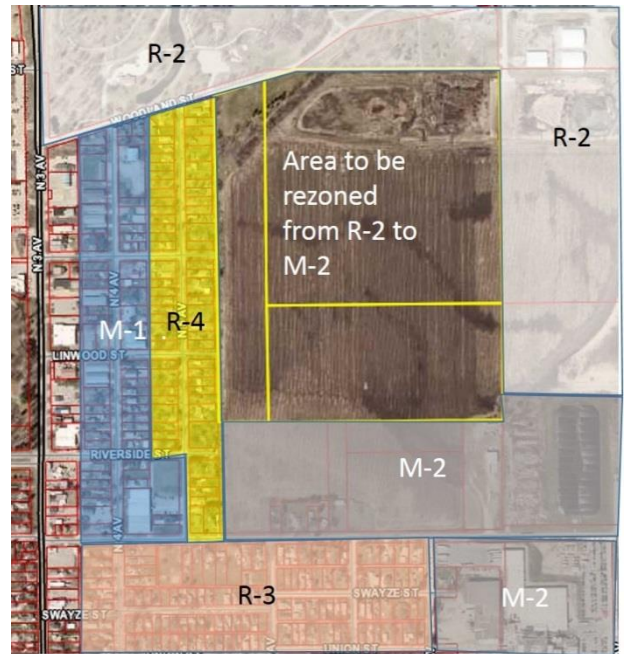
Prior Meeting Information

Policy Issue: A rezoning is an amendment to the Zoning Map, which is part of the Zoning Ordinance. Rezoning requests go before the Plan Zoning Commission for a review and public hearing where a recommendation is made to the City Council. **This item was tabled to add 2 additional weeks putting the public hearing on Nov. 25, 2019.**

Recommendation: The Plan Zoning Commission met on Thursday, October 3, 2019 and held a public hearing to receive comments. The Commission recommended approval of the rezoning request to rezone the property included from R-2, Low Density Residential to M-2, Heavy Industry. The rezoning is in connection with the Edgewood Street extension and applications for funding.

The extension would not have any impact on Woodland Street or Riverview Park. The Commission discussed maintaining a buffer between the residential district to the West.

Background: The rezoning is in conformance with the City Comprehensive Plan for this area and consistent with the recently completed Highway 14 Corridor Study.



At the Council meeting on October 28th an Attorney spoke on behalf of a property owner on N 5th Avenue and stated that this proposal was not in conformance with the plan. That was a false statement. The following graphic shows the land use plan and the area in purple is noted as Heavy Industrial. The plan can be found online.

<https://www.marshaltown-ia.gov/193/Comprehensive-Plan-2030>

Budget Impact: None

Attachment: Rezoning application form and ordinance.

