ORDINANCE NO. 1039 (2022/2023)

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF NEVADA, IOWA, BY REZONING THE PROPERTY AT 2000 5th STREET, FROM AR (AGRICULTURAL-RESIDENTIAL) TO R-2 (SINGLE-AND TWO-FAMILY DWELLING DISTRICT).

Be it enacted by the City Council of the City of Nevada, Iowa;

SECTION 1. ZONING AMENDMENT. The Zoning Map of the City of Nevada, Iowa, is hereby amended by rezoning parcel of land owned by Henry Land II LLC, and located within the corporate limits of the City of Nevada, Iowa which is legally described as:

Lot Two (2) in the West Half (W ½) of the Northeast Quarter (NE ¼) and Lot Two (2) in the East Half (E ½) of the Northwest Quarter (NW ¼) all in Section Six (6), Township Eighty-three (83) North, Range Twenty-Two (22) West of the 5th PM, Story County Iowa.

AND

Lot Three (3) in the West Half (W1/2) of the Northeast Quarter (NE ½) and Lot Three (3) in the East Half (E ½) of the Northwest Quarter (NW ¾) all in Section Six (6), Township Eighty-Three (83) North, Range Twenty-Two (22) West of the 5th PM, Story County, Iowa EXCEPT that part of Parcel "F" apart of Lot 3 in the West Half (W ½) of the Northeast Quarter (NE ¾) and part of Lot Three (3) in the East Half (E ½) of the Northwest Quarter (NW ¼) all in Section Six (6), Township Eighty-Three (83) North, Range Twenty-Two (22) West of the 5th PM, City of Nevada Story County, Iowa, and Lot 1, Block 2, Dana's addition to Nevada as shown on the amended "Plat of Survey" filed in the office of the Recorder of Story County, Iowa on March 12, 2019, as Inst. No. 19-01680, Slide 629, Page 5.

and shall be rezoned from an "AR" (Agricultural-Residential Reserve) District, to a "R-2" (Single- and Two-Family Dwelling) District.

SECTION 2. NOTATION. The City Zoning Official shall record the ordinance number and date of passage of this Ordinance on the Official Zoning Map as required by Section 165.09(5)(B), Code of Ordinances of the City of Nevada, Iowa, 2006 as amended.

SECTION 3. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 5. WHEN EFFECTIVE. This ordinance shall be in full force and effect from and after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this 14th day of November, 2022, through the first reading. PASSED AND APPROVED this 28th day of November, 2022, through the second reading PASSED AND APPROVED this 12th day of December, 2022, through the third and final reading. Enacted upon publication.

Brett Barker, Mayo

ATTEST.

Kerin Wright, City Clerk

Public Hearing Scheduled – October 24, 2022 Published – November 3, 2022 Public Hearing held– November 14, 2022

1st Reading – November 14, 2022

Motion by Council Member Jason Sampson, seconded by Council Member Dane Nealson, to adopt the first reading of Ordinance No. 1039 (2022/2023).

AYES:

Sampson, Nealson, Skaggs, Ehrig, Hanson, Mittman

NAYS:

None

ABSENT:

None

2nd Reading - November 28, 2022

Motion by Council Member Dane Nealson, seconded by Council Member Barb Mittman, to approve the second reading of Ordinance No. 1039 (2022/2023).

AYES:

Nealson, Mittman, Sampson, Skaggs, Ehrig, Hanson

NAYS:

None

ABSENT:

None

3rd Reading – December 12, 2022

Motion by Council Member Dane Nealson, seconded by Council Member Barb Mittman, to approve the third and final reading of Ordinance No. 1039 (2022/2023).

AYES:

Nealson, Mittman, Sampson, Skaggs, Ehrig, Hanson

NAYS:

None

ABSENT:

None

The Mayor declared Ordinance No. 1039 (2022/2023) adopted.

I hereby certify that the foregoing is a true copy of a record of the adoption of Ordinance No. 1039 (2022/2023) at the regular Council Meeting of the City of Nevada, Iowa, held on the 9th day of January 2023.

Kerin Wright City Clerk

F:\OFFICE\COUNCIL\ORDINANCES\2022-2023\1039-REZONING OF 2000 5TH STREET.DOCX

NOTICE OF REVIEW OF A Rezoning Application IN NEVADA, IOWA

The Planning & Zoning Commission of the City of Nevada, Iowa, has received a request from the property owner, HENRY LAND II LLC, to review a Rezoning Application at the location of 2000 5th Street in Nevada, Iowa, by changing the zoning classification, owned by them and located within the corporate limits of the City of Nevada, Iowa, from an "AR" (Agricultural-Residential Reserve District) to "R-2" (Single and Two Family Dwelling District).

The property for which the Rezoning Application is proposed is legally described as:

Lot Two (2) in the West Half (W ½) of the Northeast Quarter (NE ½) and Lot Two (2) in the East Half (E ½) of the Northwest Quarter (NW ¼) all in Section Six (6), Township Eighty-three (83) North, Range Twenty-two (22) West of the 5th PM, Story County Iowa.

AND

Lot Three (3) in the West Half (W ½) of the Northeast Quarter (NE ¾) and Lot Three (3) in the East Half (E ½) of the Northwest Quarter (NW ¾) all in Section Six (6), Township Eighty-three (83) North, Range Twenty-two (22) West of the 5th PM, Story County, Iowa EXCEPT that part of Parcel "F" apart of Lot 3 in the West Half (W ½) of the Northeast Quarter (NE ¾) and part of Lot Three (3) in the East Half (E ½) of the Northwest Quarter (NW ¾) all in Section Six (6), Township Eighty-three (83) North, Range Twenty-two (22) West of the 5th PM, City of Nevada as Shown on the amended "Plat of Survey" filed in the office of the Recorder of Story County, Iowa on March 12, 2019, as Inst. No, 19-01680, Slide 629, Page 5.

The Planning & Zoning Commission of the City of Nevada, Iowa, will conduct a public hearing on this request on the 10th day of October, 2022 at the Planning & Zoning Commission Meeting which is set to begin at 6:15 o'clock P.M., in the Conference Room, Nevada City Hall, 1209 Sixth Street, Nevada, Iowa.

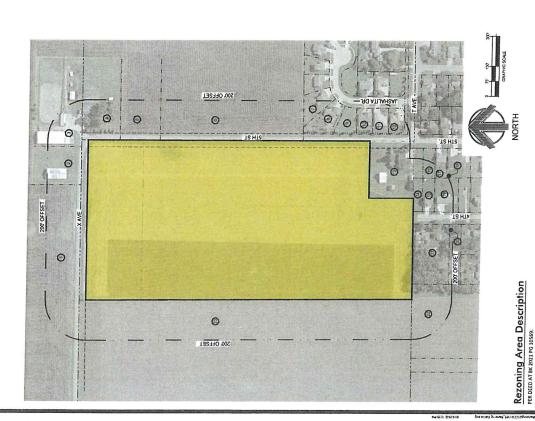
It is your right to attend this hearing and express your views concerning the proposed change, or you may submit your comments in writing to the City Clerk not later than 9:00 o'clock A.M. on the 10th Day of October, 2022.

Respectfully submitted,

City of Nevada, Iowa

Ryan Hutton, Building and Zoning Official

If you have any questions please contact me at work, 515-382-5466, or at home, 515-720-3545, and prior to Monday night's meeting



Rezoning Exhibit

Northview Nevada, Iowa

Developer
Nevada Dav LLC
1615 SW Main Street, Suite #207
Ankeny, IA 50023
(515) 520-7851

Owner
Henry Land II LLC
20965 650TH AVE.
Nevada, IA 50201

Zoning EXISTING: AR (AGRICULTURAL-RESIDENTIAL RESERVE DISTRICT)

PROPOSED: R-2 (SINGLE AND TWO FAMILY DWELLING DISTRICT)

Rezoning Table



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Porcel	Name of Property Owner	Legal Description	Parcel Number	Mailing Address	Total Area of Property	Area within 200' of	% of Area within 200' of rezoning
-	HENRY FARMS CORP	SECTION:31 TOWNSHIP:84 RANGE:22 SE SW	07-31-300-400	20965 650TH AVE. NEVADA, IA 50201	1,742,400 af	121,302 #	12.6%
2	DELORIES J CARSRUD		07-31-400-310	22355 610TH AVE NEVADA IA 50201	987,941 af	31,805 ef	3.3%
6	GRIT VECE	SECTION:31 TOWNSHIP:84 RANGE:22 W25 AC SW SE PARCELY: CFN 9-244	07-31-400-360	NEVADA IA 50201	101,059 ef	30,561 4	3.2%
4	GRITVECE	SECTION: 06 TOWNSHIP: 83 RANGE: 22 LOT 4 W 1/2 NE PARCEL'A' CFN 9: 244 NEVADA	11-06-200-125	2301 STH ST NFVADA IA 50201	70,567 af	31,376 #	3.2%
s	DELORIES J CARSRUD		11-06-200-105	22355 610TH AVE	365,033 #	33,000 sf	3.4%
•	DELORIES J CARSAUD	SECTION: 06 TOWNSHIP:83 RANGE:22 WITZ ELIZ NE FRLI 74& LOTS WITZ NE EXEW HANGEN SO	11-06-250-100	22355 610TH AVE NEVADA 14 50201	1,611,720±1	118,199 #	12.2%
7	EUJAH C & DAWN M HANSEN	HATTERY SD LOT: 12 NEVADA	11-06-255-060	2021 JASHAUTA DR	19,162=	9.595.6	80.
80	JERRY L & JEANE M GIBSON	HATTERY SD LOT: 13 NEVADA	11-06-255-050	2018 JASHALITA DR	20.249 ef	19.000.01	30%
6	DONALD L& TINA M ARENDS	HATTERY SD LOT: 14 NEVADA	11-06-255-040	2014 JASHAUTA DR	11.587.4	11 587 .(1.2%
10	PATRICK & AUSON DEPENBING	HATTERY SD LOT: 15 NEVADA	11-06-255-030	2010 JASHALITA DR	10,000 et	10,000 #1	16.
Ξ	& MATTHEW PAUL VERMILLION	HATTERY SO LOT: 1 & NEVADA	11-06-255-020	2006 JASHALITA DR NEVADA IA 50201	10,000 ef	10,000,01	1.0%
12	NEAL R. & JILL L BOHNET	HATTERY SO LOTE 17 NEVADA	11-06-255-010	2002 JASHALITA DR NEVADA IA 50201	10,000 af	8,353 rf	%6'0
13	KYLE NELSON	SECTION: 04 TOWNSHIP: 83 RANGE: 22 PARCELF SE NV & SW NE 6-83: 22 ANDDAVAS ADDIOT I BLK 2 SUDE 629 PG 5 NEVADA	11-06-135-280	2000 5TH ST NEVADA IA 50201	62,117 #	58,783 46	81.9
2	NATHAN & LAURA GRAVES	DANAS ADD LOT 2 BLK 2	11-06-347-125	1937 4TH ST	8,003 sf	8,003 af	0.8%
15	NATHAN & LAURA GRAYES	DANAS ADD LOT 3 BLK 2	11.06.347.140	1938 4TH ST	10,139 #	10,139 af	26.
91	KME NELSON	DANAS ADD LOT 4 BLK 2	11-06-347-850	2000 5TH ST NEVADA IA 50201	8,922 4	4,958 sf	0.5%
17	TY W ADMAS	DANAS ADD BLOCK: 2 LOT:5 NEVADA	11-06-347-840	1936 STHST NEVADA IA 50201	8,897 sf	2,598 ef	0.3%
92	SINCONNES	DANA'S ADD PARCEL C LOTS 8 & 9 BLK 2 SUDE 541	11-06-347-820	1926 5TH ST NEVADA IA 50201	17,666 af	33,1	%0:0
10	ARIC J & ANGELA M CRUZ	DANAS ADD PARCEL E LOTS 6 & 7 BLK 2 SLIDE 565 PG 3	11-06-347-150	2014 JASHALITA DR NEVADA IA 50201	20.489 sf	15,190 sf	1.6%
20	DAMD R & CHRISTINE L BURUNG	BURRIS ADD N60 5223' E1 /2 BUX 2 AND PARCEL C SLIDE 105	11-06-345-130	1926 4TH ST NEVADA IA 50201-1116	18,000,81	5,036 sf	0.5%
12	JOHN P & LAURIE A KRUZICH		11-06-345-100	1938 4TH ST NEVADA IA 50201-1116	54,000 sf	54,000 ef	5.6%
22	DELORIES J CARSRUD		11-06-335-100	22355 610TH AVE	270,508 ef	16,668 1	4.8%
23	DELORIES J CARSRUD	SECTION: 06 TOWNSHIP: 83 RANGE; 22 W28.355 AC E1/2 NW	11-06-125-105	22356 610TH AVE	1,234,926 af	326,112 sf	33.7%

LOT TWO (2) IN THE WEST HALF WY 1/2] OF THE NORTHEAST QUARTER (NE 1/4) AND LOT TWO (2) IN THE EAST HALF E 1/3) OF THE NORTHWEST QUARTER INW 1/4) ALL IN SECTION SER (8), TOWNSHIP GOMEN-THEE (83) NORTH, RANGE TWENTY-TWO (23) WEST OF THE STH FM, STORT COUNTY, 100%

AND

J. BECKER

D. BECKER
D. BECKER
DL. BECKER
DL. BECKER
DL. BECKER

NORTHVIEW REZONING EXHIBIT

NEVADA, IA 2022001065 9/19/2022 8/19/2066

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ZONING TABLE NOTES:
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LOCALIQ

Ames Tribune

PO Box 631851 Cincinnati, OH 45263-1851

PROOF OF PUBLICATION

City Of Nevada ACCOUNTS PAYABLE City Of Nevada 1209 6Th ST

Nevada IA 50201-1536

STATE OF WISCONSIN, COUNTY OF BROWN

The Nevada Journal, a weekly newspaper printed and published at Ames, Story County, Iowa, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspaper in the issues dated:

11/03/2022

and that the fees charged are legal.

Sworn to and subscribed before on 11/03/2022

Legal Clerk

Notary, State

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AMY KOKOTT Notary Public State of Wisconsin

Kerin Wright City Clerk

Published in the Nevada Journal on November 3, 2022 (1T)

Brett

From: Don Arends < sdnera@yahoo.com > Date: Monday, October 3, 2022 at 9:38 AM

To: Mayor Barker < mayor@cityofnevadaiowa.org>

Subject: Rezoning

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Mayor Barker:

I was greatly, greatly disappointed when I opened the notice for a zoning change in my neighborhood. Three years ago, I retired after 35 years in education. My wife was hired at Story Medical and I agreed to move to Nevada, her hometown. But my stated expectation was that we would find something quiet, preferably an acreage or something on the outskirts. After a few months of searching, it became obvious no one was selling acreages, so we decided to focus on three lots for sale. Only one was in Nevada, but I checked online for the zoning around it and the flood likelihoods and determined that the lot on Jashalita Drive was the one even though it was the most expensive.

We moved two years ago to the house, and I have come to love the open fields and wide sky behind me. It is my solace to stand back in my corner to soak up the view. I even left the fence open for the northern 20 feet of my yard to do just that.

Alas, it appears it will be disappearing. It will be taken by a developer and signed-off on by a council who believes "progress" is urban sprawl. I hope you never have to face having your sense of calm torn out from under you. I thought I might die in this house, but it looks like after my wife retires that I will be searching for a different place to match the solace I find now. I am not excited to see caterpillars and back hoes followed by roofs silhouetted against what was once a bucolic scene. Nor, I suspect, would you be.

Please email me the city's comprehensive plan for development. I believe there are numerous already utility-developed sites (like the one I purchased) to meet the needs of the city in the coming years. Indian Estates, the development out toward the golf course, and current lots holding up dilapidated houses would offer plenty of opportunities for future homeowners. I am also concerned that the rise of duplexes (for which the zoning is approved) will drop property values. For middle-class Americans, the home value has replaced the savings account as a way to grow wealth. That too will sink for me and the other home owners of the area.

I would ask that you reconsider this zoning. Many decisions were made by the people you represent to come to this neighborhood because of the current zoning. Many with children, and with development comes traffic. I've talked to no one happy with the decision. You may line the city coffers with your decision, but you stain the soul of a neighborhood. I sincerely hope yours is not next if you chose to live in a quiet area on the edge of town. It is clear in this case that you value future residents more than current ones.

Don Arends 2014 Jashalita Drive

Request for Information

Name Matthew Vermillion

Phone

Email

Address/Location of Concern

2006 Jashalita DR

What would you like to know more about? Do you have a concern? What specific information are you requesting? Please explain below:

Hello,

About the proposed development west of Jashalita:

I like Don Arends ideas about adjusting the intersection to line up with the end of the Jashalita development, and the addition of a tree line on the development's east side. However, I would probably lean toward more of the development costs being shouldered by the development company. Overall, I'm proud of the work our city staff has done all over Nevada. And though I have a fiscal preference for developers bearing development costs, the attitude of growth and improvements around town has been great to watch. Thanks for your work.

What follow-up action would you like to see done? Your call returned? Please explain below:

No follow-up for me directly, just asking that you consider Don's points.

LOCALIQ

Ames Tribune

PO Box 631851 Cincinnati, OH 45263-1851

PROOF OF PUBLICATION

City Of Nevada ACCOUNTS PAYABLE City Of Nevada 1209 6Th ST

Nevada IA 50201-1536

STATE OF WISCONSIN, COUNTY OF BROWN

The Nevada Journal, a weekly newspaper printed and published at Ames, Story County, Iowa, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspaper in the issues dated:

12/22/2022

and that the fees charged are legal.

Sworn to and subscribed before on 12/22/2022

Legal Cle

Notary, Stare of WI County of Brown

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AMY KOKOTT Notary Public State of Wisconsin ORDINANCE NO 1030 (2022/2023)

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by law.

PASSED AND APPROVED this 14th day of November, 2022, through the first reading.

PASSED AND APPROVED this 28th day of November, 2022, through the second reading APPROVED this 12th day of December, 2022, through the third and final reading. Enacted upon publication.

Published in the Nevada Journal on December 22, 2022 (1T)