

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 (W ½) of the Northeast Quarter (NE ¼) and 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, Story County, Iowa EXCEPT that part of Parcel "F" apart of Lot 3 in the West Half (W ½) of the Northeast Quarter (NE ¼) 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 All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.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, Mayor

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

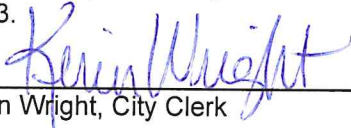
3rd Reading – December 12, 2022

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

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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 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 (W ½) of the Northeast Quarter (NE ¼) and 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, Story County, Iowa EXCEPT that part of Parcel "F" apart of Lot 3 in the West Half (W ½) of the Northeast Quarter (NE ¼) 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 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

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 of WI, County of Brown

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AMY KOKOTT
Notary Public
State of Wisconsin

NOTICE OF REQUEST TO AMEND THE ZONING ORDINANCE OF NEVADA, IOWA

The City Council of the City of Nevada, Iowa, has received a recommendation from the Planning and Zoning Commission to approve a rezoning request from the property owner, HENRY LAND II LLC, to amend the zoning ordinance of the City of Nevada, Iowa, by changing the zoning classification on the following described property, 2000 5th Street, owned by them and located within the corporate limits of the City of Nevada, Iowa, from "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 1/2) of the Northeast Quarter (NE 1/4) and Lot Two (2) in the East Half (E 1/2) of the Northwest Quarter (NW 1/4) 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 1/2) of the Northeast Quarter (NE 1/4) and Lot Three (3) in the East Half (E 1/2) of the Northwest Quarter (NW 1/4) 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 1/2) of the Northeast Quarter (NE 1/4) and part of Lot Three (3) in the East Half (E 1/2) of the Northwest Quarter (NW 1/4) 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 of Lot 1, Block 2, Dana's Addition to Nevada as shown on the amended "Plot 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 and Zoning Commission of the City of Nevada, Iowa, held a public hearing on this request on the 10th day of October, 2022. It is their recommendation to approve the rezoning request.

The City Council of the City of Nevada, Iowa, will hold a public hearing on this request on the 14th day of November, 2022 at the City Council Meeting which is set to begin at 6:00 o'clock P.M., in the Nevada City Hall, 1209 Sixth Street, Nevada, Iowa, to consider the recommendation.

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 no later than 9:00 o'clock A.M. on the 14th day of November, 2022.

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@cityofnevada-iowa.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 Clerk

Notary, State of WI, County of Brown

My commission expires

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State of Wisconsin

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