

COMMUNITY DEVELOPMENT

Planning,
Zoning,
Building Safety,
Construction Inspection Services,
Public Health,
Housing Inspections,
Code Enforcement

To: Mayor and City Council Members

Cc: Gregg Mandsager, City Administrator
Dave Gobin, Community Development Director

From: Andrew Fangman, City Planner

Date: October 5, 2017

Re: **SUPPLEMENTAL MEMO ON A PROPOSED REZONING**
Rezoning R-3 to RL • Oak Park Development • 1 Lot • 10.22 Acres • Parcel
#0826226005 • Northwest Corner of Isett Avenue and Blaine Street

This memo supplements the original staff memo which is also attached. This supplemental memo reflects changes made to the development proposal since it was initially submitted, reports and addressed comments and questions received from the public about this proposed project, and provides additional information regarding the potential impact of this project.

A Revised Outline Development Plan

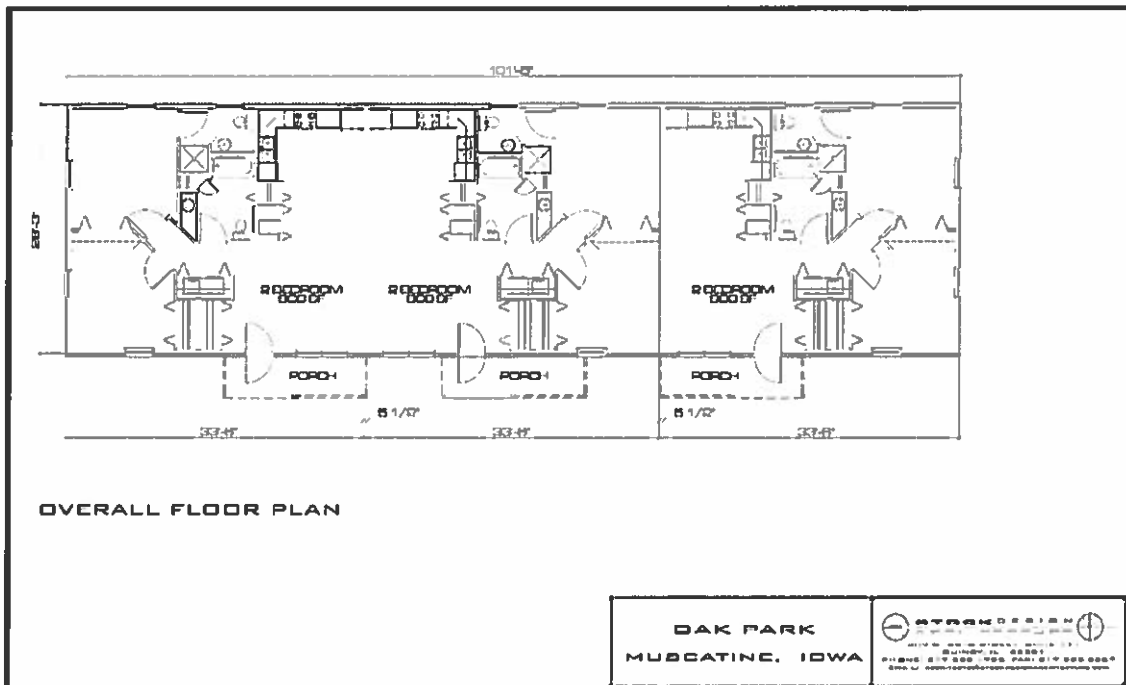
The applicant has submitted a revised outline development plan (see below, with a full-sized version attached). The applicant made these revisions in response to feedback received from neighbors.

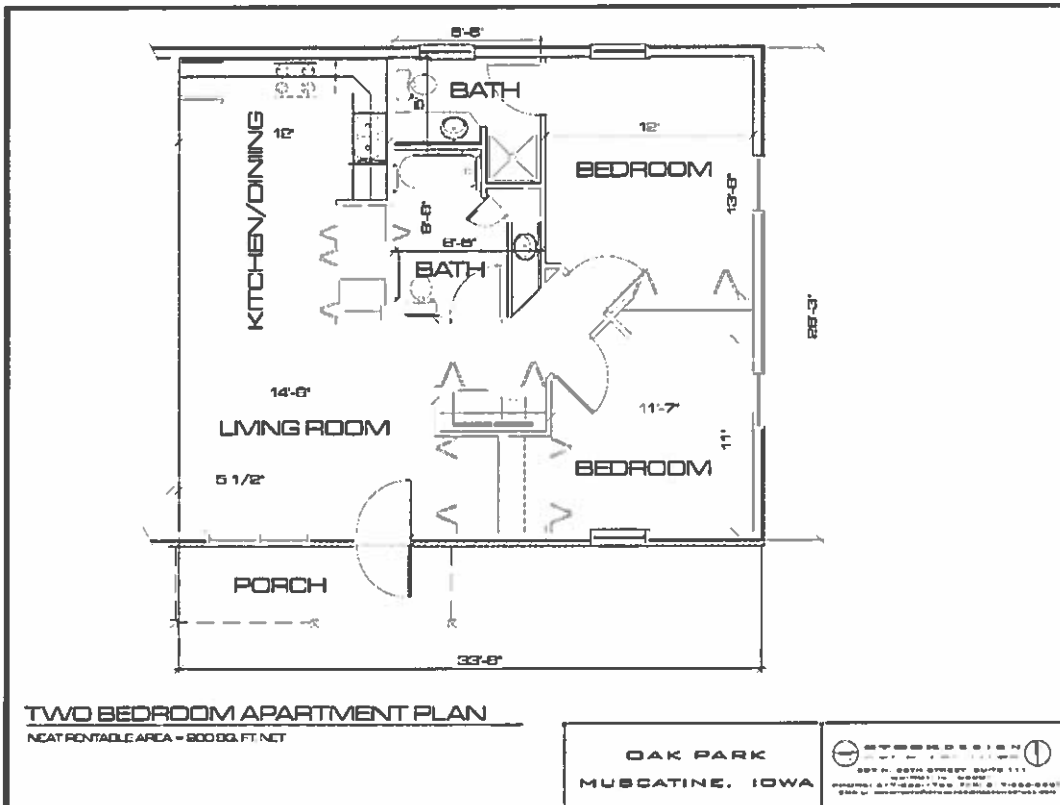


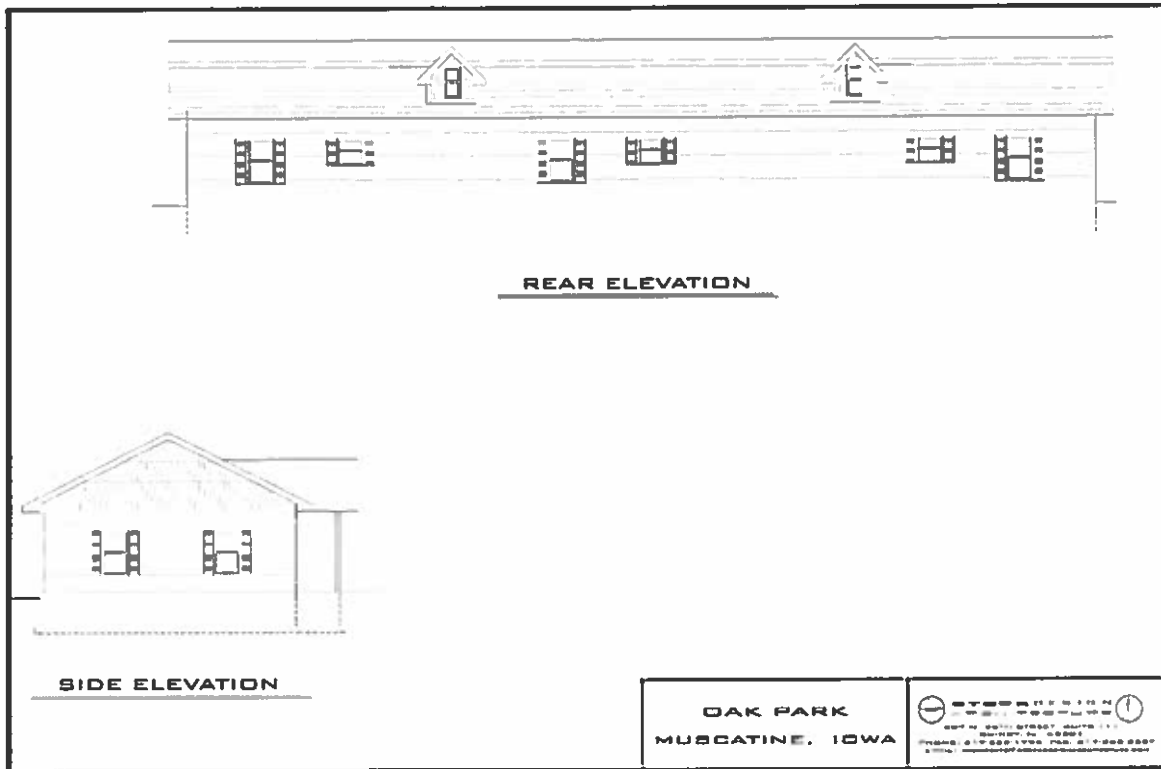
The revisions include reducing access points onto Blaine Street from 3 to 2, by shifting access to the community building from Blaine Street to the new proposed private street, shifting the buildings as far east as possible, they are now about 120' from the property lines of the homes adjoin the subject area to the west, leaving an access "lane" to neighbors back yards along the west property line before the landscape buffer begins, making changes to the landscaping plan in response to specific request by adjoining property owners, and revising the grades with additional detention ponds to slow water runoff. Changes in the proposed grade, now means that the floor of the proposed building will be 10' lower in elevation than the homes adjoining the subject area to the west.

Submission of Plans and Elevations of Proposed Buildings

While not required to do so until a preliminary development plan, the application has submitted plans and elevations of the proposed buildings (see below, with a full-sized version attached). in order to given better sense of what is being proposed.

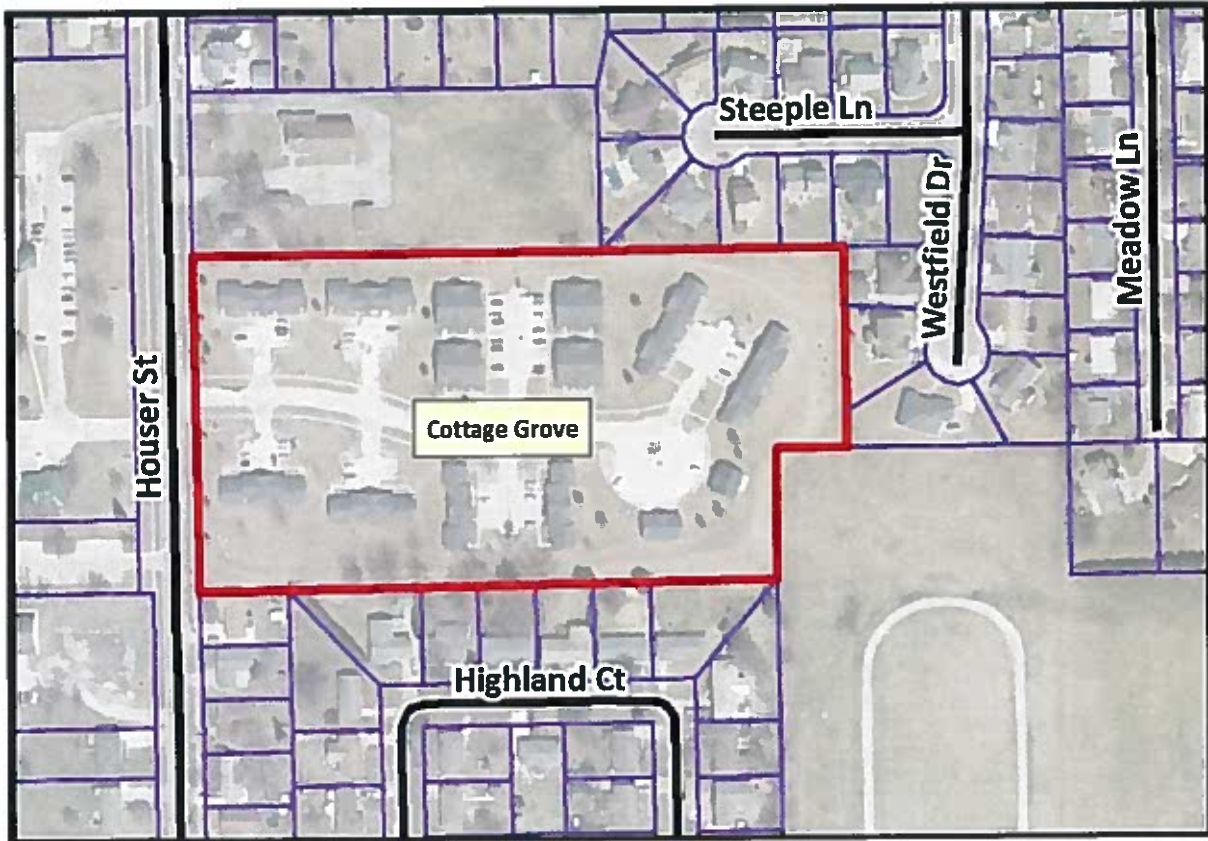






Potential Impact on Property Value of Nearby Homes

At the Planning and Zoning Commission hearing on the proposed rezoning, one concern of nearby property owners was the potential negative impact of the proposed development on the value of their properties. The best way to examine the potential impact on surrounding property values is to examine what, if any, the Cottage Grove apartment complex has on the value of property surrounding it. Cottage Grove is an approximately 50-unit apartment complex composed of 4-plexes, that serves low to moderate income seniors, currently 15 units of Cottage Grove are receiving Section 8 vouchers. It was constructed in 2000 by the same developer that is proposing the development north of Oak Park, and the management company that manage Cottage Grove would also manage the proposed development. Like the proposed development Cottage Grove is in an R-L zoning district surrounded by single family homes that have been developed in the R-3 zoning district. For these reasons, it is very reasonable to assume that the proposed development will have similar impact on the value of surrounding properties as Cottage Grove has had on surrounding properties.



On Steeple Lane, the average assessed value of homes adjoining Cottage Grove is **\$97.20** per square foot of livable space, with the assessed value increasing **10.8%** over the past 4 years. The homes on Steeple Lane that do not adjoin cottage grove have an average value of **\$86.84** per square foot of livable space, with the assessed value increasing **11.5%** over the past 4 years. On Westfield Drive, the average assessed value of homes adjoining Cottage Grove is **\$165.63** per square foot of livable space, with the assessed value increasing **10.6%** over the past 4 years. The homes on Westfield Drive that do not adjoin cottage grove have an average value of **\$110.67** per square foot of livable space, with the assessed value increasing **11.1%** over the past 4 years.

On Highland Court, the average assessed value of homes adjoining Cottage Grove is **\$75.89** per square foot of livable space, with the assessed value increasing **10.9%** over the past 4 years. The nearest nine homes on Highland Court that do not adjoin cottage grove have an average value of **\$78.21** per square foot of livable space, with the assessed value increasing **10.3%** over the past 4 years.

For a little more context, the average assessed value of the 6 homes on 5th Avenue adjoining the proposed development is **\$110.36** per square foot of livable space, with the assessed value increasing **1.8%** over the past 4 years.

There is no evidence in these statistics that Cottage Grove has had negative impact on the value of surrounding properties. This strongly indicates that proposed development will likewise not negatively impact the value of surrounding property, particularly because the dwelling units in Cottage Grove is much closer to adjoin properties than is being proposed with this rezoning, a range of 40' to 90' versus a minimum of approximately 120'. Additionally, unlike the proposed development there is very little vegetative screening between the buildings of Cottage Grove and adjoining home.

The Muscatine County Assessor's Office was also contacted to get their opinion on if Cottage Grove has a negative impact on surrounding properties and if the proposed development would have negative impact on surrounding property values. The reported that they have not observed a negative impact from Cottage Grove on surrounding property value, nor would they anticipate a negative impact on surrounding property value should the proposed development get built.

Potential Impact on the Isett Avenue/Blaine Street Intersection

There also have been concerns regarding impact that the proposed development might have on the Isett Avenue/Blaine Street intersection. Over the past 10 years there has been 4 reported accidents at this intersection. This low number of accidents is strong indication that the intersection is not currently functioning in an unsafe manner. There are no features of the proposed development that would make this intersection less safe.

This development will add traffic to the Isett Avenue/Blaine Street Intersection. However, the amount of traffic added to this intersection, if the proposed rezoning were approved is likely to be less than if the property were to developed under the current single-family zoning. According to the latest edition of the *Institute of Transportation Engineers Trip Generation Handbook*, attached senior dwelling units can be expected to generate 36% of the vehicle traffic that the same number of single family detached dwelling units would generate. This means that proposed development will generate the same amount of traffic that the development of 17 single family homes would. As has been previously noted, the current zoning of the subject area would allow for the construction of up to 48 single family homes.

Written Communication Received from Nearby Property Owners

Attached are two letters received from nearby property owners, one dated September 25th and one dated September 30th. As per there request they are being included in the council agenda packet.

Clarification Regarding Written Notice to Nearby Property Owners of the Planning and Zoning Commission Hearing

The required was mailed out to all properties owners on September 8, 2018. The mailing list was based on the those who own property within 200' of the subject property, see map below, properties within 200' are outlined in yellow.



Clarification Regarding the Ability to Appeal a Planning and Zoning Commission Recommendation

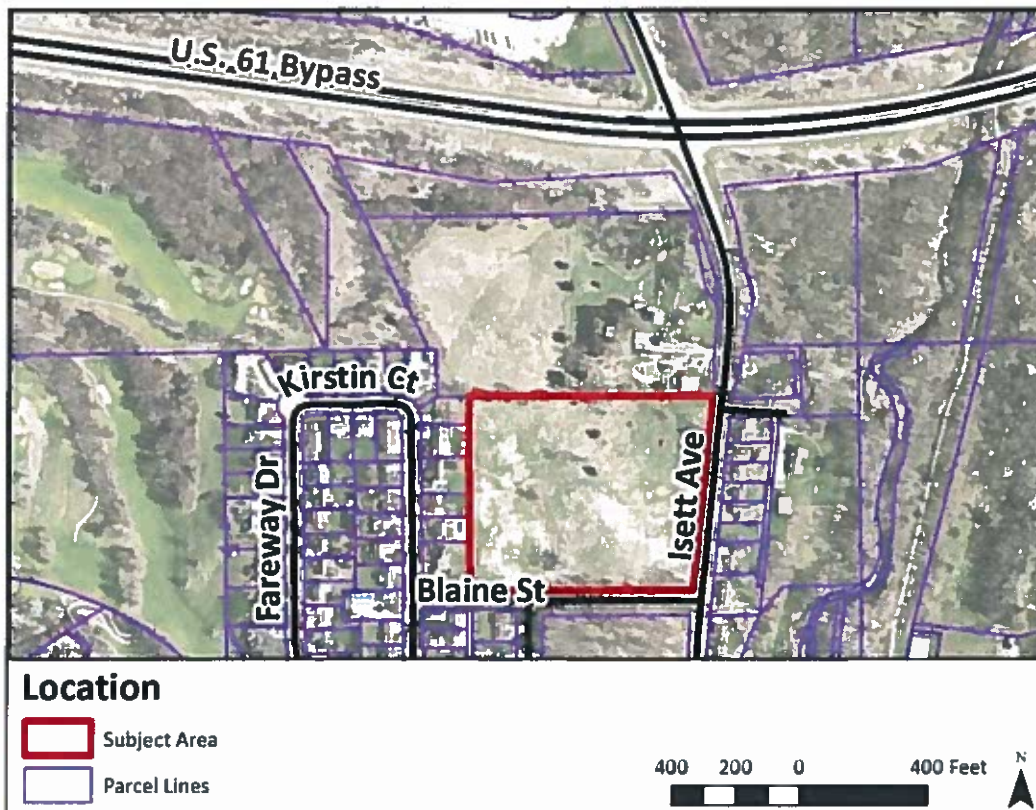
Because the P&Z was only making a recommendation, and not actual ruling, there is no mechanism by which a recommendation of the Planning & Zoning Commission can be appealed. City Council, however, can send a case back to P&Z for additional consideration if it so chooses. It should also be noted, the under R-L zoning district, this would be not the last time the Planning & Zoning Commission could be asked to make a recommendation on this development. If were council were to approve this request, both the preliminary and final development plan would have to be reviewed by the P&Z Commission and approved by Council after a public hearing, with notice to property owners within 200'.

COMMUNITY DEVELOPMENT

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To: Mayor and City Council Members
Cc: Gregg Mandsager, City Administrator
Dave Gobin, Community Development Director
From: Andrew Fangman, City Planner
Date: October 5, 2017
Re: Proposed Rezoning
Rezoning R-3 to RL • Oak Park Development • 1 Lot • 10.22 Acres • Parcel
#0826226005 • Northwest Corner of Isett Avenue and Blaine Street

Oak Park, LLC, is requesting to rezone approximately ten acres located at the corner of Blaine Street and Isett Avenue from Single Family Residential to R-L Large Scale Residential Development. Oak Park, LLC is owned by Brian Fitz of the Quad Cities and has contracted to purchase this property from Grace E. King, the current property owner. The applicant has also submitted, as is required in the R-L District, an outline development plan.



"I remember Muscatine for its sunsets. I have never seen any on either side of the ocean that equaled them" — Mark Twain

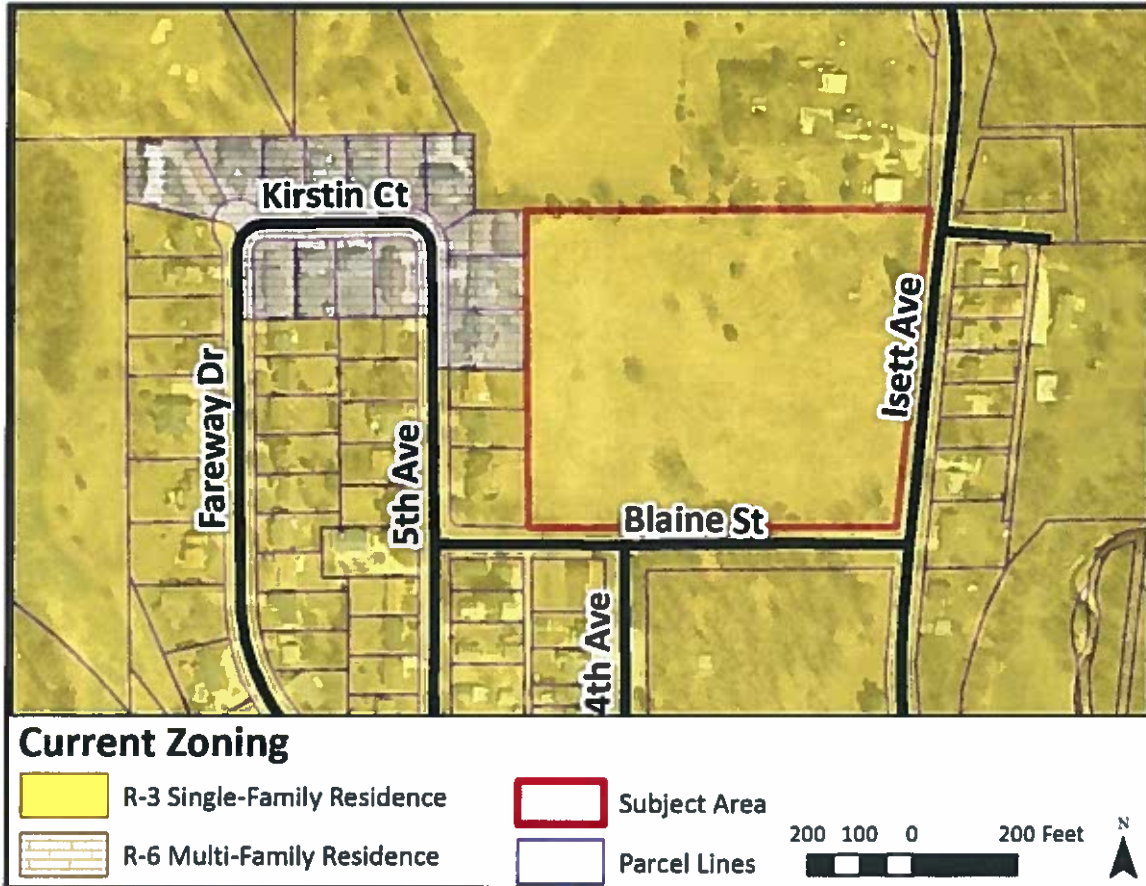
The proposed would construct 48 two-bedroom dwelling units of at least 1,000 square feet, with each unit having a private patio. These new dwelling units would be in the form of 16 new triplex arranged around a new private street with two entrances off of Blaine Street, across Blaine Street from Oak Park. The development would also include a community building, for the use of residents of the development. Residents would be limited to those over 55 in age with an annual income of no more than 60% of the area median.



The project would be managed by Pioneer Property Management, who also manages to similar development in Muscatine – Cottage Grove and the Welch Hotel. The proposed development is modeled, in both appearance and type of residents serves, after Cottage Grove, picture to the right. Following is the submitted outline development plan. The full size version is attached to this memo.



Currently the subject area is zoned is zoned R-3 Single Family Residential, minimum lot size 7,000 square feet. The majority of the surrounding and adjoin parcels are also zoned R-3. The subject parcel also adjoins, to the west, an area zoned R-6 Multi-Family Residential.



The land use in the vicinity of the subject area is mostly comprised of single family dwellings, with some undeveloped land to the north, and Oak Park located to the south across Blaine Street. Additionally, within 750' to the west of the subject area, along Kirstin Court, there are five multi-family dwelling units, of less than five dwelling units each, that are not dissimilar to the triplexes that are being proposed by the applicant.

As illustrated in the map below, the subject area is far from flat, containing many areas of significant slope. There is a difference of 48 feet between the highest and lowest elevations within the subject area. This clearly creates questions on how drainage will be handled and what other sort of grade changes will be required. Prior to any development, as part of the approval of a preliminary and final plan, as detailed further on this memo, a Grading plan, to include the location of waterways on the site or on adjacent land, and a drainage plan with sufficient control grades to indicate the intent of the developer, will have to be submitted, reviewed and recommended for approval by staff and the Planning and Zoning Commission, and approved by council. The public and nearby properties would be informed in the same as

Staff is conditionally recommending approval of the proposed rezoning and associated outline development plan. This recommendation is based on a finding that the proposed development addresses the need for accessible single story senior housing, does not contradict the vision of the Comprehensive Plan, and it is compatible with surrounding land uses. This recommendation for approval is conditional on the applicant submitting a grading and drainage plan as part the preliminary and final development plan approval process that handles all drainage issues, adheres to the development concept set for the outline development plan, and is compatible with the surrounding area.

Housing for seniors that contain no steps is long identified housing need in Muscatine. An adequate supply of this type of housing is necessary to ensure that seniors can remain in Muscatine in housing that meets their needs. Without an adequate supply of this type of housing an increasing number of seniors will be faced with the choice of either moving out of Muscatine, or living in housing that does not meet their needs. As the Baby Boom Generation continues to age, this demand for this type of housing will continue to increase.

The proposed development is compatible with the adopted Comprehensive Plan, to increase new development on vacant lots in portions of the City already served by public infrastructure; and for residential land use occurring in a manner that enhances the quality of life in Muscatine. The proposed development would construct 48 new dwelling units without necessitating the construction of any new public infrastructure. The proposed development will also help enhance the quality of life in Muscatine by increased the supply of needed senior housing, and housing stock that meet the needs of the community is a major component of quality of life.

It needs to acknowledged that the density of the proposed development at 4.7 dwelling units per acres, exceeds the 2 to 3 dwelling units per acre established for this area by Future Land Use Plan of the Comprehensive Plan. However, the proposed rezoning does not allow for a greater density that is currently permitted under the subject areas current zoning district. Therefore, because this rezoning does not allow for a greater departure from what the Future Land Use Plan envisions, the exceedance of the proposed density from what is recommended in the Future Land Use Plan is an insufficient reason, in and of itself, to recommend denial of this rezoning request.

The proposed development is generally consistent with existing land use patterns in the area and is compatible with adjoining and nearby existing land uses. As previously detailed the proposed rezoning allows for a similar number of dwelling units as would be permitted under current zoning. While the proposed project is located in an area primarily composed of single family homes, there are five multi-family dwelling units, of less than five dwelling units each, that are not dissimilar to the triplexes that are being proposed by the applicant, located within 750' of the subject area on Kirsten Court. A change to the R-L zoning district, because it is

based on a specifically approved site plan, allows for a greater degree of screening and buffering than does the current R-3 district. For example, the submitted outline development plan creates a landscape buffer yard of 120' between the proposed development and the property lines of homes adjoining to the west. Under the current R-3 zoning, the same number of dwelling units could be constructed along the west side of the property, but they could be as close as 25 feet and there is no mechanism for the City to require any screening or landscaping under the R-3 zoning.

While staff is recommending approval of this rezoning request, this recommendation is conditional on the applicant submitting a grading and drainage plan as part the preliminary and final development plan approval process that handles all drainage issues, adheres to the development concept set for the outline development plan, and is compatible with the surrounding area. There are significant, but not insurmountable, topographic challenges to appropriately develop this parcel. It will be up to the applicant to demonstrate how they plan to accomplish this, when, assuming approval of this rezoning, they submit a preliminary development plan to Planning and Zoning Commission.

Approval of this rezoning and outline development plan, does not give the applicant the go ahead to construct the proposed development. Prior to the commencement of any development both a preliminary and final development plan must be approved by City Council, after recommendation by the Planning and Zoning Commission. The preliminary and final development plan include greater levels of details regarding the proposed development.

Approval of both the preliminary and final development plans is to based on a finding that they are in are in substantial compliance with the outline development plan and recognized principles of civic design, land use, and landscape architecture. Upon request the Planning and Zoning Commission may opt to concurrently review the preliminary and final development plan. Notification and opportunities for the public to offer comment, will be the same for action on any preliminary and final development as they are for this rezoning request.

A preliminary development plan shall contain all the following:

1. The location, width, and dimensions of all existing and proposed thoroughfares, streets, alleys, sidewalks, and walkways.
2. All plot lines and plot designs (if applicable).
3. Areas proposed to be conveyed, dedicated, or reserved for parks, parkways, playgrounds, school sites, public buildings, and similar public or semi-public uses.
4. The location and dimensions of each building site, common open area, improvement, and indication of open spaces around buildings and structures.

- 5. Elevation and perspective drawings of proposed structures and improvements, except single-family residences and single-family residence accessory buildings. These drawings need not be of final architectural decisions and need not be in detail.**
- 6. A development schedule indicating approximate dates for start and completion of the project, if such schedule varies considerably from the schedule submitted with the outline development plan.**
- 7. All agreements, provisions, or covenants which will govern the use, maintenance, protection, performance, and/or design of the development and any of its common open areas.**
- 8. Off-street parking plan.**
- 9. A circulation diagram indicating proposed movement of vehicles and pedestrians within the development and to and from existing features and location and type of traffic regulation devices needed to facilitate or ensure the safety of this circulation pattern.**
- 10. A landscaping and tree planting plan.**
- 11. The location and size of all existing storm or sanitary sewers, water mains, or field drains within or readily accessible to the development.**
- 12. The location and character of all existing easements and those proposed to be provided by the owner.**
- 13. The location of all proposed sewers.**
- 14. The location of all proposed water and gas mains.**
- 15. Grading plan, to include the location of waterways on the site or on adjacent land, and drainage plan with sufficient control grades to indicate the intent of the developer.**
- 16. The scale used on the drawings.**
- 17. Any other plans, diagrams, or information, as requested by the Planning and Zoning Commission or the City Council.**

A final development plan shall contain all the following in addition to the item required by the preliminary development:

- 1.** The proposed names of all streets, public ways, and places dedicated for public use; and the location, width, dimensions, and specifications of all streets, alleys, sidewalks, and walkways.
- 2.** The type and location of all permanent monuments at block and lot corners and elsewhere within the development.
- 3.** All radii, arcs, chords, points of tangency, and central angles for curved streets and the radii of all rounded curves.
- 4.** The location, size, grade, and specifications of all proposed sewers, pumping stations, manholes, and other necessary appurtenances.
- 5.** The location, size, grade, and specifications of all proposed water and gas mains; and the location, size, and specifications of all fire hydrants.
- 6.** The location and character of all proposed electric transmission lines.
- 7.** The certification of the engineer or architect preparing the documents with his or her license number and seal and the date of preparation.
- 8.** Certificate of approval for construction of water, electric, and gas service from the respective utility companies accompanied by a plat showing any easements required.
- 9.** Three sets of improvement plans and profile. All plans and drawings are to be submitted on twenty-four inch 24" x 36" plan and profile paper. Note: Any plans or profiles for recording in the Office of the County Recorder shall be 11" x 17".
- 10.** Three copies of all easement agreements for utility or other purposes.
- 11.** Three copies of a proposed resolution to be adopted by the City Council accepting lands to be dedicated for public use.
- 12.** Three copies of any agreement to be entered into between the applicant and the City of Muscatine providing for the grading of streets and installation of sewer system and other utilities or other improvements as may be required.

13. Three (3) copies of any deed restrictions or covenants required by the City Council, or any other conditions imposed by the City Council under Section 10-10-7 of this Ordinance.

14. Three copies of a proposed resolution to be adopted by the City Council approving and accepting the final development plan.

RECOMMENDATION/RATIONALE: The Planning and Zoning Commission by a 5-2 vote recommends approval of the proposed rezoning. Staff also recommends approval of the proposed rezoning for the reasons set forth in this memo.

BACKUP INFORMATION:

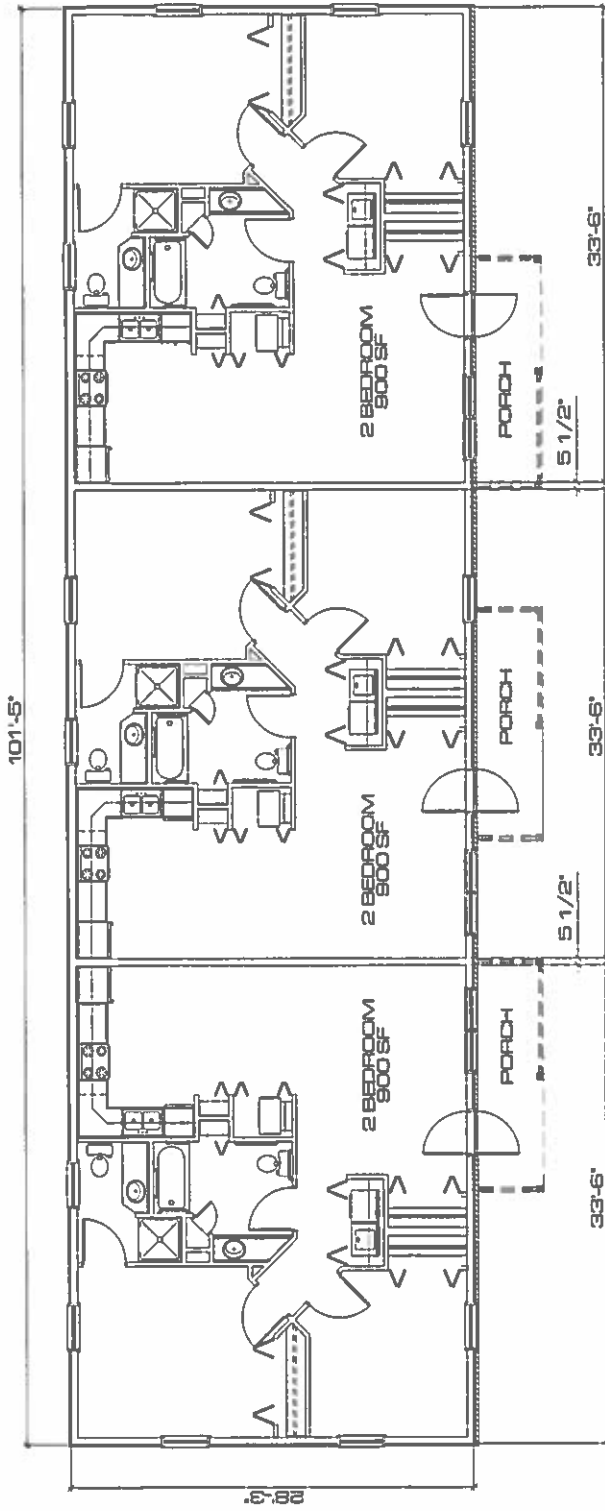
1. Supplemental Memo
2. Ordinance
3. Proposed Outline Development Plan
4. Building Plans & Elevations
5. 9-25-2017 Letter from Jane Daufeldt on Behalf of Nearby Property Owners
6. 9-30-2017 Letter from Jane Daufeldt on Behalf of Nearby Property Owners



1/4 SECTION 36
SECTION 36 T7N R30W



Chris Albers MUSCATINE, IA OAK PARK DEVELOPMENT PROJECT NO. 81180.17	PREPARED FOR:	DATE: 11/27/2017
	Martin & Whitacre Surveyors & Engineers, Inc. P.O. BOX 413 MUSCATINE, IOWA PHONE: 319.262.3991 WWW.MARTINANDWHITACRE.COM	SHEET SK1
NO.	REVISIONS	DATE
1	OPERATIONAL LOCATIONS LANDING PAGE	11/27/17
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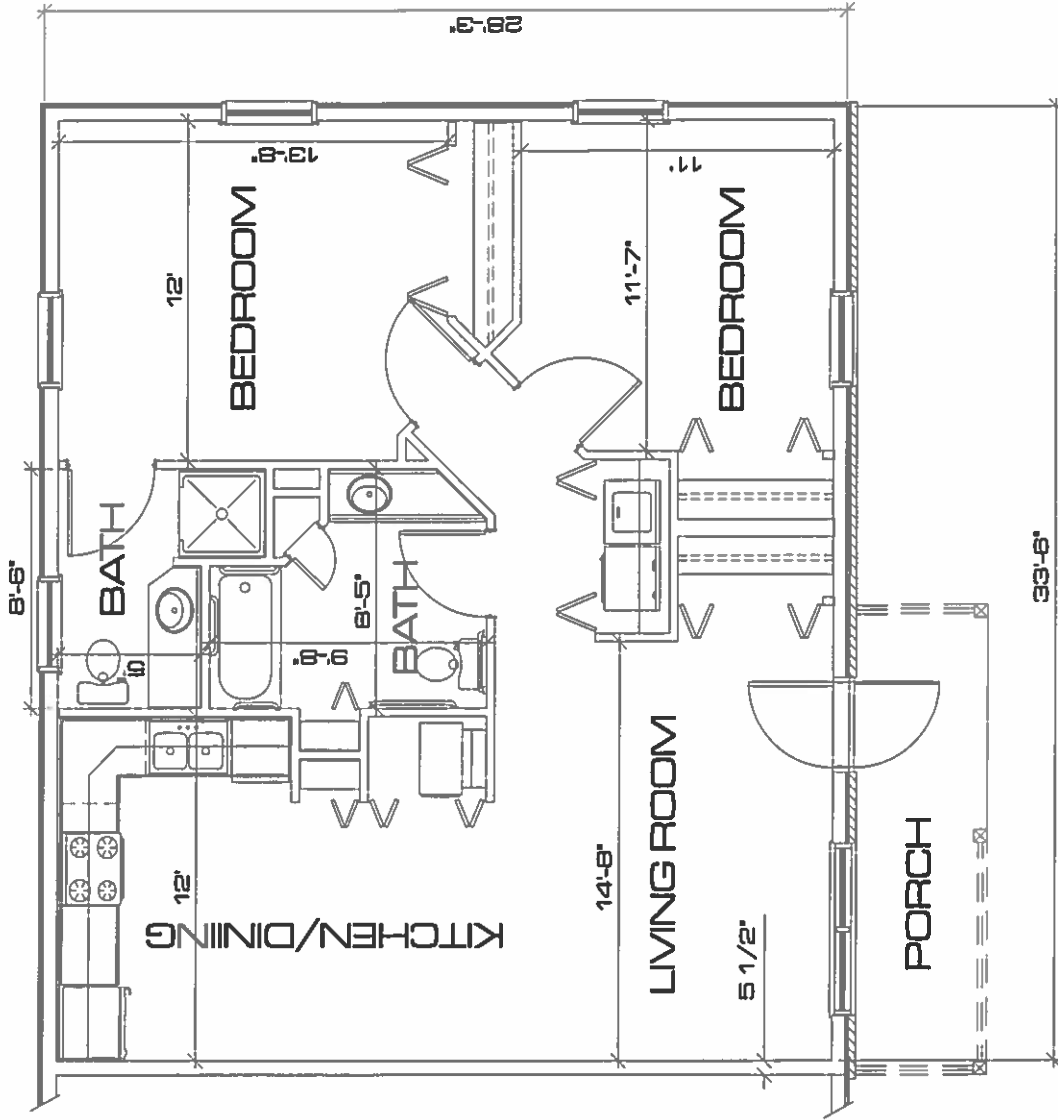


OVERALL FLOOR PLAN



STOKER DESIGN
ARCHITECTURE
327 N. 36TH STREET SUITE 111
QUINDY, IL 63201
PHONE: 317-222-1798 FAX: 317-222-2227
EMAIL: info@stokerdesignarchitecture.com

**OAK PARK
MUSCATINE, IOWA**



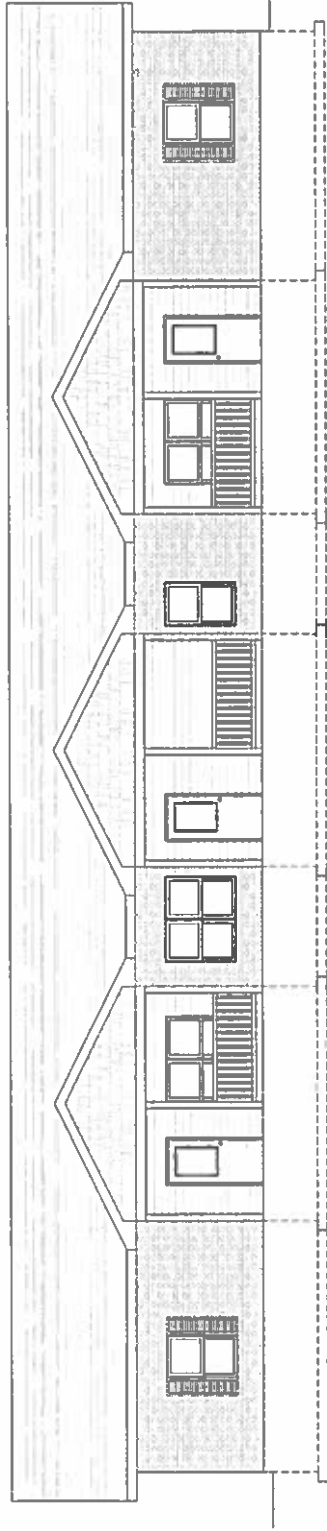
TWO BEDROOM APARTMENT PLAN

NEAT RENTABLE AREA = 900 SQ. FT. NET


OAK PARK
MUSCATINE, IOWA

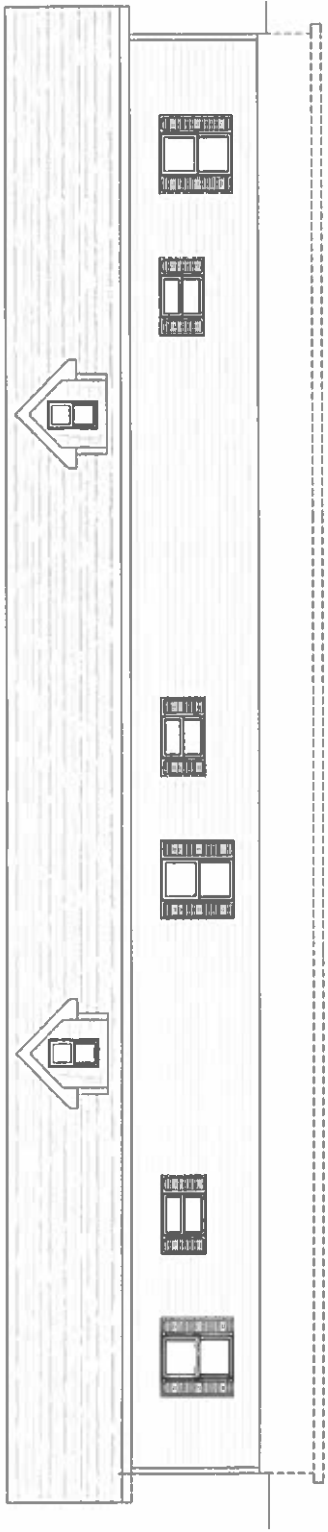
STOCK DESIGN
ARCHITECTURE

907 N. 34TH STREET SUITE 111
MUSCATINE, IOWA 52593-1758 FAX 319-283-2337
EMAIL: ARCHITECT@STOCKDESIGNARCHITECTURE.COM

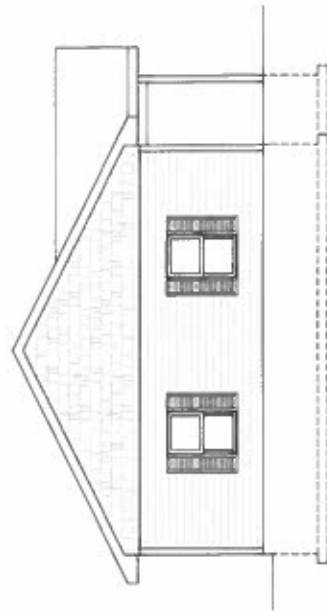


FRONT ELEVATION

 <p>STOCK DESIGN ARCHITECTURE 307 N. 28TH STREET, SUITE 111 QUINCY, IL 62501 PHONE: 618-282-1798 FAX: 618-282-2897 EMAIL: admin@stockdesign.com www.stockdesign.com</p>	<p>OAK PARK MUSCATINE, IOWA</p>
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REAR ELEVATION



SIDE ELEVATION

OAK PARK
MUSCATINE, IOWA

ARCHITECTURE
 807 N. 34TH STREET SUITE 111
 MUSCATINE, IOWA 52593-1728 FAX: 319-388-2887
 EMAIL: architecture@architecturalartisans.com

To: Members of the Planning and Zoning, City Council, Mayor, and City Administrator

From: Jane Daufeldt, acting scribe for neighbors in Oak Park area

September 25, 2017

Notes from Oak Park Development Neighborhood Meeting at 6:00 PM

Oak Park Shelter

Attendance (as signed in): Kurt Zimmerman, Steve Seefeldt, Deborah Yerington(Carl), Susan Fulton(Dave), Don and Shirley Johnson, Louise and John Meerdink, Jan and Jurgen Boche, Jerry Ewers, Ben and Tiffany Huntington, Karen Beach, Rylee Perez(Sara Fields), Jeanne VanderVeen, Tom and Mary Burke, Tom and Lynn Kelly, Chuck and Linda Beckman, Penny McGuinness, Nancy Jens(Denny), Jon and Kelli Holthe, Jane L Daufeldt and others present, but not signed in.

Much discussion took place about the proposed development with many comments opposing the change of zoning. There was a great deal of discussion about notification and the process to move forward....

We held a neighborhood meeting this week in regard to the proposed Oak Park LLC project and zoning change request. During this meeting, it was apparent that some procedural or administrative issues arose that needs to be addressed by City staff or Planning and Zoning Commission. We are looking for clarification on how to move forward since not ALL the adjoining property owners were notified by letter of the Planning and Zoning Commission meeting on the rezoning request. Not sure if this was an oversight or not, but due to this notification error we believe either an appeal to the Planning and Zoning Commission needs to occur prior to this moving forward to council or this process for the zoning change and development plan needs to start over for due process and fairness of all involved.

We understand according to Title 10 that the Planning and Zoning Commission shall hold a public meeting prior to making a recommendation on the proposal. The public meeting shall be held in accordance with State and Municipal codes and Planning and Zoning Commission rules of procedure. After reading Title 10 we are unclear on the appeal process and rules of procedures in regard to when it is not followed or carried out administratively or procedural.

Only a few of the neighbors attended the September 12th meeting on the rezoning request because not everyone within 200' was notified. We believe this had a significant impact on the decision made by the Planning and Zoning Commission. We did have two members vote "NO" on the proposed zoning change and we believe if everyone would have been notified properly that they would have been in attendance and it could have resulted in a different outcome with the zoning request either being disapproved or approved with modifications.

Currently we have all adjacent property owners within 200' opposing the zoning change request from R-3 to R-L. It is our opinion that we would like to see it stay R-3. We have a petition that we are ready to share on opposing this zoning request.

We never saw the full outline development plan, such as Exhibit E, identifying the owners of ALL properties within 200 feet of the perimeter of the site. Not sure if the error lies here with the proposed developer or not. We would have expected to receive conforming copies of everything the P&Z Commission received in our first notice.

Also, as proposed in the development plan the density of the proposed development at 4.7 dwelling units per acres, exceeds the 2 to 3 dwelling units per acre as established for this area by Future Land Use Plan of the Comprehensive Plan. The Zoning and Comprehensive Plan are intended to preserve and protect existing property uses and values against adverse or unharmonious adjacent users. With that said, the planned development is inconsistent with the spirit and intent of the City's Comprehensive Plan that was adopted by City Council. Our interpretation would mean that the developer would need to reduce the number of units to comply if the zoning request was approved.

In summary, what we are requesting is a response on how we move forward to make this right. Is it an appeal process that we need to follow or is it that it just starts over? We believe this oversight impacted the overall decision of the Planning and Zoning Commission on September 12th. We would appreciate a response to our request prior to October 4th, at 5:00 pm. Thank you for the consideration of this request.

Notes from 09-30-2017

To: Neighborhood

On Oct 1, 2017, at 6:54 PM, Jane Daufeldt <jldaufeldt@gmail.com> wrote:

Hello!

I am attaching the jpeg files from Chris that I received this afternoon.

The reflect the changes that were requested... shade tree by Pagel's property view, dormers on the back sides of the triplex- elevation marked, and a color copy of the plot plan by Martin and Whitacre.

Let me know if there are other considerations and I will contact Chris about requests.

Remember Chris asked that we request that this project receive priority over the other two developments. If this receives priority over the other two, we will have senior housing vs single family low to moderate homes as another option.

He has listened to what we would like to see for the project. Funding awards are in March 2018 and construction could start as soon as April 2018. The project time line for construction is 1 year. With rental units available by April 2019. Chris will be with us through the design and construction and occupancy stages~ 3 years.

Positives for the all senior housing:

-Allows for more green space in the revised plot plan

-Allow for better drainage options

- Occupants are All seniors, 55 and up with median incomes of ~\$31K or lower –

-Construction and development of the property will be in one shot-one year and not strung out over many years

-We know what the development will look like and we have a willing developer that is working with us on our "View" (berms, landscaping, no rear doors, activity to the front of the buildings,

- One owner to contend with if there are issues in the future (not anticipated do to Iowa Finance Authority funding)

-This fulfills one of the major housing needs in the City of Muscatine.

-improvements to Blane Street with curbs and sidewalks- still a question of how far the city will go with street improvements... 4th Ave, Blaine from 4th to 5th?

-concerned that there are no garages or driveways. Where will cars be parked, is there a car park? Those streets will be quite congested.

The downside loss of the pasture, wild life and views.

You may have other positives or downsides, just let me know.

Respectfully submitted as scribe,

<image003.jpg>

Jane L Daufeldt

2223 Fifth Avenue

Muscatine, IA 52761

Email: jldaufeldt@machlink.com

Cell: 563.260.3154

<Martin Whitacre Site Plan 9.22.17.pdf>

<Stock A4 revision 10.1.17.pdf>

<MARTin Whitacre revision 10.1.17.pdf>

ORDINANCE NO. _____

**An Ordinance rezoning real estate in the City of Muscatine
from R-3 Residential to R-L Large Scale Residential Development**

WHEREAS, the Real Estate described below is presently zoned R-3 Residential; and

WHEREAS, the Planning and Zoning Commission of the City of Muscatine, Iowa, has held a public meeting on the proposed rezoning as required by City Code; has considered all the factors listed in Subsection 10-10-9(B) of the City Code; and has recommended that such Real Estate be rezoned to R-L Large Scale Residential Development; and

WHEREAS, the best interests of the City will be served by rezoning such Real Estate as proposed.

IT IS, THEREFORE, ORDAINED, by the City Council of Muscatine, Iowa, as follows:

Section 1. This Real Estate is rezoned to R-L Large Scale Residential Development:

A part of the Northeast Quarter of Section 26, Township 77 North, Range 2 West of the 5th P.M. in Muscatine County, Iowa, more particularly described as follows: Beginning at the Northwest corner of the Northeast Quarter of the Northeast Quarter of said Section 26; thence South 2.21 chains (145.86 feet); thence East 13.50 chains (891.00 feet); thence South 5°11" East along the center of Tipton Road (also known as Isett Avenue) 606.10 feet; thence West along the North line of Blaine Street in Park Place Addition to the City of Muscatine, as originally platted, 1136.00 feet; thence North 749.00 feet along a line 152.00 feet East of the East line of Sixth Avenue in Park Place Addition and parallel thereto; thence East 4.46 chains (294.36 feet) to the Place of Beginning; EXCEPT parts thereof conveyed by Warranty Deed recorded in Book 282 Lots, page 434, and by Quit Claim Deed recorded in Book 292 Lots, page 1269, in the Muscatine County, Iowa, Recorder's office.

Section 2. The Zoning Ordinance of the City of Muscatine, Iowa, is amended to provide that the Real Estate is zoned R-L Large Scale Residential Development.

Section 3. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are repealed.

PASSED, APPROVED, AND ADOPTED on _____, 2017.

ATTEST:

Diana Broderson, Mayor

Gregg Mandsager, City Administrator

1st Reading _____
2d Reading _____
3d Reading _____
Publication _____