



COMMUNITY DEVELOPMENT  
MEMORANDUM

Planning,  
Zoning,

Building Safety,

Construction Inspection Services,

Public Health,

Housing Inspections,

Code Enforcement

**To:** Mayor and City Council Members

**From:** Andrew Fangman, City Planner

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

**Date:** August 3, 2017

**Re:** Resolution to Set a Public Hearing on the Vacation of the Lakeview Avenue Right-of-Way, and Certain Utility and Drainage Easements in Lots 7 and 8 and of the North Port Commons Subdivision.

**INTRODUCTION:** A request has been filed to vacate the Lakeview Avenue right-of-way, and certain utility and drainage Easements in Lots 7, 8, and of the North Port Commons Subdivision.

**BACKGROUND:** Beaver Builders Inc. has filed a combined Preliminary/Final Plat for Muscatine Landing Subdivision a 28.4 acre four lot subdivision, on the north side of North Port Drive, The subject area is zoned S-3 Mixed Use District. To accommodate the proposed subdivision, the Lakeview Avenue right-of-way, and certain utility and drainage easements in Lots 7, 8, and of the North Port Commons Subdivision, must first be vacated, and the Lakeview Avenue right-of-way be deeded back to adjoining property owner. Comparable, but differently configured right-of-way and easements are being proposed as part of the proposed Muscatine Landing Subdivision. Before City Council can act on the proposed right-of-way and easement vacations a public hearing must be held.

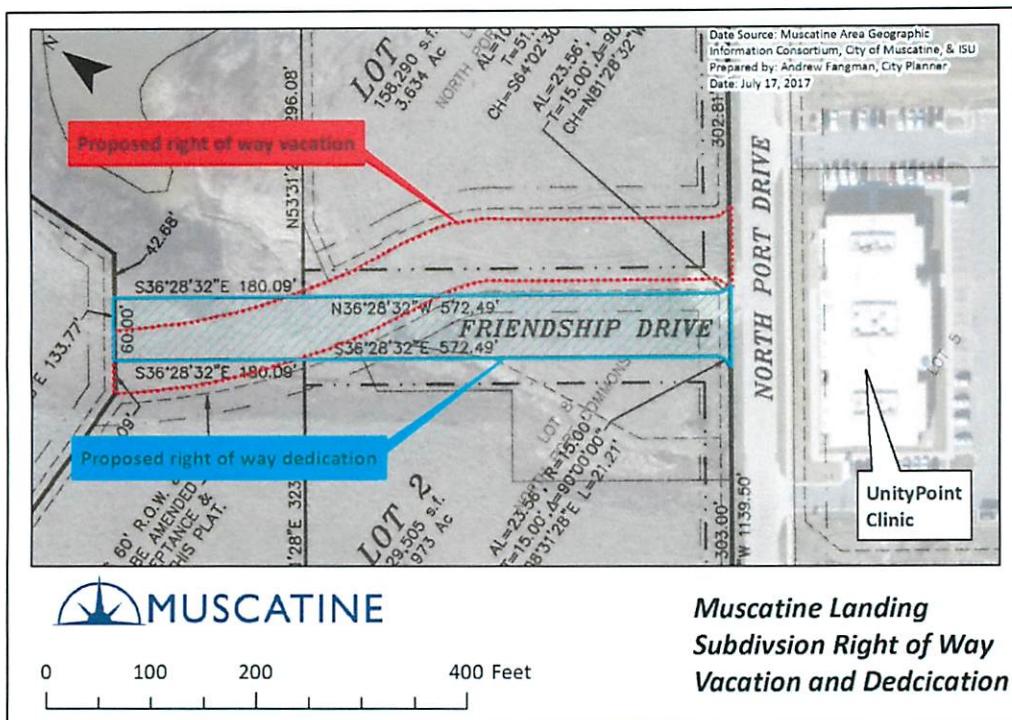
The proposed development that will be supported by the proposed vacations and subsequent plat, will consist of approximately 100 two and three-bedroom townhomes on 7.5 acres, located on the north side of North Port Drive, approximately across the street from the existing Unity Point Clinic. The developer intends for the townhomes to be market rent units of about 1,380 square feet per housing unit, with each unit also having a 2-car attached garage.

The developer has done a similar project in Rock Island and currently working in Clinton on a larger project. The applicant also intends to establish each unit as condo, which would allow for the future individual sale of the housing units should market conditions warrant. The applicant has submitted the following pictures of a project that they have recently constructed in Clinton, Iowa, the applicant intends to build nearly identical units in the proposed Muscatine Landing Subdivision.



This property is located in the S-3 district, the S-3 district allows for any use permitted in any residential zoning district or in the M-1 Light Industrial Zoning District, subject to the approval by the Planning and Zoning Commission of a development plan that details the specific layout and uses of the subject property. The original development plan for this parcel was for commercial development similar to what has occurred on the south of North Port Drive. At their July 11<sup>th</sup> meeting the Planning and Zoning Commission approved the attached development plan, which accommodates the applicants proposed development.

The proposed subdivision is necessary to implement the approved development plan; to create the lots necessary for the proposed townhomes and to make some adjustments to the platted rights of way and easements in the area. However to do this first right of way for Lakeview Avenue, a platted, but unbuilt street, needs be vacated and deeded back to the adjoining property owner. It will be replaced a dedication of right of way for Friendship Drive. The proposed Friendship Drive is located approximately 60 feet to the southwest of the platted right of way for Lakeview Avenue, see the map below. The applicant is proposing to construct Friendship Drive as a new public street running north from North Port Drive would provide access to the proposed development, with access to each individual town house coming off of one of two private streets that would intersect with Friendship. No direct access to the proposed development would be permitted from North Port Drive.



In addition, the vacation to the Lakeview Avenue right-of-way certain easements certain utility and drainage easements in Lots 7, 8, and of the North Port Commons Subdivision are being proposed for vacation. The vacated utility easements will be replaced with new utility easements in the proposed Muscatine Subdivision that accommodate the development as proposed. A drainage easement in Lot 8 of the North Port Commons Subdivision is also being prosed for vacation for underground storm water infrastructure that will installed by the developer of the Muscatine Landing Subdivision.

#### **RECOMMENDATION/RATIONALE:**

Prior to City Council action of the request, a public hearing is required. It is recommended that the attached resolution setting a public hearing, for 7:00 p.m. on Thursday, August 17, 2017.

Staff will be recommending approval of the proposed plat for Muscatine Landing Subdivision. The proposed plat is supported by the City of Muscatine Comprehensive Plan, is compatible with surrounding land uses, and adds housing to an area of the City that currently lacks housing options.

The Future Land Use Plan of the City of Muscatine Comprehensive Plan designates this area as General Mixed Use. This designation calls for the broadest mix of uses, including light industrial, office, commercial, and residential use. While the proposed development is not mixed use in and of its self, it does for the first time make the North Port Drive area a truly mixed-use area, as currently it composed solely of commercial development and undeveloped land. The manner in which the proposed residential development is laid out, would not create any conflicts with existing or potential future commercial uses.

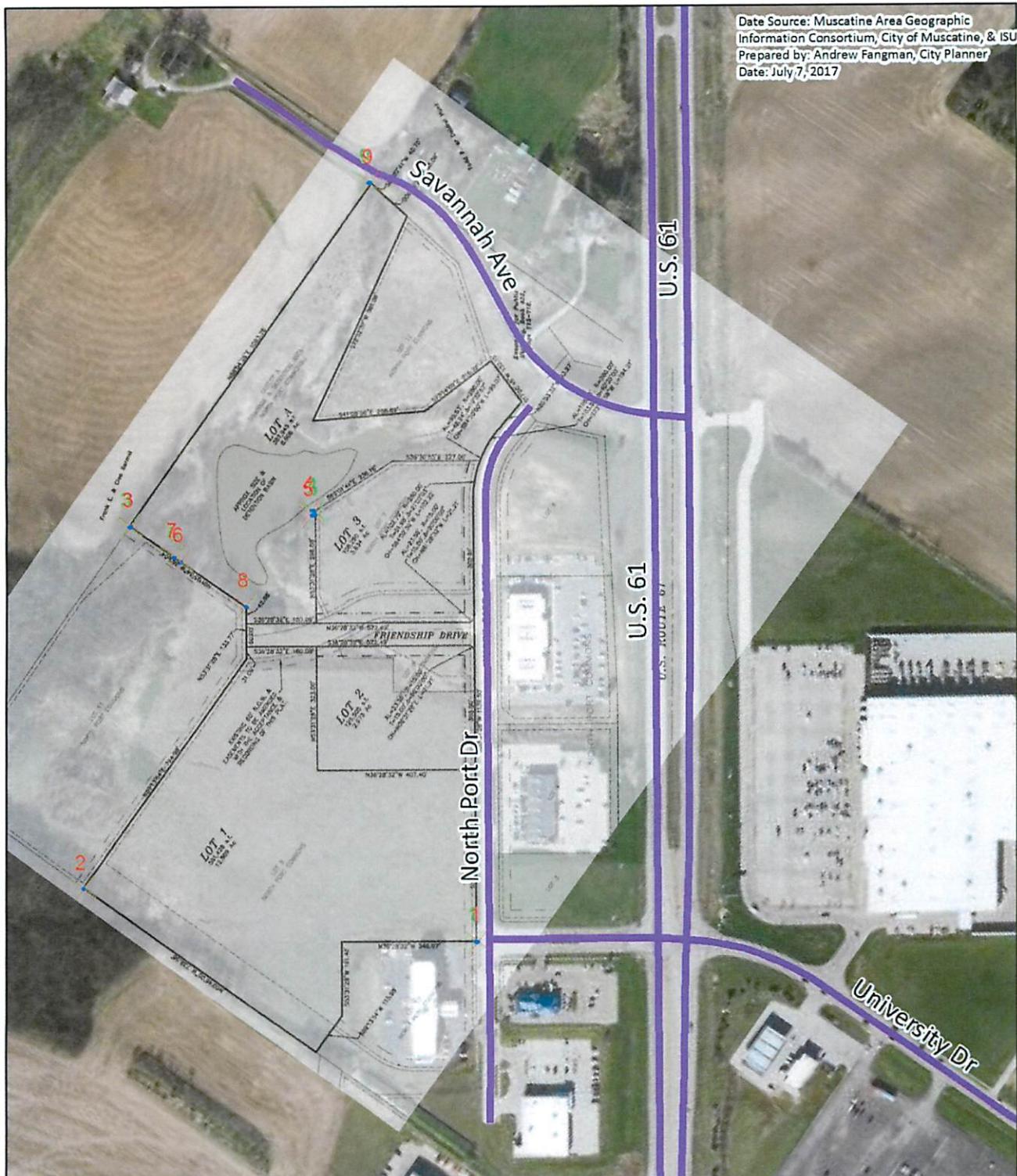
Previous develops have created a major shopping and employment center in the area of the City north of Highway 61 and east of Highway 38, however no housing has been developed in this area. This development would for the first time create the opportunity for some of the great many who work and shop in this area to also live close by. This closer integration of housing, shopping, and employment opportunities will help build a stronger more vibrant community.

The proposed vacations and subdivision have been reviewed and recommended for approval by the Planning and Zoning Commission.

Council will be asked to action on the proposed plat for the Muscatine Landing Subdivision at its August 17<sup>th</sup> meeting.

**BACKUP INFORMATION:**

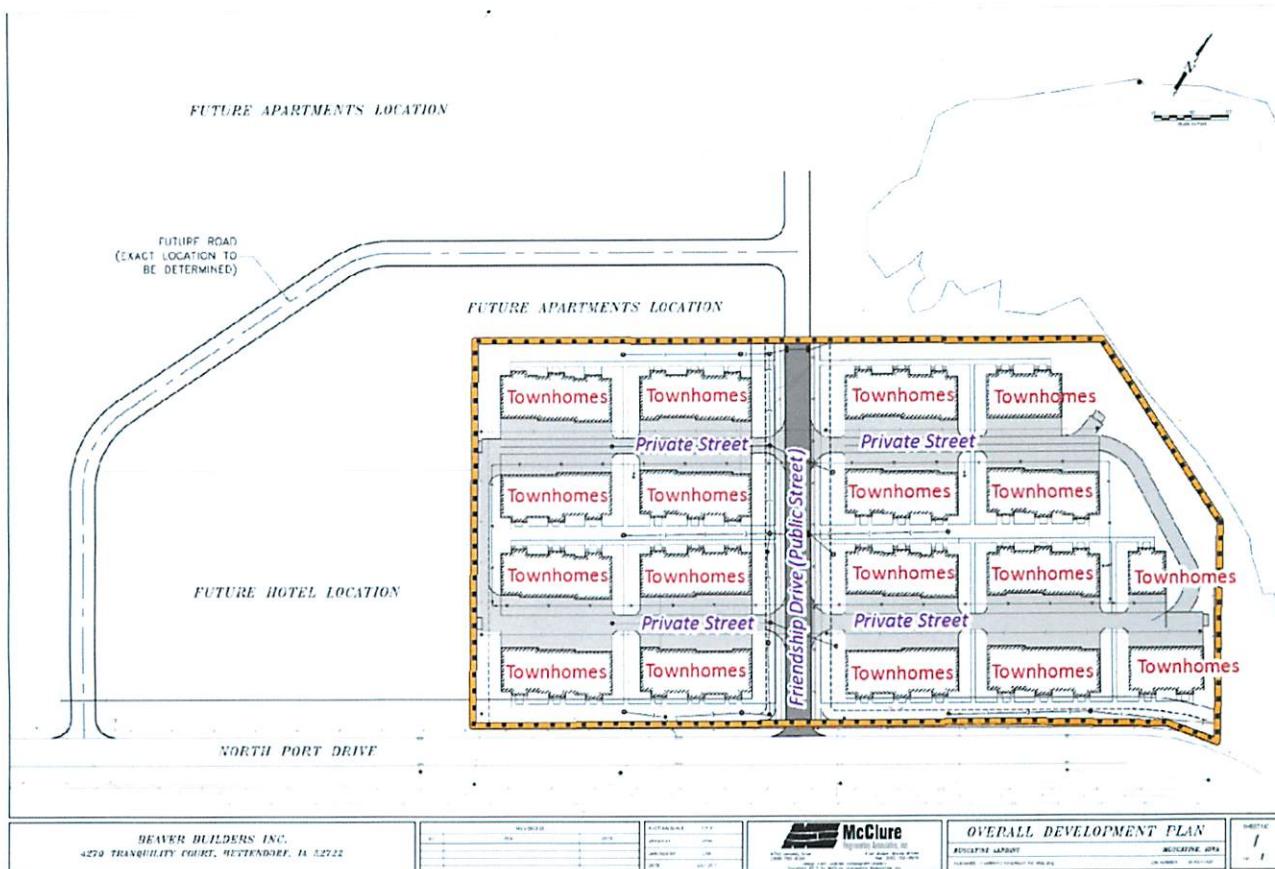
1. **Resolution Setting a Public Hearing on the Vacation of the Lakeview Avenue Right-of-Way, and Certain Utility and Drainage Easements in Lots 7, 8, and of the Northport Commons Subdivision**
2. **Draft of Proposed Muscatine Landing Subdivision Plat**
3. **Plat Vicinity Map**
4. **Approved Development Plan**



0 200 400 800 Feet

*Muscatine Landing  
 Subdivision*





# ***Muscatine Landing Development Plan***



**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION SETTING THE TIME AND PLACE TO  
CONDUCT A PUBLIC HEARING ON A REQUEST ON TO VACATE AND  
DISPOSE OF THE LAKEVIEW AVENUE RIGHT-OF-WAY, AND CERTAIN  
UTILITY AND DRAINAGE EASEMENTS IN LOTS 7 AND 8 OF THE NORTH  
PORT COMMONS SUBDIVISION**

**WHEREAS**, a request has been received for the vacation of a drainage easements at Lots 8 of North Port Commons Subdivision described as:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 8 NORTHPORT COMMONS DOCUMENT NUMBER 2004-07781.; THENCE, NORTH 36 DEGREES 28 MINUTES 32 SECONDS WEST, TO THE POINT OF BEGINNING, A DISTANCE OF 10.00 FEET; THENCE, CONTINUNING NORTH 36 DEGREES 28 MINUTES 32 SECONDS WEST, A DISTANCE OF 200.00 FEET; THENCE, NORTH 53 DEGREES 31 MINUTES 28 SECONDS EAST, A DISTANCE OF 86.50 FEET; THENCE, NORTH 36 DEGREES 28 MINUTES 32 SECONDS WEST, A DISTANCE OF 128.57 FEET; THENCE, NORTH 30 DEGREES 32 MINUTES 43 SECONDS EAST, TO AN ARC, A DISTANCE OF 44.96 FEET; THENCE, ALONG SAID ARC CONCAVE NORTHEASTERLY, A DISTANCE OF 18.29 FEET, SAID ARC HAVING A RADIUS OF 655.00 FEET AND A DELTA ANGLE OF 01 DEGREES 35 MINUTES 58 SECONDS, SAID ARC HAVING A CHORD BEARING OF SOUTH 60 DEGREES 15 MINUTES 16 SECONDS EAST AND A CHORD OF 18.29 FEET; THENCE, SOUTH 27 DEGREES 13 MINUTES 09 SECONDS EAST, A DISTANCE OF 112.92 FEET; THENCE, SOUTH 07 DEGREES 40 MINUTES 43 SECONDS EAST, A DISTANCE OF 160.06 FEET; THENCE, SOUTH 36 DEGREES 28 MINUTES 32 SECONDS EAST, A DISTANC OF 77.67 FEET; THENCE, SOUTH 53 DEGREES 31 MINUTES 28 SECONDS WEST, A DISTANCE OF 40.00 FEET, TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED CONTAINS 17,387 SQUARE FEET, MORE OR LESS. FOR THE PURPOSES OF THIS DESCRIPTION THE WEST LINE OF LOT 8, HAS A BEARING OF NORTH 36 DEGREES 28 MINUTES 32 SECONDS WEST.

**WHEREAS**, a request has been received for the vacation, and deeding over to the adjoining property owner of the Lakeview Avenue right of way, and associated easements described as:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 8 NORTHPORT COMMONS DOCUMENT NUMBER 2004-07781.; THENCE, ALONG THE WEST

LINE OF SAID LOT 8, NORTH 36 DEGREES 28 MINUTES 32 SECONDS WEST, A DISTANCE OF 10.00 FEET; THENCE, NORTH 53 DEGREES 31 MINUTES 28 SECONDS EAST, TO AN ARC, A DISTANCE OF 175.96 FEET; THENCE, ALONG SAID ARC CONCAVE NORTHWESTERLY, A DISTANCE OF 7.85 FEET, SAID ARC HAVING A RADIUS OF 5.00 FEET AND A DELTA ANGLE OF 90 DEGREES 00 MINUTES 00 SECONDS, SAID ARC HAVING A CHORD BEARING OF NORTH 08 DEGREES 31 MINUTES 28 SECONDS EAST AND A CHORD OF 7.07 FEET; THENCE, NORTH 36 DEGREES 28 MINUTES 32 SECONDS WEST, TO AN ARC, A DISTANCE OF 209.50; THENCE, ALONG SAID ARC CONCAVE SOUTHEASTERLY, A DISTANCE OF 55.74 FEET, SAID ARC HAVING A RADIUS OF 110.00 FEET AND A DELTA ANGLE OF 29 DEGREES 02 MINUTES 07 SECONDS, SAID ARC HAVING A CHORD BEARING OF NORTH 50 DEGREES 59 MINUTES 35 SECONDS WEST, AND A CHORD OF 55.15 FEET; THENCE, NORTH 65 DEGREES 30 MINUTES 39 SECONDS WEST, TO AN ARC, A DISTANCE OF 18.34 FEET; THENCE, ALONG SAID ARC CONCAVE NORTHEASTERLY, A DISTANCE OF 314.94 FEET, SAID ARC HAVING A RADIUS OF 655.00 FEET AND A DELTA ANGLE OF 27 DEGREES 32 MINUTES 58 SECONDS, SAID ARC HAVING A CHORD BEARING OF NORTH 51 DEGREES 44 MINUTES 10 SECONDS WEST, AND A CHORD OF 311.92 FEET; THENCE, NORTH 89 DEGREES 13 MINUTES 54 SECONDS EAST, A DISTANCE OF 12.61 FEET; THENCE, NORTH 53 DEGREES 31 MINUTES 28 SECONDS EAST, TO A POINT ON THE WEST LINE OF LOT 7, A DISTANCE OF 60.05 FEET; THENCE, ALONG SAID ARC CONCAVE NORTHEASTERLY, A DISTANCE OF 272.10 FEET, SAID ARC HAVING A RADIUS OF 585.00 FEET AND A DELTA ANGLE OF 26 DEGREES 39 MINUTES 01 SECONDS, SAID ARC HAVING A CHORD BEARING OF SOUTH 52 DEGREES 11 MINUTES 08 SECONDS EAST AND A CHORD OF 269.66 FEET; THENCE, SOUTH 65 DEGREES 30 MINUTES 39 SECONDS, TO AN ARC, A DISTANCE OF 18.34 FEET; THENCE, ALONG SAID ARC CONCAVE SOUTHEASTERLY, A DISTANCE OF 91.22 FEET, SAID ARC HAVING A RADIUS OF 180.00 FEET AND A DELTA ANGLE OF 29 DEGREES 02 MINUTES 07 SECONDS, SAID ARC HAVING A CHORD BEARING OF SOUTH 50 DEGREES 59 MINUTES 35 SECONDS EAST, AND A CHORD OF 90.24 FEET; THENCE, SOUTH 36 DEGREES 28 MINUTES 32 SECONDS EAST, TO AN ARC, A DISTANCE OF 209.50 FEET; THENCE, ALONG SAID ARC CONCAVE NORTHEASTERLY TO A POINT OF THE NORTH RIGHT OF WAY LINE OF NORTH PORT DRIVE, A DISTANCE OF 23.56 FEET, SAID ARC HAVING A RADIUS OF 15.00 FEET AND A DELTA ANGLE OF 90 DEGREES 00 MINUTES 00 SECONDS, SAID ARC HAVING A CHORD BEARING OF SOUTH 81 DEGREES 28 MINUTES 32 SECONDS EAST AND A CHORD OF 21.21 FEET; THENCE, ALONG SAID NORTH LINE, SOUTH 53 DEGREES 31 MINUTES 28 SECONDS WEST, A DISTANCE OF 265.96 FEET, TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED CONTAINS 44,332 SQUARE FEET, MORE OR LESS. FOR THE PURPOSES OF THIS DESCRIPTION THE WEST LINE OF LOT 8, HAS A BEARING OF NORTH 36 DEGREES 28 MINUTES 32 SECONDS WEST.

**WHEREAS**, a request has been received for the vacation of utility easements at Lots 7 of North Port Commons Subdivision described as:

ALL 10.00 FOOT UTILITY EASEMENTS AROUND THE PERIMETER OF LOT 7, NORTHPORT COMMONS DOCUMENT NUMBER 2004-07781.

**WHEREAS**, the applicant intends to subdivide the area and comparable, but differently configured right-of-way and easements that accommodate their intended development scheme.

**WHEREAS**, a public hearing must be conducted by the City Council of Muscatine on the vacation and disposal of the Lakeview Avenue right-of-way and associated utility easements; the drainage easement of Lot 8 of the North Port Commons Subdivision, and the utility easements on Lot 7 of the North Port Commons Subdivision.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council for the City of Muscatine, that a Public Hearing is hereby established. Said hearing to be conducted at 7:00 p.m. on Thursday, August 17, 2016 in the City Hall Council Chambers and the attached public notice of the time and place of said public hearing shall be given by publication in the Muscatine Journal as required by the Code of Iowa

**PASSED, APPROVED AND ADOPTED** this 3rd day of August, 2017.

**BY THE CITY COUNCIL OF THE  
CITY OF MUSCATINE, IOWA**

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**Diana L. Broderson, Mayor**

**Attest:**

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**Gregg Mandsager, City Clerk**