



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 17, 2017
Re: Resolution Setting a Public on a Voluntary Annexation Request (White Distribution and Supply)

INTRODUCTION: A voluntary annexation request has been filed for 10.86 acres, inclusive of right of way, in the 3900 block of Park Avenue West.

BACKGROUND: White Distribution and Supply on behalf of A. L. Morehouse and D. A. Morehouse Revocable Trust has filed a voluntary annexation request for the WDS Subdivision, a 4.18-acre one lot subdivision, in the 3900 block of Park Avenue West. The proposed annexation would also include 6.68 acres of adjoining right-of-way of Park Avenue West and Highway 38, as it is required that the City be annexed to all of the adjoining right-of-way.

White Distribution and Supply, who currently operates a business on the parcel that adjoins the proposed annexation, is acquiring this 4.18 acres in order to construct a new building and expand their operations. Currently the City of Muscatine's corporate limit line runs 35 feet north of White Distribution and Supply's current property line, and the proposed acquisition will take them across this limit line. Because White Distribution and Supply will need City services such as sewer services and fire protection on their entire expanded site, they are requesting the annexation of these 4.18 acres as the City does not provide these services to areas outside of the City.

The subject area is zoned R-1 (Single Family Residential) within unincorporated Muscatine County. White Distribution and Supply is requesting that the land encompassed in the WDS Subdivision and proposed annexation area be placed into the M-1 Zoning District. This would be an extension of the existing M-1 zoning district that directly adjoins the subject area to the south and east.

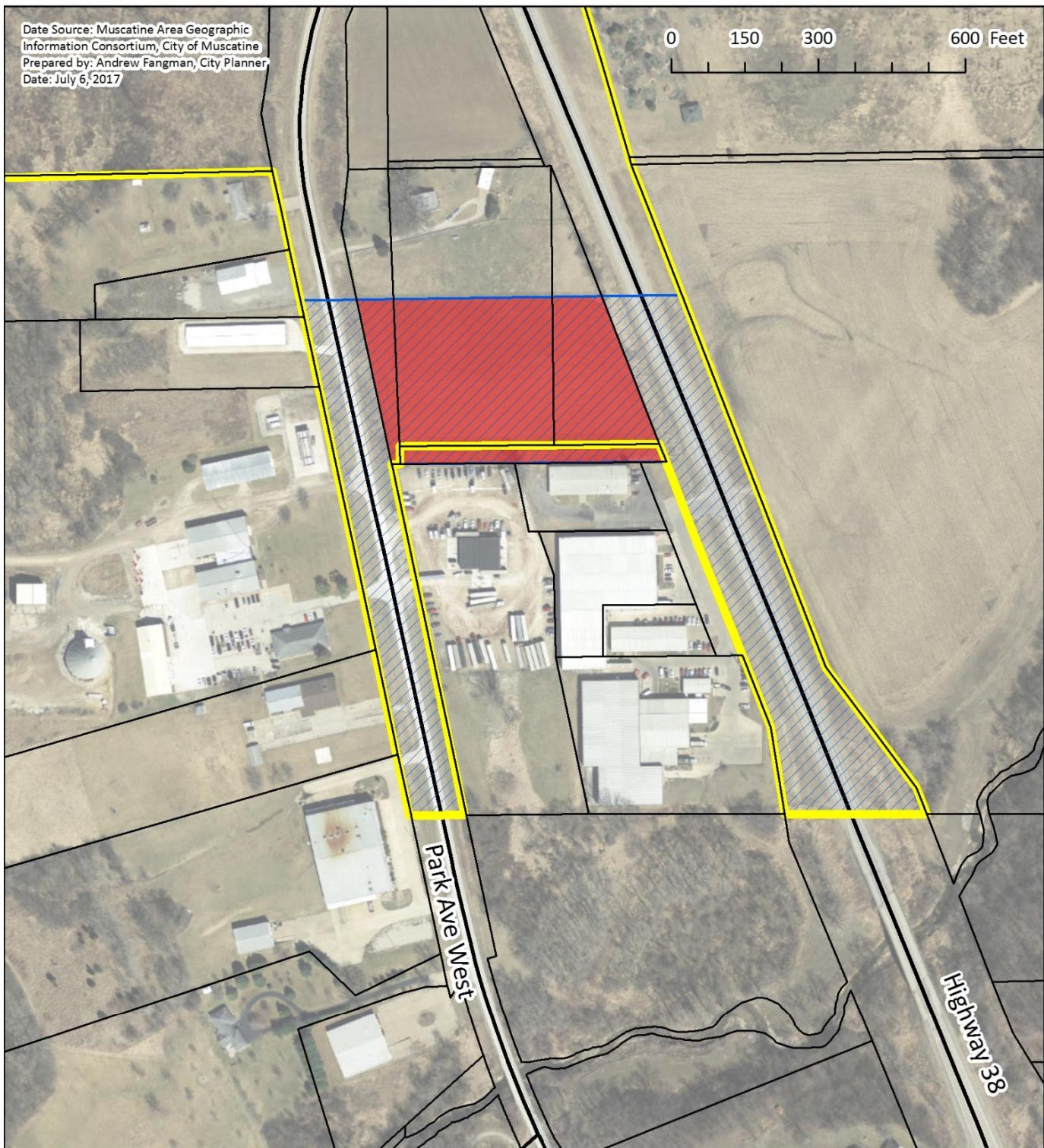
Prior to any action on this annexation request, a public hearing is required in accordance with the provision of Chapter 368.7 of the Code of Iowa.

RECOMMENDATION/RATIONALE:

Staff is requesting that City Council approve the attached resolution setting a public hearing on this voluntary annexation request.

BACKUP INFORMATION:

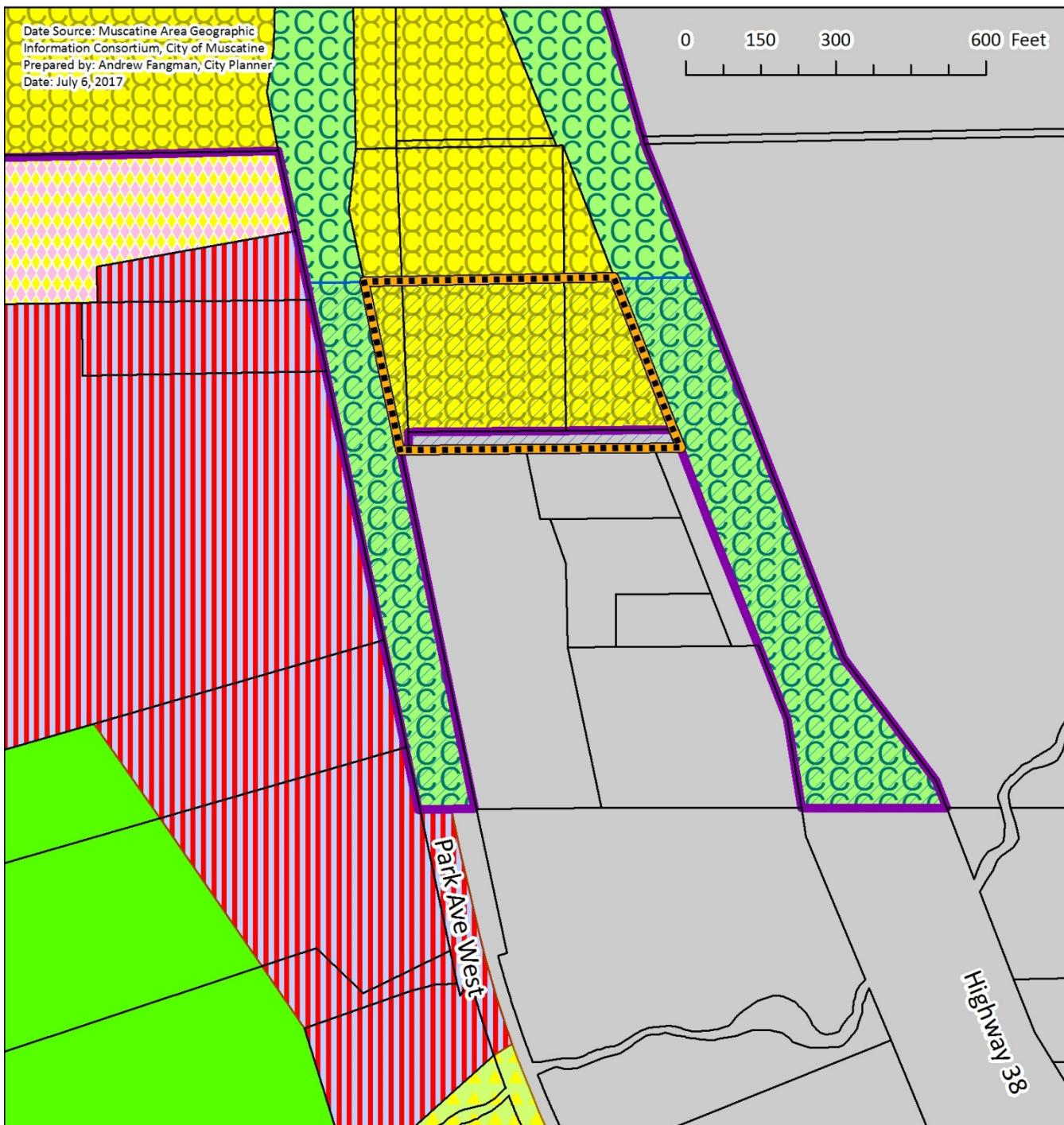
1. Resolution Setting a Public Hearing
2. Public Notice
3. Map of voluntary request for Request and Annexation Request
4. Zoning Map
5. Annexation Request



- Current City Limits
- WDS Annexation Area
- Proposed WDS Subdivision

WDS Subdivision - PZS-7 & Voluntary Annexation





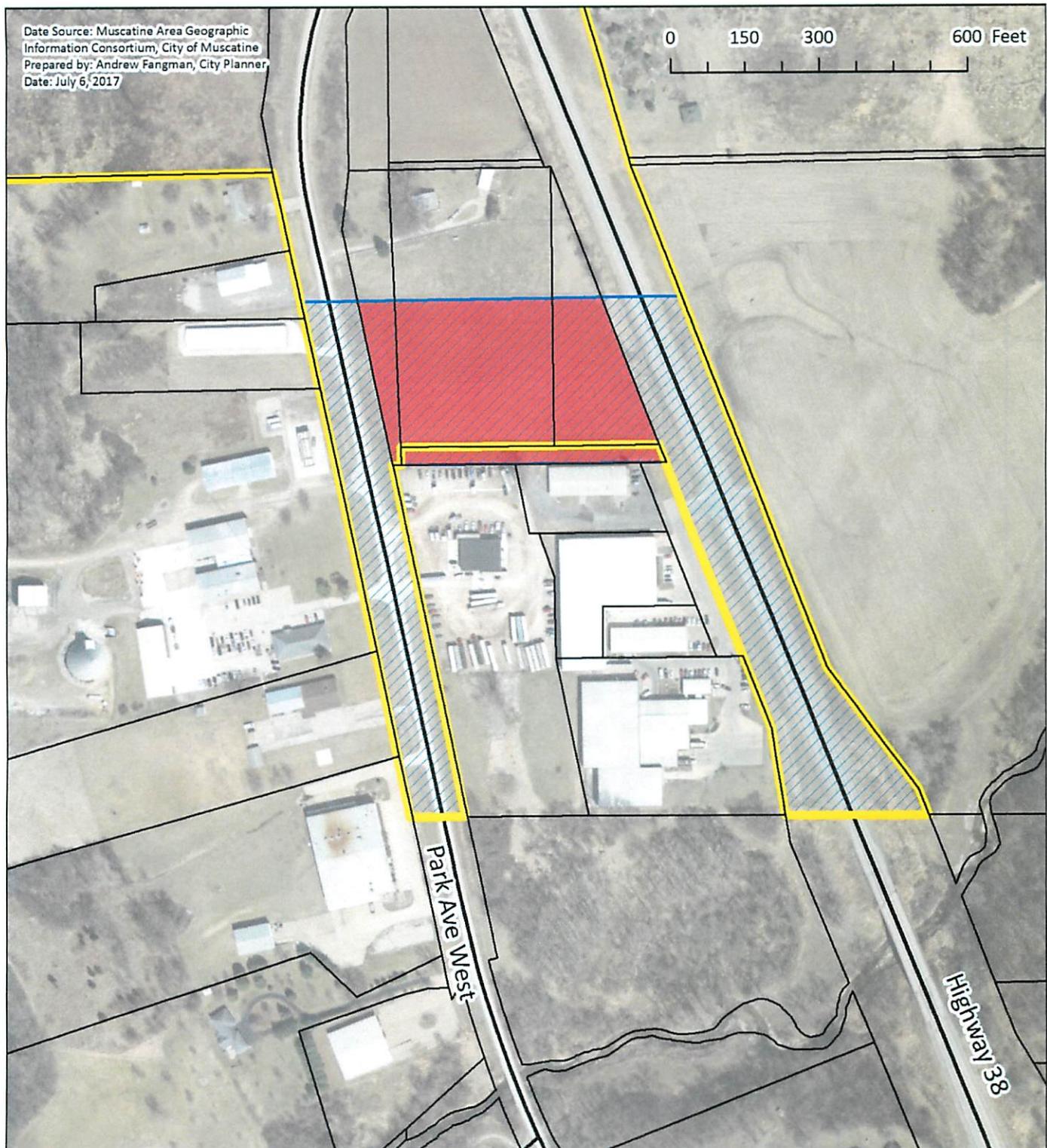
Proposed WDS Subdivision
 Current City Limits
 WDS Annexation Area

County Zoning Districts
 Muscatine County-A1
 Muscatine County-R1

City Zoning Districts
 AG-Agricultural
 C-1 Neighborhood & General Commercial
 M-1 Light Industrial
 R-1 Single-Family Residence
 R-4 Two-Family Residence

MUSCATINE
WDS Subdivision - PZS-7
& Voluntary Annexation
Zoning Map

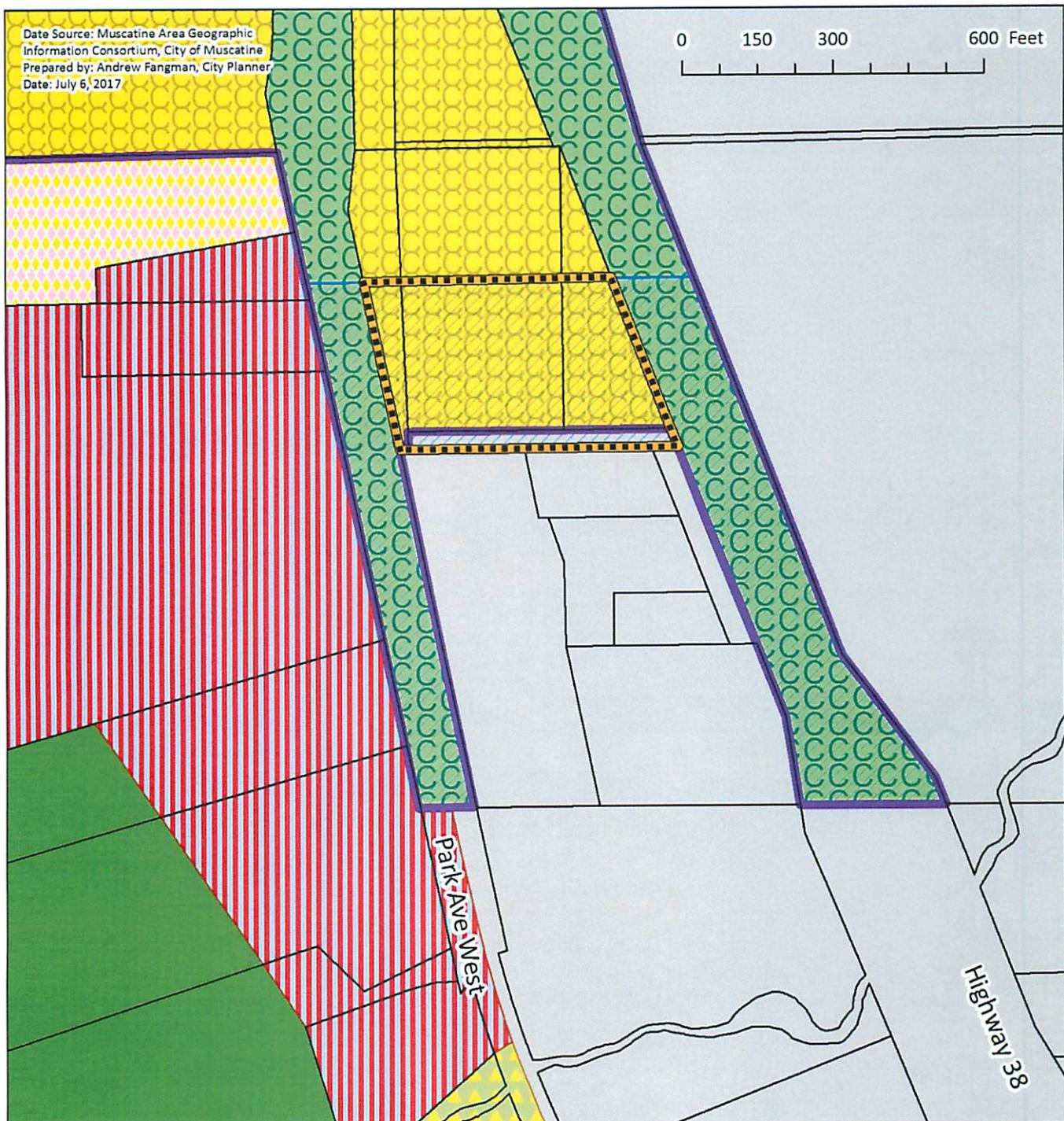




- Current City Limits
- WDS Annexation Area
- Proposed WDS Subdivision

WDS Subdivision - PZS-7 & Voluntary Annexation





Proposed WDS Subdivision



Current City Limits



WDS Annexation Area



Muscatine County-A1



Muscatine County-R1

City Zoning Districts

AG-Agricultural

C-1 Neighborhood & General Commercial

M-1 Light Industrial

R-1 Single-Family Residence

R-4 Two-Family Residence



MUSCATINE
WDS Subdivision - PZS-7
& Voluntary Annexation
Zoning Map

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RESOLUTION NO. _____

**A RESOLUTION SETTING THE TIME AND PLACE OF A PUBLIC
HEARING ON A PROPOSED ANNEXATION TO AND WITHIN THE
CITY OF MUSCATINE, IOWA**

WHEREAS, a request has been filed by, White Distribution & Supply, LLC, acting on behalf of the A. L. Morehouse and D. A. Morehouse Revocable Trust, to voluntarily annex approximately 10.86 acres, inclusive of right of way, under the provision of Chapter 368.7 of the Code of Iowa, to the City of Muscatine, Iowa, described as:

Commencing at the northwest corner of Section 24, Township 77 North, Range 2 West of the 5th principal meridian; thence north 89°04'34" east 1126.56 feet along the north line of the northwest quarter of Section 24; thence south 12°26'05" east 267.87 feet; thence south 88°51'42" west 56.09" to an intersection with the westerly right of way line of Park Avenue West, the point of beginning; thence north 88°51'42" east 112.18 feet to the easterly right of way line of Park Avenue West; thence continuing north 88°51'42" east 499.04 feet to the westerly right of way line of State Highway 38; thence continuing north 88°51'42" east to the easterly right of way line of State Highway 38; thence southeasterly along the easterly right of way line of State Highway 38 to an intersection with the south line of the north half of the northwest quarter of Section 24; thence westerly along said south line to an intersection with the westerly line of the City of Muscatine Annexation approved by Resolution No. 72454 on file with in City Clerk Office of the City of Muscatine as Public Document No. 72454; thence northwesterly along said annexation line to the north line of said annexation; thence continuing westerly along said annexation line to a point where said line turns southerly; thence continuing southerly along said annexation line to the north line of Lot 1 Ruan Add; thence continuing westerly along said annexation line to intersection of the easterly right of way line of Park Avenue West; thence southeasterly along said right of way line to an intersection with the south line of the north half of the northwest quarter of Section 24; thence westerly along said south line to an intersection with the westerly right of way line of Park Avenue West; thence northwesterly along said right of way line to the point of beginning.

WHEREAS, pursuant to said request, the City Council for the City of Muscatine, Iowa, must conduct a public hearing prior to approval of a voluntary annexation as required by Chapter 368 of the Code of Iowa,

WHEREAS, White Distribution and Supply is requesting that the land encompassed in the WDS Subdivision and proposed annexation area be placed into the Light Industrial (M-1) Zoning District. Currently, the area is zoned R-1 Single Family Residential) within unincorporated Muscatine County.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MUSCATINE, that a public hearing be held on the 21st day of September, 2017, at 7:00 p.m., in the City Hall Council Chambers at City Hall, and the that the attached public notice of the time and place of said public hearing shall be given by publication the Muscatine Journal at least seven (7) but not more than twenty (20) days prior to the established date of the public hearing.

PASSED, APPROVED AND ADOPTED this 17th day of August, 2017.

CITY COUNCIL OF THE CITY OF MUSCATINE, IOWA

Diana L. Broderson,, Mayor

ATTEST:

Gregg Mandsager, City Clerk

PUBLIC NOTICE

NOTICE OF TIME AND PLACE OF PUBLIC HEARING ON A PROPOSED VOLUNTARY ANNEXATION TO AND WITHIN THE CITY OF MUSCATINE, IOWA

Notice is hereby given that a proposed voluntary annexation has been requested and the Planning & Zoning Commission of the City of Muscatine, Iowa has recommended that the City Council of the City of Muscatine, Iowa, annex the following described real estate, situated in the County of Muscatine, and State of Iowa (3900 Block of Park Avenue West)

Commencing at the northwest corner of Section 24, Township 77 North, Range 2 West of the 5th principal meridian; thence north 89°04'34" east 1126.56 feet along the north line of the northwest quarter of Section 24; thence south 12°26'05" east 267.87 feet; thence south 88°51'42" west 56.09" to an intersection with the westerly right of way line of Park Avenue West, the point of beginning; thence north 88°51'42" east 112.18 feet to the easterly right of way line of Park Avenue West; thence continuing north 88°51'42" east 499.04 feet to the westerly right of way line of State Highway 38; thence continuing north 88°51'42" east to the easterly right of way line of State Highway 38; thence southeasterly along the easterly right of way line of State Highway 38 to an intersection with the south line of the north half of the northwest quarter of Section 24; thence westerly along said south line to an intersection with the westerly line of the City of Muscatine Annexation approved by Resolution No. 72454 on file with in City Clerk Office of the City of Muscatine as Public Document No. 72454; thence northwesterly along said annexation line to the north line of said annexation; thence continuing westerly along said annexation line to a point where said line turns southerly; thence continuing southerly along said annexation line to the north line of Lot 1 Ruan Add; thence continuing westerly along said annexation line to intersection of the easterly right of way line of Park Avenue West; thence southeasterly along said right of way line to an intersection with the south line of the north half of the northwest quarter of Section 24; thence westerly along said south line to an intersection with the westerly right of way line of Park Avenue West; thence northwesterly along said right of way line to the point of beginning.

The request and recommendation is to voluntarily annex said real estate.

Further, the applicant is requesting that the land encompassed in the WDS Subdivision and proposed annexation area be placed into the Light Industrial (M-1) Zoning District. Currently, the area is zoned R-1 Single Family Residential) within unincorporated Muscatine County.

Notice is further given that the City council of the City of Muscatine, Iowa, will conduct a public hearing on said proposed voluntary annexation on Thursday, September 21, 2017, at 7:00 p.m. in the City Hall Council Chambers, at which time all interested parties are invited to comment.

Gregg Mandsager, City Clerk

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Physical Address: 2206 Lucas Street

July 6, 2017

Mr. Andrew Fangman
City of Muscatine
215 Sycamore Street
Muscatine, IA 52761

Re: White Distribution & Supply, LLC

Dear Andrew:

As you know, we represent White Distribution & Supply, LLC, which is planning to purchase approximately four acres of property located along Highway 38, north of Muscatine, from the Morehouse Revocable Trust. We have already submitted an application to the City to subdivide the property into a one lot subdivision. We will be submitting a similar application to Muscatine County for their consideration as well.

As part of the proposed purchase transaction, White Distribution requests that the City of Muscatine annex the property described on enclosed Exhibit A, and as depicted on the enclosed plat, into the City of Muscatine. When the annexation is completed, White Distribution requests that the property be rezoned to M-1 Light Industrial.

If you have any questions, please feel free to call.

Thank you for consideration of this matter.

Very truly yours,

EICHELBERGER LAW OFFICE PC

By  _____

John R. Eichelberger

JRE/lec

Enclosures

cc: White Distribution & Supply, LLC (w/ encs.)
15242

COPY

July 6, 2017

Mr. Andrew Fangman
215 Sycamore Street
Muscatine, IA 52761

Mr. Eric S. Furnas
3610 Park Avenue West
Muscatine, IA 52761

Morehouse-White Development Transaction

Dear Mr. Fangman and Mr. Furnas:

I am the Trustee of the A. L. Morehouse and D. A. Morehouse Revocable Trust dated September 1, 2004 (the "Trust"), which owns property along Highway 38, north of Muscatine. The Trust has negotiated to sell approximately four acres of its property to White Distribution & Supply, LLC ("White"). White intends to improve the property to construct a new warehouse.

As part of the proposed transaction, White will require that the property be appropriately subdivided, annexed into the City of Muscatine and rezoned. The sale transaction will not close until those matters have been completed.

The purpose of this letter is to confirm that the Trust consents to all actions required by Muscatine County and the City of Muscatine, which are reasonably necessary for White to achieve its goal of purchasing the property and constructing the warehouse. The Trust is prepared to execute such documents as are necessary to assist White in completing the transaction.

Sincerely,

A. L. Morehouse and D. A. Morehouse Revocable Trust

By Alpha L. Morehouse TTE
Alpha L. Morehouse
Trustee