

COMMUNITY DEVELOPMENT

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

To: Mayor and City Council Members

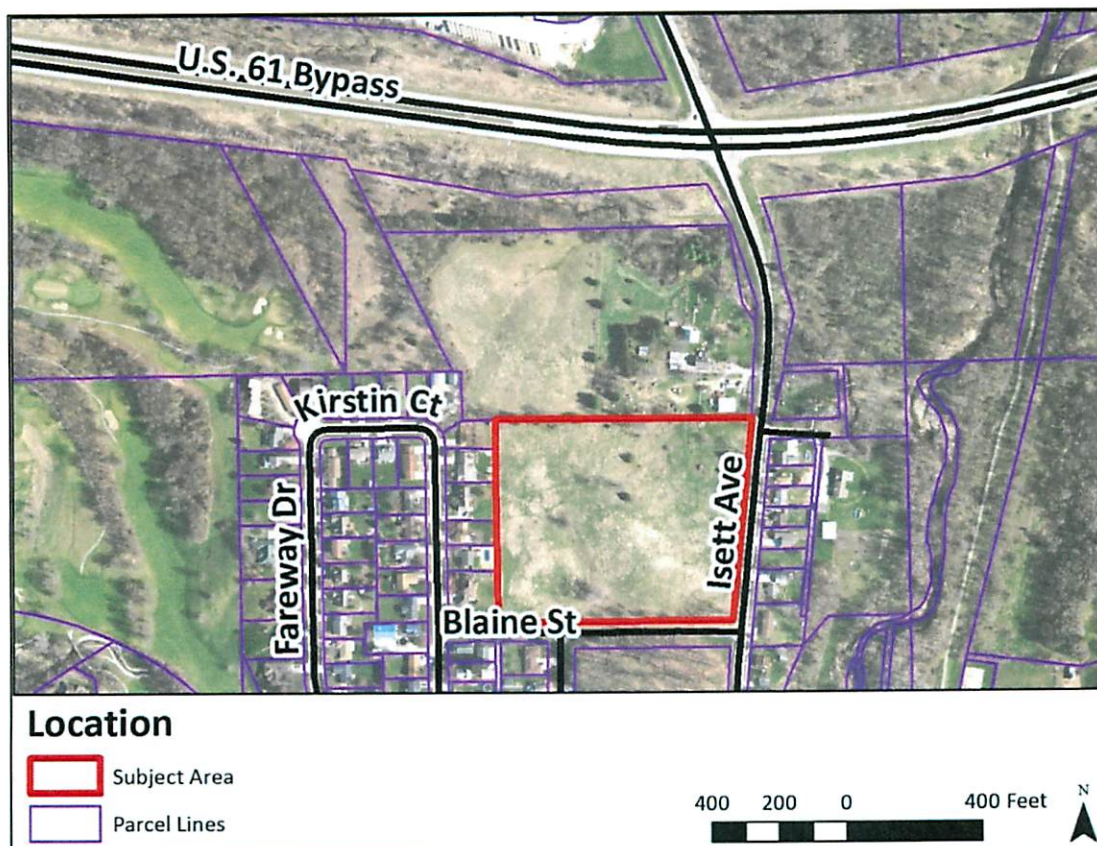
Cc: Gregg Mandsager, City Administrator
Dave Gobin, Community Development Director

From: Andrew Fangman, City Planner

Date: September 21, 2017

Re: Resolution Setting a Public Hearing 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

Oak Park LLC is requesting to rezone approximately 10 acres of real estate located at the corner of Blaine Street and Isett Avenue from Single Family Residential to R-L Large Scale Residential Development. Oak Park LLC, owned by Brian Fitz of the Quad Cities, has contracted to purchase this property from Grace E. King, the current property owner. The applicant has also submitted an outline development plan as required in the R-L District.



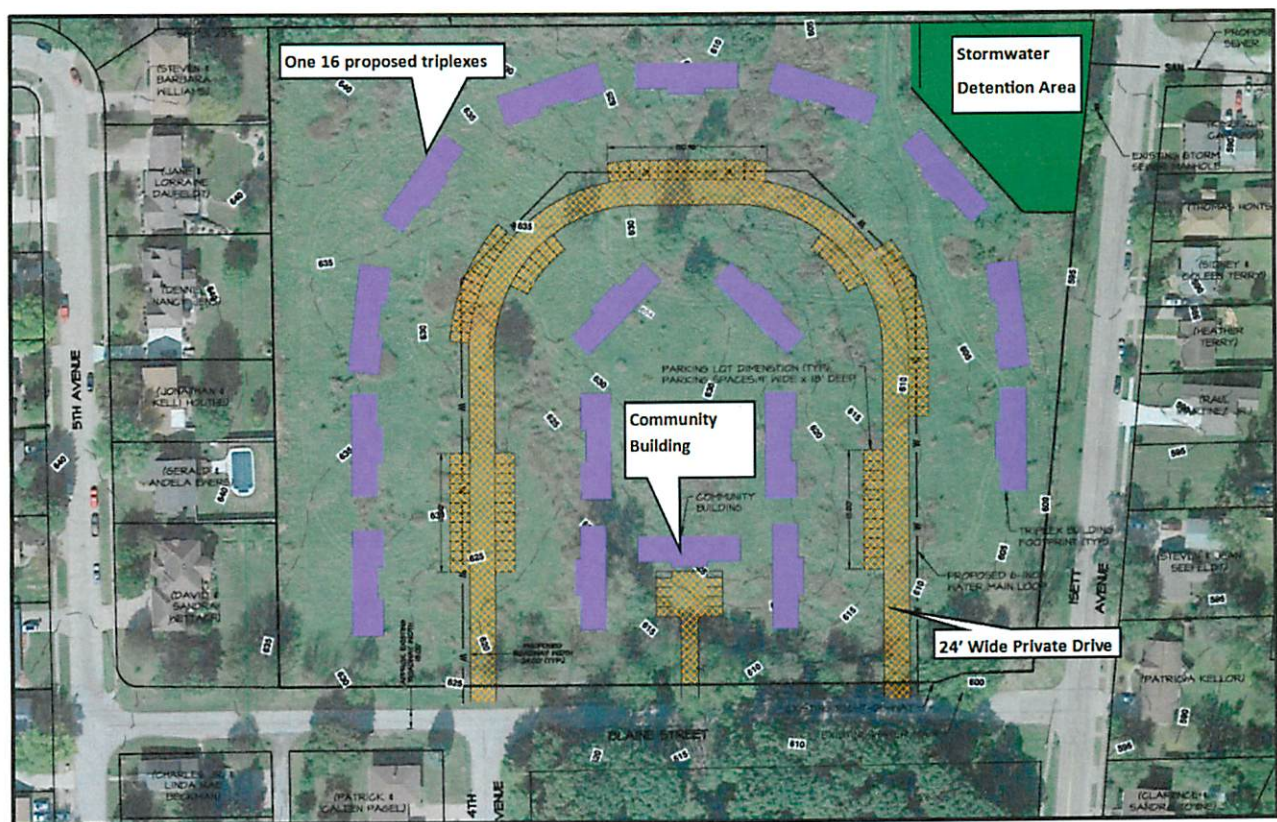
"I remember Muscatine for its sunsets. I have never seen any
on either side of the ocean that equaled them" — Mark Twain

The proposed development would consist of 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 triplexes arranged around a new private street with two entrances off of Blaine Street across from Oak Park. The development would also include a community building for the use by 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.

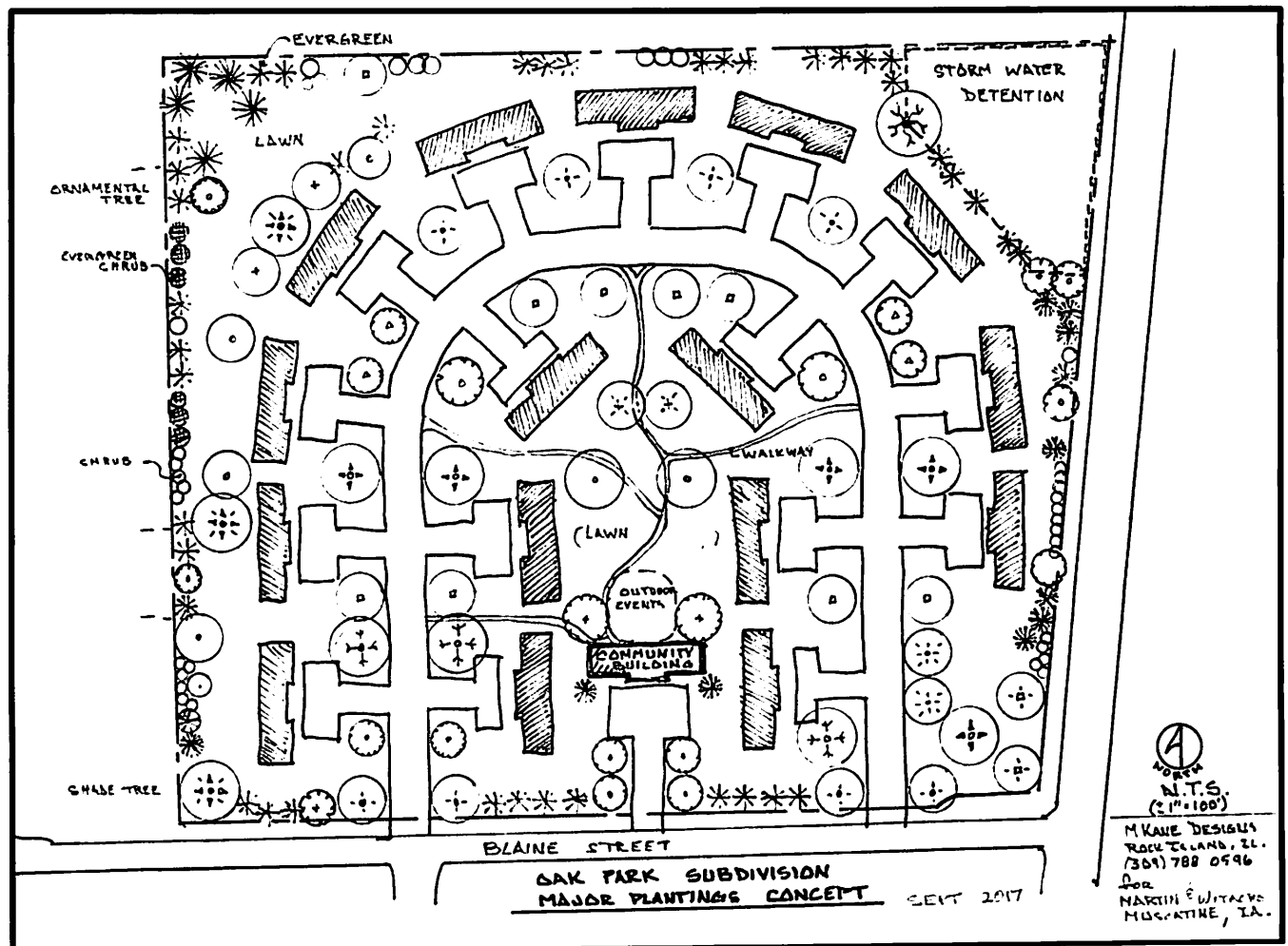
The project would be managed by Pioneer Property Management, who also manages Cottage Grove and the Welch Apartments in Muscatine. The proposed development is modeled after Cottage Grove pictured above. Seen below is the submitted outline development plan. The full-size version is attached to this memo.



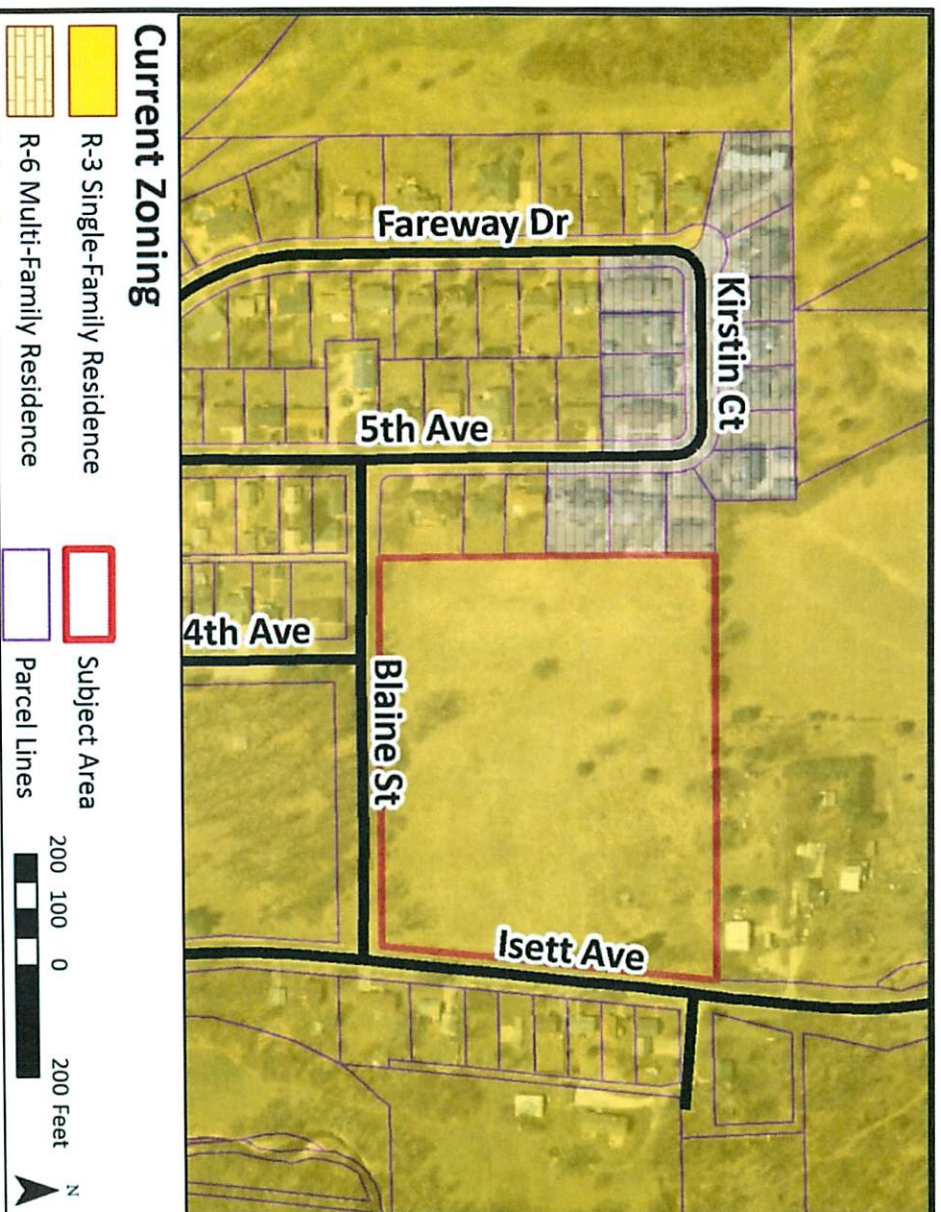
Cottage Grove



The applicant also submitted the following landscaping plan as required under the R-L zoning district.

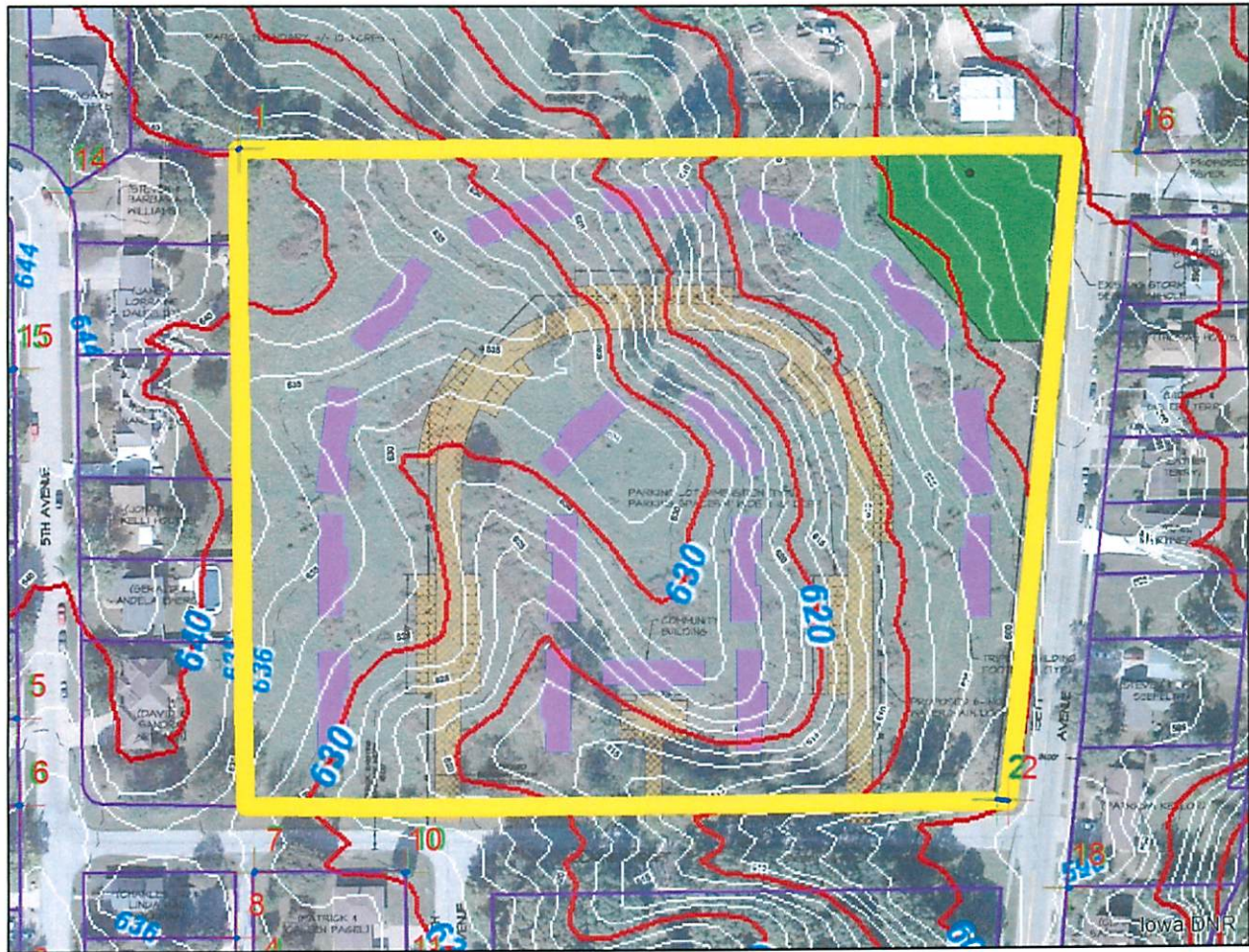


Currently the subject area is zoned R-3 Single Family Residential, minimum lot size 7,000 square feet. The majority of the surrounding and adjoining parcels are also zoned R-3. The subject parcel also adjoins an area zoned R-6 Multi-Family Residential to the west.



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, a grading plan 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 owners would be informed in the same way as they were about this rezoning. Approval of a grading plan, as a component of the development plan, would be based on a finding that it would increase the flow of stormwater onto the property of others, and it is in substantial compliance with the outline development plan and recognized principles of civic design, land use, and landscape architecture.



The approximate maximum number of dwelling units that could potentially be developed on the subject area under the current R-3 zoning is 48. The current R-3 zoning district establishes a minimum lot size of 7,000 square feet and a minimum lot frontage along a public street. Together these requirements effectively established a maximum density of 1 dwelling per 8,800 square feet in the R-3 district because the half width of 60 feet of a public street is 1,800 square feet in size. The subject area is approximately 10.23 acres in size. Assuming that about .5 acres is set aside for storm water detention, that works out to a total of 48 dwelling units.

All development in an R-L district must be in accordance with an approved development plan. The development plan submitted as part of this rezoning application contains 48 dwelling units. As such, the proposed rezoning does not allow a higher residential density than what could be potentially developed under the current R-3 zoning.

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 is compatible with surrounding land uses. This recommendation for approval is conditional on the applicant submitting a grading and drainage plan as part of

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 contains no steps has long been identified as a 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 increasing the supply of needed senior housing and the housing stock that meet the needs of the community.

It needs to be acknowledged that the density of the proposed development at 4.7 dwelling units per acre exceeds the 2 to 3 dwelling units per acre established for this area by the Future Land Use Plan of the Comprehensive Plan. However, the proposed rezoning does not allow for a greater density than is currently permitted under the subject area's 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 located within 750' of the subject area on Kirsten Court, that are not dissimilar to the triplexes that are being proposed by the applicant. 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 75' 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 the 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 plans include greater levels of detail regarding the proposed development.

Approval of both the preliminary and final development plans is to be based on a finding that they 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 plans. Notification and opportunities for the public to offer comments 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 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: It is recommended that the City Council take action to approve the resolution setting a public hearing on the proposed zoning change for the property

BACKUP INFORMATION:

1. Resolution string the Public Hearing
2. Public Notice
3. Outline Development Plan
4. Landscape Plan

RESOLUTION NO. _____

**A Resolution Setting a Public Hearing
on a Proposed Rezoning for
Oak Park Development**

WHEREAS, The Planning and Zoning Commission of the City of Muscatine, Iowa, has been requested to rezone the real estate described on Exhibit A from R-3 Residential to R-L Large Scale Residential Development; and

WHEREAS, The Planning and Zoning Commission considered the request, found that all requirements of Chapter 10, Title 10, of the City Code have been satisfied to the appropriate point, and took action at its June 9, 1998, meeting to recommend the rezoning be approved as requested; and

WHEREAS, a public hearing should be held on the proposed rezoning.

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

1. The City Council will hold a public hearing on the proposed rezoning at 7:00 p.m. on October 5, 2017, in the Council Chambers at City Hall, Muscatine, Iowa.
2. Notice of the proposed rezoning and public hearing will be given by publication of the Public Notice attached to this Resolution as Exhibit A; the notice will be published once in *The Muscatine Journal*, a newspaper printed, published, and of general circulation in the City of Muscatine, not less than 7 or more than 20 days before the meeting of the Council at which the proposal is to be considered.
3. A proper ordinance will be prepared to accomplish the rezoning, which ordinance will be presented to and considered by the Council at its meeting to be held following the public hearing.

PASSED, APPROVED, AND ADOPTED on September 21, 2017.

Diana Broderson, Mayor

ATTEST:

Gregg Mandsager, City Administrator

EXHIBIT A

PUBLIC NOTICE

TO THE CITIZENS OF MUSCATINE, IOWA:

Notice is given that rezoning has been requested and the Planning and Zoning Commission of the City of Muscatine, Iowa, has recommended that the City Council of the City of Muscatine, Iowa, rezone the following real estate in the City and County of Muscatine, Iowa:

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.

The request and recommendation are to rezone the real estate from R-3 Residential to R-L Large Scale Residential Development.

Notice is further given that the City Council of the City of Muscatine, Iowa, will hold a public hearing on the request and recommendation on October 5, 2017, at 7:00 p.m., in the Council Chambers in City Hall, Muscatine, Iowa, at which time your appearance may be made for or against the request and recommendation.

Gregg Mandsager
City Administrator

