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COMMUNITY DEVELOPMENT

MEMORANDUM

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

To: Planning and Zoning Commission
From: Andrew Fangman, City Planner
Date: December 6, 2012
Re: Rezoning Case # Z-135-12 • Ripley's Development Corp, LLC • Ripley's Mobile Home Park, Highway 61 • R-4 -Two Family Residential and AG - Agriculture to C-1 Neighborhood & General Commercial

INTRODUCTION: Ripley's Development Corp, the deed holder for 8.25 acres located in Ripley's Mobile Home Park, along Highway 61 has submitted a request for rezoning to C-1 in conjunction with the submission of preliminary/final plat for a 6 lot commercial subdivision. See attached map for location details and current zoning of the subject area and surrounding area.

BACKGROUND: Ripley's Development Corp, the deed holder of 9 parcels totaling 131.8 acres of land along U.S. 61 upon which Ripley's Mobile Home Park is located, which includes the 8.25 acre subject, has signed an agreement to voluntarily annex these parcels into the City of Muscatine. This annexation is scheduled for completion on January 3, 2013. The voluntary annexation agreement between the City of Muscatine and Ripley's Development Corp stipulates that this parcel will placed into a zoning district that is most equivalent to its current Muscatine County zoning district. To fulfill the terms of this agreement City staff initiated Rezoning Case # Z-133-12 to rezone to C-1, a 0.3 acre parcel located at 1127 Ripley Court that is leased to Casey's General Stores, Inc., owner and operator of a convenience store at this location; and Rezoning Case # Z-134-12 to rezone the balance of the mobile home park to R-4. On November 13, 2012 the Planning and Zoning Commission voted to recommend approval of both rezoning cases.

On November 28, 2012 Ripley's Development Corp filed a request for rezoning to C-1 of 8.25 acres in conjunction with the submission of preliminary/final plat for a 6 lot commercial subdivision. These 8.25 acres include all of the subject area proposed for the C-1 zoning district in Rezoning Case # Z-133-12, the remaining 7.95 acres are included in Rezoning Case # Z-134-12, a request to rezone to R-4. Both of these rezoning requests were scheduled so that the third and final reading of these rezoning requests and the resolution approving the underlying annexation will occur at the January 3rd meeting of City Council.

Rezoning Case # Z-134-12, a request to rezone 131.8 acres to R-4 was allowed to proceed despite 7.95 acres of its subject area also being contained within the subsequently filed Rezoning Case # Z-135-12 a request to rezone to C-1. If this rezoning request were dropped an additional rezoning request for the balance of Ripley's Mobile Home Park would have to be filed, and the annexation would have to be delayed or place the entire mobile home park in the Agriculture zoning district in accordance with Section 10-2-4 of City Code which requires new

annexed areas without an accompanying rezoning cased be zoned Agriculture. As the existing uses in this 7.95 acres are allowable in R-4 district, there was no reason to not proceed with this rezoning request, despite the fact the zoning of 7.95 acres could be changed a month after approval of Rezoning Case # Z-134-12.

Rezoning Case # Z-133-12 to rezone to C-1, a 0.3 acre parcel, with all of its subject area being contained within filed Rezoning Case # Z-135-12. Rezoning Case # Z-133-12 was dropped in favor Rezoning Case # Z-135-12. The effort and expense to continue to process Rezoning Case # Z-133-12 are wasteful because they will be duplicated a month later by this rezoning case. Dropping Rezoning Case # Z-133-12 means that upon annexation the 0.3 acre Casey's location will be place in the Agricultural zoning district, under which the existing convenience store would be allowed as an existing use. There is only likely to be a month between the completion of the annexation and when final approval to this rezoning request could be given.

The rezoning request is being made to facilitate a proposed 6 lot commercial subdivision. The uses proposed under the C-1 zoning are the continuation of existing mobile home park operations and sales on the northern portion of the proposed subdivision, continued operation of the Casey's convenience store, and the construction of self storage units to serve the needs of the residents of Ripley's Mobile Home Park on the southern portion of the proposed subdivision.

RECOMMENDATION/RATIONALE: Staff recommends approval of this rezoning request. The area being requested for a C-1 zoning is a logical commercial node to serve the approximately 856 residents of Ripley's Mobile Home Park and helps meet the terms of a pre-annexation agreement. Most of the proposed commercial activity on this subject area, the convenience store and mobile home park operations and sales, are existing uses. The proposed self-storage units are likely to be beneficial to residents of the adjoining mobile home park as mobile homes do not typically contain much storage space.

Rezoning Case # Z-135-12 (Proposed Rezoning: R-4 and Ag to C-1) Ripley Addition Part One, Final Plat

- Ripley's Development Corporation - Applicant and Property Owner
- 8.25 Acres
- Ripley's Mobile Home Park, Highway 61
- Subject area will be annexed into the City of Muscatine on January 3, 2013
- Rezoning Case #134-12 will, excluding the Casey's location, rezonethe subject and approximately 123 other acres to to R-4, on January 3rd
- Rezoning Case #133-12 which would have rezoned the Casey's location to C-1 was withdrawn when this rezoning request and associated subdivision plat were submitted.
- Since there will be no accompanying rezoning request for the Casey's location whenupon annexation, the Casey's location will be automatically placed in the Agriculture zoning district as specified by Section 10-2-4 of City Code
- The rezoning request is being made to facilitate a proposed 6 lot commercial subdivision
- The uses proposed under the C-1 zoning are the continuation of existing mobile home park operations and sales occuing on the northern portion of the proposed subdivision, the continued operation of the Casey's convenience store, and the construction of self storage units to serve the needs of the residents of Ripley's Mobile Home Park on the southern portion of the proposed subdivision

