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COMMUNITY DEVELOPMENT

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

MEMORANDUM

To: Mayor and City Council Members

Cc: Gregg Mandsager, City Administrator

From: Andrew Fangman, City Planner

Date: December 20, 2012

Re: Resolution to Set a Public Hearing • 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 be 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 where an existing convenience store is located; 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

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

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 case 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 .3 acre existing convenience store location will be placed 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 existing convenience store, the construction of self-storage units to serve the needs of the residents of Ripley's Mobile Home Park on directly south of the existing convenience store, and the southernmost three lots in proposed subdivision are proposed for future commercial development.

On December 4, 2012 the Planning and Zoning Commission voted to recommended approval of this requested rezone 8.25 acres of the existing Ripley's Mobile Home Park to C-1.

RECOMMENDATION/RATIONALE: It is recommended that the City Council take action to approve the resolution setting a public hearing on the zoning change for the 8.25 acres subject area located along Highway 61 within Ripley's Mobile Home Park for Thursday, January 17, 2013.

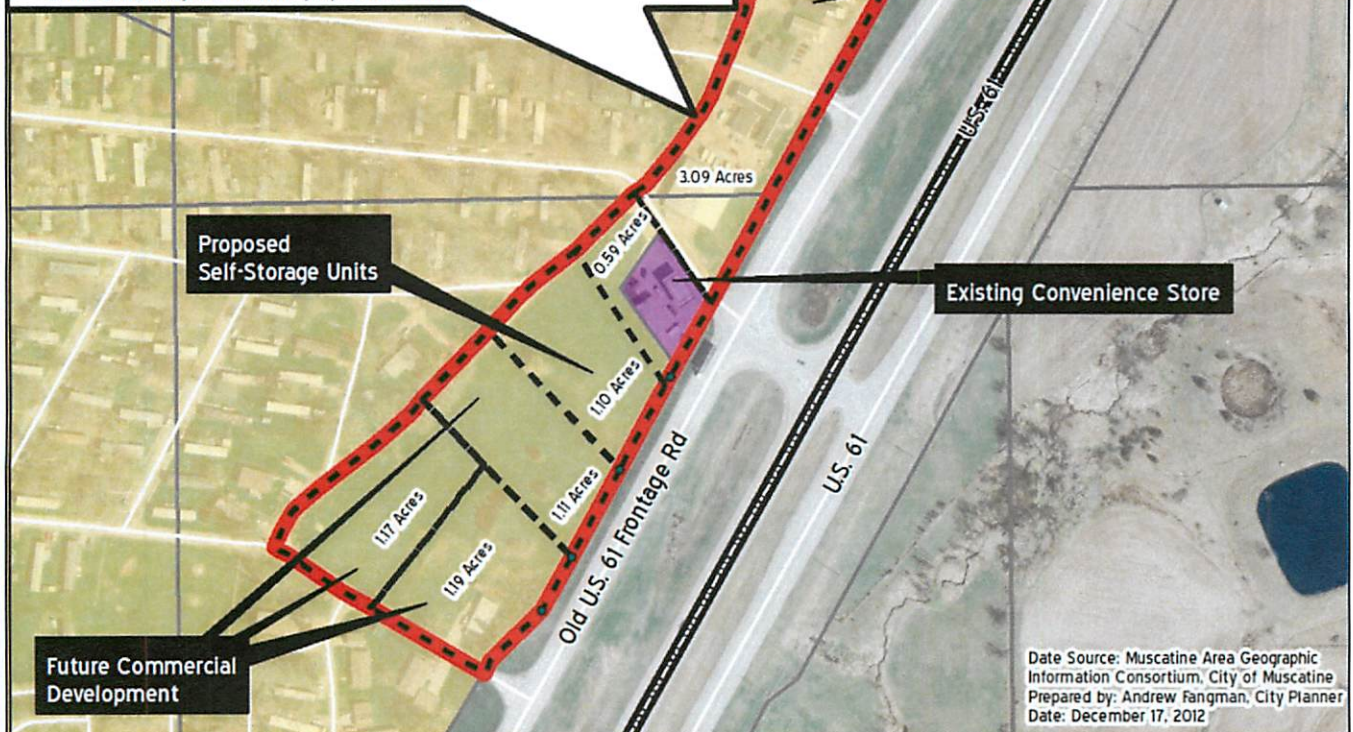
BACKUP INFORMATION:

1. Resolution string the Public Hearing
2. Public Notice
3. Map

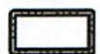
Rezoning Case # Z-135-12 (Proposed Rezoning: R-4 and Ag to C-1)

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 existing convenience store location, rezone the 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 existing convenience store location whenupon annexation, the existing convenience store 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 existing convenience store, the construction of self storage units to serve the needs of the residents of Ripley's Mobile Home Park south of the existing convenience store, and undetermined future commercial development on the southern portion of the proposed subdivision



Rezoning Case # Z-135-12 & Ripley Addition Part One, Final Plat



City Limit After Completion of the January 3, 2013 Annexation



Lots Created by Proposed Subdivision



Rezoning Case #Z0135-12 Subject Area



Existing Parcel Lines

City of Muscatine Zoning After January 3, 2013

AG-Agricultural

R-4 Two-Family Residence

0 200 400 800 Feet



RESOLUTION NO. _____

**A RESOLUTION SETTING THE TIME AND PLACE OF A
PUBLIC HEARING ON A PROPOSED ZONING CHANGE, 8.25
ACRES WITHIN RIPLEY'S MOBILE HOME PARK
HIGHWAY 61, CITY OF MUSCATINE, IOWA**

WHEREAS, the Planning and Zoning Commission of the City of Muscatine, Iowa, has been requested to rezone from R-4 -Two Family Residential and AG - Agriculture to C-1 Neighborhood & General Commercial; said property described as:

PART OF THE NE 1/4 OF THE NE 1/4 OF SECTION 18 IN TOWNSHIP 77 NORTH, RANGE 1 WEST OF THE 5TH P.M., MUSCATINE COUNTY, IOWA DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SECTION 18, TOWNSHIP 77 NORTH, RANGE 1 WEST OF THE 5TH P.M., IN MUSCATINE COUNTY, IOWA; THENCE S 89°11'03" W, 1178.10 FEET ALONG THE SOUTH LINE OF THE NE 1/4 OF SAID SECTION 18 TO THE WESTERLY RIGHT OF WAY FOR U.S. HIGHWAY #61; THENCE N 29°18'46" E, 677.85 FEET ALONG THE WESTERLY RIGHT OF WAY FOR U.S. HIGHWAY #61 TO THE POINT OF BEGINNING; THENCE N 59°57'14" W, 325.11 FEET; THENCE NORTHWESTERLY 92.33 FEET ALONG A 52.86 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY WITH CHORD BEARING N 09°54'53" W, 81.03 FEET; THENCE N 49°46'21" E, 192.11 FEET; THENCE NORTHEASTERLY 70.88 FEET ALONG A 1037.42 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY WITH CHORD BEARING N 47°48'54" E, 70.87 FEET; THENCE N 45°51'28" E, 563.23 FEET; THENCE NORTHEASTERLY 108.79 FEET ALONG A 248.36 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY WITH CHORD BEARING N 34°14'1" E, 107.92 FEET; THENCE N 21°49'27" E, 125.65 FEET; THENCE NORTHEASTERLY 178.26 FEET ALONG A 841.43 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY WITH CHORD BEARING N 15°45'18" E, 177.93 FEET; THENCE N 09°41'09" E, 53.56 FEET; THENCE NORTHEASTERLY 103.64 FEET ALONG A 74.71 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY WITH CHORD BEARING N 50°32'16" E, 95.52 FEET; THENCE S 89°43'23" E, 214.30 FEET TO THE WESTERLY RIGHT OF WAY OF U.S. HIGHWAY #61; THENCE ALONG SAID RIGHT OF WAY S 15°50'45" W, 51.76 FEET; THENCE S 29°00'56" W, 771.17 FEET TO THE NORTHEASTERLY CORNER OF A LEASED PARCEL DESCRIBED IN BOOK 363, PAGE 1011 OF THE MUSCATINE COUNTY RECORDS; THENCE CONTINUING ALONG THE WESTERLY RIGHT OF WAY OF U.S. HIGHWAY #61 SOUTHWESTERLY 20.45 FEET ALONG A 8657.37 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY WITH CHORD BEARING S 29°21'58" W, 20.46 FEET; THENCE S 29°21'58" W, 99.65 FEET; THENCE S 29°18'46" W, 429.75 FEET; THENCE S 48°48'21" W, 120.38 FEET; THENCE S 29°18'46" W, 16.12 FEET TO THE POINT OF BEGINNING. DESCRIBED LAND CONTAINS 8.25 ACRES AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

WHEREAS, a determination has been made by the Planning and Zoning considered this request, and took action at its December 4, 2012 meeting to recommend approval; and

WHEREAS, The City Council for the City of Muscatine, Iowa, must conduct a public hearing prior to action on said rezoning request, and

WHEREAS, The Council must now set the time and place for a public hearing upon said change in zoning.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MUSCATINE, IOWA, that a public hearing be held on the 17th day of January 2013, at 7:00 p.m., in the City Hall Council Chambers in City Hall, and that the attached public notice of the time and place of said public hearing shall be given by publication in the Muscatine Journal at least seven (7) days but not more than twenty (20) days prior to the established date of the public hearing.

PASSED, APPROVED, AND ADOPTED this 20th day of December 2012.

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

Attest:

DeWayne Hopkins, Mayor

Gregg Mandsager, City Clerk

PUBLIC NOTICE

NOTICE OF TIME AND PLACE OF PUBLIC HEARING ON PROPOSED ZONING CHANGE, 8.25 ACRES WITHIN RIPLEY'S MOBILE HOME PARK HIGHWAY 61, CITY OF MUSCATINE, IOWA

Notice is hereby given that a proposed zoning change has been reviewed and recommended for approval by the Planning & Zoning Commission for the City of Muscatine, Iowa. Said zoning would change the property, Ripley's Mobile Home Park. Locate along Highway 61, from R-4 -Two Family Residential and AG - Agriculture to C-1 Neighborhood & General Commercial. The real estate is further described as:

PART OF THE NE 1/4 OF THE NE 1/4 OF SECTION 18 IN TOWNSHIP 77 NORTH, RANGE 1 WEST OF THE 5TH P.M., MUSCATINE COUNTY, IOWA DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SECTION 18, TOWNSHIP 77 NORTH, RANGE 1 WEST OF THE 5TH P.M., IN MUSCATINE COUNTY, IOWA; THENCE S 89°11'03" W, 1178.10 FEET ALONG THE SOUTH LINE OF THE NE 1/4 OF SAID SECTION 18 TO THE WESTERLY RIGHT OF WAY FOR U.S. HIGHWAY #61; THENCE N 29°18'46" E, 677.85 FEET ALONG THE WESTERLY RIGHT OF WAY FOR U.S. HIGHWAY #61 TO THE POINT OF BEGINNING; THENCE N 59°57'14" W, 325.11 FEET; THENCE NORTHWESTERLY 92.33 FEET ALONG A 52.86 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY WITH CHORD BEARING N 09°54'53" W, 81.03 FEET; THENCE N 49°46'21" E, 192.11 FEET; THENCE NORTHEASTERLY 70.88 FEET ALONG A 1037.42 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY WITH CHORD BEARING N 47°48'54" E, 70.87 FEET; THENCE N 45°51'28" E, 563.23 FEET; THENCE NORTHEASTERLY 108.79 FEET ALONG A 248.36 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY WITH CHORD BEARING N 34°14'1" E, 107.92 FEET; THENCE N 21°49'27" E, 125.65 FEET; THENCE NORTHEASTERLY 178.26 FEET ALONG A 841.43 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY WITH CHORD BEARING N 15°45'18" E, 177.93 FEET; THENCE N 09°41'09" E, 53.56 FEET; THENCE NORTHEASTERLY 103.64 FEET ALONG A 74.71 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY WITH CHORD BEARING N 50°32'16" E, 95.52 FEET; THENCE S 89°43'23" E, 214.30 FEET TO THE WESTERLY RIGHT OF WAY OF U.S. HIGHWAY #61; THENCE ALONG SAID RIGHT OF WAY S 15°50'45" W, 51.76 FEET; THENCE S 29°00'56" W, 771.17 FEET TO THE NORTHEASTERLY CORNER OF A LEASED PARCEL DESCRIBED IN BOOK 363, PAGE 1011 OF THE MUSCATINE COUNTY RECORDS; THENCE CONTINUING ALONG THE WESTERLY RIGHT OF WAY OF U.S. HIGHWAY #61 SOUTHWESTERLY 20.45 FEET ALONG A 8657.37 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY WITH CHORD BEARING S 29°21'58" W, 20.46 FEET; THENCE S 29°21'58" W, 99.65 FEET; THENCE S 29°18'46" W, 429.75 FEET; THENCE S 48°48'21" W, 120.38 FEET; THENCE S 29°18'46" W, 16.12 FEET TO THE POINT OF BEGINNING. DESCRIBED LAND CONTAINS 8.25 ACRES AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

Notice is further given that the City council of the City of Muscatine, Iowa, will conduct a public hearing on said zoning change on Thursday, January 17, 2013, 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