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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:** April 18, 2013

**Re:** Resolution to Set a Public Hearing • Rezoning Case # Z-136-13 • Muscatine Power & Water • 3205 Cedar Street • R-3 Single-Family Residential to C-3 Planned Commercial • 42 Acres

**INTRODUCTION:** Muscatine Power & Water has submitted an application to rezone a 42 acre parcel located at 3205 Cedar Street from R-3 Single-Family Residential to C-3 Planned Commercial.

**BACKGROUND:** This parcel is the location of Muscatine Power & Water's existing offices. The current R-3 zoning predates MP&W's development of this parcel. MP&W is making this request to bring the zoning of this parcel in line with its current use.

**RECOMMENDATION/RATIONALE:** Staff recommends approval of this rezoning request. The C-3 Planned Commercial district is consistent with Muscatine Power and Water's existing use of the parcel. The C-3 zoning is also consistent with existing C-3 zoning to south of the parcel. There is buffering in form of undeveloped land separating the developed portion of the subject parcel from existing residential development located to the north. Fuller Park is located to the west of the subject parcel and is adequately buffered from existing uses on the subject parcel. The proposed rezoning is compliance with the currently adopted comprehensive plan

On April 9, 2013 the Planning and Zoning Commission voted to recommended approval of this requested rezoning

**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 42 acres subject area located at 3205 Cedar Street for Thursday, May 2, 2013.

**BACKUP INFORMATION:**

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

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

**A RESOLUTION SETTING THE TIME AND PLACE OF A  
PUBLIC HEARING ON A PROPOSED ZONING CHANGE, 42  
ACRES, 3205 CEDAR STREET, CITY OF MUSCATINE, IOWA**

**WHEREAS**, the Planning and Zoning Commission of the City of Muscatine, Iowa, has been requested to rezone from R-3 Single-Family Residential to C-3 Planned Commercial ; said property, located at 3205 Cedar Street, described as:

A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF SECTION 28, TOWNSHIP 77 NORTH, RANGE 2 WEST OF THE 5TH P.M., MUSCATINE COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 28; THENCE SOUTH 89°59'59" WEST (ASSUMED BEARING) 1335.83 FEET ALONG THE SOUTH LINE OF SAID SECTION 28; THENCE NORTH 00°29'17" WEST 85.75 FEET TO THE NORTHERLY RIGHT OF WAY OF HIGHWAY #22 AND THE POINT OF BEGINNING OF SAID PARCEL HEREIN DESCRIBED; THENCE CONTINUING NORTH 00°29'17" WEST 1475.83 FEET; THENCE NORTH 89°58'25" EAST 973.18 FEET; THENCE SOUTH 00°28'30" EAST 240.00 FEET; THENCE NORTH 89°58'25" EAST 323.00 FEET TO THE WESTERLY RIGHT OF WAY OF HOUSER STREET; THENCE SOUTH 00°28'30" EAST 1046.77 FEET ALONG SAID WESTERLY RIGHT OF WAY; THENCE SOUTH 89°59'59" WEST 226.01 FEET; THENCE SOUTH 00°26'09" EAST 225.25 FEET TO THE NORTHERLY RIGHT OF WAY OF HIGHWAY #22; THENCE NORTH 89°58'07" WEST 429.09 FEET ALONG SAID NORTHERLY RIGHT OF WAY; THENCE NORTH 82°34'56" WEST 272.26 FEET ALONG SAID NORTHERLY RIGHT OF WAY; THENCE NORTH 89°58'07" WEST 370.91 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 41.614 ACRES.

**WHEREAS**, a determination has been made by the Planning and Zoning considered this request, and took action at its April 9, 2013 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 2nd day of May 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 18th day of April 2013.

**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, 42 ACRES, 3205 CEDAR STREET, 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, 3205 Cedar Street (Muscatine Power and Water Offices), from R-3 Single-Family Residential to C-3 Planned Commercial. The real estate is further described as:

A parcel of land located in the South Half of Section 28, Township 77 North, Range 2 West of the 5th P.M., Muscatine County, Iowa, more particularly described as follows: Commencing at the Southeast Corner of said Section 28; thence South 89°59'59" West (assumed bearing) 1335.83 feet along the South line of said Section 28; thence North 00°29'17" West 85.75 feet to the Northerly right of way of Highway #22 and the Point of Beginning of said parcel herein described; thence continuing North 00°29'17" West 1475.83 feet; thence North 89°58'25" East 973.18 feet; thence South 00°28'30" East 240.00 feet; thence North 89°58'25" East 323.00 feet to the Westerly right of way of Houser Street; thence South 00°28'30" East 1046.77 feet along said Westerly right of way; thence South 89°59'59" West 226.01 feet; thence South 00°26'09" East 225.25 feet to the Northerly right of way of Highway #22; thence North 89°58'07" West 429.09 feet along said Northerly right of way; thence North 82°34'56" West 272.26 feet along said Northerly right of way; thence North 89°58'07" West 370.91 feet to the Point of Beginning. Said parcel contains 41.614 acres.

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, May 2, 2013, at 7:00 p.m. in the City Hall Council Chambers, at which time all interested parties are invited to comment.

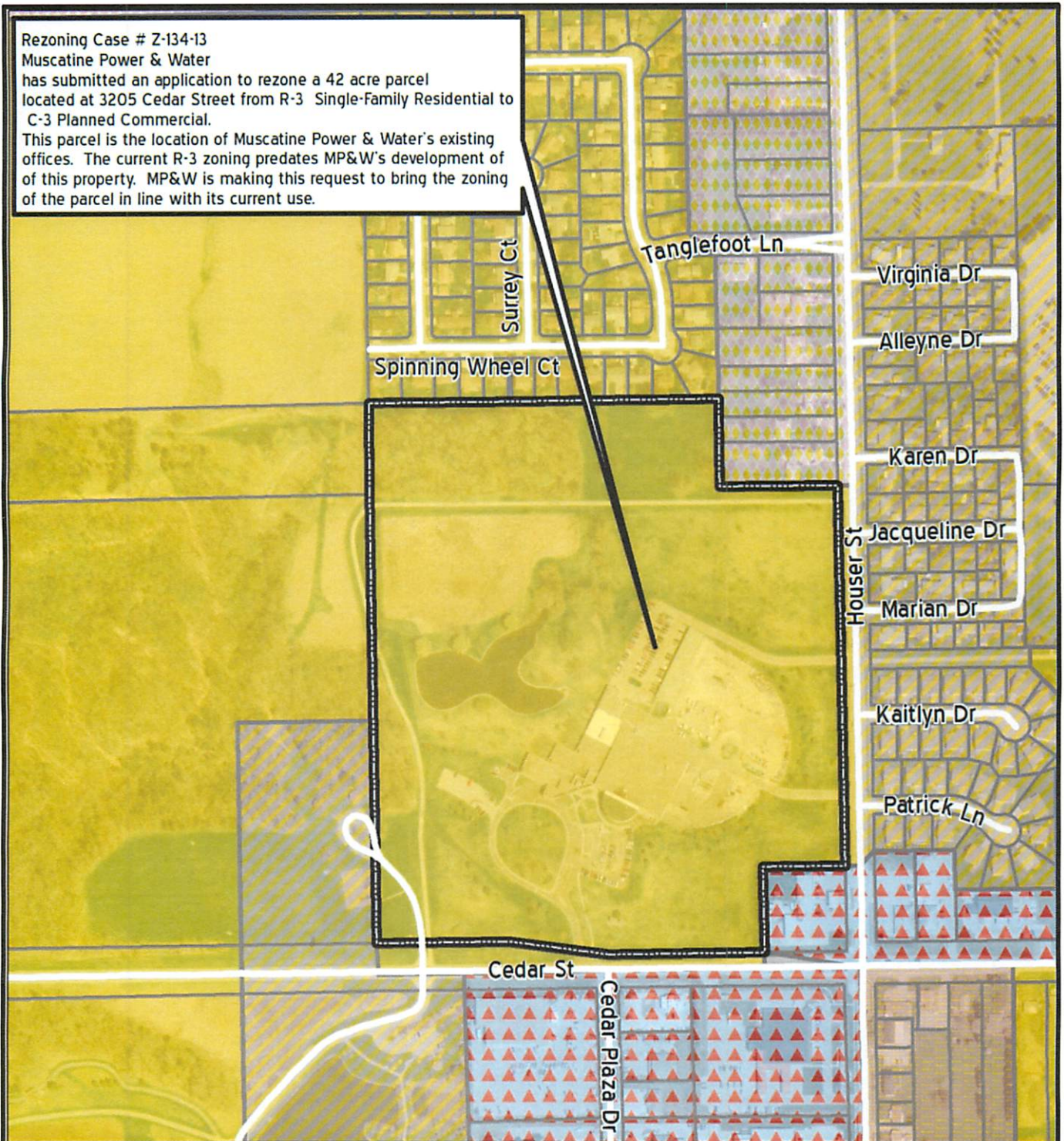
Gregg Mandsager, City Clerk



**Rezoning Case # Z-134-13**

Muscatine Power & Water has submitted an application to rezone a 42 acre parcel located at 3205 Cedar Street from R-3 Single-Family Residential to C-3 Planned Commercial.

This parcel is the location of Muscatine Power & Water's existing offices. The current R-3 zoning predates MP&W's development of this property. MP&W is making this request to bring the zoning of the parcel in line with its current use.



Subject Parcel



Parcel Line

**Zoning Distirct**



C-3 Planned Commercial



R-1 Single-Family Residence



R-2 Single-Family Residence



R-3 Single-Family Residence



R-5 Multi-Family Residence

**Rezoning Case # Z-134-13**

Date Source: Muscatine Area Geographic Information Consortium, City of Muscatine  
Prepared by: Andrew Fangman, City Planner  
Date: March 8, 2013

0 200 400 800 Feet

