

CITY OF MUSCATINE, IOWA

CONDITIONAL USE

Zoning Board of Adjustment
Conditional Use Case No.: 257

Filed: April 8, 2011

Board of Adjustment
City of Muscatine, Iowa

Ladies and Gentlemen,

On April 8, 2011, the undersigned applied for a Conditional Use Permit to construct an indoor gun range at 810 Division Street.

Location: Lots 8-15, in Block 2, South Park Addition and that part of Milwaukee Avenue abutting and adjacent to Lots 8-15, Block 2, all in the City of Muscatine.

Address: 810 Division Street

Zoning District: M-1, Light Industrial

This constitutes a Conditional Use as a determination by the Board that the proposed use is of the same general character as other uses within this zoning classification as set out in City Code Title 10, Chapter 14, Section 2(B).

Very truly yours,

Don Lewis
813 W. Mississippi Drive
563-264-8348

Fee Paid: \$150.00
Receipt No.: 72307
Date of Hearing: 05/03/11
Notice Sent:

LAW OFFICES
OF
HINTERMEISTER & KUNDEL
300 EAST SECOND STREET - SUITE 300
MUSCATINE, IOWA 52761-4108

ATTORNEYS AND MEDIATORS

JOHN L. HINTERMEISTER
STEVEN D. KUNDEL

TELEPHONE: 563-263-6501
FAX: 563-263-5345
EMAIL: h.and.k@machlink.com

April 13, 2011

ATTN: Board of Adjustment
City of Muscatine
215 Sycamore St.
Muscatine, IA 52761

RE: Letter of Explanation for Donald and Delmar Lewis'
Application to Construct Indoor Gun Range located at 810
Division St., Muscatine, Iowa.

Ladies and Gentlemen:

I represent Mr. and Mrs. Donald Lewis and Mr. and Mrs. Delmar Lewis, owners of 810 Division St., Muscatine, Iowa. The Lewis' are proposing to construct an indoor gun range, which will be housed in the main building on this property. Currently, there are seven (7) buildings located on this property. The buildings have seen various uses over the years and the condition of each building varies greatly. If approved, my clients will significantly remodel and restore the main building on the property and remove three (3) other buildings as shown on the attachment to the application itself.

This property is zoned light industrial and a list of the neighbors located within 200' of the property is attached to this letter. This application is being made due to the fact that the current City ordinance does not include any criteria for approving or denying an indoor gun range. We believe that an indoor gun range would be a compatible and allowable use in the light industrial zoning category. If this request is approved by the City of Muscatine, the remodel of the building will include significant amount of noise absorption insulation. Any sound generated which would escape the building itself would be compatible with noise generated in a typical light industrial zoning district. In addition, there are large areas for parking, the size of the parking areas be increased by the removal of the two (2) buildings located and attached to the main building on the East and West and

by the removal of the small guard shack building on the very Eastern edge of the property.

My clients proposal, if approved, will allow them to create the indoor gun range, which will be used by people in Southeastern Iowa, due to the fact that there are no other facilities like this in the area. Due to its indoor nature, it will also be able to be used year around. Local law enforcement has expressed interest in the facility and will benefit by being able to use this facility for firearms certification purposes. If ultimately approved, the facility will be unique to this area and will serve the public, who are now limited to various outdoor firing ranges located outside of Muscatine County.

If you need further explanation or need more information from either myself or my clients, please do not hesitate to contact my office.

Very truly yours,

HINTERMEISTER & KUNDEL

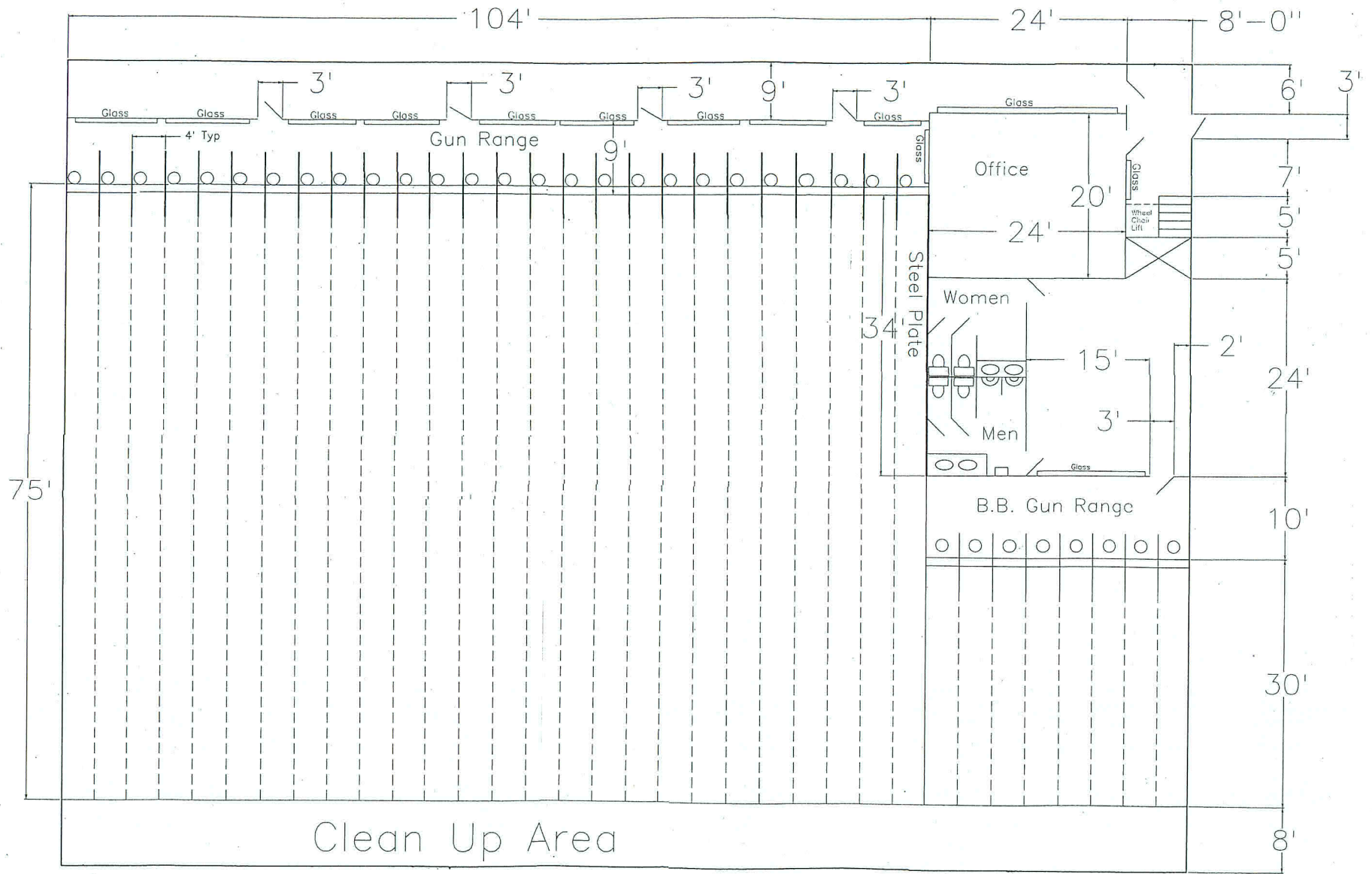
By



Steven D. Kundel

SDK:ld

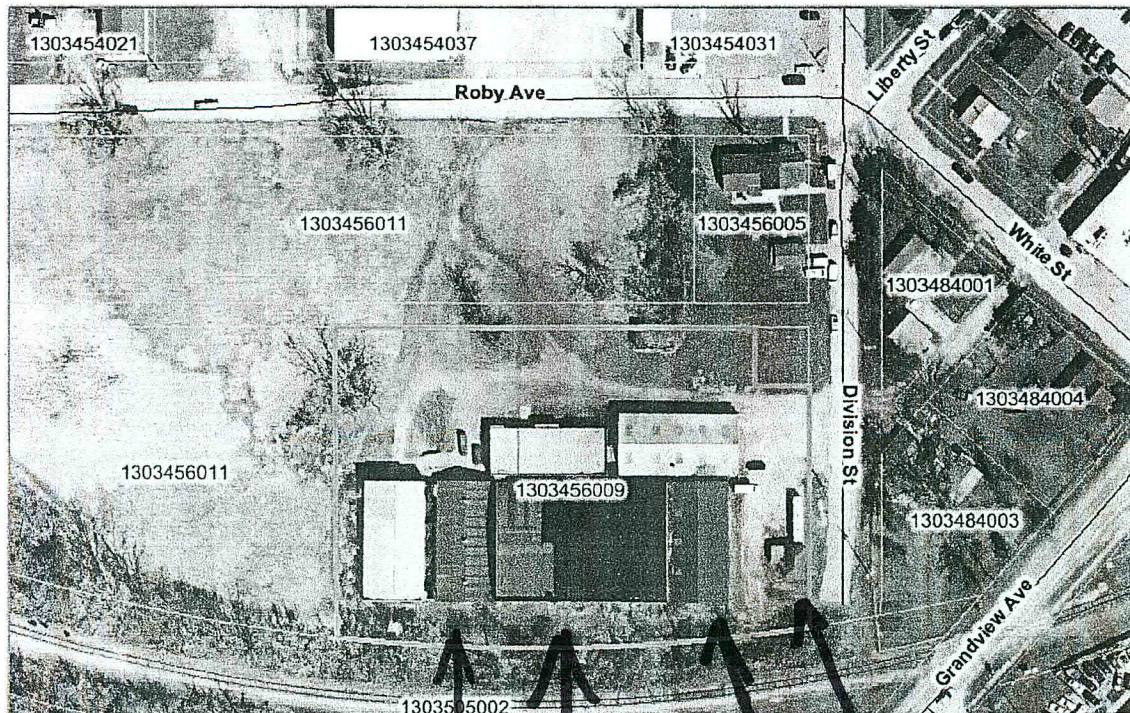
cc: Donald Lewis and Delmar Lewis



Muscatine Area Geographic Information Consortium (MAGIC)



Date Created: 4/6/2011
Map Scale: 1 in = 152 ft



Overview



Legend

- Roads**
 - Not Classified
 - Airport Runway
 - County Road
 - City Street
 - Neighbor County
 - Private Dr
 - State Highway
 - US Highway
 - US Hwy - Divided
- Parcels**
- Political Townships**
- Corporate Limits**

will be removed
Proposed gun range
will be removed

Title 10 – Zoning
Chapter 14 – M-1 Light Industrial District

SECTIONS:

- 10-14-1 Permissive Uses
- 10-14-2 Conditional Uses
- 10-14-3 Height, Area, and Off-Street Parking Requirements
- 10-14-4 Note Applicable Criteria for Permissive and Conditional Uses
- 10-14-5 Site Plan Review

10-14-1 Permissive Uses. (See Note 10-14-4)

- A. Any use permitted in the C-2 District, as long as the users are not offensive due to emission of noise, odor, dust, gas, smoke, or vibration, except that no dwelling other than that for a resident watchman or caretaker employed on the premises shall be permitted, with the exception of a single-family dwelling located on a lot two (2) acres or more in size.
- B. The manufacturing, assembling, or treatment of articles or merchandise from the following prepared material: canvas, cellophane, cloth, fiber, glass, leather, paper, plastic, precious or semi-precious metals or stones, rubber, textiles, wood, and yarn.
- C. The manufacturing or assembly of bolts, nuts, screws, and rivets; boats; ornamental iron products; firearms; electrical appliances; electronic instruments and devices; tools, dies, machinery, and hardware products; medical and dental equipment; drafting and optical instruments; musical instruments; watches and clocks; and toys and games.
- D. The manufacture or storage of food products, including beverage bottling, bakery products, candy manufacture, fruit and vegetable processing and canning; but not packing and processing of meat and poultry products, distilling of beverages, or slaughtering of animals.
- E. The manufacture, compounding, processing, packaging, or treatment of such products as cosmetics, pharmaceuticals, and toiletries.
- F. Builders or contractors plant or storage yard; building materials sales and storage yard, including concrete mixing; and lumber yard, including millwork.
- G. Open yard for storage and sale of feed, fertilizer, or fuel.
- H. Automobile, truck, trailer, and garden and farm implement establishments for sales, display, and hire, including sales lots.
- I. Truck or motor freight terminals, provided that service yards or docks are located at least two hundred feet (200') from any lot in an R District.
- J. Drive-in restaurant.
- K. Animal hospital, veterinary clinic, or kennel, provided that buildings or enclosures are at least one hundred feet (100') from any lot in an R District.
- L. Public or private open-air recreational uses, provided that such uses are not within two hundred feet (200') of any R District.
- M. Greenhouse or nursery.
- N. Agricultural activity, except that all livestock operations or farms in excess of ten (10) head shall have a minimum of twenty (20) acres.

10-14-2 Conditional Uses. (See Note 10-14-4)

- A. Electrical distribution substation, pipeline pumping station, or water tower.
- B. Any other use that is determined by the Zoning Board of Adjustment to be of the same general character as the foregoing permissive -uses.