

**ORDINANCE NO. 94035-1117**

An Ordinance rezoning real estate in the City of Muscatine  
from R-3 Residential to R-L Large Scale Residential Development

WHEREAS, the Real Estate described below is presently zoned R-3 Residential; and

WHEREAS, the Planning and Zoning Commission of the City of Muscatine, Iowa, has held a public meeting on the proposed rezoning as required by City Code; has considered all the factors listed in Subsection 10-10-9(B) of the City Code; and has recommended that such Real Estate be rezoned to R-L Large Scale Residential Development; and

WHEREAS, the best interests of the City will be served by rezoning such Real Estate as proposed.

**IT IS, THEREFORE, ORDAINED**, by the City Council of Muscatine, Iowa, as follows:



Section 1. This Real Estate is rezoned to R-L Large Scale Residential Development:

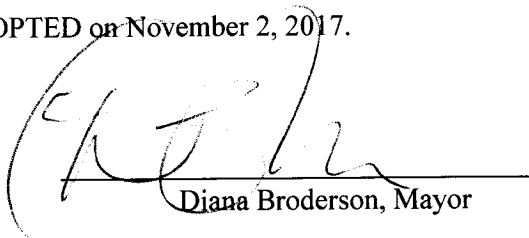
A part of the Northeast Quarter of Section 26, Township 77 North, Range 2 West of the 5<sup>th</sup> P.M. in Muscatine County, Iowa, more particularly described as follows: Beginning at the Northwest corner of the Northeast Quarter of the Northeast Quarter of said Section 26; thence South 2.21 chains (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.

Section 2. The Zoning Ordinance of the City of Muscatine, Iowa, is amended to provide that the Real Estate is zoned R-L Large Scale Residential Development.

Section 3. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are repealed.

APPROVED, AND ADOPTED on November 2, 2017.

ATTEST:  
  
  
Gregg Mandosager, City Administrator

  
Diana Broderson, Mayor

1<sup>st</sup> Reading: October 5, 2017  
2<sup>nd</sup> Reading: October 19, 2017  
3<sup>rd</sup> Reading: November 2, 2017  
Publication: Nov 10, 2017

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It is, Therefore, Ordained, by the City Council of Muscatine, Iowa, as follows:

Section 1. This Real Estate is rezoned to R-L Large Scale Residential Development:

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 16th Avenue) 808.10 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 4.48 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.

Section 2. The Zoning Ordinance of the City of Muscatine, Iowa, is amended to provide that the Real Estate is zoned R-L Large Scale Residential Development.

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**PASSED, APPROVED, AND ADOPTED**  
on November 2, 2017.

ATTEST: Diana Broderickson, Mayor

Gregg Mandersager, City Administrator

1st Reading: October 5, 2017

2nd Reading: October 19, 2017

3rd Reading: November 2, 2017

Publication: November 10, 2017

COPY OF NOTICE  
EXHIBIT "A"

AFFIDAVIT OF PUBLICATION

STATE OF IOWA }  
SCOTT COUNTY, } ss.

The undersigned, being first duly sworn, on oath does say that he/she is an authorized employee of THE MUSCATINE JOURNAL, morning edition, a daily newspaper printed and published by Lee Enterprises, Incorporated, in the City of Davenport, Scott County, Iowa, and that a notice, a printed copy of which is hereto annexed as Exhibit "A" and made a part of this affidavit, was published in said THE MUSCATINE JOURNAL, on the following dates:

11/10

The affiant further deposes and says that all of the facts set forth in the foregoing affidavit are true as he/she verily believes.

Michelle McCoy

Subscribed and sworn to before me by said affiant this 10<sup>th</sup>

day of November 20 17



STEPHEN H. THOR  
Commission Number 168839  
My Commission Expires  
3-24-18

Stephen H Thor

Notary Public in and for Scott County, Iowa





City Hall, 215 Sycamore St.  
Muscatine, IA 52761-3840  
(563) 262-4141  
Fax (563) 262-4142

## 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:** October 5, 2017

**Re:** **SUPPLEMENTAL MEMO 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

This memo supplements the original staff memo which is also attached. This supplemental memo reflects changes made to the development proposal since it was initially submitted, reports and addressed comments and questions received from the public about this proposed project, and provides additional information regarding the potential impact of this project.

### A Revised Outline Development Plan

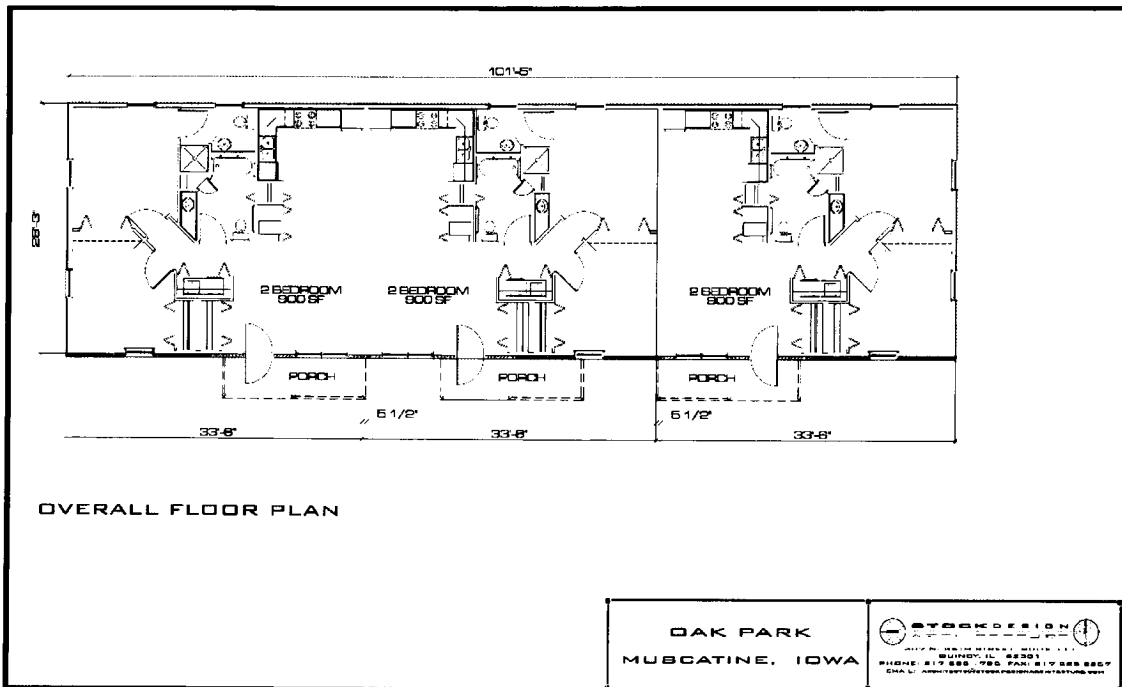
The applicant has submitted a revised outline development plan (see below, with a full-sized version attached). The applicant made these revisions in response to feedback received from neighbors.

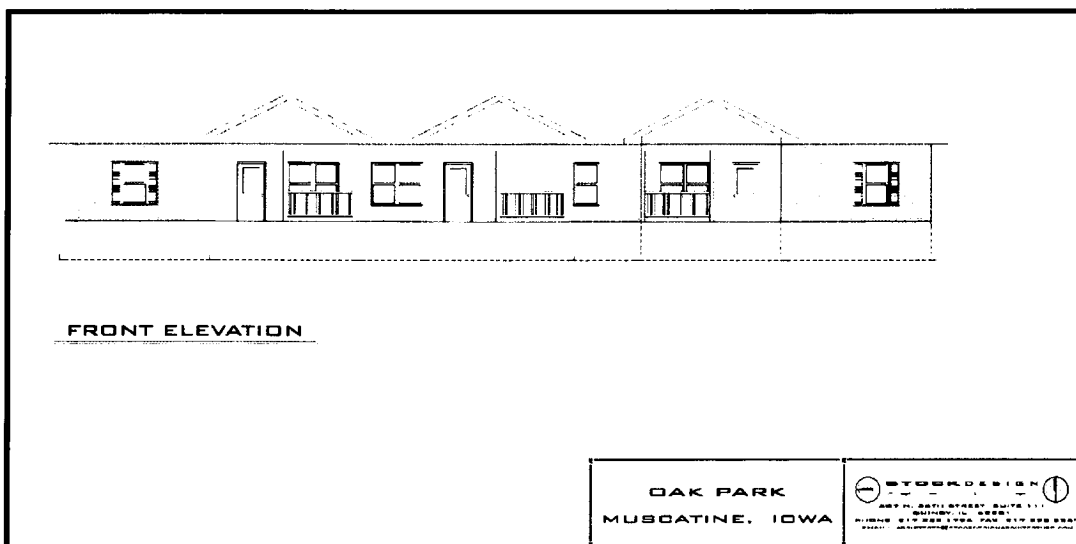
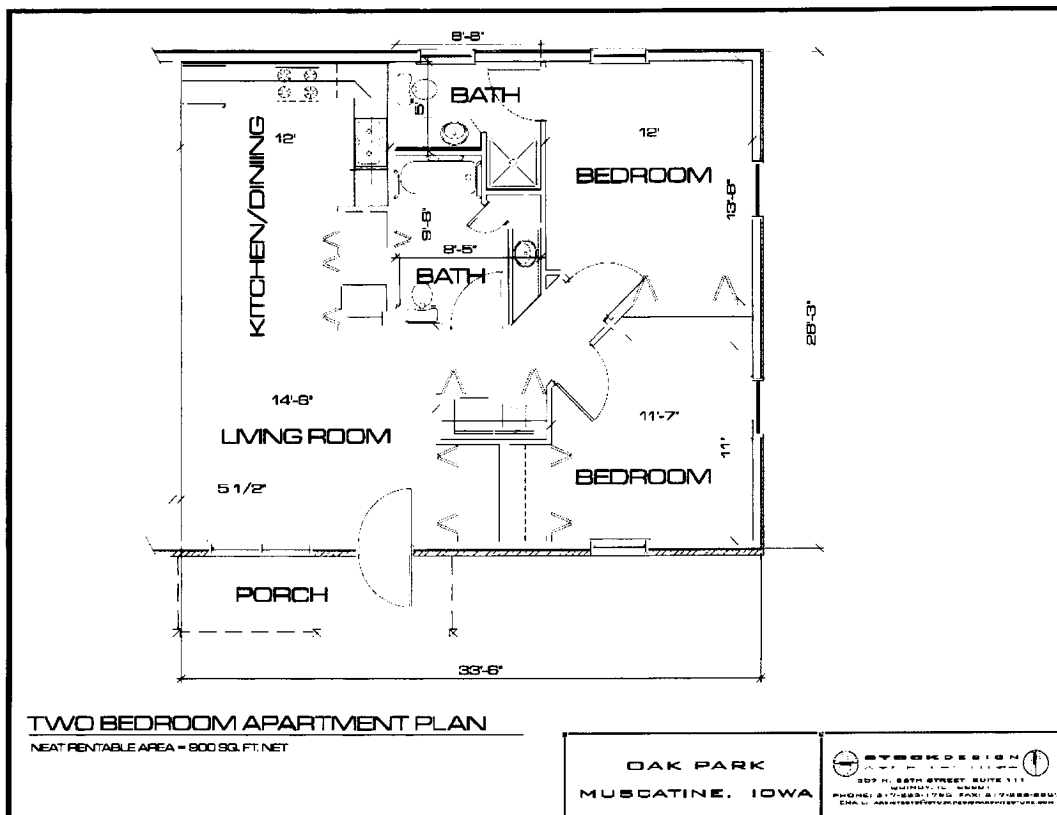


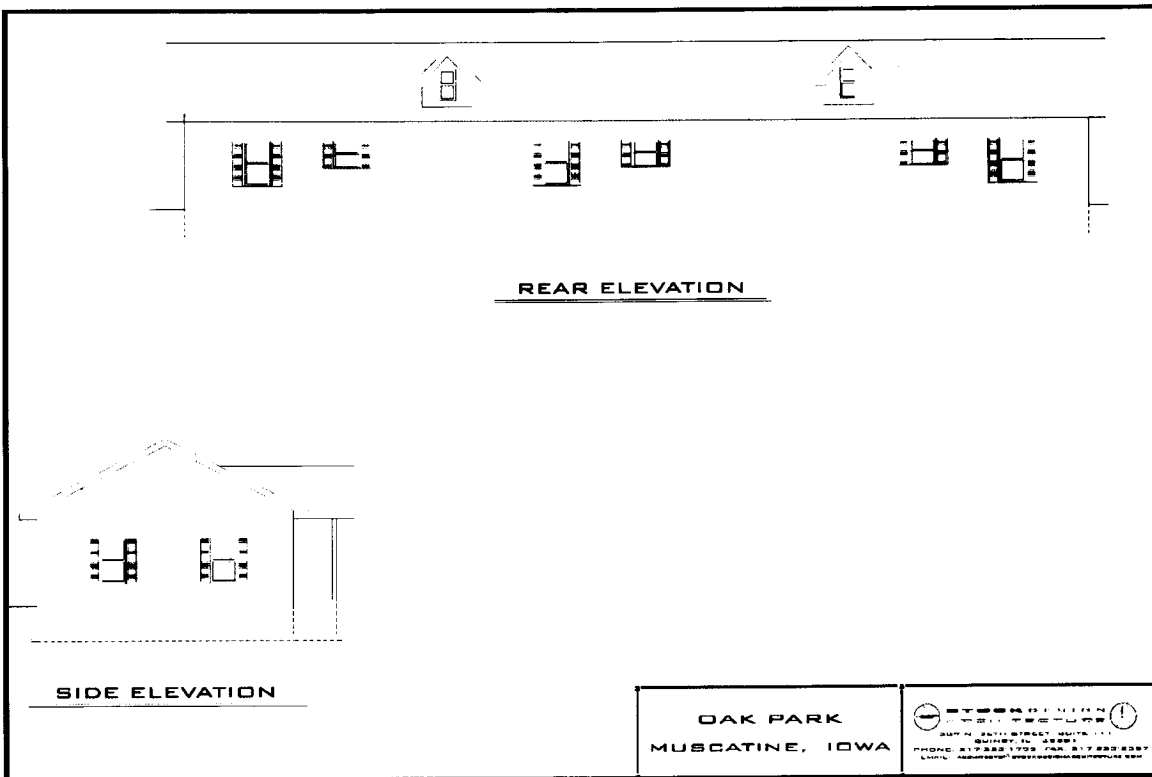
The revisions include reducing access points onto Blaine Street from 3 to 2, by shifting access to the community building from Blaine Street to the new proposed private street, shifting the buildings as far east as possible, they are now about 120' from the property lines of the homes adjoin the subject area to the west, leaving an access "lane" to neighbors back yards along the west property line before the landscape buffer begins, making changes to the landscaping plan in response to specific request by adjoining property owners, and revising the grades with additional detention ponds to slow water runoff. Changes in the proposed grade, now means that the floor of the proposed building will be 10' lower in elevation than the homes adjoining the subject area to the west.

### Submission of Plans and Elevations of Proposed Buildings

While not required to do so until a preliminary development plan, the application has submitted plans and elevations of the proposed buildings (see below, with a full-sized version attached). in order to given better sense of what is being proposed.

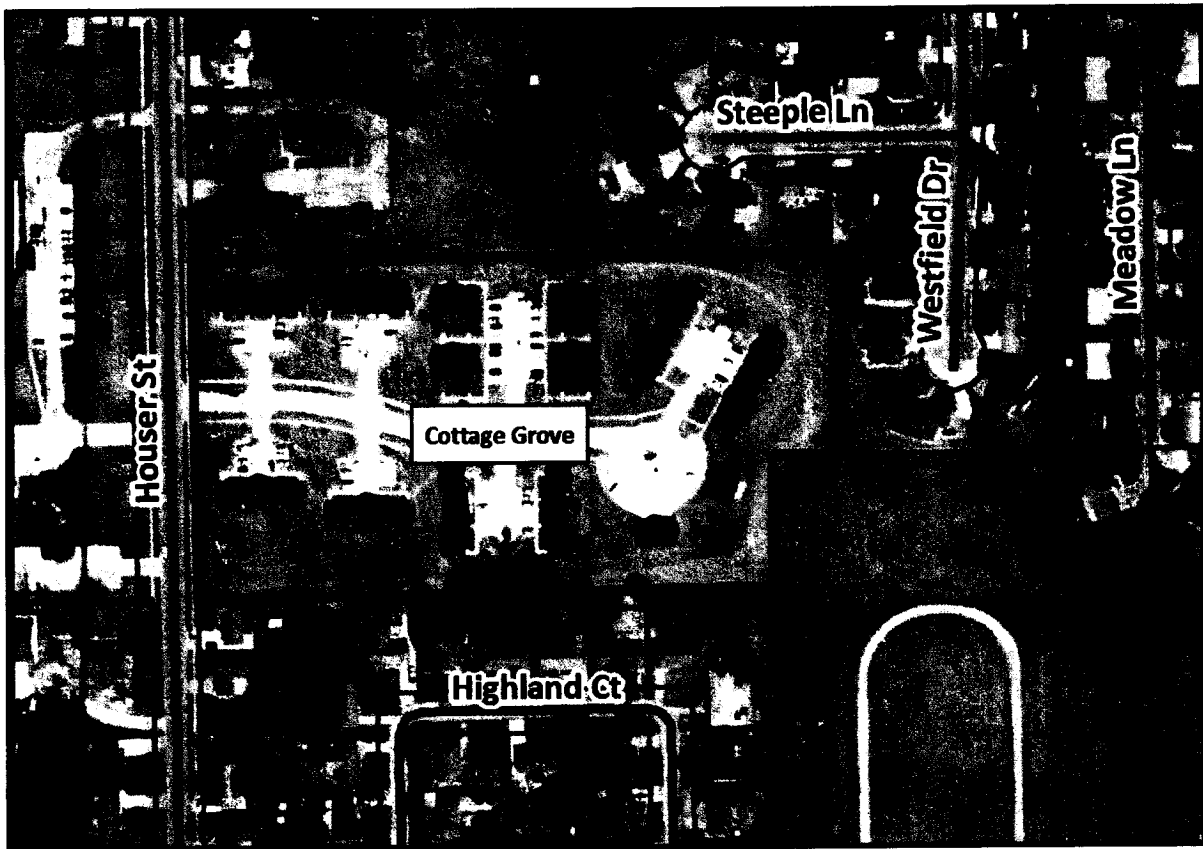






## Potential Impact on Property Value of Nearby Homes

At the Planning and Zoning Commission hearing on the proposed rezoning, one concern of nearby property owners was the potential negative impact of the proposed development on the value of their properties. The best way to examine the potential impact on surrounding property values is to examine what, if any, the Cottage Grove apartment complex has on the value of property surrounding it. Cottage Grove is an approximately 50-unit apartment complex composed of 4-plexs, that serves low to moderate income seniors, currently 15 units of Cottage Grove are receiving Section 8 vouchers. It was constructed in 2000 by the same developer that is proposing the development north of Oak Park, and the management company that manage Cottage Grove would also manage the proposed development. Like the proposed development Cottage Grove is in an R-L zoning district surrounded by single family homes that have been developed in the R-3 zoning district. For these reasons, it is very reasonable to assume that the proposed development will have similar impact on the value of surrounding properties as Cottage Grove has had on surrounding properties.



On Steeple Lane, the average assessed value of homes adjoining Cottage Grove is **\$97.20** per square foot of livable space, with the assessed value increasing **10.8%** over the past 4 years. The homes on Steeple Lane that do not adjoin cottage grove have an average value of **\$86.84** per square foot of livable space, with the assessed value increasing **11.5%** over the past 4 years. On Westfield Drive, the average assessed value of homes adjoining Cottage Grove is **\$165.63** per square foot of livable space, with the assessed value increasing **10.6%** over the past 4 years. The homes on Westfield Drive that do not adjoin cottage grove have an average value of **\$110.67** per square foot of livable space, with the assessed value increasing **11.1%** over the past 4 years.

On Highland Court, the average assessed value of homes adjoining Cottage Grove is **\$75.89** per square foot of livable space, with the assessed value increasing **10.9%** over the past 4 years. The nearest nine homes on Highland Court that do not adjoin cottage grove have an average value of **\$78.21** per square foot of livable space, with the assessed value increasing **10.3%** over the past 4 years.

For a little more context, the average assessed value of the 6 homes on 5<sup>th</sup> Avenue adjoining the proposed development is **\$110.36** per square foot of livable space, with the assessed value increasing **1.8%** over the past 4 years.



There is no evidence in these statistics that Cottage Grove has had negative impact on the value of surrounding properties. This strongly indicates that proposed development will likewise not negatively impact the value of surrounding property, particularly because the dwelling units in Cottage Grove is much closer to adjoin properties than is being proposed with this rezoning, a range of 40' to 90' versus a minimum of approximately 120'. Additionally, unlike the proposed development there is very little vegetative screening between the buildings of Cottage Grove and adjoining home.

The Muscatine County Assessor's Office was also contacted to get their opinion on if Cottage Grove has a negative impact on surrounding properties and if the proposed development would have negative impact on surrounding property values. The reported that they have not observed a negative impact from Cottage Grove on surrounding property value, nor would they anticipate a negative impact on surrounding property value should the proposed development get built.

### **Potential Impact on the Isett Avenue/Blaine Street Intersection**

There also have been concerns regarding impact that the proposed development might have on the Isett Avenue/Blaine Street intersection. Over the past 10 years there has been 4 reported accidents at this intersection. This low number of accidents is strong indication that the intersection is not currently functioning in an unsafe manner. There are no features of the proposed development that would make this intersection less safe.

This development will add traffic to the Isett Avenue/Blaine Street Intersection. However, the amount of traffic added to this intersection, if the proposed rezoning were approved is likely to be less than if the property were to developed under the current single-family zoning.

According to the latest edition of the *Institute of Transportation Engineers Trip Generation Handbook*, attached senior dwelling units can be expected to generate 36% of the vehicle traffic that the same number of single family detached dwelling units would generate. This means that proposed development will generate the same amount of traffic that the development of 17 single family homes would. As has been previously noted, the current zoning of the subject area would allow for the construction of up to 48 single family homes.

### **Written Communication Received from Nearby Property Owners**

Attached are two letters received from nearby property owners, one dated September 25<sup>th</sup> and one dated September 30<sup>th</sup>. As per there request they are being included in the council agenda packet.

## Clarification Regarding Written Notice to Nearby Property Owners of the Planning and Zoning Commission Hearing

The required was mailed out to all properties owners on September 8, 2018. The mailing list was based on the those who own property within 200' of the subject property, see map below, properties within 200' are outlined in yellow.



## Clarification Regarding the Ability to Appeal a Planning and Zoning Commission Recommendation

Because the P&Z was only making a recommendation, and not actual ruling, there is no mechanism by which a recommendation of the Planning & Zoning Commission can be appealed. City Council, however, can send a case back to P&Z for additional consideration if it so chooses. It should also be noted, the under R-L zoning district, this would be not the last time the Planning & Zoning Commission could be asked to make a recommendation on this development. If were council were to approve this request, both the preliminary and final development plan would have to be reviewed by the P&Z Commission and approved by Council after a public hearing, with notice to property owners within 200'.





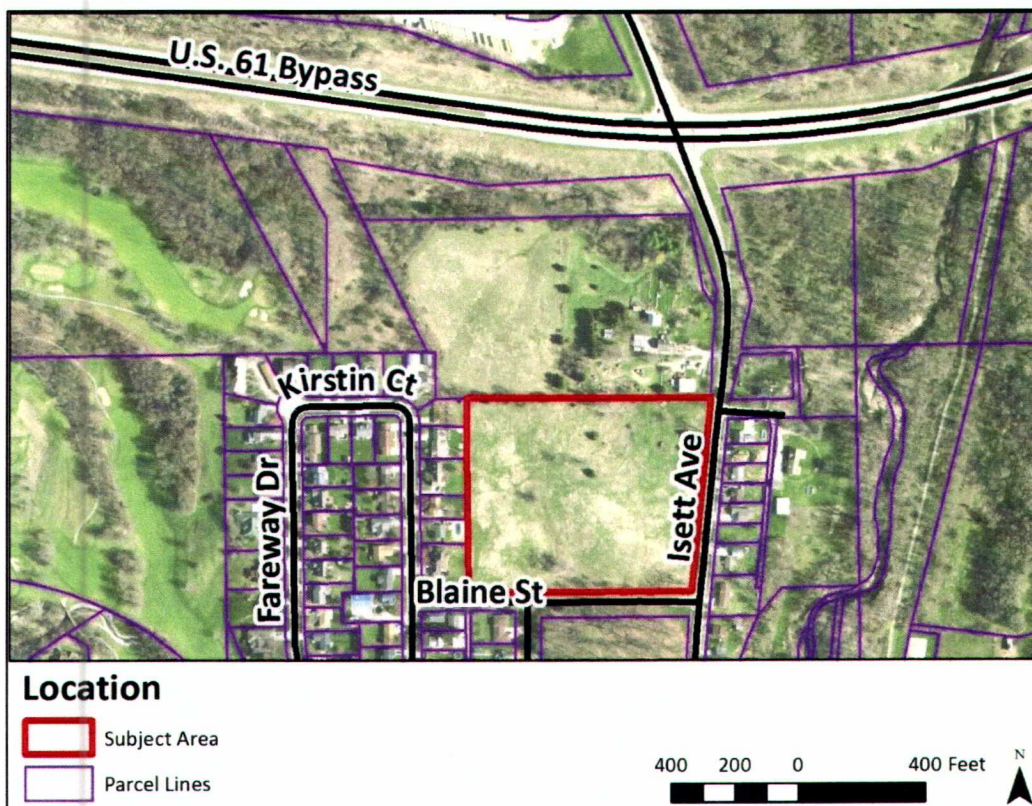
City Hall, 215 Sycamore St.  
Muscatine, IA 52761-3840  
(563) 262-4141  
Fax (563) 262-4142

## 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:** October 5, 2017  
**Re:** 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 ten acres located at the corner of Blaine Street and Isett Avenue from Single Family Residential to R-L Large Scale Residential Development. Oak Park, LLC is owned by Brian Fitz of the Quad Cities and has contracted to purchase this property from Grace E. King, the current property owner. The applicant has also submitted, as is required in the R-L District, an outline development plan.



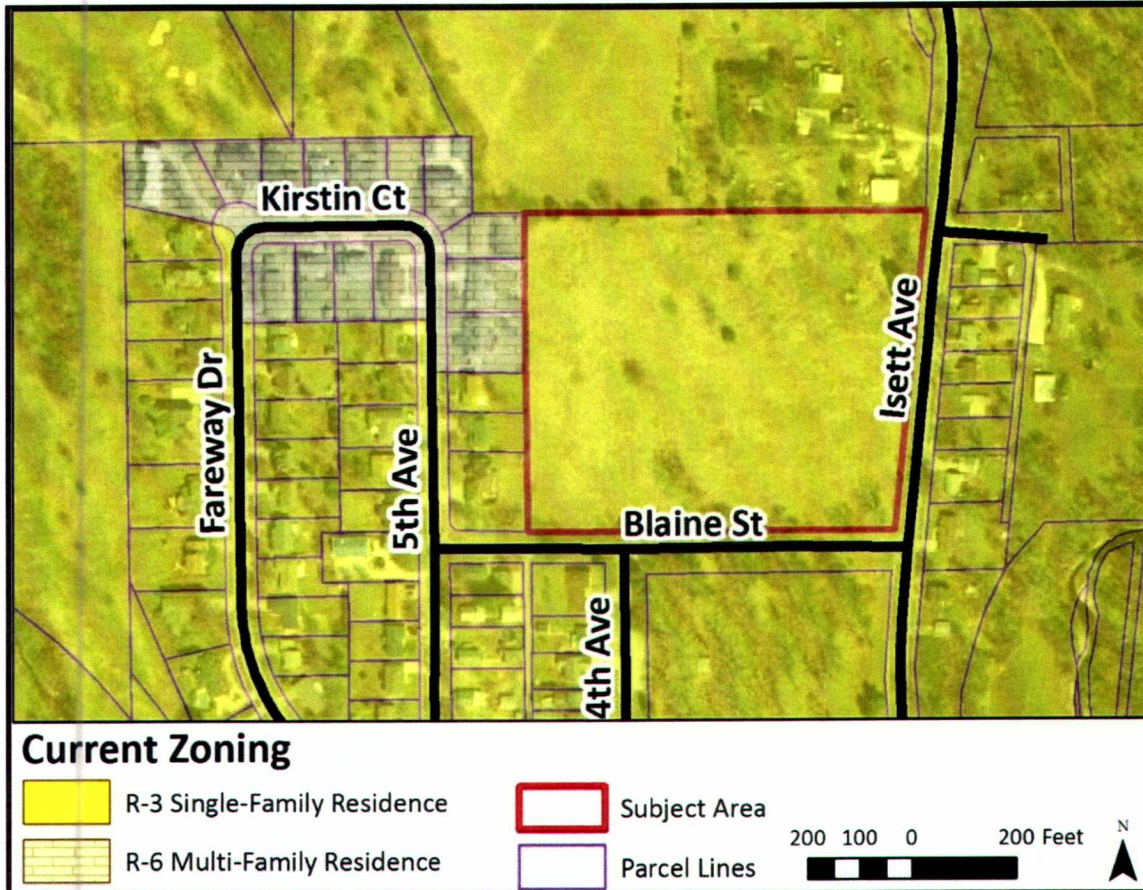
"I remember Muscatine for its sunsets. I have never seen any  
on either side of the ocean that equaled them" — Mark Twain







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

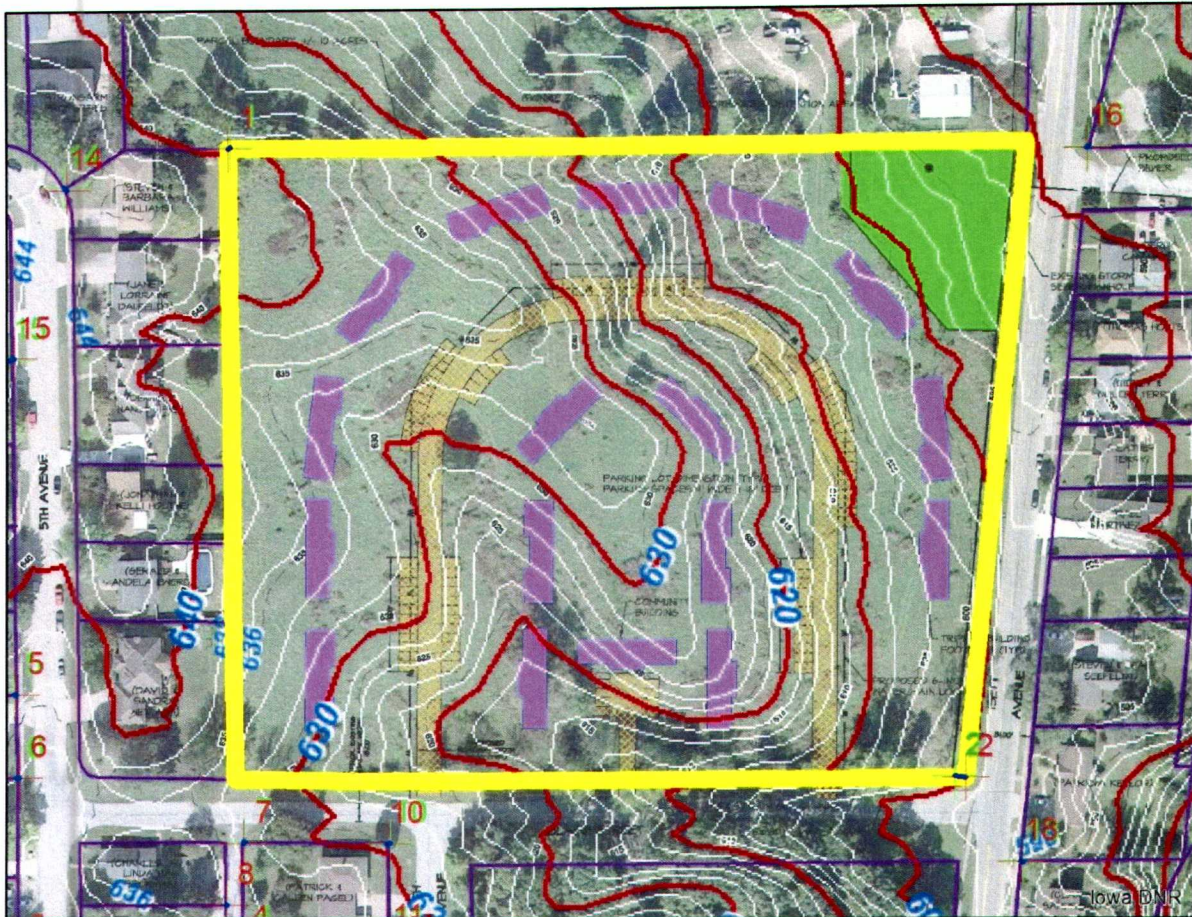


The land use in the vicinity of the subject area is mostly comprised of single family dwellings, with some undeveloped land to the north, and Oak Park located to the south across Blaine Street. Additionally, within 750' to the west of the subject area, along Kirstin Court, there are five multi-family 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, as part of the approval of a preliminary and final plan, as detailed further on this memo, a Grading plan, to include the location of waterways on the site or on adjacent land, and a drainage plan with sufficient control grades to indicate the intent of the developer, 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 would be informed in the same 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 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 as with this proposal, that about .5 acres is set aside for storm water detention, leaving 9.73 acres, which at one dwelling unit per 8,800 works out to a total of 48 dwelling units.

All development in 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 potential 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 it is compatible with surrounding land uses. This recommendation for approval 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.

Housing for seniors that contain no steps is long identified 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 increased the supply of needed senior housing, and housing stock that meet the needs of the community is a major component of quality of life.

It needs to acknowledged that the density of the proposed development at 4.7 dwelling units per acres, exceeds the 2 to 3 dwelling units per acre established for this area by Future Land Use Plan of the Comprehensive Plan. However, the proposed rezoning does not allow for a greater density that is currently permitted under the subject areas 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, that are not dissimilar to the triplexes that are being proposed by the applicant, located within 750' of the subject area on Kirsten Court. 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 120' 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 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 plan include greater levels of details regarding the proposed development.

Approval of both the preliminary and final development plans is to based on a finding that they are in 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 plan. Notification and opportunities for the public to offer comment, 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 twenty-four inch 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:** The Planning and Zoning Commission by a 5-2 vote recommends approval of the proposed rezoning. Staff also recommends approval of the proposed rezoning for the reasons set forth in this memo.

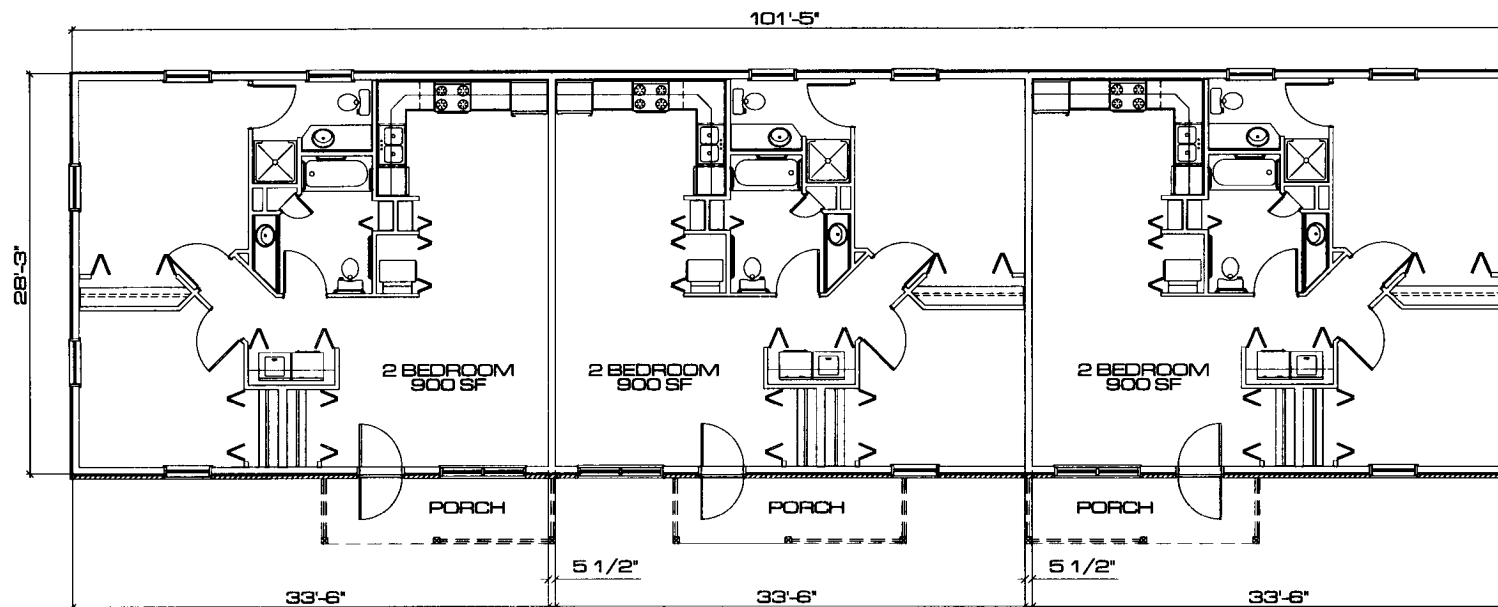
**BACKUP INFORMATION:**

1. Supplemental Memo
2. Ordinance
3. Proposed Outline Development Plan
4. Building Plans & Elevations
5. 9-25-2017 Letter from Jane Daufeldt on Behalf of Nearby Property Owners
6. 9-30-2017 Letter from Jane Daufeldt on Behalf of Nearby Property Owners







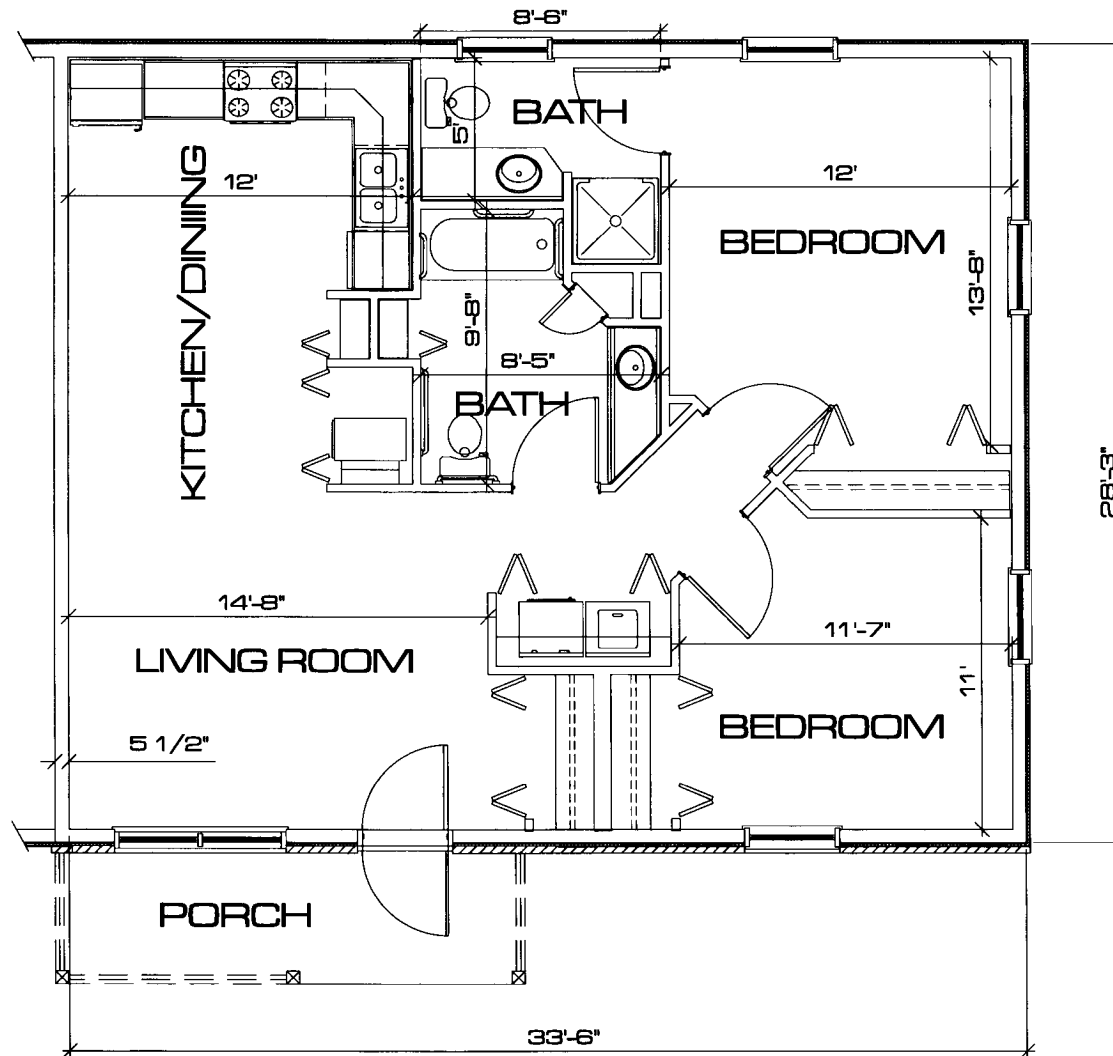


OVERALL FLOOR PLAN

OAK PARK  
MUSCATINE, IOWA

**STOCK DESIGN**  
ARCHITECTURE

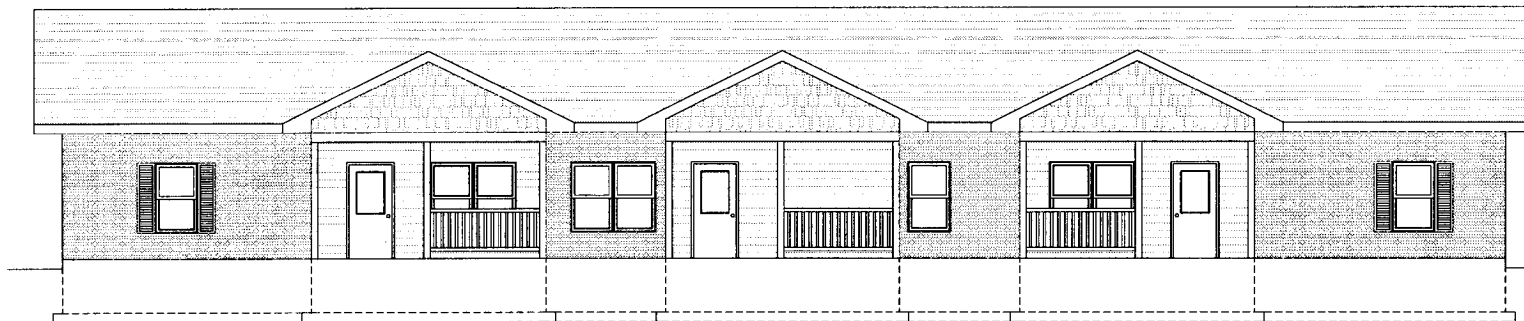
307 N. 36TH STREET SUITE 111  
QUINCY, IL 62301  
PHONE: 217-223-1788 FAX: 217-223-2357  
EMAIL: ARCHITECTS@STOCKDESIGNARCHITECTURE.COM



## TWO BEDROOM APARTMENT PLAN

NEAT RENTABLE AREA = 900 SQ. FT. NET

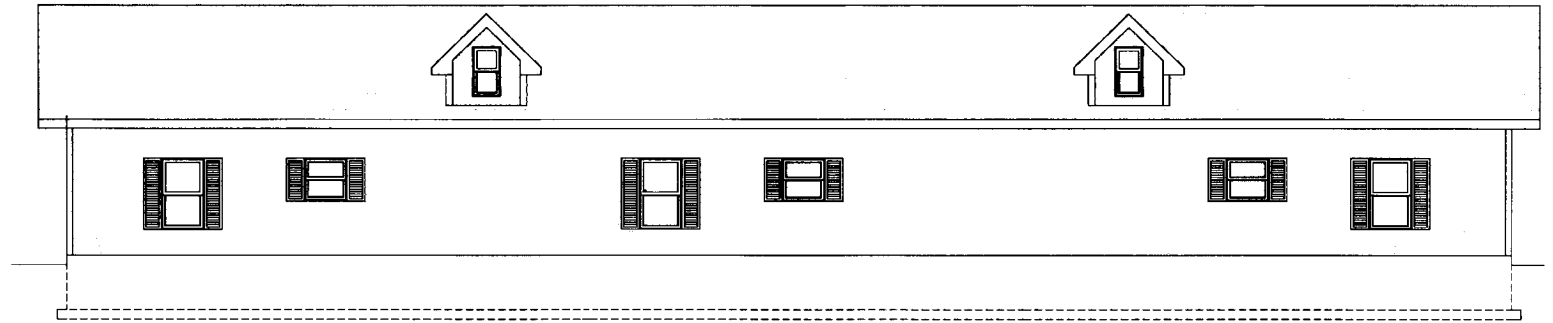
<p><b>OAK PARK</b></p> <p><b>MUSCATINE, IOWA</b></p>	<p><b>STOCK DESIGN</b> ARCHITECTURE</p> <p>307 N. 36TH STREET SUITE 111 QUINDY, IL 62301</p> <p>PHONE: 217-223-1795 FAX: 217-223-2357 EMAIL: ARCHITECTS@STOCKDESIGNARCHITECTURE.COM</p>
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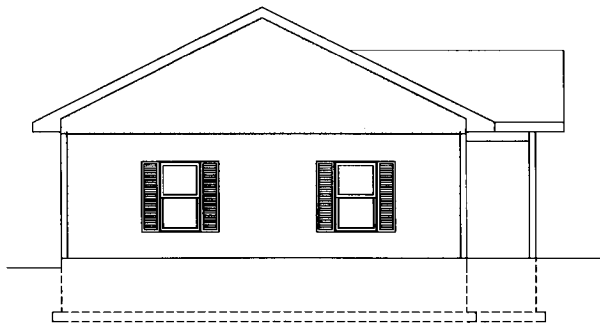
FRONT ELEVATION

OAK PARK  
MUSCATINE, IOWA

STOCK DESIGN  
ARCHITECTURE  
307 N. 35TH STREET, SUITE 111  
QUINCY, IL 62301  
PHONE: 317-223-1795 FAX: 317-223-2357  
EMAIL: ARCHITECTS@STOCKDESIGNARCHITECTURE.COM



REAR ELEVATION



SIDE ELEVATION

OAK PARK  
MUSCATINE, IOWA

**STOCK DESIGN**  
ARCHITECTURE  
307 N. 36TH STREET SUITE 111  
QUINDY, IL 62301  
PHONE: 217-223-1705 FAX: 217-223-2357  
EMAIL: ARCHITECTS@STOCKDESIGNARCHITECTURE.COM

To: Members of the Planning and Zoning, City Council, Mayor, and City Administrator

From: Jane Daufeldt, acting scribe for neighbors in Oak Park area

September 25, 2017

Notes from Oak Park Development Neighborhood Meeting at 6:00 PM

Oak Park Shelter

Attendance (as signed in): Kurt Zimmerman, Steve Seefeldt, Deborah Yerington(Carl), Susan Fulton(Dave), Don and Shirley Johnson, Louise and John Meerdink, Jan and Jurgen Boche, Jerry Ewers, Ben and Tiffany Huntington, Karen Beach, Rylee Perez(Sara Fields), Jeanne VanderVeen, Tom and Mary Burke, Tom and Lynn Kelly, Chuck and Linda Beckman, Penny McGuinness, Nancy Jens(Denny), Jon and Kelli Holthe, Jane L Daufeldt and others present, but not signed in.

Much discussion took place about the proposed development with many comments opposing the change of zoning. There was a great deal of discussion about notification and the process to move forward....

We held a neighborhood meeting this week in regard to the proposed Oak Park LLC project and zoning change request. During this meeting, it was apparent that some procedural or administrative issues arose that needs to be addressed by City staff or Planning and Zoning Commission. We are looking for clarification on how to move forward since not ALL the adjoining property owners were notified by letter of the Planning and Zoning Commission meeting on the rezoning request. Not sure if this was an oversight or not, but due to this notification error we believe either an appeal to the Planning and Zoning Commission needs to occur prior to this moving forward to council or this process for the zoning change and development plan needs to start over for due process and fairness of all involved.

We understand according to Title 10 that the Planning and Zoning Commission shall hold a public meeting prior to making a recommendation on the proposal. The public meeting shall be held in accordance with State and Municipal codes and Planning and Zoning Commission rules of procedure. After reading Title 10 we are unclear on the appeal process and rules of procedures in regard to when it is not followed or carried out administratively or procedural.

Only a few of the neighbors attended the September 12<sup>th</sup> meeting on the rezoning request because not everyone within 200' was notified. We believe this had a significant impact on the decision made by the Planning and Zoning Commission. We did have two members vote "NO" on the proposed zoning change and we believe if everyone would have been notified properly that they would have been in attendance and it could have resulted in a different outcome with the zoning request either being disapproved or approved with modifications.

Currently we have all adjacent property owners within 200' opposing the zoning change request from R-3 to R-L. It is our opinion that we would like to see it stay R-3. We have a petition that we are ready to share on opposing this zoning request.

We never saw the full outline development plan, such as Exhibit E, identifying the owners of ALL properties within 200 feet of the perimeter of the site. Not sure if the error lies here with the proposed developer or not. We would have expected to receive conforming copies of everything the P&Z Commission received in our first notice.

Also, as proposed in the development plan the density of the proposed development at 4.7 dwelling units per acres, exceeds the 2 to 3 dwelling units per acre as established for this area by Future Land Use Plan of the Comprehensive Plan. The Zoning and Comprehensive Plan are intended to preserve and protect existing property uses and values against adverse or unharmonious adjacent users. With that said, the planned development is inconsistent with the spirit and intent of the City's Comprehensive Plan that was adopted by City Council. Our interpretation would mean that the developer would need to reduce the number of units to comply if the zoning request was approved.

In summary, what we are requesting is a response on how we move forward to make this right. Is it an appeal process that we need to follow or is it that it just starts over? We believe this oversight impacted the overall decision of the Planning and Zoning Commission on September 12<sup>th</sup>. We would appreciate a response to our request prior to October 4<sup>th</sup>, at 5:00 pm. Thank you for the consideration of this request.



Notes from 09-30-2017

To: Neighborhood

On Oct 1, 2017, at 6:54 PM, Jane Daufeldt <jldaufeldt@gmail.com> wrote:

Hello!

I am attaching the jpeg files from Chris that I received this afternoon.

The reflect the changes that were requested... shade tree by Pagel's property view, dormers on the back sides of the triplex- elevation marked, and a color copy of the plot plan by Martin and Whitacre.

Let me know if there are other considerations and I will contact Chris about requests.

Remember Chris asked that we request that this project receive priority over the other two developments. If this receives priority over the other two, we will have senior housing vs single family low to moderate homes as another option.

He has listened to what we would like to see for the project. Funding awards are in March 2018 and construction could start as soon as April 2018. The project time line for construction is 1 year. With rental units available by April 2019. Chris will be with us through the design and construction and occupancy stages~ 3 years.

Positives for the all senior housing:

- Allows for more green space in the revised plot plan
- Allow for better drainage options
- Occupants are All seniors, 55 and up with median incomes of ~\$31K or lower –
- Construction and development of the property will be in one shot-one year and not strung out over many years
- We know what the development will look like and we have a willing developer that is working with us on our "View" (berms, landscaping, no rear doors, activity to the front of the buildings,
- One owner to contend with if there are issues in the future (not anticipated do to Iowa Finance Authority funding)
- This fulfills one of the major housing needs in the City of Muscatine.
- improvements to Blane Street with curbs and sidewalks- still a question of how far the city will go with street improvements... 4<sup>th</sup> Ave, Blaine from 4<sup>th</sup> to 5<sup>th</sup>?
- concerned that there are no garages or driveways. Where will cars be parked, is there a car park? Those streets will be quite congested.

The downside loss of the pasture, wild life and views.

You may have other positives or downsides, just let me know.

Respectfully submitted as scribe,

<image003.jpg>

**Jane L Daufeldt**  
**2223 Fifth Avenue**  
**Muscatine, IA 52761**

**Email: [jldaufeldt@machlink.com](mailto:jldaufeldt@machlink.com)**  
**Cell: 563.260.3154**

<Martin Whitacre Site Plan 9.22.17.pdf>  
<Stock A4 revision 10.1.17.pdf>  
<MArtin Whitacre revision 10.1.17.pdf>

Ales, PC  
1101 West 9<sup>th</sup> Street, #202  
Davenport, Iowa 52804

October 1, 2017

City Council  
Muscatine, Iowa

Re: Oak Park Development

Dear Council Members,

I have always enjoyed coming back to Muscatine, and my excitement continues to grow with this opportunity to work on another project in my home town. To restate our request, we are asking for 12 Project Based Vouchers (PBV), 70% Tax Increment Financing (TIF) for 15 years, and Rezoning to RL Large Scale Residential Development. This local participation will help garner over \$7M in highly competitive State funding that serves as the catalyst for this project, with the need for it documented in your recent Market Study.

I thank you and your staff for issuing an RFP for PBV's. As I shared with our soon to be neighbors, these vouchers serve seniors that fell on hard times, often through no fault of their own, finding themselves with no other choice for decent, affordable housing. While vouchers can be controversial, all our residents are subject to criminal, financial and reference checks. I have placed my family in apartments next to section 8 voucher holders, and would do so again without hesitation. Management issues are quite different between family and senior properties, with meeting senior's expectations being our greatest challenge – one we welcome as a check on our managers. Having submitted an application for 12 PBV's today, we anxiously await the Public Housing Authority's awards.

I also thank you and your staff for consideration of our request for TIF. It is an effective tool that fosters economic developments like ours. In addition to leveraging \$7M state funding for the communities benefit, our request is consistent with TIF legislation that sets aside a percentage of the tax increment in all TIF Districts for Low to Moderate Income projects like ours. I understand staff plans to recommend 10 year 100% abatement in lieu of TIF. While we prefer TIF, we welcome either and look forward to your action.

And I thank you and your staff for considering our request to rezone this property, facilitating this infill development with 16 tri-plexes in lieu of 48 single family homes. Though the same density, positioning 3 units side by side provides fewer but larger greenspaces and greatly enhances the sites overall appeal. These larger greenspaces will also be helpful in addressing everyone's concern with current storm-water run-off. We worked with your staff and the neighbors, revised both site and building plans as reasonably requested (see attached), and will continue to do so as required through the Preliminary and Final Site Plan Review.

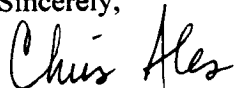
As you know, we are working on a November 16, 2017 deadline to the Iowa Finance Authority (IFA). We are committed to this site, believing it is consistent with the State's program as well as the City's Comprehensive Plan and its recent Market Study. We could revise our development to conform to the current zoning, restructuring it as single family rent to own homes. However, I share several neighbors' belief that would be less desirable than our proposed senior housing. Accordingly, we respectfully request you approve the first reading of our petition for rezoning on Thursday.

Finally, although the State could fund both a family and a senior project in Muscatine in the same year, based on my 20 years of experience with this program, it is highly unlikely. IFA only funded 12 of 26 applicants across the state last year, including 4 in set asides we are not eligible for. At best, our application will score identically with Miller Valentine's. Reasonably assuming several projects are funded in larger communities across the state, it is conceivable Miller Valentine's project could take the last of the precious 8 statewide slots we are competing for, shutting us out.

Muscatine's affordable housing needs for families were served in 2016 when the City supported and IFA approved Miller Valentine's family project on Bandag Avenue. Conversely, the last senior project in Muscatine, i.e. the Welch, was developed by me over 10 years ago. The City's market study states more respondents expressed a preference for senior than family housing, and senior projects provide a double bang for the buck, serving the need for senior housing while freeing up entry level housing as retirees sell their homes. Furthermore, Miller Valentine's 2016 project is yet to be completed and stabilized.

In closing, I understand Muscatine has traditionally supported competing IFA applications equally. However, I believe the above referenced facts warrant a departure from this practice. I encourage the City Council to express its desire as to how State funds are invested in Muscatine by expressing your preference for Oak Park over Miller Valentine's family project. For purposes of clarification, I am only asking you request that if IFA will only approve one or the other, they approve Oak Park. As always, please feel free to contact me with any questions or concerns regarding this or any other matter.

Sincerely,

A handwritten signature in black ink that reads "Chris Ales". The signature is written in a cursive, flowing style.

Chris Ales, CPA

Enclosures



# PIONEER PROPERTY MANAGEMENT, INC.



65 Elm Street, P.O. Box 703 • Platteville, WI 53818-0703  
(608) 348-7755 • Fax (608) 348-6550 • E-mail: [ppmi@ppmirentals.com](mailto:ppmi@ppmirentals.com)

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Dear City Council & Staff,

Please allow me to introduce myself. My name is Brian Fritz, and I am the President and Owner of Pioneer Property Management, Inc. Pioneer manages 75 properties with a total number of 4,500 family and elderly units throughout the Midwest, with over 95% of these being Section 42 Tax Credit housing.

I am working to develop a new project in Muscatine named Oak Park Senior Apartments. I am very excited to be involved in bringing necessary additional elderly affordable housing to the area. I will personally be involved in all aspects of not only the development of this new project, but its continued maintenance and management as well. We anticipate putting the most qualified and effective staff in this property to work with our corporate office and myself to ensure its success. As you know, Chris Ales is our project manager, and he will be involved with the development, construction and stabilization of this project.

In the event that you require an additional contact outside of Chris or our on-site staff members, you will find my direct contact information below. Please feel free to call or email me anytime, with any questions, so I can help rectify any situation that may arise.

I look forward to working with you, and to supporting this beautiful community and its residents

Sincerely,



Brian J. Fritz  
President & Owner  
Pioneer Property Management, Inc.

Direct Contact Information:

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\*E-mail: [brian@ppmirentals.com](mailto:brian@ppmirentals.com)