

RESOLUTION NO. 94025-1017

**A RESOLUTION SETTING THE TIME AND PLACE TO
CONDUCT A PUBLIC HEARING ON A REQUEST THE REQUEST TO
VACATE CERTAIN OF UTILITY EASEMENTS AT LOTS 9, 19, AND 11 OF
RIVERBEND FIFTH ADDITION IN (DIANA QUEEN DRIVE)**

WHEREAS, a request has been received for the vacation of utility easements between Lots 9 & 10; and Lots 10 & 11 of Riverbend 5th Addition on Diana Queen Drive) described as:

Four public utility easements five feet wide on both sides of the boundary line between Located Between Lots 9 & 10; and Lots 10 & 11 of Riverbend 5th Addition to the City of Muscatine Iowa.

WHEREAS The Buyer intends to build a duplex in the center of Lots 9, 10, and 11, but there are public utility easements five feet wide on both sides of the boundary line between Lots 9 and 10; and between Lots 10 and 11.

WHEREAS, a public hearing must be conducted by the City Council of Muscatine on the vacation of this utility easement.

NOW, THEREFORE, BE IT RESOLVED, by the City Council for the City of Muscatine, that a Public Hearing is hereby established. Said hearing to be conducted at 7:00 p.m. on Thursday, November 2, 2017, in the City Hall Council Chambers and the attached public notice of the time and place of said public hearing shall be given by publication in the Muscatine Journal as required by the Code of Iowa

PASSED, APPROVED AND ADOPTED this 19th day of October, 2017.



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



Diana L. Broderson, Mayor

Attest:



Gregg Mandsager, City Clerk

PUBLIC NOTICE

**TO VACATE CERTAIN OF UTILITY EASEMENTS AT LOTS 6 AND 7 OF
RIVERBEND FIFTH ADDITION IN (3500 DIANA QUEEN DRIVE)**

Public Notice is hereby given that the City Council for the City of Muscatine, Iowa, will conduct a Public Hearing to review a request for the vacation of certain utility easements between Lots 9 & 10; and Lots 10 & 11 of Riverbend 5th Addition on Diana Queen Drive) described as:

Four public utility easements five feet wide on both sides of the boundary line between Located Between Lots 9 & 10; and Lots 10 & 11 of Riverbend 5th Addition to the City of Muscatine Iowa.

This Public Hearing will be conducted on Thursday, November 2, 2017, at 7:00 p.m. in the City Council Chambers at City Hall, 215 Sycamore Street.

All interested persons are invited to attend and comment on the project at that time.

Gregg Mandsager, City Clerk

**COMMUNITY DEVELOPMENT
MEMORANDUM**

Planning,
Zoning,
Building Safety,
Construction Inspection
Services,
Public Health

To: Mayor and City Council Members

Cc: Gregg Mandsager, City Administrator
Dave Gobin, Community Development Director

From: Andrew Fangman, City Planner

Date: October 10, 2017

Re: Resolution Setting a Public Hearing on a Proposed Vacation of Utility Easement Located Between Lots 9 & 10; and Lots 10 & 11 of Riverbend 5th Addition (Diana Queen Drive)

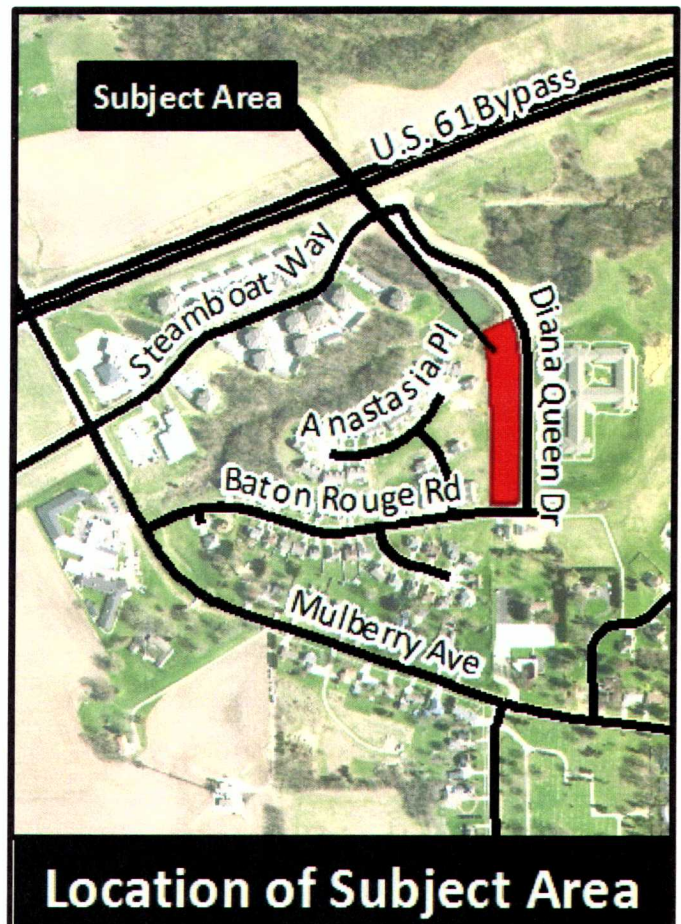
INTRODUCTION:

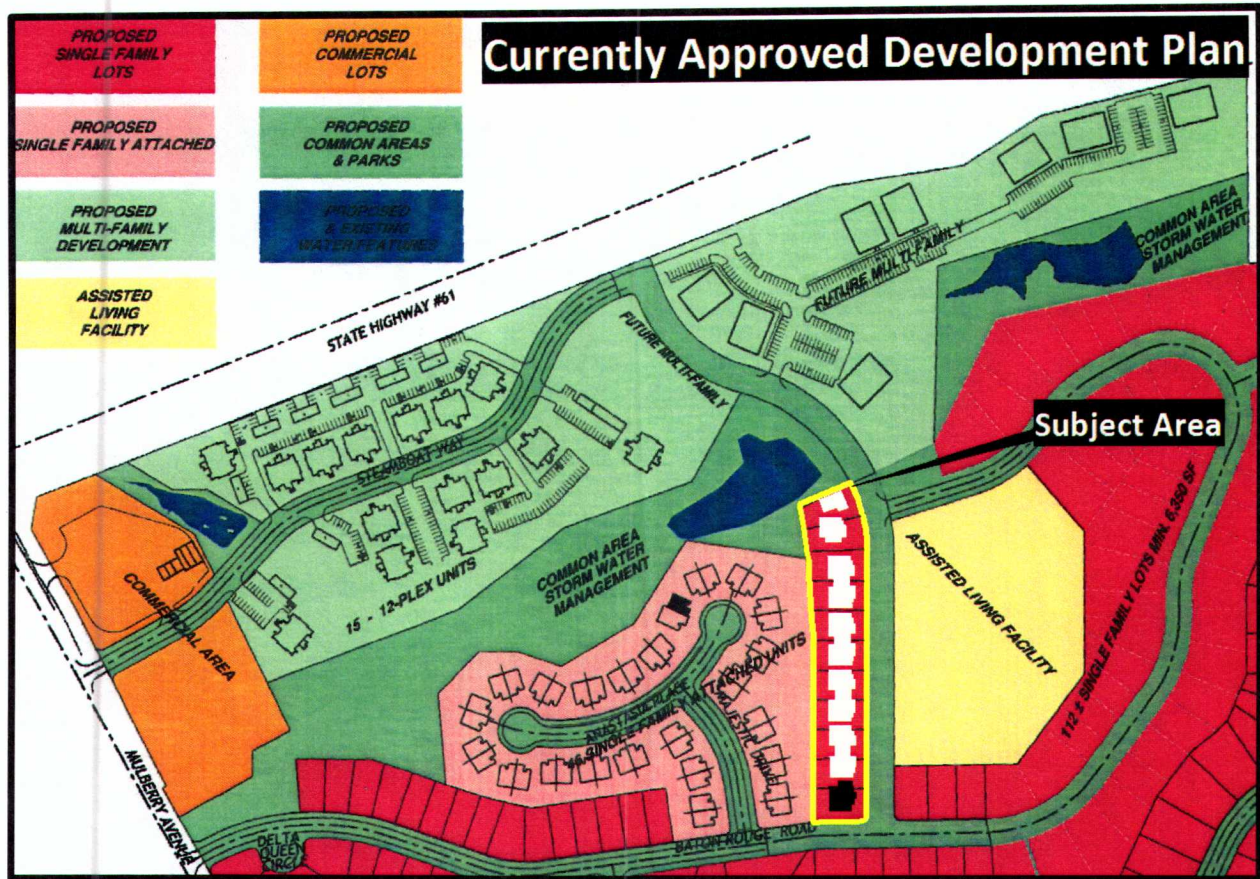
A request to vacate certain utility easements has been submitted on behalf of RBW Enterprises, Inc.

BACKGROUND:

On October 10th, the Planning and Zoning Commission Approved a request by RBW Enterprises LLC, to amend the approved a development plan, see page 5, to change the land use on an approximately 2.15 acres located along the westside of Diana Queen Drive, Lot 6 through Lot 16 of Riverbend 5th Addition from single family homes to attaches single family homes (Duplexs)

This property is located in the S-3 district, the S-3 district allows for any use permitted in any residential zoning district or in the M-1 Light Industrial Zoning District, subject to the approval by the Planning and Zoning Commission of a development plan that details the specific layout and uses of the subject property. The original development plan for this parcel was for single family homes, see the original development plan on the following page.



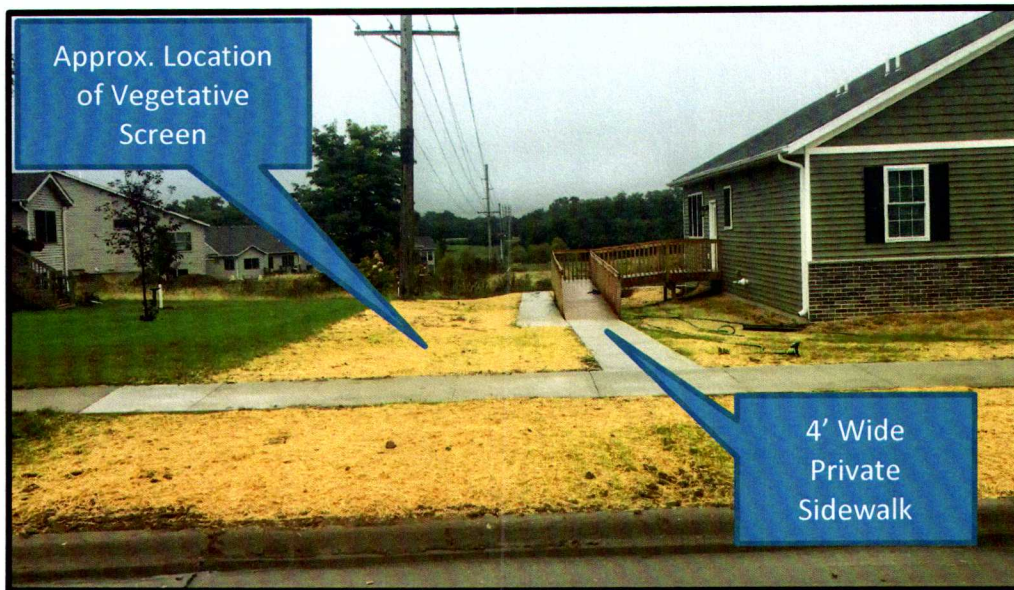


RBW Enterprises LLC is proposing the construction of four duplexes and two single family homes. The applicant is proposing that the new structures will be very similar the recently constructed single family home located at 3500 Diana Queen, with duplexes essential being two of this structure with a common wall. The applicant intends operate all but the northern most single-family home as elder group homes, as they currently do at their recently constructed single family home located at 3500 Diana Queen Drive. This use is permitted within the S-3 district.



Existing Elder Group Home at 3500 Dianna Queen Drive

The physical characteristics of the proposed development is very similar to the mixture of duplexes and single-family homes that have been developed directly to the west of the subject area on Majestic Drive and Anastasia Place. In order to meet state accessibility regulations regarding elder groups homes, the proposed homes will have a ramped accessed from the rear that will be served by a private 4' wide sidewalk running along the rear of the proposed homes. This would a continuation of such a sidewalk that has been constructed at 3500 Diana Queen Drive. In order to lessen the visual impact of this on the adjoining property owners, a vegetative screen composed of a planting of one evergreen shrub, of a variety, with a mature height of at least 6', every 7' linear feet will be planted along the western property line.



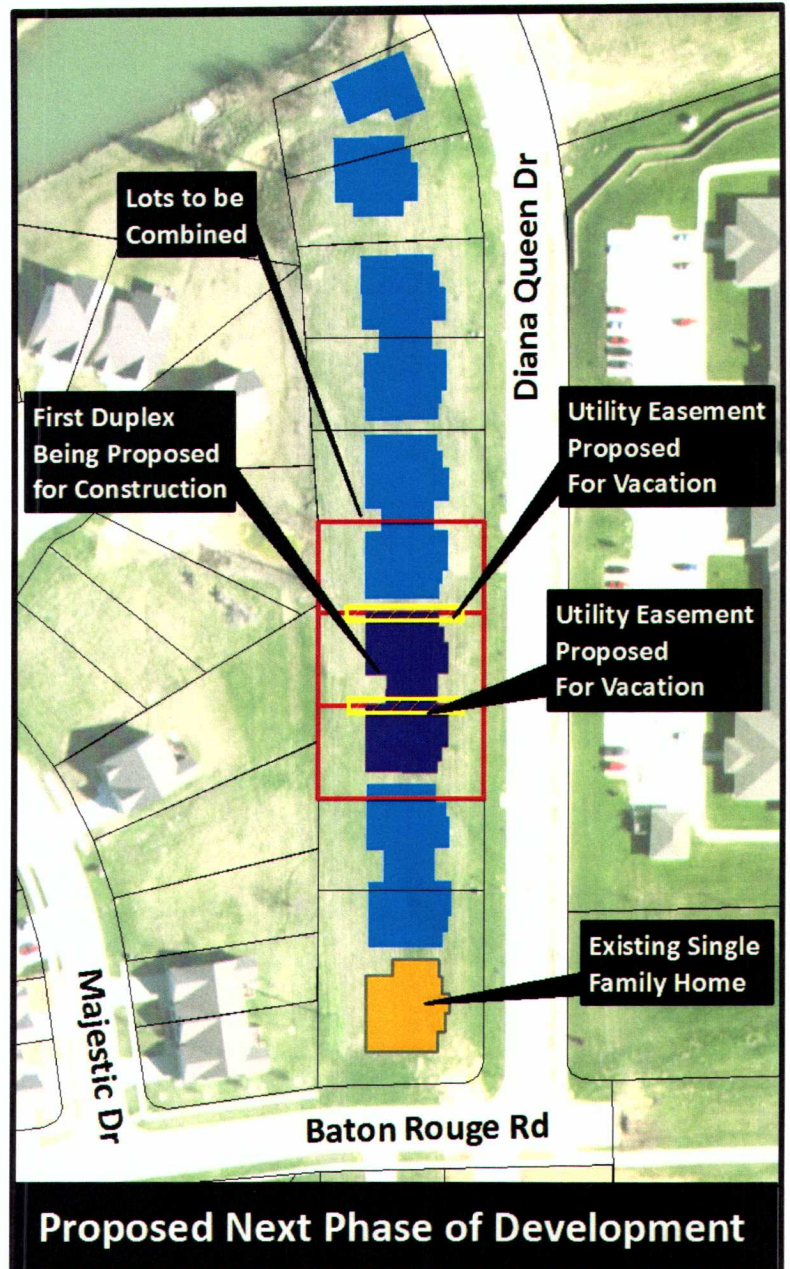
It is the intent of the applicant to apply for a variance to reduce the required side yard setback from 6' to 4'. This request will come before the Zoning Board of Adjustment at later date. It should be noted that developer of the duplexes and single-family homes that have been developed directly to the west of the subject area on Majestic Drive and Anastasia Place was granted a variance allowing for 2' sideyard setbacks between single family homes in locations where the original development designated for the development of duplexes. If the request to amend development plan is granted by the Planning and Zoning Commission is approved, but the Zoning Board of Adjustment were to deny the variance request, the applicant would be allowed to build duplexes and single-family homes as shown on the proposed development plan, but 6' sideyard setback would have to be maintained.

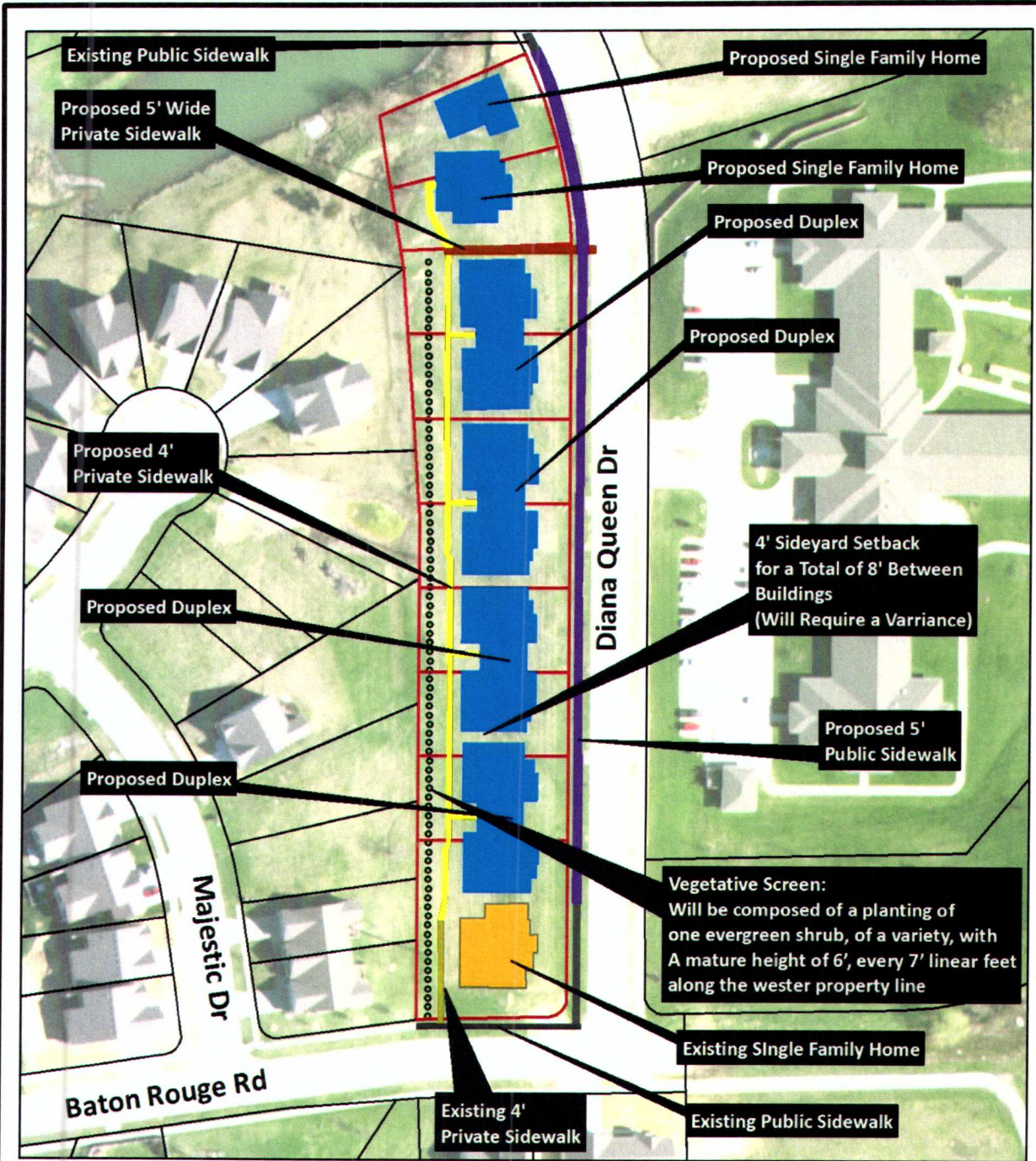
The applicant desires to begin construction on a duplex that would occupy portions of Lots 9, 10, and 11 of Riverbend 5th Addition, by the end of this year. In order to facilitate this the intent is to combine these lots into a single lot, and vacate the utility easement that run between lots 9 and 10 and lots and 11. To this end, the applicant has also submitted a request to vacate these utility easements. Approval of this request and approval of the proposed development plan, would allow the applicant to begin construction on this duplex

Construction of everything as envisioned in the site plan, will require additional action, by the Zoning Board of Adjustment, the Planning and Zoning Commission, and City Council. In addition to the variance previously discussed the applicant will also need to vacated some additional easements, and then replat the subject area, to match their intent of creating a lot corresponding to each dwelling unit.

RECOMMENDATION/RATIONALE:

Prior to City Council action of the request, a public hearing is required. It is recommended that the attached resolution setting a public hearing, for 7:00 p.m. on Thursday, November 2, 2017, regarding the proposed vacation of certain utility easements Located Between Lots 9 & 10; and Lots 10 & 11 of Riverbend 5th Addition on Diana Queen Drive, be approved.

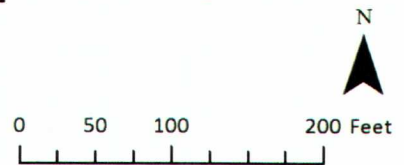




Pinnacle Elder Group Home Development Plan

- Subject Area
- Parcel Lines
- Required Evergreen Shrub

Date Source: Muscatine Area Geographic Information Consortium, City of Muscatine, & ISU
 Prepared by: Andrew Fangman, City Planner
 Date: October 4, 2017



RBW ENTERPRISES, LLC EASEMENT VACATION FLAT
LOT 9 & 10 OF RIVERBEND FIFTH ADDITION, MUSCATINE, IOWA

NORTH

DIANA QUEEN DRIVE

CURVE	DELTA
C1	7°30'36"
C2	50°24'
C3	75°14'
C4	81°51'23"
C5	81°15'23"
C6	67°44'37"
C7	7°31'26"
C8	25°44'29"
C9	15°00'51"
C10	25°30'28"
C11	10°27'24"

--- EASEMENTS TO REMAIN
 EASEMENTS TO BE VACATED

PROPRIETOR:

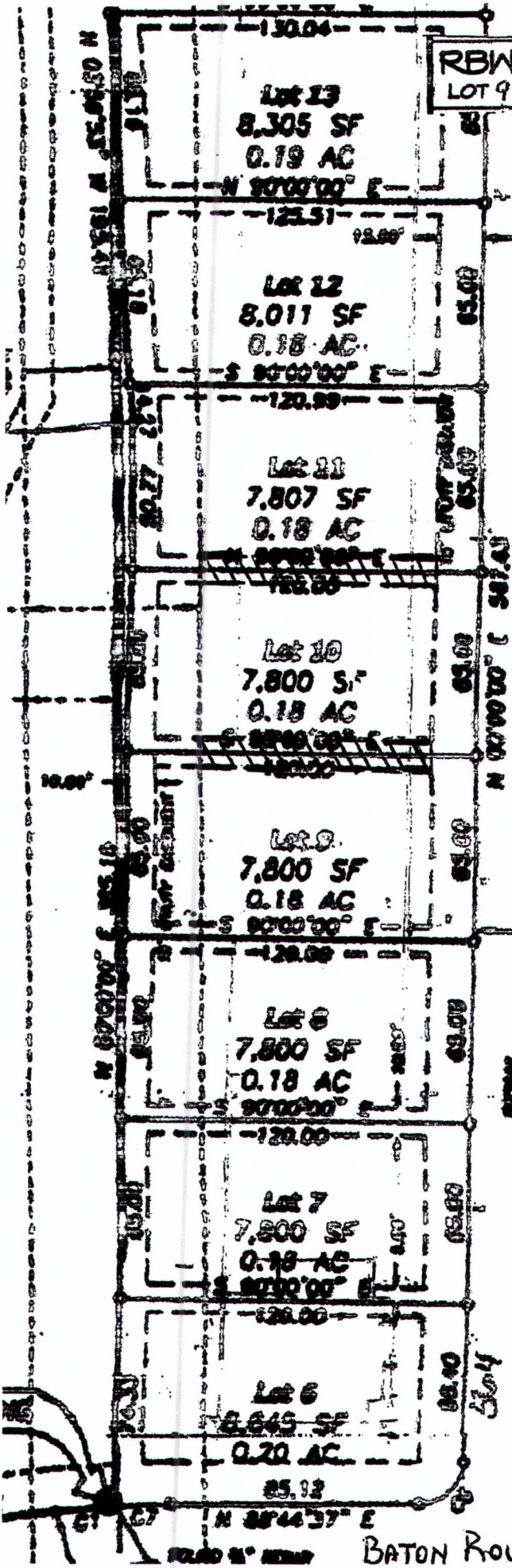
RBW Enterprises LLC

The utility easements as shown are acceptable to the following utilities:

CENTURYLINK, LC

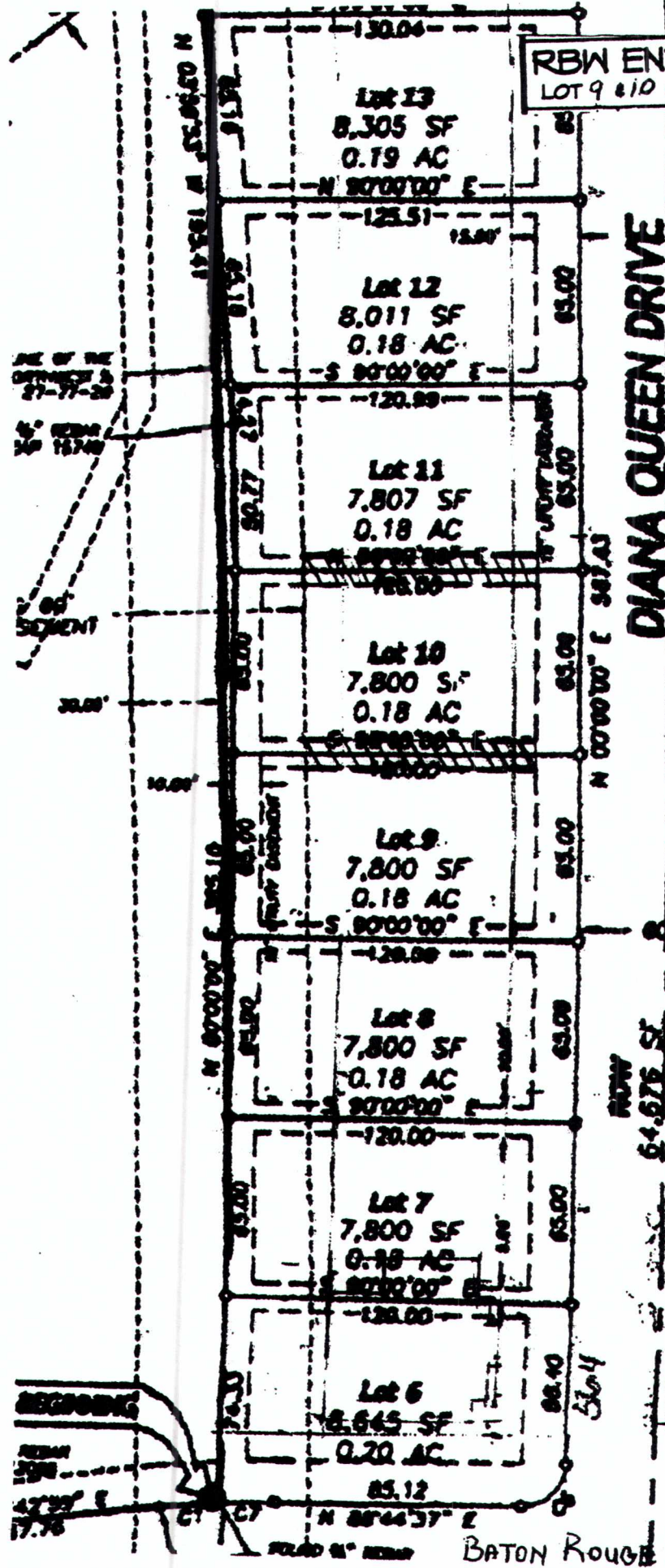
Title	Date
INTERSTATE POWER AND LIGHT, AN ALLIANT ENERGY COMPANY	

Title	Date
MUSCATINE POWER & WATER	
<i>[Signature]</i> Asst Director USD	9/26/17
Transmission & Distribution	Title Date
<i>[Signature]</i> MGR-WTR	9/29/17
Water Production & Distribution	Title Date
<i>[Signature]</i> MGR-Comm	9/27/17
Communications	Title Date



BATON ROUGE ROAD

RBW ENTERPRISES, LLC EASEMENT VACATION PLAT
 LOT 9 & 10 OF RIVERBEND FIFTH ADDITION, MUSCATINE, IOWA



DIANA QUEEN DRIVE

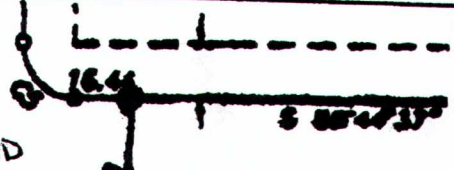
CURVE	DELTA
C1	737.36°
C2	708.76°
C3	755.74°
C4	515.25°
C5	917.523°
C6	8744.37°
C7	737.04°
C8	2944.79°
C9	1920.31°
C10	2630.28°
C11	1027.76°

EASEMENTS TO REMAIN
 EASEMENTS TO BE VACATED

PROPRIETOR: **RBW Enterprises LLC**

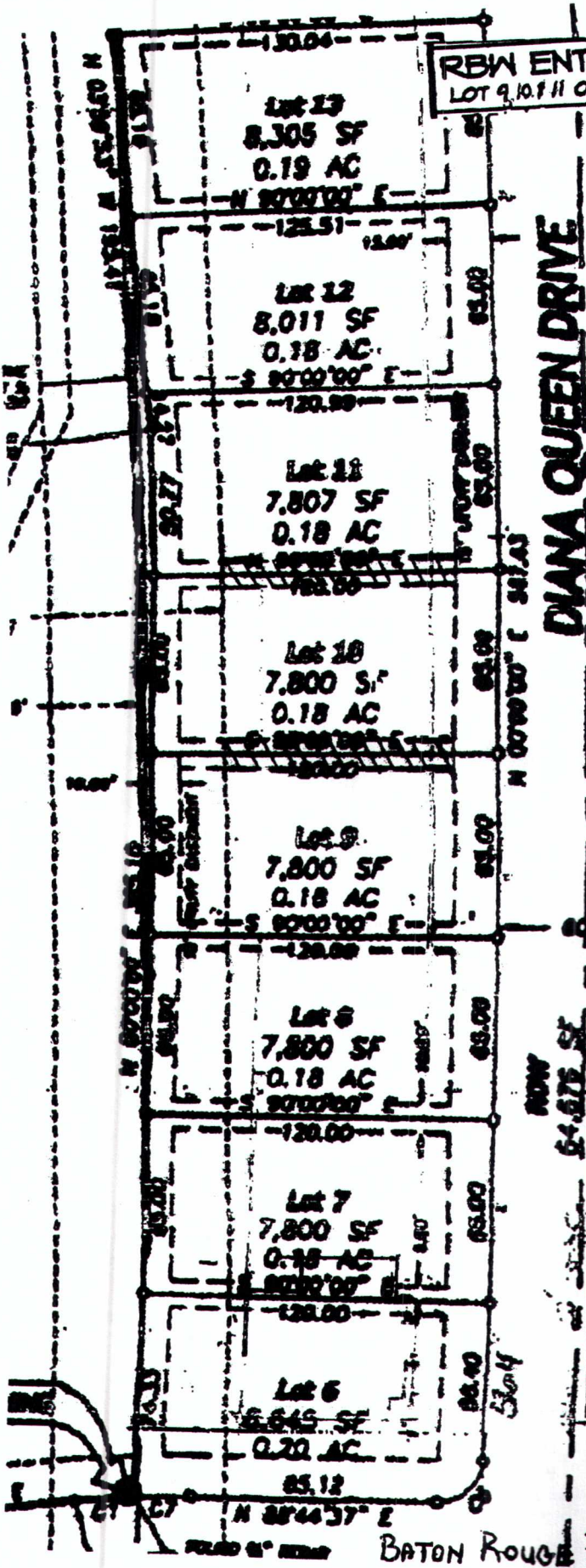
The utility easements as shown are acceptable to the following utilities:

UTILITY	Title	Date
CENTURYLINK, LC	<i>Antony Rosener</i> Eng II	9/22/17
INTERSTATE POWER AND LIGHT, AN ALLIANT ENERGY COMPANY		
MUSCATINE POWER & WATER		
Transmission & Distribution	Title	Date
Water Production & Distribution	Title	Date
Communications	Title	Date



BATON ROUGE ROAD

RBW ENTERPRISES, LLC EASEMENT VACATION FLAT
 LOT 9, 10, 11 OF RIVERBEND FIFTH ADDITION, MUSCATINE, IOWA



CURVE	DELTA
C1	737.34°
C2	708.24°
C3	735.74°
C4	5175.23°
C5	5175.23°
C6	5044.37°
C7	737.34°
C8	5044.37°
C9	1800.51°
C10	2830.78°
C11	1027.24°

 EASEMENTS TO REMAIN
 EASEMENTS TO BE VACATED

PROPRIETOR:
 RBW Enterprises LLC
 The utility easements as shown are acceptable to the following utilities:

CENTURYLINK, LC

Title	Date
INTERSTATE POWER AND LIGHT, AN ALLIANT ENERGY COMPANY	
<i>John Carney</i> Field Engineer II	9/20/17

MUSCATINE POWER & WATER

Transmission & Distribution	Title	Date

Water Production & Distribution	Title	Date

Communications	Title	Date



BATON ROUGE ROAD