

ORDINANCE NO. 2019-0383

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE CITY OF MUSCATINE, IOWA**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSCATINE,
IOWA AS FOLLOWS:

Section 1. That the boundaries of the District Map, being a part of the Zoning Ordinance, which is Title Ten of the Ordinance of the City of Muscatine, Iowa, be and the same are, hereby amended to rezone the following described real estate, situated in the City and County of Muscatine, and State of Iowa, to-wit:

The Northwest ¼ of the Southeast ¼ of Section 9, Township 76 North Range 2 West, Muscatine County Iowa.

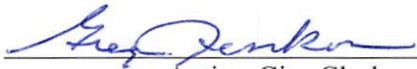
Said real estate shall be rezoned from AG Agriculture to M-1 Light Industrial

Section 2. That all ordinances or parts of ordinances in conflict herewith are hereby repealed and this Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

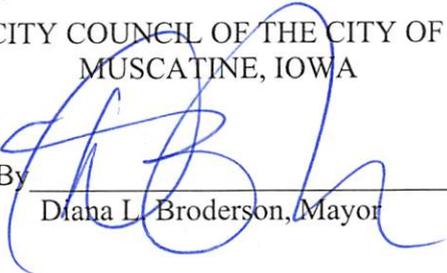
PASSED, APPROVED, AND ADOPTED this 21st day of November, 2019.

CITY COUNCIL OF THE CITY OF
MUSCATINE, IOWA

Attest:



Acting City Clerk

By 

Diana L. Broderson, Mayor

1st Reading 11-21-2019
2nd Reading 12-05-2019
3rd Reading 12-19-2019
Publication _____



City Hall, 215
Muscatine, IA 52761-
(563) 262-4141
Fax (563) 262-

COMMUNITY DEVELOPMENT

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

To: Mayor and City Council Members

From: Andrew Fangman, Assistant Community Development Director

Date: November 21, 2019

Re: Rezoning Case #PZZ-8 • Love's Travel Stops & Country Stores • 32.78 Acres at the southeast corner of the U.S. 61 Bypass & Mittman Road intersection • AG Agriculture Development to M-1 Light Industrial

INTRODUCTION Love's Travel Stops & Country Stores has submitted an application to rezone a 32.78 acre parcel located at the southeast corner of the U.S. 61 Bypass & Mittman Road intersection, from AG Agriculture Development to M-1 Light Industrial.

BACKGROUND: The applicant has contract to acquire a portion of the overall 32.87 acres being for proposed for rezoning, see map on Page 4. The applicant is proposing the construction of a new Love's Travel Stop, including a Love's Country Store, underground fuel tanks, fueling canopies for both passenger vehicles and trucks, and separate parking areas for both passenger vehicles and trucks. The proposed travel stop would employ approximately 40 full time equivalent positions. A storm water management system (storm sewers and detention pond) and site utilities are also planned for the development. The applicant would also be making, at their own expense, improvements to the U.S. Bypass 61/Mittman intersection and the portion of Mittman Road needed to gain access to their proposed site from the U.S. 61 Bypass, see the Concept Plan on Page 5 for additional information on the proposed development. Utility extensions, also the expense of the applicant will also be necessary to serve this site

Blackhawk Capital Investments LLC, the current land owner, would retain ownership of the balance of 32.78 acre parcel. They have no immediate plans for the development of this land, but a rezoning of the entire 32.78 acre parcel would allow the balance of the parcel not being developed by Love's to be development in a manner consistent existing land use and zoning on adjoining and nearby parcels. See the zoning map on Page 4, for location of current and proposed zoning of the subject parcel and surrounding area.

RECOMMENDATION/RATIONALE:

The Planning and Zoning Commission, by a 5-1 vote and Staff recommend approval of this rezoning request. The recommendation of approval is based on a finding that the proposed rezoning is supported by the adopted Comprehensive Plan, and compatibility and consistency with adjoining and nearby zoning and current land uses.

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

The Future Land Use Plan, which is contained in the Land Use chapter of the adopted Comprehensive Plan, summarizes the Muscatine community's vision of how development, preservation, and public realm investment should occur. It is intended to be used in conjunction with all the goals and implementation strategies contained within the entire Comprehensive Plan to make the community's vision of the desired future Muscatine a reality.

The Future Land Use Plan presents Muscatine's preferred future land use scenario in map format. It guides land use decisions and policies related to land use by depicting the desired future land use for any given location. The Future Land Use Plan should not be confused with a zoning district map, which is a regulatory tool that depicts what development and activities are currently legally permitted on any given parcel of land. The land use categories that comprise the Future Land Use Plan are intended to represent preferred future land uses and reflect the unique opportunities and assets associated with neighborhoods, natural resources, and public infrastructure. The land use categories reflect a general mix of desired land uses, not specific design for development or preservation. In the Future Land Use Plan, the subject area is classified as Light Industrial, see map on Page 5. It the proposed rezoning of the subject area is in full compliance with the vision set forth in the Future Land Use Plan.

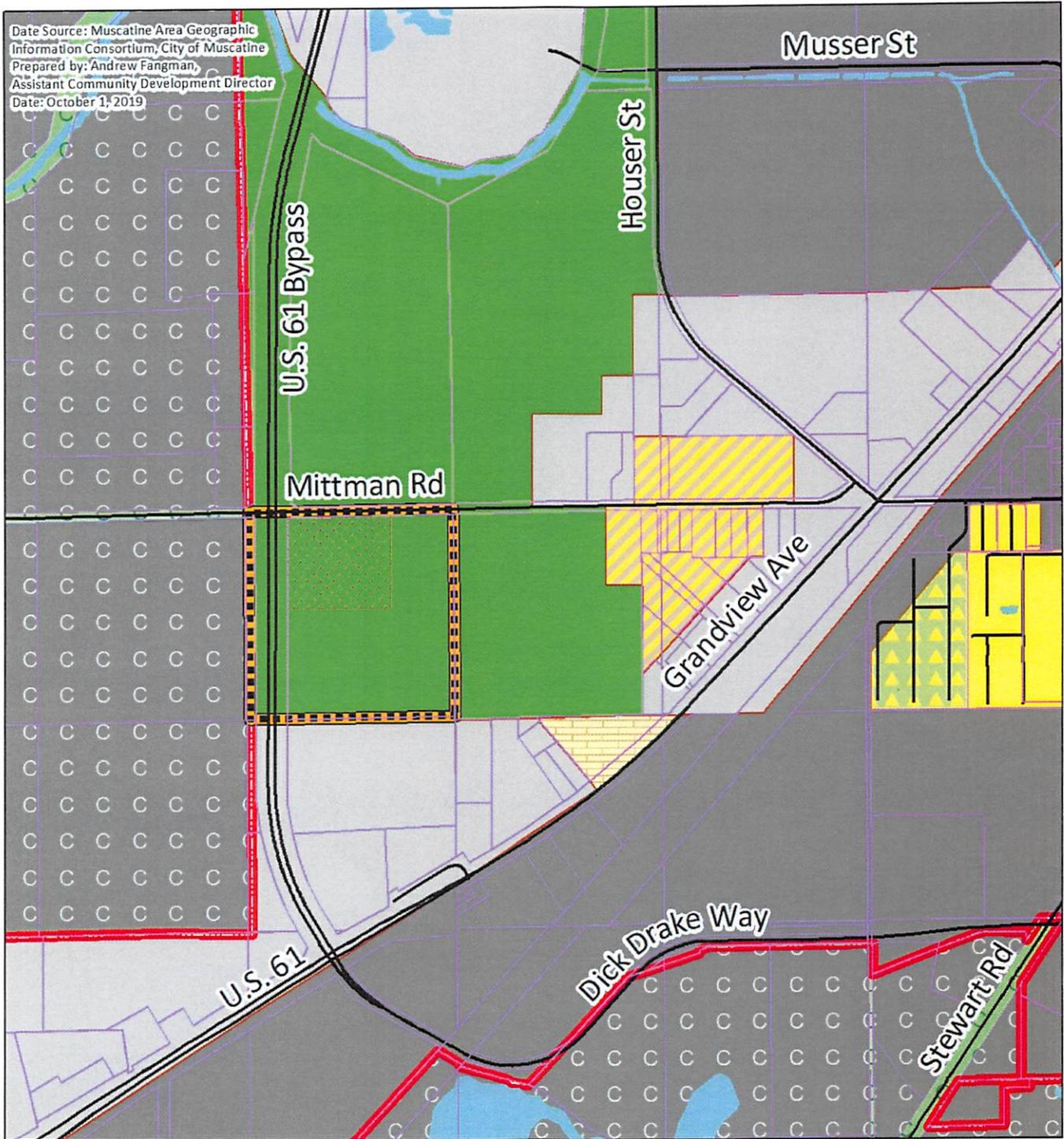
In addition to being in harmony with the Future Land Use Plan, the proposed rezoning is consistent and compatible with existing zoning in the area. The area directly the south of the subject area is already rezoned M-1 Light Industrial. The adjoining area to the west, in unincorporated Muscatine Zoning, is zoned for Heavy Industrial by Muscatine County. The directly to the north is zoned Agriculture, but the area north of this, along the slough and Musser Street is zoned light industrial. Directly to the east is more agricultural zoning, with predominately more industrial zoning beyond. The exception being two small residentially zoned areas located between a half and a quarter mile from the subject area. The first being an area of R-2 Single Family residential zoning centered on ten existing single family home located in the area of the Mittman/Grandview Intersection, and small area R-5 Multi-Family residential zoning, on Grandview Avenue, that allowed for the conversion of the former Lamplight Inn into apartments.

The proposed rezoning of to Light Industrial and construction of a truck stop, is compatible and consistent with existing land use in the area. Within the nearest 1,000' to the subject area there are currently multiple vehicle repair businesses; multiple self-storage unit; a excavating and road construction contractor; a vehicle towing operation; agricultural operations which include two farm houses; and the Pearl View Apartments (the former Lamplight Inn).

In order to support the volume and type of traffic that a truck stop would generate, improvements to Mittman Road from the Bypass to the entrance of the truck stop will need to be made. The applicant will be responsible for making these improvements at their expense. These improvements will be made to City and Iowa Department Transportation standards. The applicant is currently conducting a traffic study and is in communication with State and City Engineering staff to determine the exact nature of the required improvements. The exact specification of these improvements will be incorporated into the site plan that must be approved as per City Code, prior to the issuance of any building permit. Currently Mittman

Road is embargoed to truck traffic. It will be the recommendation of staff that the truck embargo only be lifted on the to be improved portions of Mittman, between U.S. 61 and the entrance to proposed truck stop. As such truck traffic would remain prohibited on the unimproved portions of Mittman located further to the east, including the stretch of Mittman on which there are single family homes.

Date Source: Muscatine Area Geographic Information Consortium, City of Muscatine
 Prepared by: Andrew Fangman,
 Assistant Community Development Director
 Date: October 1, 2019



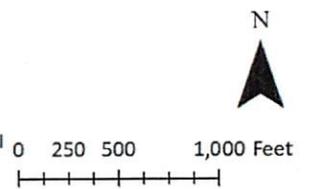
MUSCATINE Rezoning Case #PZZ-8

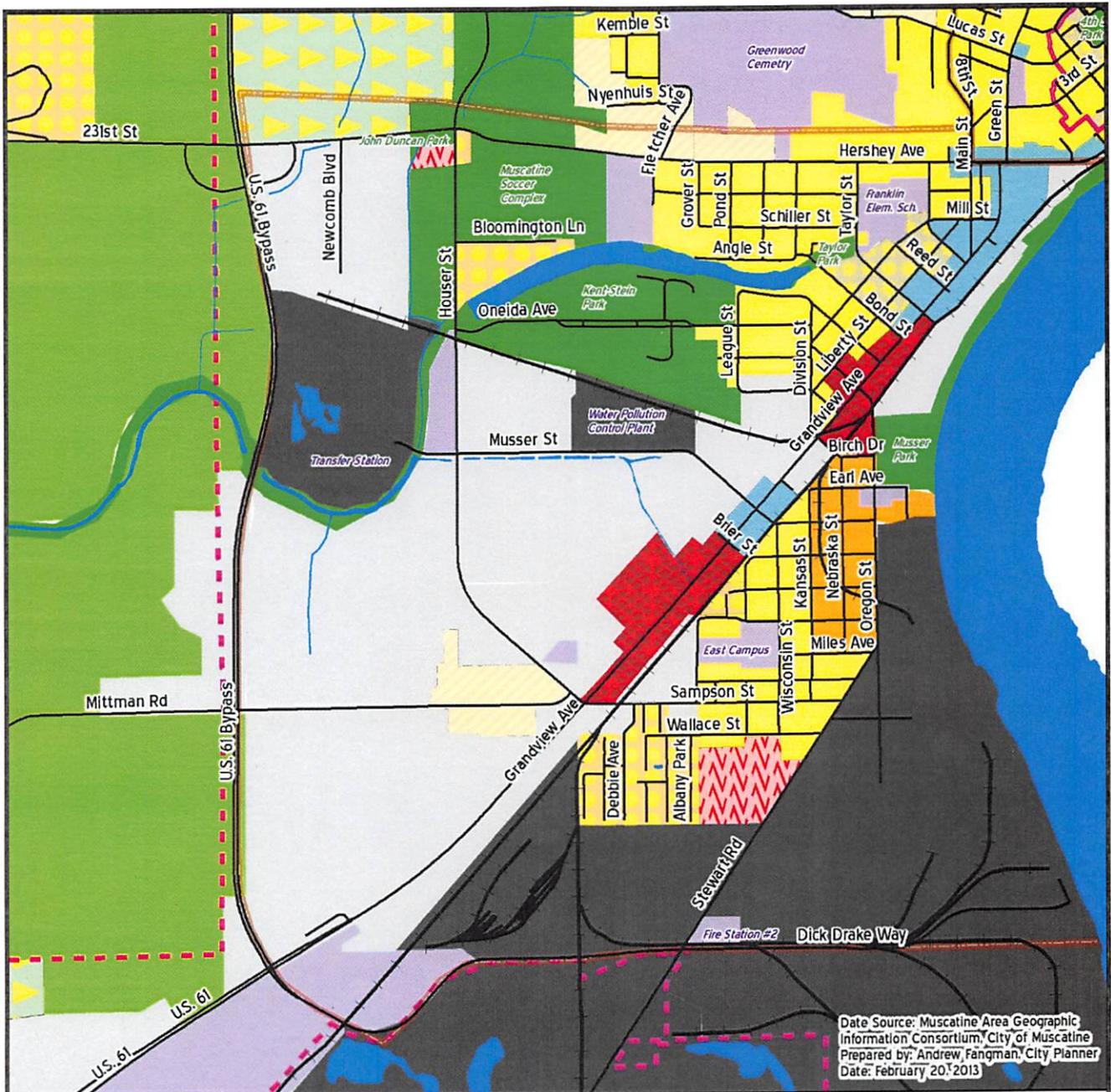
Legend

- Subject Area
- Proposed Location of Loves Truck Stop
- Parcel Lines
- City Limits

Zoning Distircts

- | | |
|-----------------------------|-----------------------------------|
| M-1 Light Industrial | R-6 Multi-Family Residence |
| M-2 General Industrial | AG-Agricultural |
| R-2 Single-Family Residence | Muscatine County-Agriculture |
| R-3 Single-Family Residence | Muscatine County-Heavy Industrial |
| R-4 Two-Family Residence | |



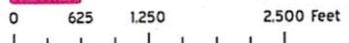


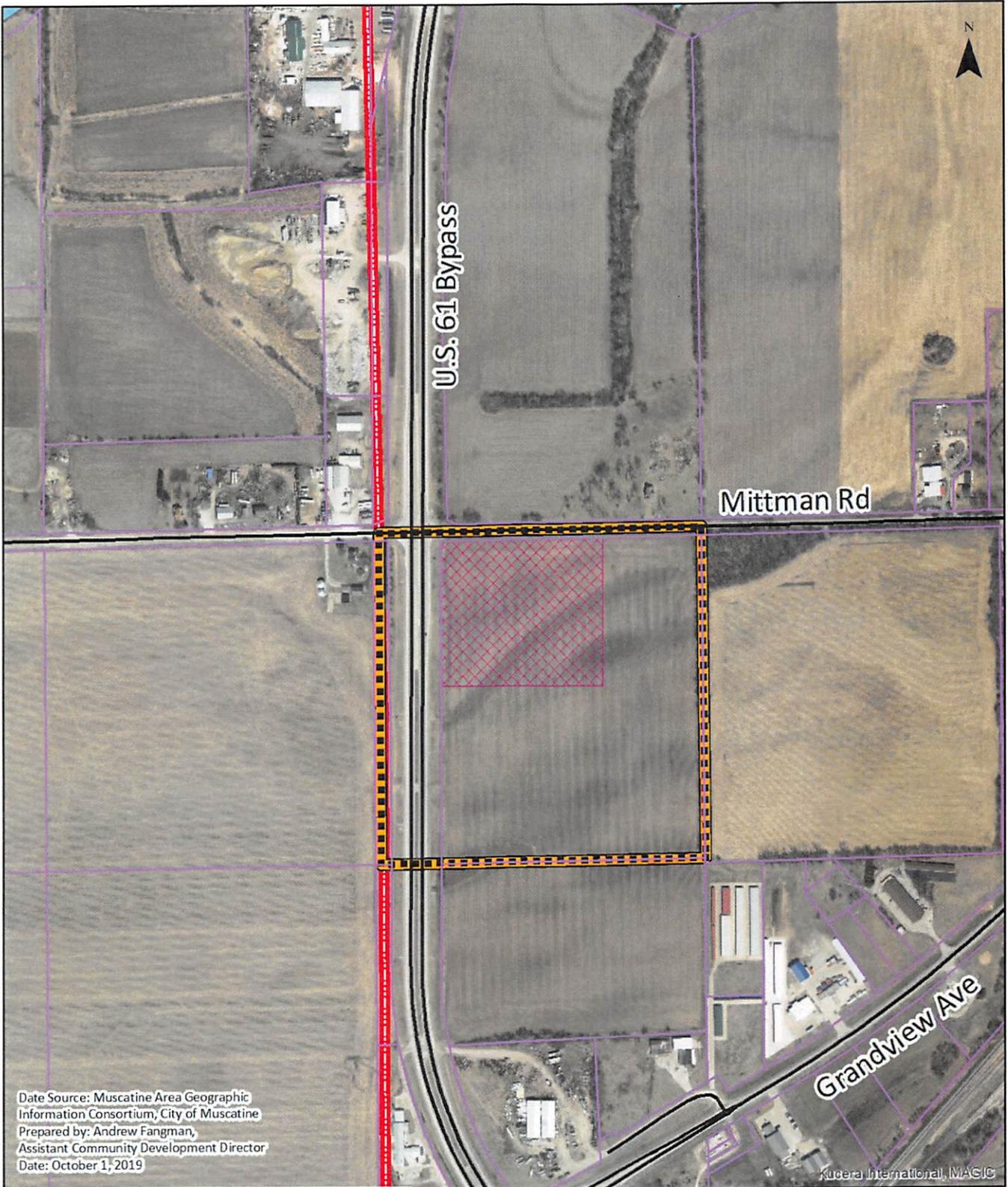
Date Source: Muscatine Area Geographic Information Consortium, City of Muscatine
 Prepared by: Andrew Fangman, City Planner
 Date: February 20, 2013



South End Planning District Future Land Use Plan

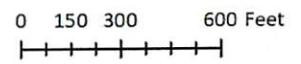
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|--|--|--|-------------------------|--|------------------------------------|
| | Single Family Residential-Low Density | | Downtown | | Parks & Open Space |
| | Single Family Residential-Medium Density | | Neighborhood Commercial | | General Mixed Use |
| | Single Family Residential-High Density | | Medium Scale Commercial | | Agriculture |
| | Multi-Family Residential | | Large Scale Commercial | | South End Planning District |
| | Mixed Density Residential | | Business Park | | City of Muscatine Corporate Limits |
| | Neighborhood Mixed Use | | Light Industrial | | West Hill Historic District |
| | General Industrial | | Community Facility | | |





MUSCATINE Rezoning Case #PZZ-8

-  Parcel Lines
-  Proposed Location of Love's Truck Stop
-  Subject Area
-  City Limits



***** Proof of Publication *****

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 made a part of this affidavit, was published in said THE MUSCATINE JOURNAL, on the dates listed below.

ORDINANCE NO. 2019-0383
AN ORDINANCE AMENDING THE
ZONING ORDINANCE
OF THE CITY OF MUSCATINE, IOWA
BE IT ORDAINED BY THE CITY
COUNCIL OF THE CITY OF MUSCA-
TINE, IOWA AS FOLLOWS:
Section 1. That the boundaries of the
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Ordinance, which is Title Ten of the
Ordinance of the City of Muscatine, Iowa,
be and the same are, hereby amended to
rezone the following described real
estate, situated in the City and County of
Muscatine, and State of Iowa, to-wit:
The Northwest ¼ of the Southeast ¼ of
Section 9, Township 76 North Range 2
West, Muscatine County Iowa.
Said real estate shall be rezoned from AG
Agriculture to M-1 Light Industrial
Section 2. That all ordinances or parts of
ordinances in conflict herewith are hereby
repealed and this Ordinance shall be in
full force and effect from and after its
passage and publication as provided by
law.
PASSED, APPROVED, AND ADOPTED
this 21st day of November, 2019.
CITY COUNCIL OF THE CITY OF
MUSCATINE, IOWA

CITY OF MUSCATINE- Legals account

215 Sycamore Street
MUSCATINE, IA 52761

ORDER NUMBER 59877

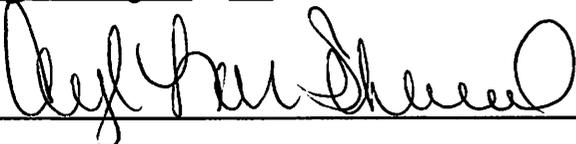
The affiant further deposes and says that all of the facts set forth in the foregoing affidavit are true as he/she verily believes.



Section: Notices & Legals
Category: 2635 Legal Ordinance
PUBLISHED ON: 12/30/2019

TOTAL AD COST: 28.29
FILED ON: 12/30/2019

Subscribed and sworn to before me by said affiant this 30 day of December 2019.



Notary Public in and for Scott County, Iowa

