

ORDINANCE NO. 92319-0213

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE CITY OF MUSCATINE, IOWA, 8.25 ACRES WITHIN RIPLEY'S
MOBILE HOME PARK HIGHWAY 61, 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:

PART OF THE NE 1/4 OF THE NE 1/4 OF SECTION 18 IN TOWNSHIP 77 NORTH. RANGE 1 WEST OF THE 5TH P.M., MUSCATINE COUNTY, IOWA DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SECTION 18, TOWNSHIP 77 NORTH, RANGE 1 WEST OF THE 5TH P.M., IN MUSCATINE COUNTY, IOWA; THENCE S 89°11'03" W, 1178.10 FEET ALONG THE SOUTH LINE OF THE NE 1/4 OF SAID SECTION 18 TO THE WESTERLY RIGHT OF WAY FOR U.S. HIGHWAY #61; THENCE N 29°18'46" E, 677.85 FEET ALONG THE WESTERLY RIGHT OF WAY FOR U.S. HIGHWAY #61 TO THE POINT OF BEGINNING; THENCE N 59°57'14" W, 325.11 FEET; THENCE NORTHWESTERLY 92.33 FEET ALONG A 52.86 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY WITH CHORD BEARING N 09°54'53" W, 81.03 FEET; THENCE N 49°46'21" E, 192.11 FEET; THENCE NORTHEASTERLY 70.88 FEET ALONG A 1037.42 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY WITH CHORD BEARING N 47°48'54" E. 70.87 FEET; THENCE N 45°51'28" E, 563.23 FEET; THENCE NORTHEASTERLY 108.79 FEET ALONG A 248.36 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY WITH CHORD BEARING N 34°14'1" E, 107.92 FEET; THENCE N 21°49'27" E, 125.65 FEET; THENCE NORTHEASTERLY 178.26 FEET ALONG A 841.43 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY WITH CHORD BEARING N 15°45'18" E, 177.93 FEET; THENCE N 09°41'09" E, 53.56 FEET; THENCE NORTHEASTERLY 103.64 FEET ALONG A 74.71 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY WITH CHORD BEARING N 50°32'16" E, 95.52 FEET; THENCE S 89°43'23" E, 214.30 FEET TO THE WESTERLY RIGHT OF WAY OF U.S. HIGHWAY #61; THENCE ALONG SAID RIGHT OF WAY S 15°50'45" W, 51.76 FEET; THENCE S 29°00'56" W, 771.17 FEET TO THE NORTHEASTERLY CORNER OF A LEASED PARCEL DESCRIBED IN BOOK 363, PAGE 1011 OF THE MUSCATINE COUNTY RECORDS: THENCE CONTINUING ALONG THE WESTERLY RIGHT OF WAY OF U.S. HIGHWAY #61 SOUTHWESTERLY 20.45 FEET ALONG A 8657.37 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY WITH CHORD BEARING S 29°21'58" W, 20.46 FEET; THENCE S 29°21'58" W, 99.65 FEET; THENCE S 29°18'46" W, 429.75 FEET; THENCE S 48°48'21" W, 120.38 FEET; THENCE S 29°18'46" W, 16.12 FEET TO THE POINT OF BEGINNING. DESCRIBED LAND CONTAINS 8.25 ACRES AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

Said real estate be rezoned from R-4 -Two Family Residential and AG - Agriculture to C-1 Neighborhood & General Commercial.

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 February, 2013.



Attest:



Gregg Mandsager, City Clerk

CITY COUNCIL OF THE CITY OF
MUSCATINE, IOWA

By


DeWayne M. Hopkins, Mayor

1st Reading: January 17, 2013

2nd Reading: February 7, 2013

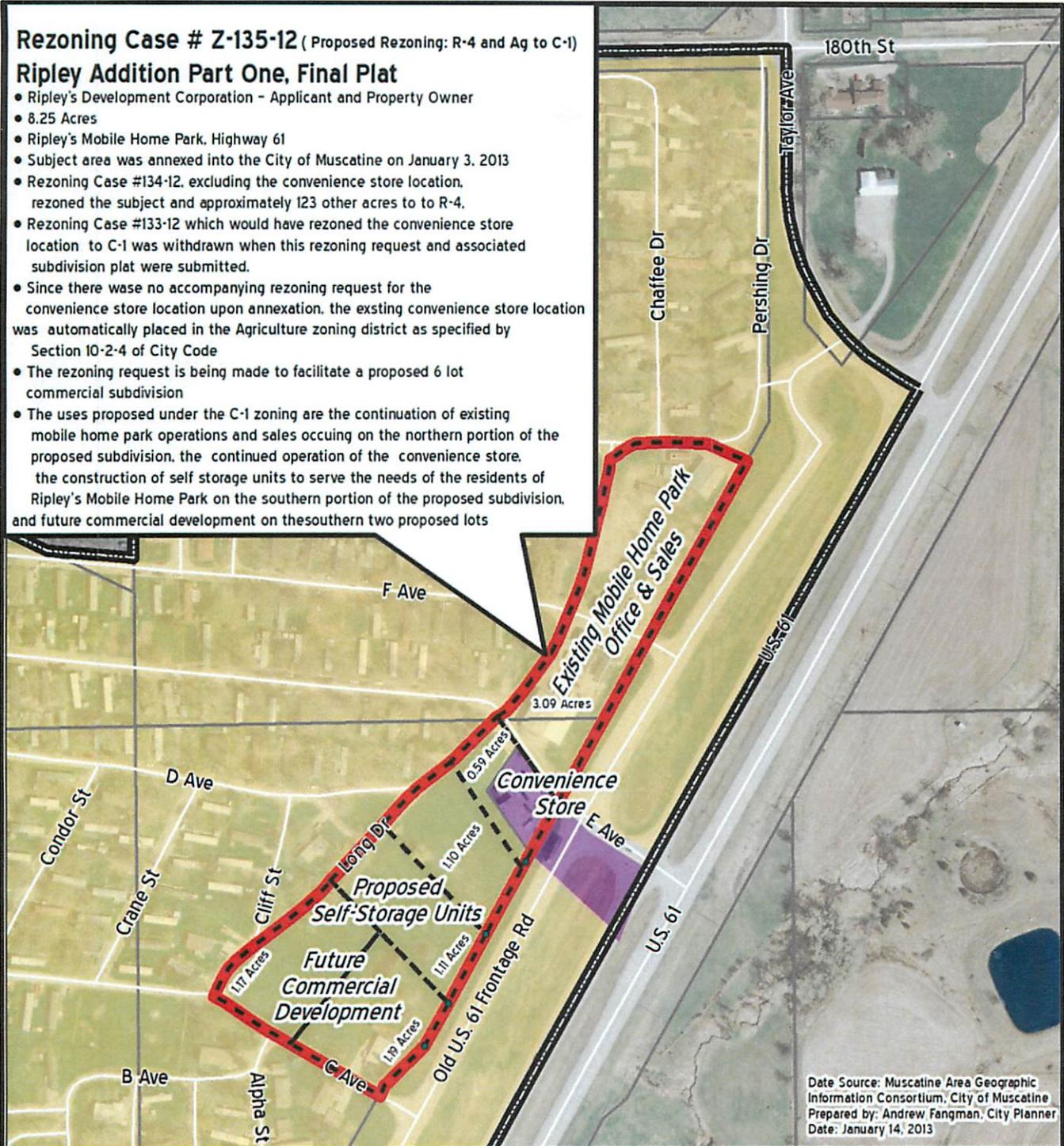
3rd Reading: February 21, 2013

Publication _____

Rezoning Case # Z-135-12 (Proposed Rezoning: R-4 and Ag to C-1)

Ripley Addition Part One, Final Plat

- Ripley's Development Corporation - Applicant and Property Owner
- 8.25 Acres
- Ripley's Mobile Home Park, Highway 61
- Subject area was annexed into the City of Muscatine on January 3, 2013
- Rezoning Case #134-12, excluding the convenience store location, rezoned the subject and approximately 123 other acres to to R-4.
- Rezoning Case #133-12 which would have rezoned the convenience store location to C-1 was withdrawn when this rezoning request and associated subdivision plat were submitted.
- Since there was no accompanying rezoning request for the convenience store location upon annexation, the existing convenience store location was automatically placed in the Agriculture zoning district as specified by Section 10-2-4 of City Code
- The rezoning request is being made to facilitate a proposed 6 lot commercial subdivision
- The uses proposed under the C-1 zoning are the continuation of existing mobile home park operations and sales occuing on the northern portion of the proposed subdivision, the continued operation of the convenience store, the construction of self storage units to serve the needs of the residents of Ripley's Mobile Home Park on the southern portion of the proposed subdivision, and future commercial development on the southern two proposed lots



Date Source: Muscatine Area Geographic Information Consortium, City of Muscatine
 Prepared by: Andrew Fangman, City Planner
 Date: January 14, 2013

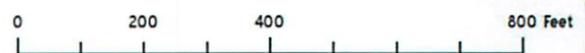


Rezoning Case # Z-135-12 & Ripley Addition Part One, Final Plat

- City Limit
- Lots Created by Proposed Subdivision
- Rezoning Case #Z0135-12 Subject Area
- Existing Parcel Lines

City of Muscatine Zoning

- AG-Agricultural
- R-4 Two-Family Residence



PROOF OF PUBLICATION

I, Jeff Lee, being duly sworn, on my oath, say that I am an advertising clerk at the *Muscatine Journal*, a newspaper of general circulation, published in the City of Muscatine, Muscatine County, Iowa; and that the following Notice:

Muscatine City Clerk
Ordinance No. 92319-0213

Of which the annexed printed slip is a true, correct and complete copy, was published in said *Muscatine Journal* one time having been made there in on:
February 28, 2013


Jeff Lee

**STATE OF IOWA
MUSCATINE COUNTY**

Subscribed and sworn to before me this
28th day of February, 2013


Beth Lester, Notary Public

	<p>Beth Lester Iowa Notarial Seal Commission number 745921 My Commission Expires 03/20/2013</p>
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**ORDINANCE NO. 92319-0213
AN ORDINANCE AMENDING THE
ZONING ORDINANCE OF THE CITY
OF MUSCATINE, IOWA, 8.25 ACRES WITHIN RIPLEY'S
MOBILE HOME
PARK HIGHWAY 61,
CITY OF MUSCATINE, IOWA**

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PASSED, APPROVED, AND ADOPTED this 21st day of February, 2013.

**CITY COUNCIL OF THE CITY OF
MUSCATINE, IOWA**
By DeWayne M. Hopkins, Mayor

Attest:
Gregg Mandsager, City Clerk

1st Reading: January 17, 2013
2nd Reading: February 7, 2013
3rd Reading: February 21, 2013
Publication: February 28, 2013



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**

MEMORANDUM

To: Mayor and City Council Members

Cc: Gregg Mandsager, City Administrator

From: Andrew Fangman, City Planner

Date: January 17, 2013

Re: Rezoning Case # Z-135-12 • Ripley's Development Corp, LLC • Ripley's Mobile Home Park, Highway 61 • R-4 -Two Family Residential and AG - Agriculture to C-1 Neighborhood & General Commercial

INTRODUCTION: Ripley's Development Corp, the deed holder for 8.25 acres located in Ripley's Mobile Home Park, along Highway 61 has submitted a request for rezoning to C-1 in conjunction with the submission of preliminary/final plat for a 6 lot commercial subdivision. See attached map for location details and current zoning of the subject area and surrounding area.

BACKGROUND: On November 28, 2012 Ripley's Development Corp filed a request for rezoning to C-1 of 8.25 acres in conjunction with the submission of preliminary/final plat for a 6 lot commercial subdivision. The subject area was part of a 400 acre voluntary annexation, approved on January 3, 2013, that included all of Ripley's Mobile Home Park. Rezoning Case #134-12, also approved on January 3rd rezoned Ripley's Mobile Home Park, excluding the convenience store location, to R-4. Rezoning Case #133-12 which would have rezoned the 0.3 acre convenience store location to C-1 was withdrawn when this rezoning request and associated subdivision plat were submitted. Because no rezoning request was approved for this 0.3 area in conjunction with its annexation, this 0.3 acres was place into the AG district.

The rezoning request is being made to facilitate a proposed 6 lot commercial subdivision. The uses proposed under the C-1 zoning are the continuation of existing mobile home park operations and sales on the northern portion of the proposed subdivision, continued operation of the existing convenience store, the construction of self-storage units to serve the needs of the residents of Ripley's Mobile Home Park on directly south of the existing convenience store, and the southernmost three lots in proposed subdivision are prosed for future commercial development.

On December 4, 2012 the Planning and Zoning Commission voted to recommended approval of this requested rezone 8.25 acres of the existing Ripley's Mobile Home Park to C-1.

RECOMMENDATION/RATIONALE: Staff concurs with the Planning and Zoning Commission recommendation of approval of this rezoning request. The area being requested for a C-1 zoning is a logical commercial node to serve the approximately 856 residents of Ripley's Mobile Home Park and helps meet the terms of a pre-annexation agreement, Most of the proposed commercial activity on this subject area, the convenience store and mobile home park operations and sales, are existing uses. The proposed self-storage units are likely to be beneficial to residents of the adjoining mobile home park as mobile homes do not typically contain much storage space. Future commercial development on the southern two proposed lots would be consistent and compatible with surrounding land uses.

BACKUP INFORMATION:

1. Map
2. Ordinance