

Prepared by Steven Boka, 215 Sycamore St., Muscatine, Iowa 563.262.4141

ORDINANCE NO. 89991-0207

**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:

A PARCEL OF LAND LOCATED IN THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 76 NORTH, RANGE 3 WEST OF THE 5TH P.M., MUSCATINE COUNTY, IOWA.

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25; THENCE NORTH 01° 01' 14" WEST 53.52 FEET ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25 TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 01° 01' 14" WEST 661.99 FEET ALONG SAID SECTION LINE; THENCE NORTH 37° 46' 35" WEST 121.48 FEET; THENCE NORTH 52° 10' 09" EAST 90.80 FEET TO THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25; THENCE NORTH 52° 13' 48" EAST 703.86 FEET; THENCE NORTH 89° 03' 57" EAST 585.32 FEET TO THE BEGINNING OF A 200.00 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY WHOSE 182.30 FOOT CHORD BEARS SOUTH 25° 06' 58" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 189.29 FEET; THENCE SOUTH 52° 13' 48" WEST 1065.84 FEET; THENCE SOUTH 37° 46' 12" EAST 113.88 FEET TO THE BEGINNING OF A 150.00 FOOT RADIUS CURVE CONCAVE WESTERLY WHOSE 94.80 FOOT CHORD BEARS SOUTH 19° 20' 59" EAST; THENCE SOUTHERLY ALONG SAID CURVE AN ARC DISTANCE OF 96.45 FEET TO THE BEGINNING OF A 150.00 FOOT RADIUS CURVE CONCAVE EASTERLY WHOSE 17.02 FOOT CHORD BEARS SOUTH 04° 10' 57" EAST; THENCE SOUTHERLY ALONG SAID CURVE AN ARC DISTANCE OF 17.03 FEET; THENCE SOUTH 52° 13' 48" WEST 391.71 FEET TO THE POINT OF BEGINNING CONTAINING 13.161 ACRES.

Said real estate be rezoned from (C-1) Neighborhood and General Commercial and (AG) Agricultural to the (C-1) Neighborhood and General Commercial Zoning District.

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 That all ordinances or parts of ordinances in conflict herewith are hereby repealed and this Ordinance shall be in full force and effect from and after its passage and publication as provided by law.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 2nd day of February, 2007.

CITY COUNCIL OF THE CITY OF
MUSCATINE, IOWA



A. J. Johnson
A. J. Johnson, City Clerk

By Richard W. O'Brien
Richard W. O'Brien, Mayor

1st Reading January 4, 2007

2nd Reading January 18, 2007

3rd Reading February 1, 2007

Publication February 9, 2007

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. 89991-0207

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 9, 2007

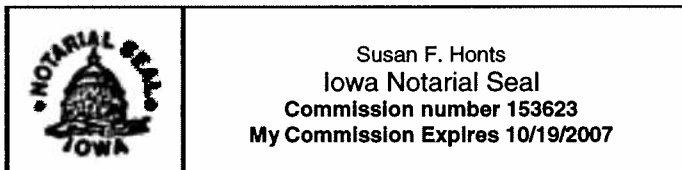
Jeff Lee

STATE OF IOWA MUSCATINE COUNTY

Subscribed and sworn to before me this
12th day of February, 2007

Susan F. Honts

Susan F. Honts, Notary Public



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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 1st day of February, 2007.

**CITY COUNCIL
OF THE CITY OF
MUSCATINE, IOWA**
By Richard W. O'Brien,
Mayor

Attest:
A. J. Johnson,
City Clerk

1st Reading: January 4, 2007
2nd Reading: January 18, 2007
3rd Reading: February 1, 2007
Publication: February 9, 2007



**Martin & Whitacre
Surveyors & Engineers, Inc.**

Gary Whitacre, President

November 3, 2006

Mr. Steve Boka
City of Muscatine
215 Sycamore Street
Muscatine, IA 52761

Re: Sandstone Meadows
Outline Development Plan

Dear Steve:

3D Development proposes the subdivision of Parcel 1225200005, a 37.45 acre tract of land located at the southeast corner of US Highway 61 and 57th Street inside Muscatine city limits. Currently, the parcel has two zoning designations; the 9± acres adjacent to Highway 61 are zoned C-1 commercial, and the remainder of the property is zoned as AG agricultural (see City of Muscatine Resolution No. 87193-0399). The entire property is presently used for row crop farming. The proposed subdivision would consist of general commercial lots abutting the property line adjacent to Highway 61 to allow for major highway frontage and large and low density residential lots on the remainder of the site. Because of the large scale residential development that would be involved, the developer proposes a zoning change of the portion of the site intended to be used for residential purposes from agricultural to R-L large scale residential development district. A second request for a zoning change to reconfigure the C1-Commercial to accommodate this layout is also submitted.

The City of Muscatine Future Land Use & Transportation Map indicates that the site shall be utilized for general commercial purposes. The parcels to the south and east of 3D Developments proposed development are currently also used for agricultural purposes; however, they are shown as low-density residential or commercial on the Future Land Use & Transportation map. The parcel to the west is already zoned C1 light density commercial. The developer intends to attract key businesses to the commercial area of the property, including a restaurant, hotel/motel, and gas station/convenience store. The remainder of the acreage would be used for a mix of high and low density residential structures, with the larger, two story apartment buildings adjacent to the commercial development. A small tract of land to the northeast of the apartments would be set aside and dedicated to the City of Muscatine for park use.

The petitioner believes that mixed commercial and residential uses are suitable for the site. Commercial structures will be located along US Highway 61, high density residential beyond that,

and single family homes the furthest distance onto the property from US Highway 61. This arrangement will help to protect the residential structures from the highway noise as well as set the lowest density residential units farthest from the major roadway for traffic and safety purposes. The proposed light commercial uses would incorporate well with both low and high density residential areas as is evidenced by several locations within Muscatine city limits where commercial property is already adjacent to residential areas. The properties surrounding the site are currently utilized for farming and are listed as commercial and low density on the Future Land Use & Transportation Map. The proposed uses of the adjacent properties are consistent with the zoning recommendations presented in this document.

A visual examination of topographic features of the site was conducted to facilitate a more complete understanding of the limitations of construction and the extent of grading that will be required to prepare the site for the proposed uses. The ground elevations of both this site and the adjacent farms are a few feet lower than the surface elevations of US Highway 61 and 57th Street. This situation will not hinder construction. However, ditches will need to be installed to ensure that runoff pools in appropriate areas and infiltrates into the sand. The site is almost completely level; therefore, beyond minor roadway grading, a large quantity of lot grading work is not expected. No utility conflicts, excessive grade/ground features, or soft soils were located, so these items are not expected to hinder construction or complicate the subdivision design.

The entire site is currently owned by Betty Roudybush of Columbus Junction, Iowa. However, pending development plan approval by the appropriate agencies, 3D Development plans to purchase the site prior to commencing construction activities. If this project proceeds, construction will occur in phases. The commercial improvements will be constructed first, high density residential second, and low density residential third. Building construction will proceed in stages consistent with roadway and utility construction. The first phase of construction is anticipated to begin in Spring of 2007 and should be completed by Fall 2007. No completion date for the entire project has been set at this time. This date will be dependent on whether or not construction phases proceed consecutively, a decision that will be made once construction commences.

A list of adjacent property owners is attached to this statement.



(GREEN TRIANGLES OF MUSCATINE LID)

(BRUCE STEAR)

NOTES:

- 1) ENTIRE SITE IS CURRENTLY PARKED WITH BUSH GROPS.
- 2) TOPOGRAPHY OF SITE IS RELATIVELY FLAT AND IS LOWER THAN SURROUNDING ROADWAYS. THE SOIL IS SANDY IN NATURE AND WATER PERCOLATES DIRECTLY INTO THE GROUND INSTEAD OF ACCUMULATING ON THE SITE.
- 3) LOW DENSITY RESIDENTIAL AREA WILL BE COMPRISED OF SPEC SINGLE FAMILY HOMES AND ZERO LOT LINE RESIDENCES.
- 4) 4' WIDE SIDEWALKS WILL BE REQUIRED IN THE RESIDENTIAL AREAS.
- 5) ROAD INTO RESIDENTIAL AREAS IS NO OUTLET AND WILL PROBABLY LARGE TRAFFIC VOLUMES FROM ENTERING THE RESIDENTIAL PORTIONS OF THE SITE.
- 6) PROPERTY IS LOCATED IN THE NE QUARTER OF SECTION 20, TOWNSHIP 74N, RANGE 34W IN THE CITY OF MUSCATINE. THE LEGAL DESCRIPTION MAY BE FOUND IN MUSCATINE COUNTY FILE #2004-00096.

PROPOSED ZONING AREAS:

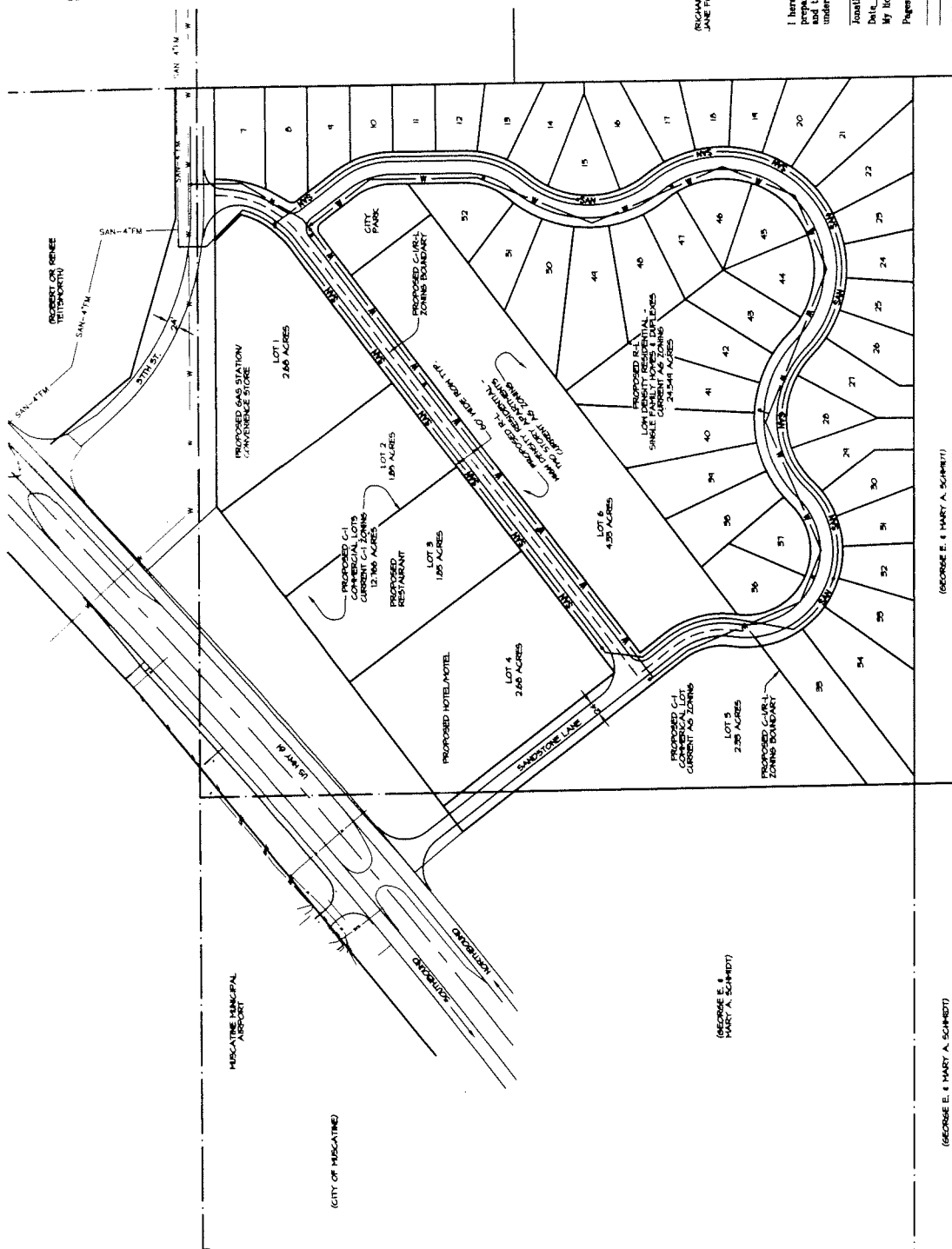
C-1 COMMERCIAL: 12.766 ACRES
R-1 RESIDENTIAL: 24.544 ACRES
TOTAL: 37.310 ACRES

RICHARD H. OR
JANE FORTE

I hereby certify that this engineering document was prepared by me or under my direct personal supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Iowa.



Jonathan H. Luit
Date: _____ Reg. No. 13164
My license renewal date is December 31, 2008.
Pages or sheets covered by this seal: _____



(GEORGE E. & MARY A. SCHMIDT)

(GEORGE E. & MARY A. SCHMIDT)

NO.		REVISIONS		INITIALS	DATE

Martin & Whitacre
Surveyors & Engineers, Inc.
P.O. BOX 413
MUSCATINE, IOWA
VOICE (563) 368-7881 FAX (563) 368-0808 EMAIL: mwh@martin-whitacre.com

30 DEVELOPMENT
SANDSTONE MEADOWS
MUSCATINE, IOWA
OUTLINE DEVELOPMENT PLAN
PROJECT NO. 0008.DWG

DATE: 11/14/08
DRAWN BY: JHL
CHECKED BY: JHL
SCALE: 1" = 100'

SHEET
1 / 1