

ORDINANCE NO. 89499-10805

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:

River Valley Coop. – 3127 Lucas Street – more particularly described as: A part of Lot 19, of Titus Subdivision in the City of Muscatine, in Muscatine County, Iowa, more particularly described as follows: Beginning on the West line of said Lot 19 at a point 110 feet South of the Northwest corner of said Lot 19 and running thence easterly 399 feet parallel with the north line of said Lot 19; thence Southerly 282.69 feet parallel with the east line of said Lot 19; thence Westerly 208.71 feet parallel with the north line of said Lot 19; Thence Southerly 160.35 feet parallel with the East line of said Lot 19 to a point on a curve, concave northerly, having a radius of 1392.7 feet and being concentric with and 40 feet radially distant Northerly from the centerline of Lucas Street; thence Northwesterly on said curve an arc distance of 203.05 feet to a point on the west line of said Lot 19; thence northerly 367.65 feet on said west line to point of beginning, containing 3.05 acres, more or less.

Said property to be zoned from Agricultural (AG) to Mixed Use Development (S-3).

Terry & Sons Painting – 3119 Lucas Street – more particularly described as: A part of Lot 19, of Titus Subdivision of the Southeast Quarter of Section 33, Township 77 North, Range 2 West of the 5th P.M., described as follows:

Commencing at a point 110.00 feet South of the Northwest Corner of said Lot 19; South 89°42'02" East (assumed bearing) 398.71 feet; thence South 00°00'00" West 282.69 feet to the Point of Beginning; thence continuing South 00°00'00" West 208.63 feet to a pipe found on the Northerly right of way of Lucas Street, thence North 80°40'20" West 12.47 feet along said right of way to the beginning of a 1,392.70 foot radius tangent curve concave Northeasterly; thence Northwesterly along said curve an arc distance of 202.15 feet; thence North 00°00'00" East 160.59 feet; thence South 89°42'02" East 208.71 feet to the Point of Beginning. Said tract contains 0.898 acres.

Said property to zoned from Agricultural (AG) to Mixed Use Development (S-3).

Muscatine Farm Equipment – 3309 Lucas Street – more particularly described as: A part of lot 20, of Titus Subdivision – Part of S.E. Quarter Section 33-77-2W, in Muscatine County, Iowa, more particularly described as follows:

Commencing at the intersection of the West line of said Lot 20 with the Northerly line of Old County Road "O"; thence East 500 feet to the West line of James Street in said Titus Subdivision, thence South on said West line 320.34 feet to the Northerly line of said Old County Road "O"; thence North 57°21'50" West on Said Northerly line 594.00 feet to the point of beginning, containing 1.83 acres more or less.

A part of Lots 20 and 21, of Titus Subdivision – Part of S.E. Quarter Section 33-77-2W, in Muscatine County, Iowa, more particularly described as follows:

Also:

Commencing at the intersection of the West line of said Lot 20 with the Northerly right-of-way line of Lucas Street; thence East 500 feet to the West line of James Street; thence North along the West line of James Street 80 feet to a point thence Westerly and parallel to the first line mentioned above to the Northerly line of Lucas Street; thence Southeasterly along the Northerly line of Lucas Street to the point of beginning, containing 1.03 acres, more or less.

Also:

A part of Lots 20 and 21, of Titus Subdivision of part of the Southeast Quarter of Section 33, Township 77 North, Range 2 West of the 5th P.M., in the City of Muscatine, Muscatine County, Iowa, more particularly described as follows:

Commencing at the intersection of the West line of said Lot 20 with the Northerly right of way line of Lucas Street; thence North 00°07'05" West 80.00 feet along said West line to the point of beginning; thence North 89°44'07" West 101.43 feet to a point on said

Northerly right of way; thence North 45°23'45" West 42.39 feet along said right of way; thence North 56°47'30" West 25.12 feet along said right of way; thence North 28°54'46" East 25.93 feet; thence South 89°44'07" East 500.00 feet; thence South 00°07'05" East 66.00 feet; thence North 89°44'07" West 360.00 feet to the Point of Beginning. Said tract contains 0.746 acres and is subject to easements of record.

Also:

Land Description – Parcel 'D'. A part of Lot 20 of Titus Subdivision of Part of the Southeast Quarter of Section 33, Township 77 North, Range 2 West of the 5th P.M., in the City of Muscatine, Muscatine County, Iowa. Commencing at the Intersection of the West line of said Lot 20 with the Northerly right of way line of Lucas Street; thence North 00°07'05" West 80.00 West along said West line; thence South 89°44'07" East 360.00 feet; thence North 00°07'05" West 20.00 feet; thence south 89°44'07" East 140.06 feet to the Westerly right of way of James Street; thence South 00°07'05" East 20.00 Feet along said right of way; thence North 89°44'07" West 140.06 feet to the point of beginning. Said parcel contains 0.064 acres.

Said property to be zoned from Agricultural (AG) to Mixed Use Development (S-3).

Jerry Timm Farm – Lucas Street and US ByPass 61 – more particularly described as: the Northeast Quarter (NE ¼) of Section Four (4), Township Seventy-six (76) North, Range Two (2) West of the Fifth (5th) Principal Meridian, described as follows:

Commencing at a point along the north line of Section Four (4), 201.4 feet East of the centerline of Highway #61 (Proposed By-Pass); thence East along the North line of said Section 1,008 feet; thence South one degree eighteen minutes West along a line parallel to the East line of the West Half (W ½) of the Northeast Quarter (NE ¼) of said Section 307.5 feet; thence West at right angles to said last-mentioned line to the East Right of Way line of Highway #61 (Proposed By-Pass); thence North eight degrees two and one quarter minutes West 310.7 feet along said line to the place of beginning. Also, all that part of the Southeast Quarter (SE ¼) of Section Thirty-three (33); Township Seventy-seven (77) North, Range Two (2) West of the Fifth (5th) Principal Meridian lying South of Lucas Street and East of Highway #61 (Proposed By-Pass); and all that part of Lot 1 of West Hill Addition lying West of Houser Street; subject to easements of record; all of said real estate lying and being situated in the City of Muscatine, Iowa.

Also the

North 866 feet of Lot 20; and all that part of Lot 21 lying East of Highway #61 (Proposed By-Pass) in Titus Subdivision of part of the Southeast Quarter (SE ¼) of Section Thirty-three (33), Township Seventy-seven (77) North, Range Two (2) West of the Fifth (5th) Principal Meridian in the City of Muscatine, Iowa.

Excepting those parts of Lots 20 and 21, of Titus Subdivision, more particularly described as follows:

Commencing at the intersection of the West line of said Lot 20 with the Northerly right-of-way line of Lucas Street; thence East 500 feet to the West line of James Street; thence North along the West line of James Street 80 feet to a point thence Westerly and parallel to the first line mentioned above to the Northerly line of Lucas Street, thence Southeasterly along the Northerly line of Lucas Street to the point of beginning, containing 1.03 acres, more or less.

Also excepting:

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Parcel 'D' Land Description – Parcel 'D'. A part of Lot 20 of Titus Subdivision of Part of the Southeast Quarter of Section 33, Township 77 North, Range 2 West of the 5th P.M., in the City of Muscatine, Muscatine County, Iowa. Commencing at the Intersection of the West line of said Lot 20 with the Northerly right of way line of Lucas Street; thence North 00°07'05" West 80.00 West along said West line; thence South 89°44'07" East 360.00 feet; thence North 00°07'05" West 20.00 feet; thence south 89°44'07" East 140.06 feet to the Westerly right of way of James Street; thence South 00°07'05" East 20.00 Feet along said right of way; thence North 89°44'07" West 140.06 feet to the point of beginning. Said parcel contains 0.064 acres.

Said property to be zoned from Residential (R-1 and R-2) to Mixed Use Development (S-3).

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 18th day of August, 2005.

CITY COUNCIL OF THE CITY OF
MUSCATINE, IOWA



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

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

1st Reading 07/21/05
2nd Reading 08/04/05
3rd Reading 08/18/05
Publication 08/27/05

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. 89499-0818

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:

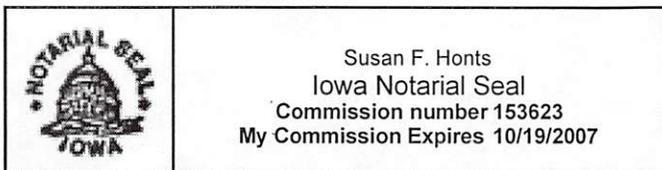
August 27, 2005

Jeff Lee

STATE OF IOWA
MUSCATINE COUNTY

Subscribed and sworn to before me this
30th day of August, 2005

Susan F. Honts, Notary Public



ORDINANCE NO. 89499-0818 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:

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Lot 19; Thence Southerly 160.35 feet parallel with the East line of said Lot 19 to a point on a curve, concave northerly, having a radius of 1392.7 feet and being concentric with and 40 feet radially distant Northerly from the centerline of Lucas Street; thence Northwesterly on said curve an arc distance of 203.05 feet to a point on the west line of said Lot 19; thence northerly 367.65 feet on said west line to point of beginning, containing 3.05 acres, more or less.

Said property to be zoned from Agricultural (AG) to Mixed Use Development (S-3).

Terry & Sons Painting - 3119 Lucas Street - more particularly described as: A part of Lot 19, of Titus Subdivision of the Southeast Quarter of Section 33, Township 77 North, Range 2 West of the 5th P.M., described as follows:

Commencing at a point 110.00 feet South of the Northwest Corner of said Lot 19; South 89°42'02" East (assumed bearing) 398.71 feet; thence South 00°00'00" West 282.69 feet to the Point of Beginning; thence continuing South 00°00'00" West 208.63 feet to a pipe found on the

Northerly right of way of Lucas Street, thence North 80°40'20" West 12.47 feet along said right of way to the beginning of a 1,392.70 foot radius tangent curve concave Northwesterly; thence Northwesterly along said curve an arc distance of 202.15 feet; thence North 00°00'00" East 160.59 feet; thence South 89°42'02" East 208.71 feet to the Point of Beginning. Said tract contains 0.898 acres.

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Muscatine Farm Equipment - 3309 Lucas Street - more particularly described as: A part of lot 20, of Titus Subdivision - Part of S.E. Quarter Section 33-77-2W, in Muscatine County, Iowa, more particularly described as follows:

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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 18th day of August, 2005.

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

A. J. Johnson, City Clerk

1st Reading 07/21/05
2nd Reading 08/04/05
3rd Reading 08/18/05
Publication 08/27/05

TO: A. J. Johnson, City Administrator
FROM: Steven Boka, Director of Planning, Zoning & Building Safety
SUBJECT: Ordinance to Change Zoning on Four Properties – Lucas Street.
DATE: July 13, 2005

Attached please find an Ordinance to change the zoning on properties owned by four separate owners to S-3, Mixed Use Development District (MXD). Since the requests were submitted together, they were reviewed together and recommended for approval by the Planning & Zoning Commission during their June 14th meeting.

The four properties are as follows:

1. River Valley Coop. – 3127 Lucas Street – 3.05 Acres – AG to S-3.
2. Terry & Sons Painting – 3119 Lucas Street – 0.098 Acres – AG to S-3.
3. Muscatine Farm Equipment – 3309 Lucas Street – 3.67 Acres – AG to S-3.
4. Jerry Timm Farm – Lucas Street and US 61 ByPass – 96.22 Acres – R-2 & R-3 to S-3.

The first three properties listed above are requesting a change from AG to S-3, essentially because of the restrictions imposed on the properties under the current AG zone. In particular, Muscatine Farm Equipment has had to file with the Zoning Board of Adjustment for Conditional Use Permits every time they contemplate change(s) to their business. Phil and Cindy Carver are requesting the change for the Coop property and intend to develop the existing structure into a reception hall/meeting facility and the rear of the property as townhouses. The Carvers stated that the Coop building has set empty for the last two years because the current zoning was overly restrictive. Terry & Sons have indicated that they do not plan any changes to their operation but have agreed to join in the request for a change in order to prevent leaving a remnant parcel of a different zoning classification if the remainder of the properties are changed to the S-3 District.

The Timm farm is located on both sides of Lucas Street and east of the ByPass. As you are probably aware, a large portion of the Timm farm located on the south side of Lucas Street has been optioned for the AG Learning Center. The remainder of the Timm property would be held for future development involving a mixture of residential and commercial uses.

A minimum of 80 acres is required for a change to the S-3 Zoning District. As a result, the three existing uses would not be eligible for a change to the S-3 zone without the Timm property also being considered. As a result, the four were filed together and should therefore be considered together.

Please place the attached Ordinance on the agenda for City Council consideration following the public hearing scheduled for their July 21, 2005 meeting.