ORDINANCE NO. 93544-0816

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:

Outlot 8, of Abraham Smalley's addition to South Muscatine, City of Muscatine, Muscatine County, Iowa.

Said real estate shall be rezoned from R-3 Single Family Residential to S-2 Institutional Office

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 That all ordinances or parts of ordinances in conflict herewith are hereby repealed and this Ordinance shall be in full force and effect from and after its passage and publication as provided by law.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 4th day of August, 2016.

CITY COUNCIL OF THE CITY OF MUSCATINE, IOWA

By _____
Diana Broderson, Mayor

Attest:

_____
Gregg Mandsager, City Clerk

1st Reading: July 7, 2016
2nd Reading: July 21, 2016
3rd Reading: August 4, 2016
Publication: August 4, 2016

MUSCATINE

City Hall, 215 Sycamore
Muscatine, IA 52761-
(563) 262-4141
Fax (563) 262-4142

COMMUNITY DEVELOPMENT

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

To: Mayor and City Council Members

From: Andrew Fangman, City Planner

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

Date: June 16, 2016

Re: Rezoning Case # Z-140-16 • Muscatine Downtown Investors LLC (Tom & Ann Meeker) • 1409 Wisconsin Street (former Garfield Elementary School) •R-3 Single Family Residential to S-2 Institutional Office and M-1 Light Industrial

INTRODUCTION Muscatine Downtown Investors LLC (Tom & Ann Meeker), have submitted an application to rezone a 7.41 acre parcel located at 1409 Wisconsin Street, the location of the former Garfield Elementary School from, R-3 Single Family Residential to S-2 Institutional Office and M-1 Light Industrial. The applicant is proposing the that 4.41 acres on the eastern end of the parcel, containing the former school building be rezoned to S-2, and the remaining 3 acres on the western portion of the parcel be rezoned to M-1. See attached map for location details and current zoning of the subject parcel and surrounding area.

BACKGROUND: The subject property is the site of the now closed Garfield Elementary School. In late 2015 the Muscatine Community School District sold the property to Muscatine Downtown Investors. The intent of applicant is to lease the former school building to Optimae LifeServices, a provider of health care and human services for individuals with disabilities and mental illness, pending approval of this rezoning request. Optimae intends to relocate their current Muscatine office from their current location on Harmony Court. The applicant intends to develop the western three acres of the former school site at later date, and is currently investigating the feasibility of constructing storage units on this portion of the subject property.

The subject parcel is currently zoned R-3 Single Family Residential. In addition to allowing for single family homes, this zoning district also permits schools and places of worship as allowed uses. As such the applicant's redevelopment plan requires a rezoning to the S-2 Institutional Office and M-1 Light Industrial Districts, to allow for the proposed uses.

The Institutional Office Zoning District (S-2) permits a mixture of uses. The following are permitted uses in the S-2 District: single family homes, duplexes, offices, medical clinics, schools, government building, places of worship, and rest homes. Any type of retail use would only be allowed with the issuance of a conditional use permit by the Zoning Board of Adjustment after a public hearing is conducted.

The M-1 Light Industrial District permits a broad range of uses. It allows for nearly all types of commercial use, light manufacturing, and warehousing. It does not allow for uses that have outside impacts on neighboring properties that cannot be effectively mitigated.

RECOMMENDATION/RATIONALE:

The Planning and Zoning Commission unanimously voted at their June 9th meeting to recommend approval of this rezoning request.

Staff recommends approval of this rezoning request. It is in the community's best interest for this currently disused property to be returned to use in a manner that does not negatively impact nearby residences and businesses. This is in alignment with Goal LU.16 of the Comprehensive Plan which states: *"The revitalization of established neighborhoods, particularly blighted areas by promoting development that conserves land, protects historic resources, promotes pedestrian accessibility, and integrates different uses of property. Remediation and reuse of existing sites, structures, and infrastructure is preferred over new construction in undeveloped areas"*

The rezoning of the subject parcel is a necessary step in returning to currently disused site back to productive use. Under the current R-3 zoning the only permissive use of the subject property are as single family home, place of worship, or school. The current structure is not suitable for use as a single family home, and there not much demand for new schools or places of worship.

An office type use, such as the proposed relocation of Optimae's office, is an ideal redevelopment of the former school building as it makes good use of existing infrastructure and would have a minimal impact on the surrounding area. The additional types of uses that would permitted by a rezoning to the S-2 District, such as offices and medical clinics, are less intense and less impactful on surrounding properties, than the subject area's previous use as a school.

The applicant is requesting rezoning to M-1 of the westernmost three acres of the subject area in order to allow for the potential development of storage units, and such a rezoning is necessary support this type of development. A rezoning of this area to M-1 is supportable as an expansion of an existing area of industrial rezoning that is located directly to the west of the subject on the other side Railroad Avenue. Because the area being prosed for rezoning to M-1 is directly adjacent to residential parcels to both the north and south, avoidance of creating a negative impact on these homes is a critical issue to consider.

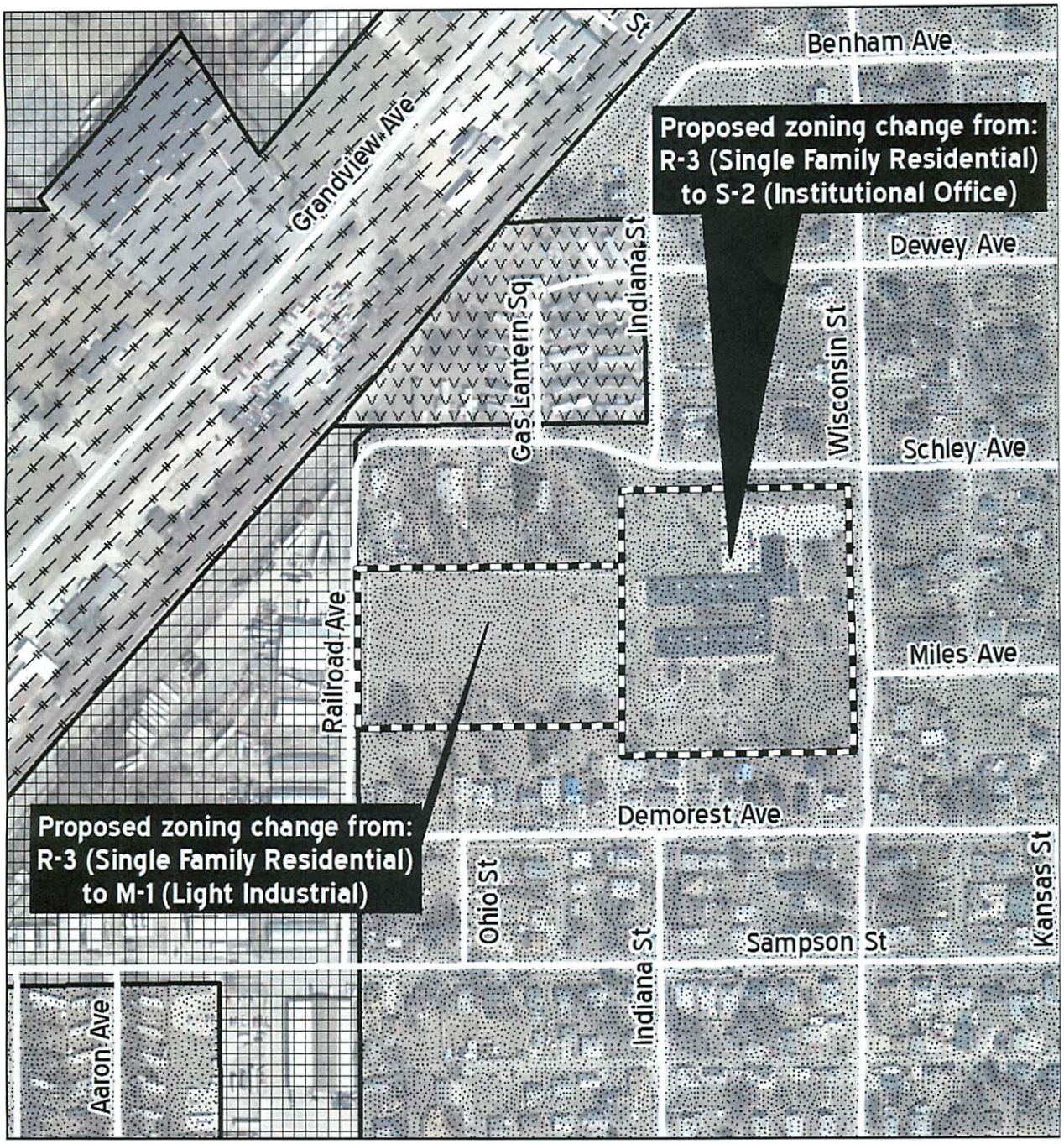
The nearest home on a parcel adjoining is located 100' from the property line of the subject line. The City Code contains the following rules that apply to any new development in the M-1 District when it is adjacent to residential areas in order to minimize the impact on neighboring homes.

- Noxious fumes including dust shall not be emitted beyond the property line
- No direct light shall shine onto adjacent property
- All outside storage of equipment, parking areas, and trash receptacles shall be screened from view of adjoining parcels
- Noise when measured at the property line shall not exceed 75 decibels.

These requirements and the existence of adequate space to allow for the construction of necessary screening and buffering should allow for any negative impacts of development in this location on the adjoining residential properties to be mitigated.

BACKUP INFORMATION:

1. Resolution string the Public Hearing
2. Public Notice
3. Map



MUSCATINE

Rezoning Case # Z-140-16

Current Zoning District

- Light Industrial
- General Industrial
- Single Family Residential
- Two Family Residential
- Subject Areas

0 250 500 1,000 Feet

Date Source: Muscatine Area Geographic Information Consortium, City of Muscatine
Prepared by: Andrew Fangman, City Planner
Date: June 1, 2016

N

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 93544-0816

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 12, 2016

Jeff Lee

STATE OF IOWA
MUSCATINE COUNTY

12th day of August, 2016

Stefanie D. Trinh, Notary Public

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By Diana Broderson, Mayor

Attest:
Gregg Mandsager, City Clerk

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2nd Reading: July 21, 2016
3rd Reading: August 4, 2016
Publication: August 12, 2016

NOTARIAL SEAL IOWA

Stefanie D. Trinh
Iowa Notarial Seal
Commission number 778997
My Commission Expires 06/20/2019