

RESOLUTION NO. 2019-0355

**NOTICE OF TIME AND PLACE OF PUBLIC HEARING
ON PROPOSED ZONING CHANGES, CITY OF MUSCATINE, IOWA**

WHEREAS, the Planning and Zoning Commission of the City of Muscatine, Iowa, has been requested to rezone 32.78 Acres at the southeast corner of the U.S. 61 Bypass & Mittman Road intersection from AG Agriculture to M-1 Light Industrial Commercial; more particularly described as:

The Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 9, Township 76 North Range 2 West, Muscatine County Iowa.

WHEREAS, the Planning and Zoning Commission considered this request its October 8, 2019 meeting, and with a 5 to 1 vote recommends approval of this request, and

WHEREAS, The City Council for the City of Muscatine, Iowa, must conduct a public hearing prior to action on said rezoning request, and

WHEREAS, The Council must now set the time and place for a public hearing upon said change in zoning.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MUSCATINE, IOWA, that a public hearing be held on the 21st day of November, 2019, at 7:00 p.m., in the City Hall Council Chambers in City Hall, and that the attached public notice of the time and place of said public hearing shall be given by publication in the Muscatine Journal at least seven (7) days but not more than twenty (20) days prior to the established date of the public hearing.

PASSED, APPROVED, AND ADOPTED this 7th day of November 2019.

CITY COUNCIL OF THE CITY OF
MUSCATINE, IOWA

Attest:

Mayor

Acting City Clerk

PUBLIC NOTICE

**NOTICE OF TIME AND PLACE OF PUBLIC HEARING
ON PROPOSED ZONING CHANGES, CITY OF MUSCATINE, IOWA**

Notice is hereby given that the Planning and Zoning Commission of the City of Muscatine, Iowa, has been requested to rezone 32.78 Acres at the southeast corner of the U.S. 61 Bypass & Mittman Road intersection from AG Agriculture to M-1 Light Industrial Commercial; more particularly described as:

The Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 9, Township 76 North Range 2 West, Muscatine County Iowa.

Notice is further given that the City council of the City of Muscatine, Iowa, will conduct a public hearing on said zoning changes on Thursday, November 21, 2019, at 7:00 p.m. in the City Hall Council Chambers, at which time all interested parties are invited to comment.

City Clerk



City Hall, 215 Sycamore
Muscatine, IA 52761-3840
(563) 262-4141
Fax (563) 262-4142

COMMUNITY DEVELOPMENT

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

To: Mayor and City Council Members
Cc: Gregg Mandsager, City Administrator
Jodi Royal-Godwin, Community Development Director
From: Andrew Fangman, Assistant Community Development Director
Date: October 17, 2019
Re: Resolution Setting a Public Hearing on 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 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 3. 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 4 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 3, for location of current and proposed zoning of the subject parcel and surrounding area.

RECOMMENDATION/RATIONALE:

It is recommended that the City Council take action to approve the resolution setting a public hearing for November 21st on the proposed zoning change for the property. The setting of the public hearing is the next step in rezoning process.

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

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.

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.

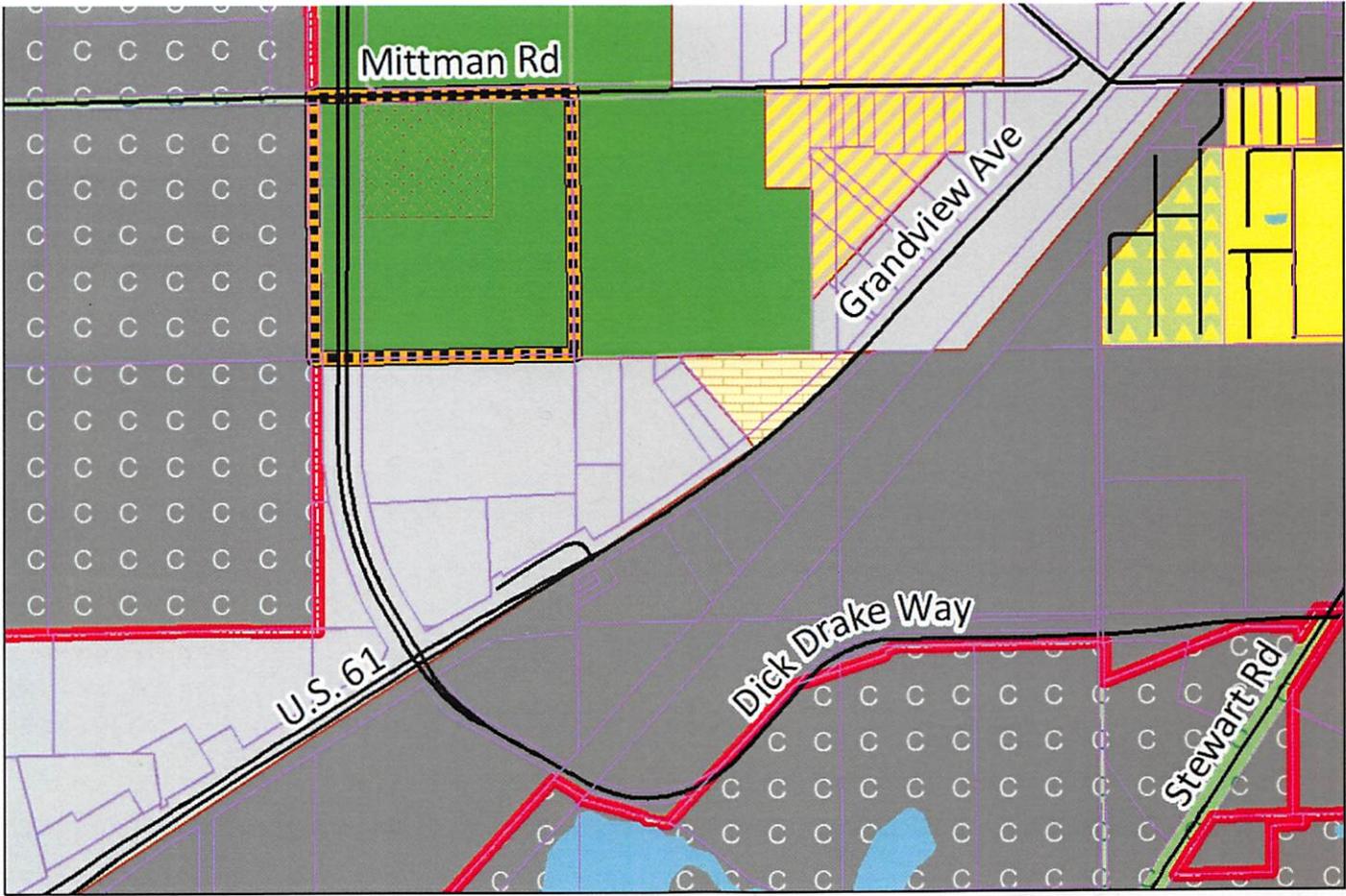
The Future Land Use Plan presents Muscatine's preferred future land use scenario in map format. It guides land use decisions and policies related to land use by depicting the desired future land use for any given location. The Future Land Use Plan should not be confused with a zoning district map, which 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 in 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). It should also be notes that the applicant would be required construct screening, as either a fence or landscaped buffer yard, along Mittman Road to lessen the visually impact to an existing farm house located a short way to the northeast.

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 impact study, according to procedures and requirements of Iowa Department of Transportation, and is in communication with State and City Engineering staff to determine the exact nature of the required improvements. These improvements will be required to complete prior to the proposed travel stop being opened to the public.

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.



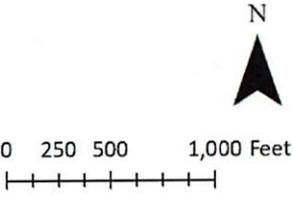
MUSCATINE *Rezoning Case #PZZ-8*

Legend

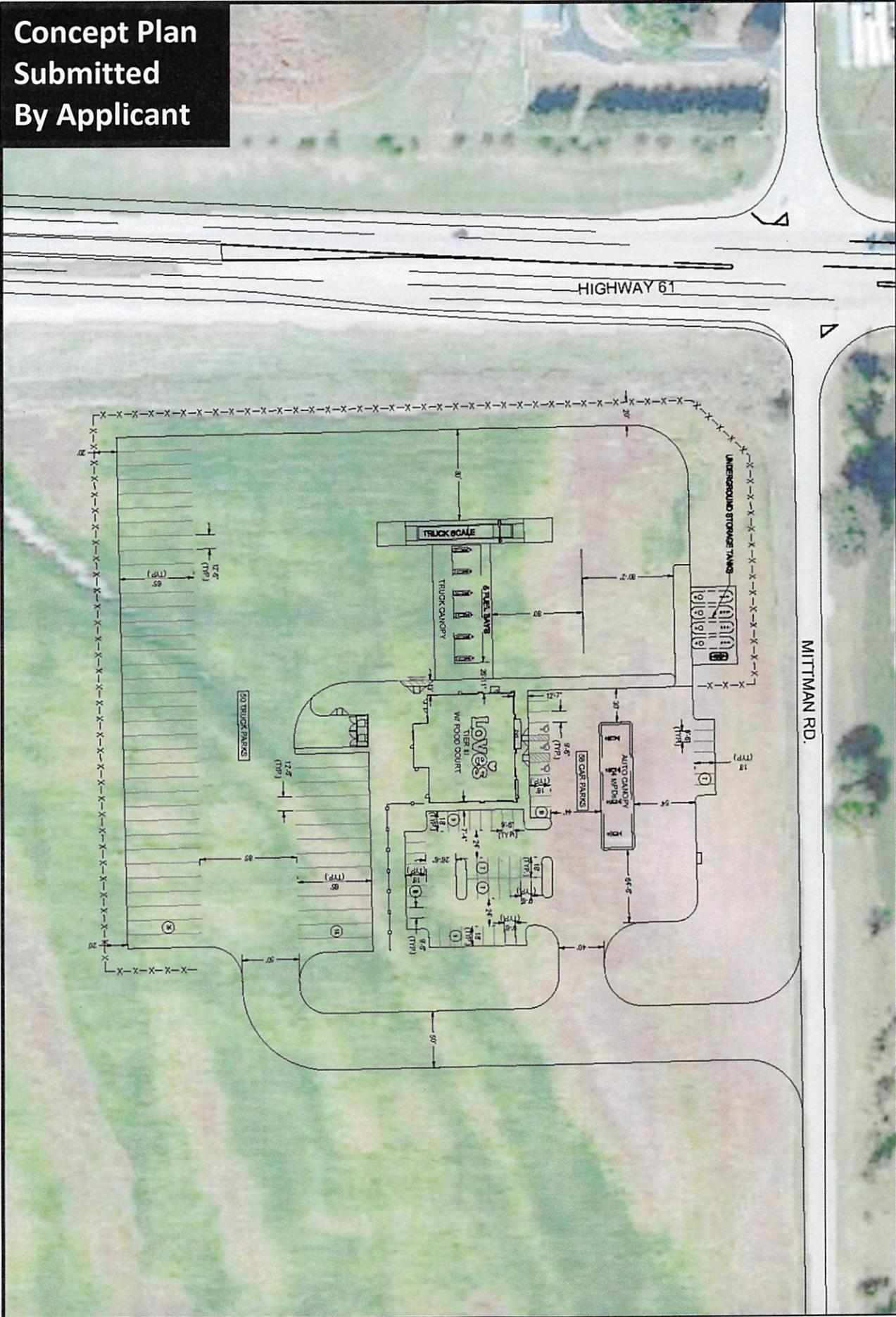
-  Subject Area
-  Proposed Location of Loves Truck Stop
-  Parcel Lines
-  City Limits

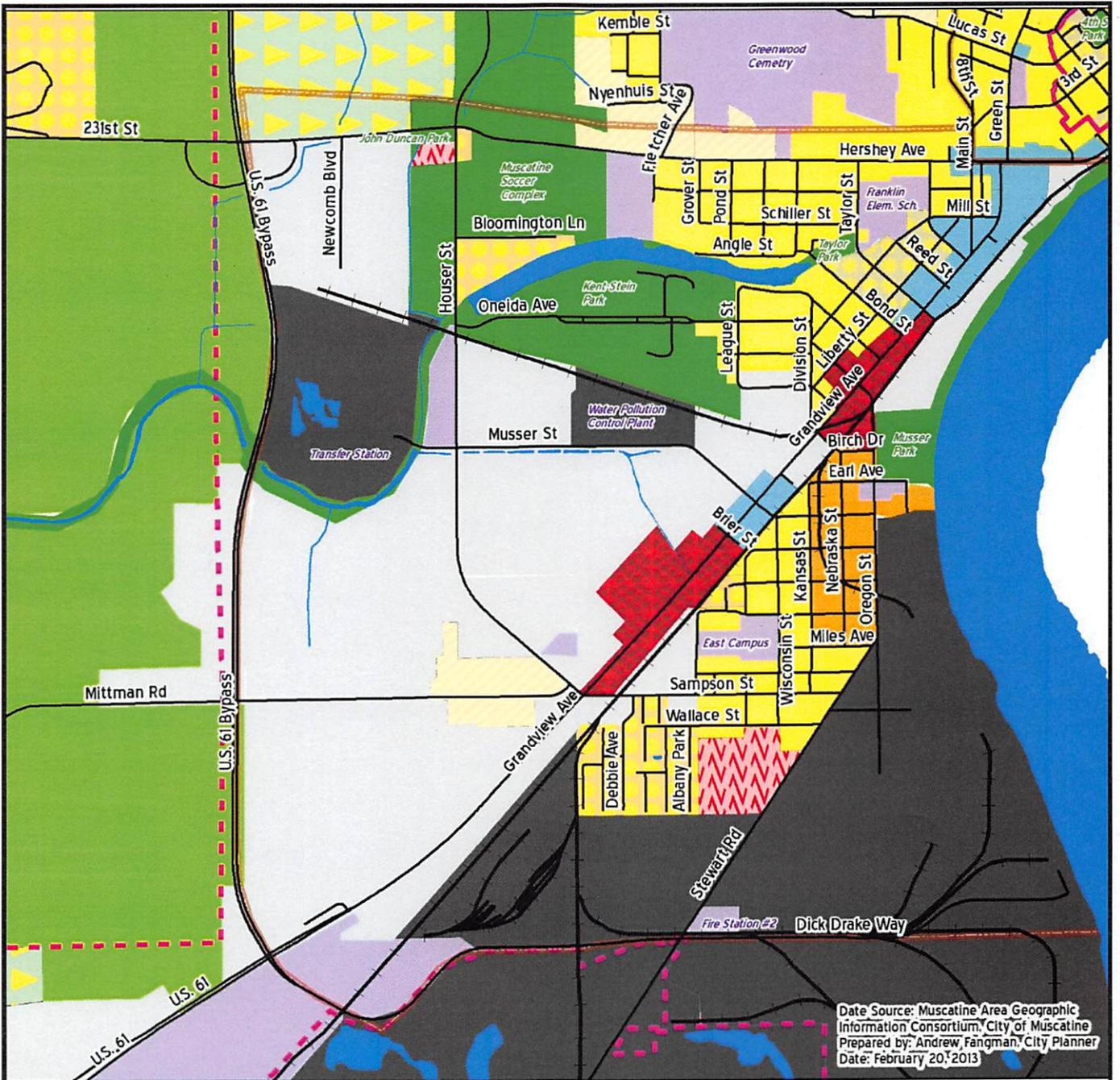
Zoning Distircts

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



**Concept Plan
Submitted
By Applicant**



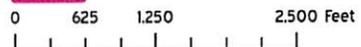


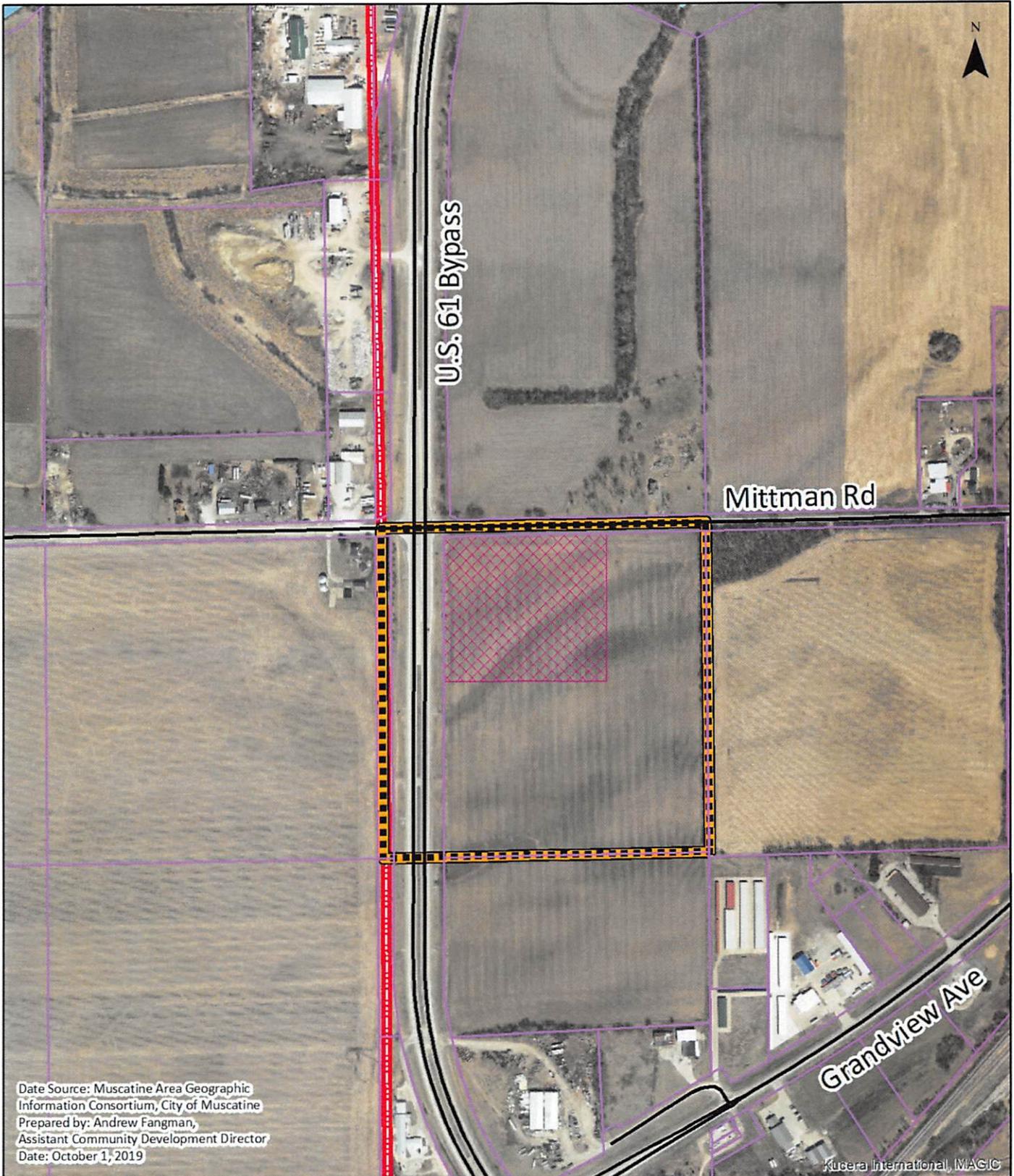
Date Source: Muscatine Area Geographic Information Consortium, City of Muscatine
 Prepared by: Andrew Fangman, City Planner
 Date: February 20, 2013



South End Planning District Future Land Use Plan

- | | | |
|--|-------------------------|------------------------------------|
| 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 | |





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

