

COMMUNITY DEVELOPMENT MEMORANDUM

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

To: Mayor and City Council Members

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

From: Andrew Fangman, City Planner

Date: November 2, 2017

Re: Vacation of Utility Easement Located Between Lots 9 & 10; and Lots 10 & 11 of Riverbend 5th Addition (Diana Queen Drive)

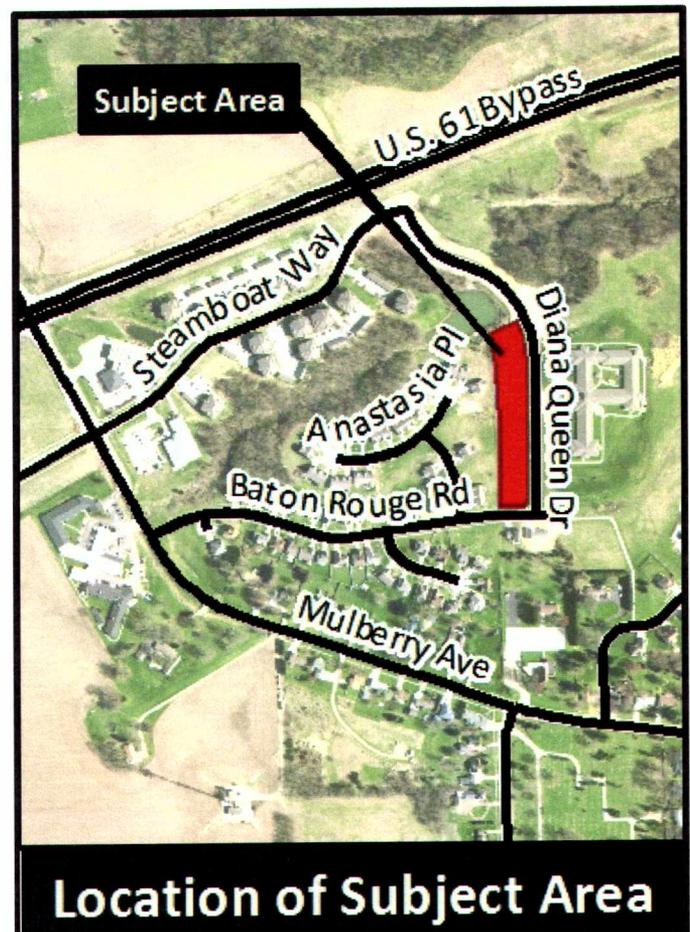
INTRODUCTION:

A request to vacate certain utility easements has been submitted on behalf of RBW Enterprises, Inc.

BACKGROUND:

On October 10th, the Planning and Zoning Commission Approved a request by RBW Enterprises LLC, to amend the approved a development plan, see page 5, to change the land use on an approximately 2.15 acres located along the westside of Diana Queen Drive, Lot 6 through Lot 16 of Riverbend 5th Addition from single family homes to attaches single family homes (Duplexs)

This property is located in the S-3 district, the S-3 district allows for any use permitted in any residential zoning district or in the M-1 Light Industrial Zoning District, subject to the approval by the Planning and Zoning Commission of a development plan that details the specific layout and uses of the subject property. The original development plan for this parcel was for single family homes, see the original development plan on the following page.



The physical characteristics of the proposed development is very similar to the mixture of duplexes and single-family homes that have been developed directly to the west of the subject area on Majestic Drive and Anastasia Place. In order to meet state accessibility regulations regarding elder groups homes, the proposed homes will have a ramped accessed from the rear that will be served by a private 4' wide sidewalk running along the rear of the proposed homes. This would a continuation of such a sidewalk that has been constructed at 3500 Diana Queen Drive. In order to lessen the visual impact of this on the adjoining property owners, a vegetative screen composed of a planting of one evergreen shrub, of a variety, with a mature height of at least 6', every 7' linear feet will be planted along the western property line.



It is the intent of the applicant to apply for a variance to reduce the required side yard setback from 6' to 4'. This request will come before the Zoning Board of Adjustment at later date. It should be noted that developer of the duplexes and single-family homes that have been developed directly to the west of the subject area on Majestic Drive and Anastasia Place was granted a variance allowing for 2' sideyard setbacks between single family homes in locations where the original development designated for the development of duplexes. If the request to amend development plan is granted by the Planning and Zoning Commission is approved, but the Zoning Board of Adjustment were to deny the variance request, the applicant would be allowed to build duplexes and single-family homes as shown on the proposed development plan, but 6' sideyard setback would have to be maintained.

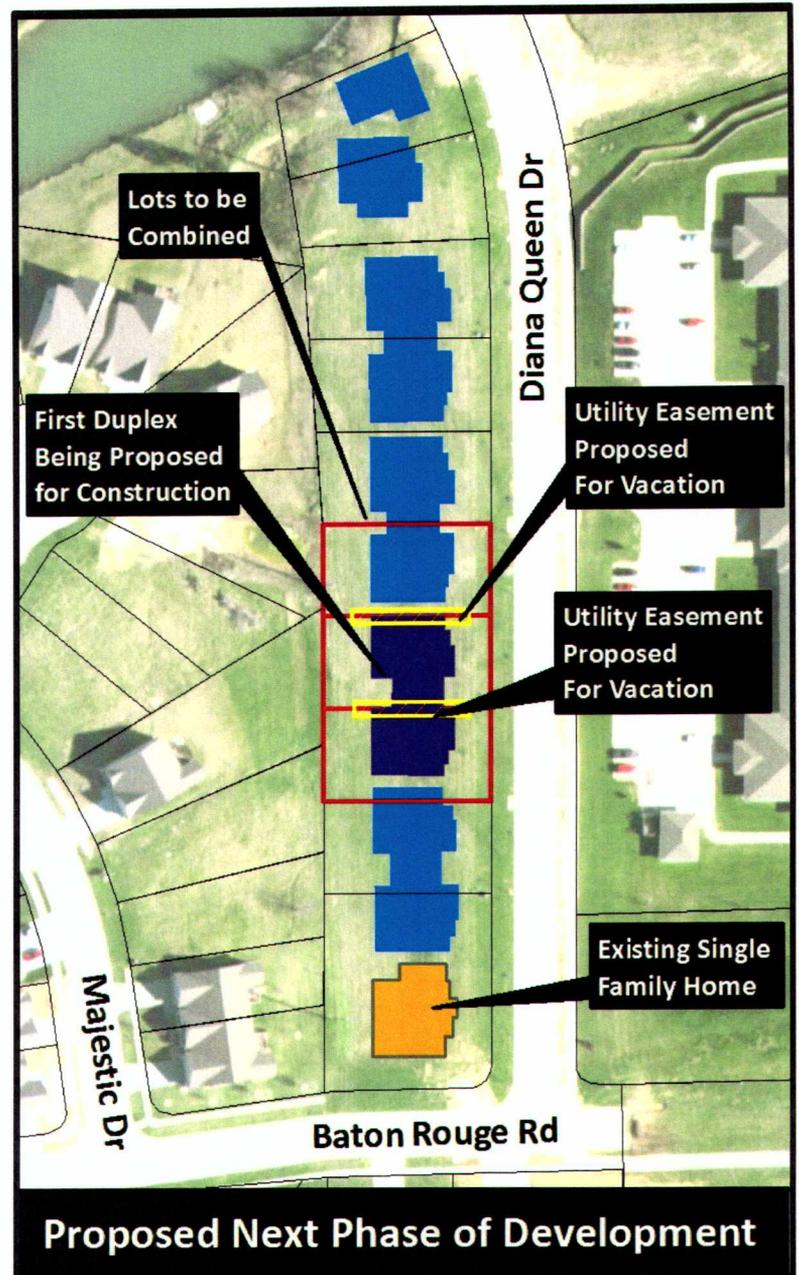
The applicant desires to begin construction on a duplex that would occupy portions of Lots 9, 10, and 11 of Riverbend 5th Addition, by the end of this year. In order to facilitate this the intent is to combine these lots into a single lot, and vacate the utility easement that run between lots 9 and 10 and lots and 11. To this end, the applicant has also submitted a request to vacate these utility easements. Approval of this request and approval of the proposed development plan, would allow the applicant to begin construction on this duplex

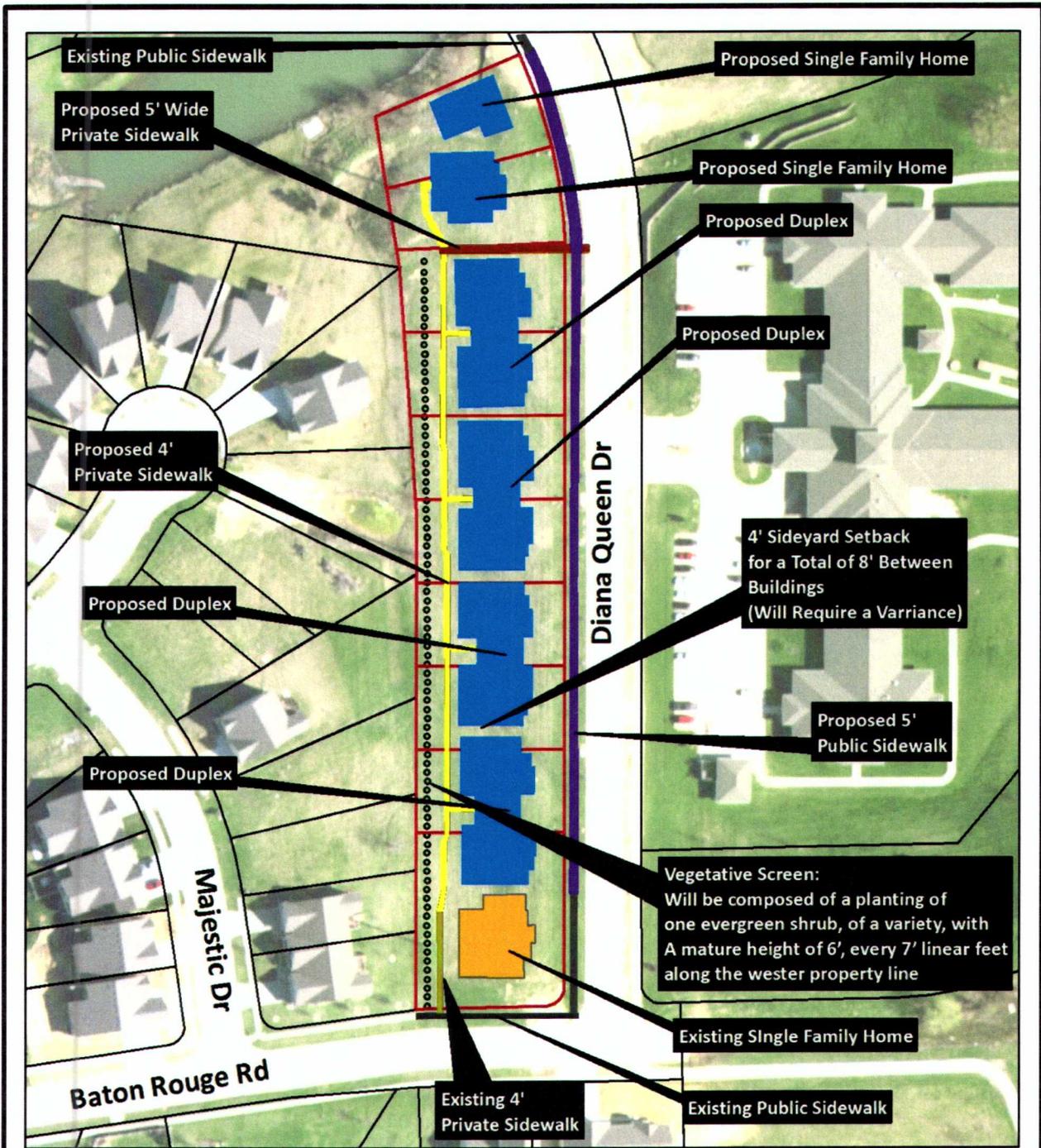
Construction of everything as envisioned in the site plan, will require additional action, by the Zoning Board of Adjustment, the Planning and Zoning Commission, and City Council. In addition to the variance previously discussed the applicant will also need to vacated some additional easements, and then replat the subject area, to match their intent of creating a lot corresponding to each dwelling unit.

RECOMMENDATION/RATIONALE:

The Planning and Zoning Commission and staff recommend approval of this request, as all the necessary utility easements will be present on the proposed combined parcel. The utility easements being proposed for vacation serve no useful public purpose.

The proposed development of a number of duplexes and single-family homes which will function as elder group homes, will create a good land use transition from the large nursing home facility on the east side of Diana Queen Drive and an area duplexes and single-family homes that have been developed directly to the west of the subject area on Majestic Drive and Anastasia Place. The proposed vegetative screen between the proposed development and the adjoining homes to the west, will further ensure the smooth transition between land uses. The proposed structures are in character with the surrounding neighborhood.

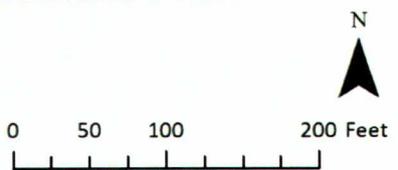




Pinnacle Elder Group Home Development Plan

- Subject Area
- Parcel Lines
- Required Evergreen Shrub

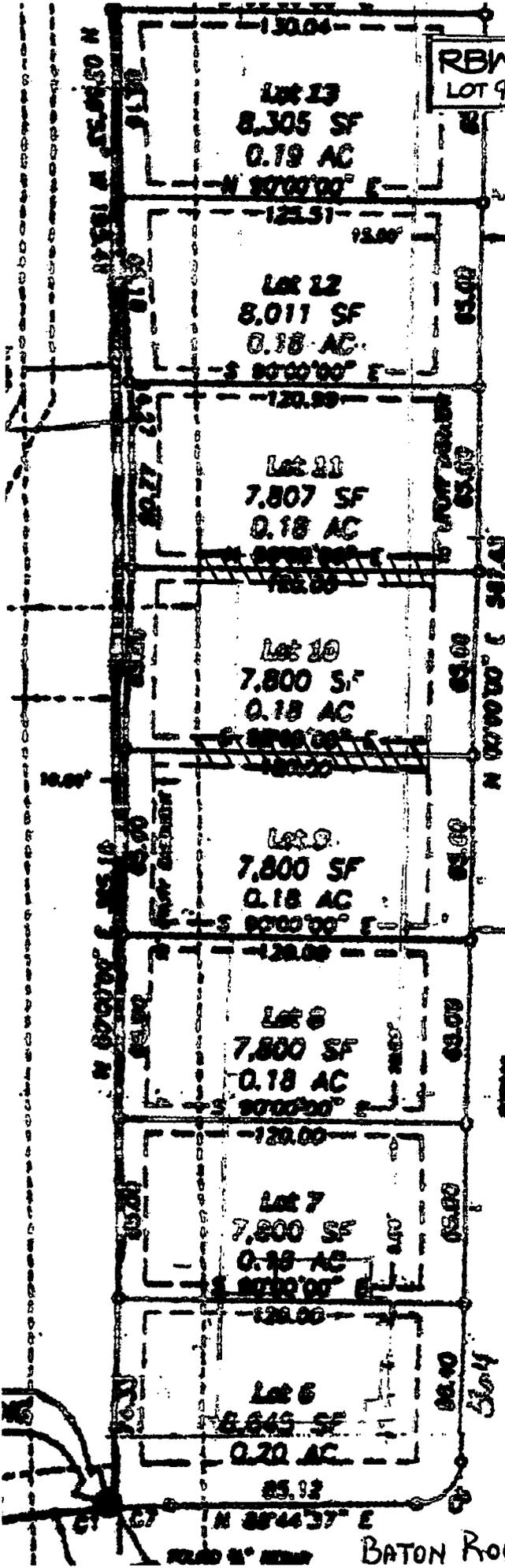
Date Source: Muscatine Area Geographic Information Consortium, City of Muscatine, & ISU
 Prepared by: Andrew Fangman, City Planner
 Date: October 4, 2017



RBW ENTERPRISES, LLC EASEMENT VACATION PLAT
LOT 9 & 10 OF RIVERBEND FIFTH ADDITION, MUSCATINE, IOWA

NORTH

DIANA QUEEN DRIVE



CURVE	DELTA
C1	730'36"
C2	505'24"
C3	755'14"
C4	515'17"
C5	517'57"
C6	5044'37"
C7	731'24"
C8	5044'20"
C9	1500'51"
C10	2530'20"
C11	1072'24"

--- EASEMENTS TO REMAIN
 EASEMENTS TO BE VACATED

PROPRIETOR:
RBW Enterprises LLC
 The utility easements as shown are acceptable to the following utilities:

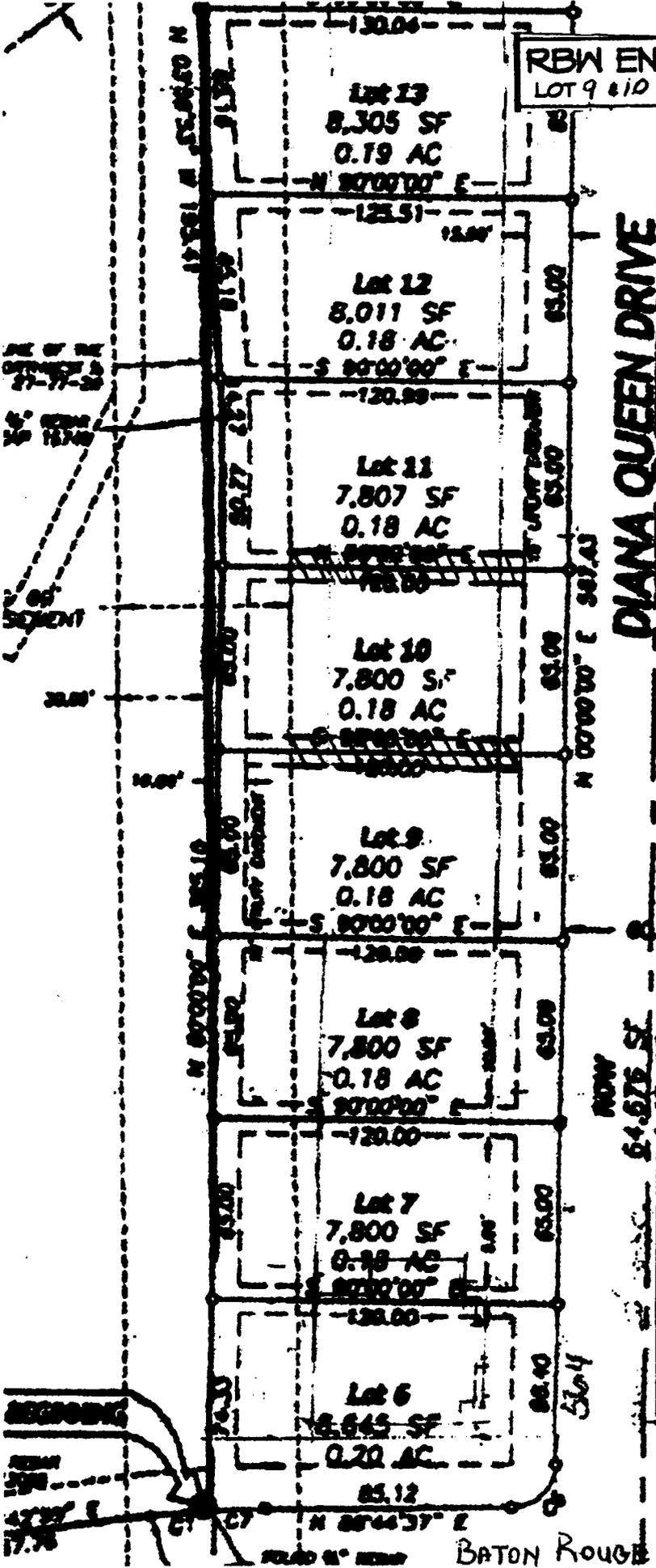
CENTURYLINK, LC

Title	Date
INTERSTATE POWER AND LIGHT, AN ALLIANT ENERGY COMPANY	

Title	Date
MUSCATINE POWER & WATER	
<i>[Signature]</i> Asst Director USD	9/26/17
Transmission & Distribution	Title Date
<i>[Signature]</i> MGR-WTR	9/26/17
Water Production & Distribution	Title Date
<i>[Signature]</i> MGR-Comm	9/27/17
Communications	Title Date

BATON ROUGE ROAD

RBW ENTERPRISES, LLC EASEMENT VACATION FLAT
LOT 9 & 10 OF RIVERBEND FIFTH ADDITION, MUSCATINE, IOWA



DIANA QUEEN DRIVE

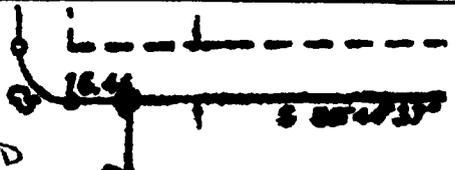
CURVE	BEYA
C1	7.32.36°
C2	7.02.24°
C3	7.55.74°
C4	8.15.23°
C5	8.17.52.5°
C6	8.44.37°
C7	7.31.24°
C8	8.44.29°
C9	1.22.31°
C10	28.30.28°
C11	10.27.24°

EASEMENTS TO REMAIN
 EASEMENTS TO BE VACATED

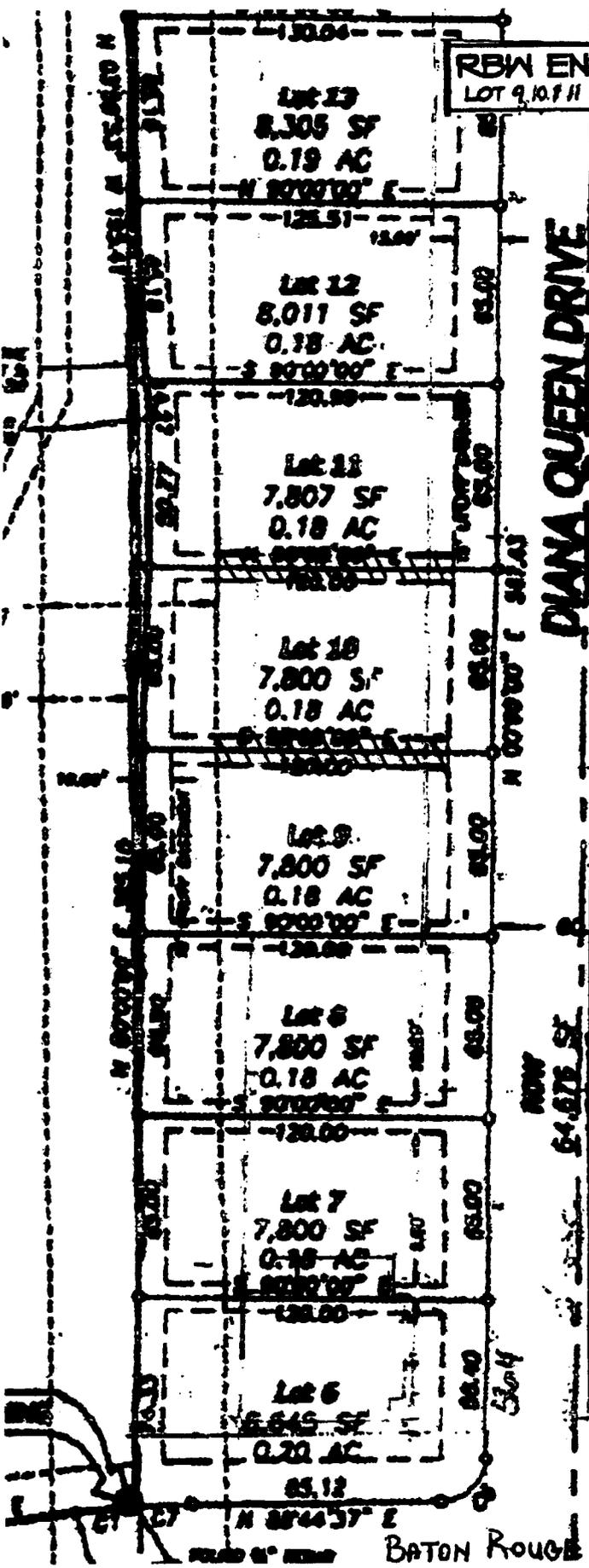
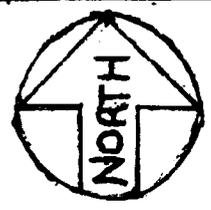
PROPRIETOR:
RBW Enterprises LLC

The utility easements as shown are acceptable to the following utilities:

UTILITY	Title	Date
CENTURYLINK, LC <i>Auturo Glasener</i> Eng II		9/22/17
INTERSTATE POWER AND LIGHT, AN ALLIANT ENERGY COMPANY		
MUSCATINE POWER & WATER		
Transmission & Distribution	Title	Date
Water Production & Distribution	Title	Date
Communications	Title	Date



RBW ENTERPRISES, LLC EASEMENT VACATION FLAT
LOT 9, 10, 11 OF RIVERBEND FIFTH ADDITION, MUSCATINE, IOWA



DIANA QUEEN DRIVE

CURE	DELTA
C1	737.26°
C2	737.26°
C3	737.26°
C4	737.26°
C5	737.26°
C6	737.26°
C7	737.26°
C8	737.26°
C9	737.26°
C10	737.26°
C11	737.26°

--- EASEMENTS TO REMAIN
 - - - EASEMENTS TO BE VACATED

PROPRIETOR:
RBW Enterprises LLC
 The utility easements as shown are acceptable to the following utilities:

CENTURYLINK, LC

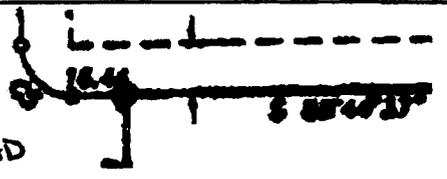
Title	Date
INTERSTATE POWER AND LIGHT, AN ALLIANT ENERGY COMPANY	
<i>John Carney</i> Field Engineer II	9/26/17

MUSCATINE POWER & WATER

Transmission & Distribution	Title	Date

Water Production & Distribution	Title	Date

Communications	Title	Date



BATON ROUGE ROAD

Prepared by Andrew Fangman, 215 Sycamore St, Muscatine, IA, 52761 (563) 262-4141

RESOLUTION NO. _____

**A RESOLUTION
TO VACATE CERTAIN OF UTILITY EASEMENTS AT LOTS 9 & 10 AND
LOTS 10 & 11 OF RIVERBEND FIFTH ADDITION, DIANA QUEEN DRIVE, IN
THE CITY OF MUSCATINE, IOWA**

WHEREAS, a resolution was adopted by the City Council of Muscatine, Iowa, on August 20, 2015 providing for the proposed vacation of all right, title and interest of the City of Muscatine, Iowa, in and to certain utility easement between Lots 9 & 10; and Lots 10 & 11 of Riverbend 5th Addition on Diana Queen Drive, in the City of Muscatine, Iowa; and

WHEREAS, the resolution provided that notice of intention to vacate the utility easement should be given by publication of a Public Notice in the Muscatine Journal prior to the meeting of the City Council to be held on November 2, 2017, and the notice was duly published in the newspaper as required by law; and

WHEREAS, the resolution provided for a public hearing on the proposed vacation, and such hearing has been held:

WHEREAS, the City Council found and determined that the proposed vacation of said utility easements would serve the public interest:

**BE IT RESOLVED BY THE CITY COUNCIL OF MUSCATINE, IOWA, AS
FOLLOWS:**

1. The City of Muscatine, Iowa, hereby vacates all rights, title, and interest in and to the following described utility easements:

Four public utility easements five feet wide on both sides of the boundary line between Located Between Lots 9 & 10; and Lots 10 & 11 of Riverbend 5th Addition to the City of Muscatine Iowa.

2. Any resolution or part thereof in conflict or inconsistent with this resolution is repealed.

PASSED, APPROVED AND ADOPTED this 2nd day of November, 2017.

CITY COUNCIL OF THE CITY
OF MUSCATINE, IOWA

DeWayne M. Hopkins, Mayor

ATTEST:

Gregg Mandsager, City Clerk