



City of Muscatine

PLANNING AND ZONING COMMISSION

Tuesday, June 11, 2024

The Planning and Zoning Commission meets on the 2nd Tuesday of each month at 5:30 p.m. in City Hall Council Chambers.

June 11, 2024, 5:30 PM

AGENDA

1. **CALL TO ORDER/ROLL CALL**
2. **MISSION STATEMENT**
3. **MINUTES**
 - A. Approval of minutes from the September 8, 2023 meeting
 - B. Approval of minutes from the April 9, 2024 meeting
4. **PRELIMINARY/FINAL PLAT AND ASSOCIATED ANNEXATION AND SEVERANCE REQUESTS FOR NIEMANN ACRES**
 - A. Angela Niemann has submitted a combined preliminary/final plat for Niemann Acres. The proposed subdivision would split the existing 11.1-acre property located at 2720 Isett Avenue into two lots and includes an annexation and severance request that would adjust the Muscatine city limit to align with the boundary between the two proposed lots.
 - a. Action on proposed Niemann Acres Preliminary/Final Plan

- b. Action on request to annex the portion of the proposed lot 2 not currently located within the City of Muscatine
- c. Action on request to sever the portion of the proposed lot 1 currently located within the City of Muscatine

5. LAW ENFORCEMENT TRAINING FACILITY & RANGE AT THE MUNICIPAL AIRPORT

- A. The Muscatine Police Department and Muscatine County Sheriff's Office are proposing to collaboratively develop a joint law enforcement training facility and range at the Muscatine Municipal Airport south of Runway 12/30, roughly 3,000 feet northwest of the terminal Building.
 - a. Action on Amending City Code Section 10-3-1 to allow a law enforcement training facility and range as a permitted use in the Agriculture Zoning District, provided it is located at the Muscatine Municipal Airport and only available for use by law enforcement personnel.
 - b. Action on Approving the location of the shooting range, as required by Iowa Code Section 657.9(1).

6. ADJOURNMENT

MINUTES
August 8, 2023 – 5:30 p.m.
Planning and Zoning Commission
Muscatine City Hall
City Council Chambers
Online GoToMeeting

Present: Andrew Anderson, Kayla Bendorf, Sharon Froelich, Kent Jurgensen and Steve Nienhaus

Excused: Jodi Hansen and Mark Seaman

Staff: Andrew Fangman, Assistant Community Development Director, Community Development
Christa Bailey, Office Coordinator, Community Development
April Limburg, Planner, Community Development

Vice Chairperson Andrew Anderson opened the meeting at 5:30 p.m. and read the mission statement.

Minutes:

Steve Nienhaus motioned to approve the July 11, 2023 minutes; seconded by Sharon Froelich. All ayes, motion carried.

Zoning Ordinance:

Presented for the consideration of the Commission is a revised Airport Zoning Ordinance. The purpose of the proposed resolution is to comply with state and federal requirement. Prior to City Council taking action on the proposed ordinance, the Planning and Zoning Commission must review the proposed changes and make a recommendation on them.

Andrew Fangman explained that Airport Overlay District is being amended to put additional rules in place around the airport such as safety and land use rules to ensure future developments do no conflict with the use of the airport. Mr. Fangman stated this is a joint venture with the City of Fruitland, Louisa County, Rock Island County, Muscatine County and the City of Muscatine to restrict extremely tall structures and land uses that would accumulate a lot of people.

Sharon Froelich questioned if there is any concern of the other parties in the proposed joint venture not wanting to participate, to which Jodi Royal-Goodwin, Community Development Director, shared that she has not received any feedback of concerns.

Andrew Anderson inquired if the ordinance is adopted as proposed if it would cause any structures to become noncompliant. Andrew Fangman stated that no current buildings would be affected by this.

Sharon Froelich motioned to recommend to City Council the proposed ordinance as submitted; seconded by Kayla Bendorf. All ayes, motion carried.

Meeting adjourned at 5:44 p.m.

ATTEST:

Andrew Anderson, Vice Chairperson
Planning and Zoning Commission

Respectfully Submitted,

Andrew Fangman, Secretary
Assistant Community Development Director

MINUTES
April 9, 2024 – 5:30 p.m.
Planning and Zoning Commission
Muscatine City Hall
City Council Chambers
Online GoToMeeting

Present: Andrew Anderson, Kayla Bendorf, Sharon Froelich, Jodi Hansen and Kent Jurgensen

Excused: Steve Nienhaus and Mark Seaman

Staff: Andrew Fangman, Assistant Community Development Director, Community Development
Christa Bailey, Office Coordinator, Community Development
April Limburg, Planner, Community Development

Vice Chairperson Andrew Anderson opened the meeting at 5:30 p.m. and read the mission statement.

Right of Way Vacation:

PZROW-1-2024 • Undeveloped Alley Right of Way Adjoining 1202, 1204 & 1206 E 4th St

Heidemarie Kremer, a resident of Florida, was present online to discuss the right of way vacation request. Ms. Kremer shared that she owns 1202 E 4th St and is in process of revitalizing the current home but hopes to add a second home on the lower half of the lot which is not currently accessible from the street. Andrew Fangman explained that to create access to the lower half the right of way would need to be vacated and Ms. Kremer would need to purchase the adjacent vacated right of way for them to construct a driveway. Mr. Fangman added that an alley was not constructed so the right of way is not needed but vacating the right of way would affect all the adjacent property owners and not just Ms. Kremer. Andrew Anderson questioned what the impact would be if the right of way were to be vacated and sold to the adjacent property owners. Mr. Fangman stated the property owners are currently responsible for maintaining the adjacent right of way, such as mowing, so that would not change but they would own a larger parcel. Kent Jurgensen commented that 1204 & 1206 E 4th St currently use the right of way to access their backyards which they would no longer be able to do if it is vacated and sold. Mr. Fangman expressed that cutting across the right of way or a property's yard is not lawful.

Jasmine Logel, 1200 ½ E 4th St, voiced that she is in favor of keeping the right of way as is since the owner of 1202 E 4th St has not done anything with the property in several months and does not maintain the house or yard. Ms. Kremer disclosed that the house interior is being worked on and has been gutted but they discovered the house is in much worse condition than expected so the current structure cannot be used as much as they wanted. Ms. Kremer also expressed that it has been a struggle to find local labor so they plan to bring in their own labor.

Max Kauffman, 1609 Foster St, owner of 1206 E 4th St stated that he is opposed to abandoning the right of way. Mr. Kauffman pointed out if the adjacent property owners are responsible for mowing the right of way then he does not see that owning a portion of vacated right of way will make much of a difference. Mr. Kauffman shared that he had provided Community Development staff members with proxies from several surrounding neighbors against the development of the second house, which the owners want to build as a 3D house and several 3D house projects have already failed in the City. Mr. Kauffman added that tools and equipment for the house renovation have been removed from the property.

Michelle Brus, 1204 E 4th St, brought in a video of the right of way and shared it to the Commission Members to show that if an alley were to be created it would cut into her yard and tree line according to the Beacon map. Ms. Brus also commented that she currently uses the right of way to access her backyard so if it was split and sold, she would have to drive through other people's yard to access her backyard. Kayla Bendorf added that if this right of way is vacated 1204 and 1206 E 4th St would not be able to access their backyards. Mr. Fangman clarified that is correct but they are not supposed to be doing it now either.

Jennifer Calcott, 402 Lee St, shared that she is against the reason why the owners of 1202 E 4th St want the right of way. Ms. Calcott added that the owners do not take care of the property as the City has performed abatements at this property including trash removal and snow removal from the public sidewalk.

John Jindrich, 1314 Smalley St, Council Member for the 5th Ward expressed that he agreed with the citizens' concerns spoken here but elected to keep his specific comments for the City Council meeting.

Heidemarie Kremer stated that people claim they do not have a local person to perform maintenance but they do. Ms. Kremer added that she is hearing a lot of resentment for their project so they may decide to abandon the project and demolish the current home then sell the vacant lot.

Sharon Froelich asked for clarification on whether the properties have access to the backyard from the street. Max Kauffman explained that they have access to the front yard from the street but have to go through the right of way to access the backyard. Michelle Brus added that she uses the right of way frequently to access her backyard for projects and such.

No motion was made to recommend the right of way vacation; right of way vacation is not recommended.

Subdivisions:

PZS-1-2024 • Grandview Subdivision • 3 Lots • 2.9 Acres • 1700 Grandview Ave

Norm Nicol, 14250 Buttercup Ln Letts, IA, was present to discuss the subdivision request. Mr. Nicol explained the proposed subdivision is divide the property into 3 lots, one for each building. They have an offer to purchase one of the buildings so they figured they might as well split all the buildings into separate parcels.

on their behalf, stating the lot is bigger than what PMP Holdings needs and they've found a buyer for the vacant portion. Mr. Fangman declared that staff recommends approval of the subdivision.

Kent Jurgensen questioned if the only entrance is on the northeast side of the property and Mr. Nicol clarified entrances are available on each end so no additional driveways would be needed to access the separate parcels.

Kayla Bendorf motioned to approved the subdivision; seconded by Jodi Hansen. All ayes, motion carried.

PZS-2-2024 • Heuer Subdivision • 3 Lots • 1.28 Acres • 2433 Mittman Road

Steve Kundel, an attorney, was present to represent Heuer Construction and discuss the subdivision request. Mr. Kundel explained Heuer Construction purchased 2433 Mittman Road and want to split the property to add 1 lot to their own adjacent property, split off the house, and sell the third lot to the people who use the current area. the proposed subdivision is divide the property into 3 lots, one for each building. They have an offer to purchase one of the buildings so they figured they might as well split all the buildings into separate parcels.

Kent Jurgensen motioned to approved the subdivision; seconded by Jodi Hansen. All ayes, motion carried.

Rezoning:

PZZ-1-2024 • 910 E 2nd St • 2.75 Acres • M-2 & M-1 to C-2

Andrew Fangman stated the City of Muscatine intends to relocate the dredge spoil dewatering operations then make the land available for redevelopment and C-2 allows for a mix of commercial and residential.

Kent Jurgensen inquired if the City has a specific developer in mind. Mr. Fangman explained they plan to do a request for proposals and the area is kind of a gateway so to do something with this property instead of the dredge spoil would be beneficial as the dredge spoil is kind of an eyesore

Jodi Hansen motioned to approved the rezoning; seconded by Andrew Anderson. All ayes, motion carried.

Zoning Ordinance Amendment:

Andrew Fangman explained the amendment is related to the Hawkeye site as it allows for residential to be on the first floor as long as some commercial is also on the ground floor. Mr. Fangman shared the idea for the Hawkeye site is to have commercial facing 2nd St and residential facing the river.

Kayla Bendorf asked if there is other C-2 zoned properties besides downtown, to which Mr. Fangman answered no but this amendment would be beneficial to the areas close to downtown. Ms. Bendorf questioned if a constraint has been placed of how much of the first floor should be nonresidential. Mr. Fangman explained a constraint is not in place but the Commission can recommend one.

Jodi Hansen shared concerns about what type of commercial uses would be allowed on the ground floor next to residential units. Mr. Fangman clarified C-2 typically allows restaurants, retail space, offices or salons. Ms. Hansen added that there should be more clarification of what type of businesses should be allowed and how much of the ground floor should be commercial.

Andrew Andrew motioned to approved the Zoning Ordinance Amendment as is; no second. Motion denied.

Kayla Bendorf motioned to approved the Zoning Ordinance Amendment with the below amendment; seconded by Andrew Anderson. All ayes, motion carried.

“Except for in the area bounded by Mississippi Drive, Oak Street, 5th Street, and Pine Street, a portion of the ground floor of a structure may be used for residential purposes, so long as another portion of the ground floor is being used for a viable commercial purpose.”

Other Business:

Andrew Fangman explained the City is in process of selecting a consultant who will be creating a new comprehensive plan and he is looking for two Commission Members to be included on the consultant selection panel. Mr. Fangman added that Mark Seaman stated he is interested even though he could not attend today. Andrew Anderson and Kayla Bendorf also expressed interest so Mr. Fangman elected to include all three of the interested Commission Members, Mark Seaman, Andrew Anderson and Kayla Bendorf, on the consultant selection panel.

Meeting adjourned at 6:58 p.m.

ATTEST:

Respectfully Submitted,

Andrew Anderson, Vice Chairperson
Planning and Zoning Commission

Andrew Fangman, Secretary
Assistant Community Development Director



COMMUNITY DEVELOPMENT DEPARTMENT

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

Planning • Zoning • Building Safety • Construction Inspection Services • Public Health • Housing Inspections • Code Enforcement

To: Planning and Zoning Commission
From: Andrew Fangman, Assistant Community Development Director
Date: June 11, 2024
Re: Preliminary/Final Plat and Associated Annexation and Severance Requests for Niemann Acres

INTRODUCTION: Angela Niemann has submitted a combined preliminary/final plat for Niemann Acres. The proposed subdivision would split the existing 11.1-acre property located at 2720 Isett Avenue into two lots and includes an annexation and severance request that would adjust the Muscatine city limit to align with the boundary between the two proposed lots.

BACKGROUND: The proposed 2.96-acre Lot 1 would contain the existing home and accessory structures. The proposed 8-acre Lot 2 would be intended for the development of a new single-family home.

The Muscatine city limit line runs through the middle of the proposed subdivision. It is proposed that the city limit line be realigned to follow the boundary between the proposed Lot 1 and Lot 2. This would be accomplished by annexing a portion of the proposed Lot 2 into the City of Muscatine and severing a portion of the proposed Lot 1 from the City.

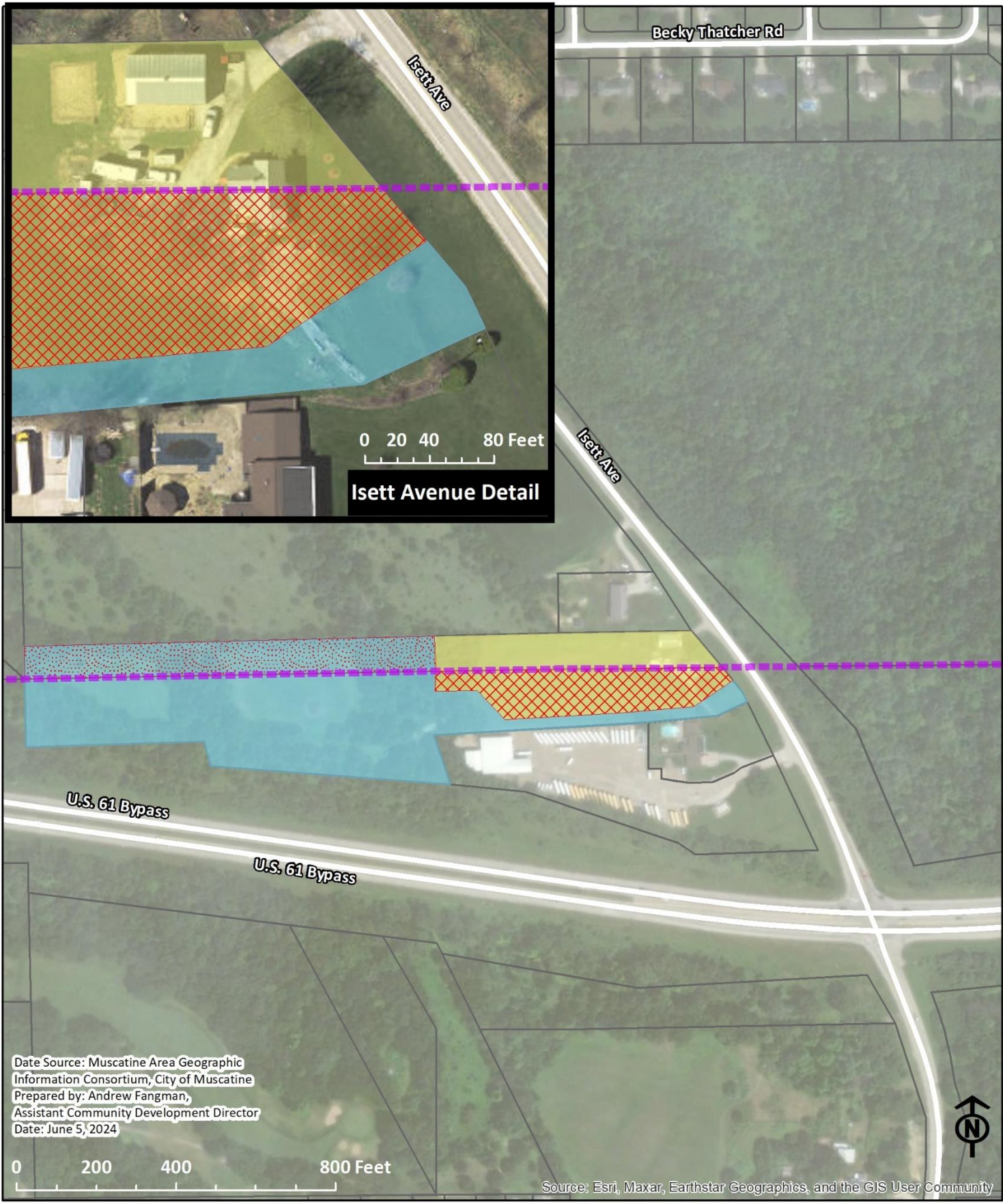
The existing home and structures are currently taxed as if they are solely located within unincorporated Muscatine County, even though the existing home is split by the city limit line.

RECOMMENDATION/RATIONALE:

Staff recommends approval of the proposed subdivision, as it is consistent with the adopted Comprehensive Plan and existing land use patterns. Adjusting the city limits as proposed would also resolve the uncertainty and administrative difficulties associated with having structures and properties split between multiple jurisdictions.

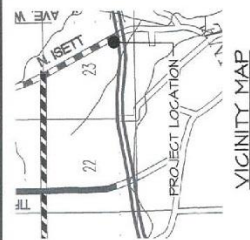
BACKUP INFORMATION:

1. Map
2. Plat
3. Annexation-Severance Exhibit
4. Legal Description of Annexation Area
5. Legal Description of Severance Area



Niemann Acres Subdivision

NIEMANN ACRES PRELIMINARY/FINAL PLAT



BASIS OF BEARINGS
IOWA REGIONAL COORDINATE SYSTEM
ZONE 14



NW - SE 1/4

(KENNETH C. OR TAMARA J. BIERMAN)

P.O.B.

NW CORNER
SW 1/4 - SE 1/4
SECTION 23

(BRISK LLC)

SEE DETAIL B

25.00' UTILITY EASEMENT

1236.91'

79.64'

172.64'

N 00° 17' 52" E

1143.70'

SE 1/4 CORNER
SEC. 23 T11N R24W

US HIGHWAY #61 BYPASS

SW - SE 1/4

N 84° 31' 17" E - 1722.07'

1034.84'

LOT 1

LOT 2

LOT 3

LOT 4

LOT 5

LOT 6

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R2W

**SURVEY COMPANY / RETURN TO:**

Martin & Whitacre
Surveyors & Engineers, Inc.

Surveyors & Engineers, Inc.
1508 BIDWELL ROAD, MUSCATINE, IOWA 52761
INFO@MARTIN-WHITACRE.COM (563)263-7691

SURVEYOR: GARY W. WHITACRE

PROPRIETOR(S): ANGELA K. NIEMANN

REQUESTOR: **ANGELA NIEMANN**

REGISTRATION: ANOLLA NILE
LOCATION: 2720 | SETT AVENUE

LOCATION: 2120 BELL AVENUE
SURVEY TYPE: ANNEXATION / SEVERANCE EXHIBIT

FILE	BOOK	SCALE	DRN	CHK'D	DATE	JOB NO.
SCANNED	TITLE	1"=200'	EJA	GMM	5/23/24	9062.24
REV:	0				SHEET	OF
					9062 NIEMANDWS	1

Legal description of annexation area:

A PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 77 NORTH, RANGE 2 WEST OF THE 5TH PRINCIPAL MERIDIAN, MUSCATINE COUNTY, IOWA.

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 23; THENCE NORTH 00°16'22" EAST 79.64 FEET ALONG THE WEST LINE OF THE SOUTHEAST QUARTER; THENCE SOUTH 89°31'17" EAST 1034.84 FEET; THENCE SOUTH 00°28'43" WEST 87.61 FEET; THENCE NORTH 89°04'41" WEST 1034.58 FEET TO THE POINT OF BEGINNING, CONTAINING 1.99 ACRES.

Legal description of severance area:

A PART OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 77 NORTH, RANGE 2 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA.

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTH HALF SOUTHEAST QUARTER OF SECTION 23; THENCE SOUTH 89°04'47" EAST 1034.58 FEET ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°04'47" EAST 733.20 FEET TO THE OLD CENTERLINE OF ISETT AVENUE; THENCE SOUTH 25°45'18" EAST 39.28 FEET ALONG SAID CENTERLINE; THENCE SOUTH 58°41'12" WEST 113.77 FEET; THENCE SOUTH 86°24'56" WEST 164.04 FEET; THENCE SOUTH 88°11'51" WEST 312.98 FEET; THENCE NORTH 41°00'38" WEST 98.73 FEET; THENCE NORTH 89°31'17" WEST 112.08 FEET; THENCE NORTH 00°28'43" EAST 50.94 FEET TO THE POINT OF BEGINNING, CONTAINING 1.62 ACRES



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Planning • Zoning • Building Safety • Construction Inspection Services • Public Health • Housing Inspections • Code Enforcement

To: Planning and Zoning Commission
From: Andrew Fangman, Assistant Community Development Director
Date: June 11, 2024
Re: Law Enforcement Training Facility and Range at the Muscatine Municipal Airport

INTRODUCTION:

The Muscatine Police Department and Muscatine County Sheriff's Office are proposing to collaboratively develop a joint law enforcement training facility and range at the Muscatine Municipal Airport.

BACKGROUND:

The City of Muscatine and Muscatine County have agreed to a partnership with a 50/50 cost-sharing agreement. This facility will provide a dedicated space for officers to conduct a variety of training exercises, including:

- Firearms Training & Qualifications
- MSORT Training
- Defensive Tactics Training
- ASP Training
- Conduct trainings in Muscatine County at minimal cost as a host agency

The proposed shooting range will accommodate handguns using .40 and 9mm caliber rounds, and rifles using .308 and .223 calibers. It will feature two 220-foot handgun bays and a separate 370-foot rifle bay. Each bay will be enclosed on three sides by 20-foot-high berms, exceeding recommended heights to ensure safe projectile containment within the range. To minimize the risk of ricochet, the berms will have a 1:1 slope design. Additionally, they will be 10 feet thick at the top, exceeding the recommended minimum design standard. Construction will utilize only virgin fill free of debris to further eliminate ricochet hazards. These design specifications meet or exceed NRA Range Source Book criteria and comply with Iowa state qualification distances.

Within the proposed range site will be a 60' x 60' training building facility. It will be utilized for the classroom portion of firearms instruction as well as several other police department and sheriff's office in-service training needs. It will be equipped with bathrooms and running water.

It is anticipated that the range will be in use 3 to 5 times a month. This may be more during months where department qualifications are necessary. The training facility will be utilized anytime the range is live and several times a year for classroom training.

The department closed its original range location in early 2022. Since that time, department personnel have been traveling to the West Liberty gun range to conduct training. MSORT training, which is conducted 1 to 2 times a month, is also traveling the 40-mile round trip for training. Since the West Liberty Gun Club is a public range, only minimal equipment can be stored there, the rest is required to be transported to and from. The police department and sheriff's office are in desperate need of a secure range and training facility to serve both agencies.

The proposed location for this facility is at the Muscatine Municipal Airport, south of Runway 12/30, roughly 3,000 feet northwest of the terminal building. Access would be through an extension to existing internal airport access roads.

RECOMMENDATION/RATIONALE:

The proposed shooting range and training facility have been evaluated for compatibility with airport operations. Both the Federal Aviation Administration (FAA) and the Muscatine Airport Advisory Commission have reviewed the project's proposed location on the airport property and determined it would not adversely impact airport operations.

Situated behind the airport fence, the proposed location was acquired to function as a protective buffer zone for the runways. Currently, the site is not used for any active airport operations, and there are no plans for future development related to airport operations at this location. The proposed shooting range would leverage an underutilized City property. Currently leased for agricultural purposes, this land can be repurposed to serve a critical function. By establishing a shooting range here, the City can take advantage of the area's continued role as a protective buffer zone for the airport runways, while simultaneously fulfilling a vital training need for law enforcement personnel.

The proposed location at the Muscatine Municipal Airport offers several advantages that make it an ideal location for a law enforcement shooting range. The proposed location offers the necessary isolation for safe range operations while remaining conveniently accessible for law enforcement personnel. The Public Safety Building is less than a 15-minute drive away.

Substantial distance between the shooting range and residences and other non-agricultural and non-airport uses, minimizes potential noise disruptions for the surrounding community. The substantial distance also contributes to overall safety in the extremely unlikely event of. A stray round or ricochet.

One of the most common concerns surrounding shooting ranges is noise complaints from nearby residents. According to NRA range design guidelines, these complaints typically originate from people living within a half-mile radius of the facility. The proposed shooting range location offers a significant advantage in this regard. There are:

- No residences or structures within a half-mile radius of the firing line.
- The nearest dwelling located nearly two-thirds of a mile (3,387 feet) to the north.
- Only six homes within a three-quarter mile radius, and 17 homes within a one-mile radius.

The proposed shooting range site benefits from existing land uses that are inherently compatible with range operations. Additionally, the location offers greater assurance of continued land use compatibility in the future compared to any other potential site within Muscatine County.

Slightly more than half of the area within a half-mile radius of the proposed range lies behind the airport fence. Surrounding areas beyond the airport property are subject to long-standing land use restrictions specifically designed for areas situated near airport runways. These restrictions help ensure compatibility with continued aviation operations by limiting development.

Aircraft near runway ends pose potential safety risks (accidents) and noise disturbances for people on the ground due to takeoffs and landings. Similarly, a shooting range can create noise and safety concerns for nearby areas.

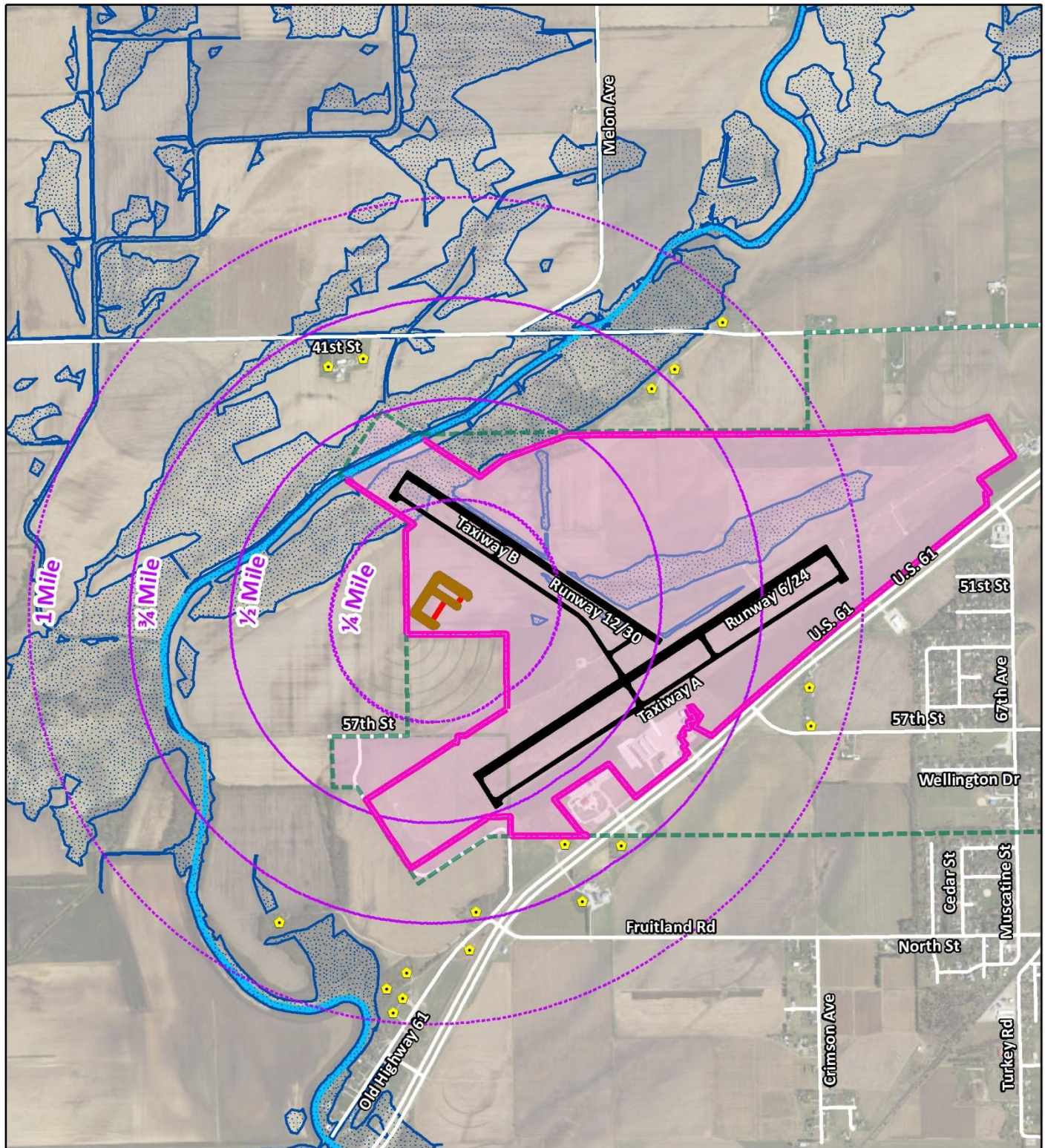
However, existing land use restrictions designed to mitigate the impact of airport runways can also effectively address potential disruptions from the shooting range. The proposed location leverages these existing restrictions, minimizing the need for additional measures to ensure compatibility with surrounding areas.

The firing line will be oriented towards the Muscatine Slough. The bank of the slough is approximately 1,500 feet beyond the backstop berm. Furthermore, the presence of the slough and its associated floodplain significantly reduces the likelihood of future development occurring immediately downrange of the proposed site. The regulatory floodplain in this area stretches about 3,000 feet wide. The proposed range site is located well outside the floodplain.

Stringent land-use regulations adopted by both the City and Muscatine County severely restrict development within the floodplain. These regulations are in place to ensure property owners throughout the city and county can access flood insurance through the National Flood Insurance Program (NFIP), the primary flood insurance option available. Participation in the NFIP requires local communities to enact regulations that limit new development in regulatory floodplains. Therefore, the regulatory floodplain located downrange of the proposed shooting range is highly unlikely to see any development in the foreseeable future.

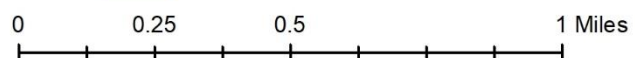
The Planning and Zoning Commission is being asked to make a recommendation on two aspects of a potential law enforcement training facility range at the Muscatine Municipal Airport:

- Amending City Code Section 10-3-1 to allow a law enforcement training facility and range as a permitted use in the Agriculture Zoning District, provided it is located at the Muscatine Municipal Airport and only available for use by law enforcement personnel.
- Approving the location of the shooting range, as required by Iowa Code Section 657.9(1).



Legend

- | | | |
|--------------------|-------------------------------------|--------------------|
| Airport Fence | Quarter Mile Rings From Firing Line | Runways & Taxiways |
| 20 Feet High Berms | Homes Within 1 Mile | City Owned Parcels |
| Firing Line | Floodplain | |
| City Limits | | |





Looking Northwest from Approximate Proposed Location of Firing Line



Looking North Along Airport Property Line Near the Proposed Range Site



Looking West Along Airport Property Line Near the Proposed Range Site