



# North Liberty Board of Adjustment Information Packet

August 13, 2014

6:30 PM

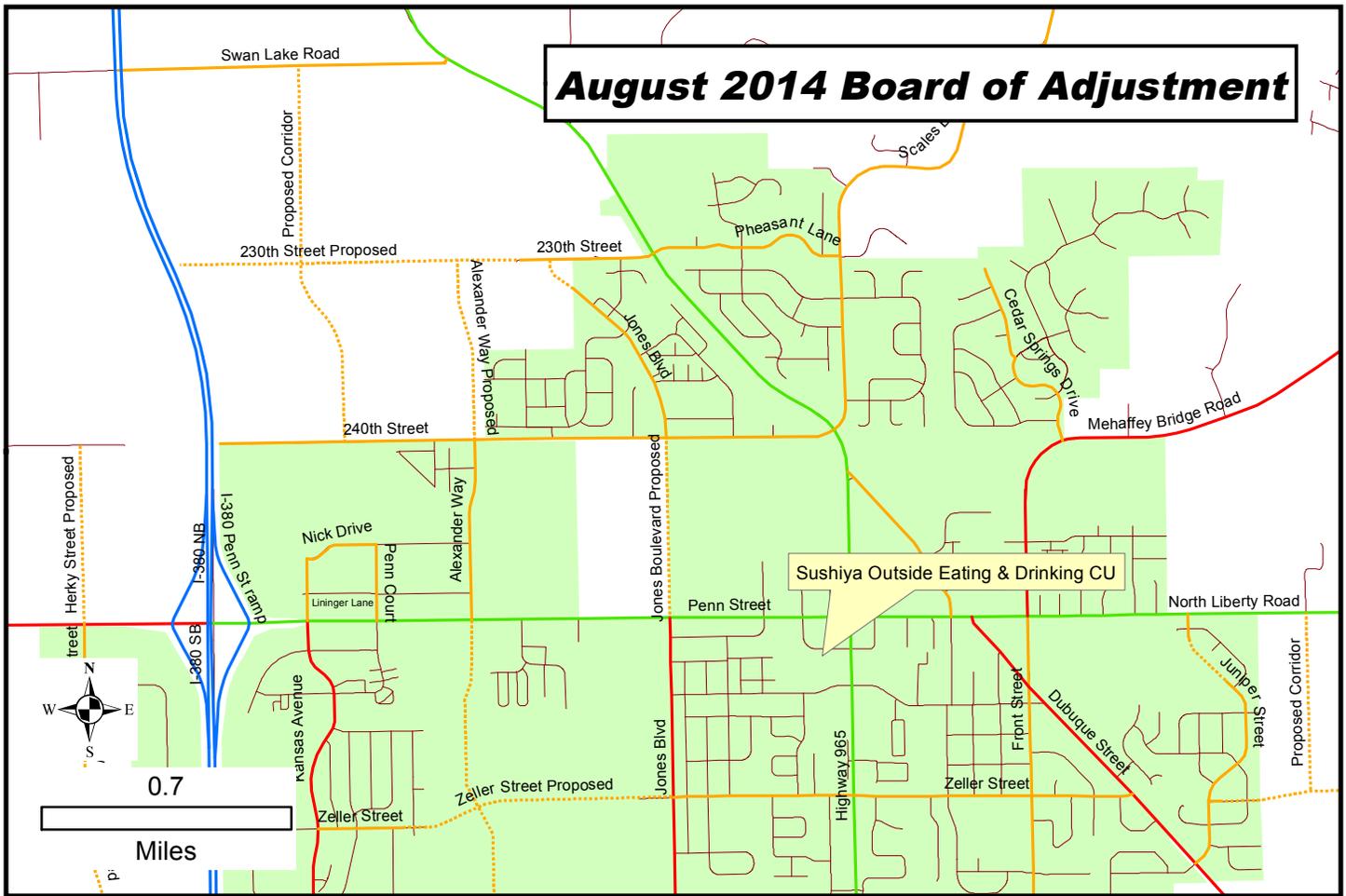
If you would like additional information, larger-scale maps, or other information before the meeting, please contact Dean Wheatley at 626-5747 or at [dwheatley@ci.north-liberty.ia.us](mailto:dwheatley@ci.north-liberty.ia.us)



**NORTH LIBERTY BOARD OF ADJUSTMENT  
MEETING NOTICE AND AGENDA  
August 13, 2014, 6:30 PM**

1. Roll Call.
  2. Public Comment.
  3. **Conditional Use:** Request of Tali LLC for a conditional use to approve outside eating and drinking within an existing patio area at Liberty Centre commercial development north of the Liberty Centre pond.  
(Legal: Lot 13, Liberty Centre)
    - a. Staff Presentation and Planning Commission Recommendation
    - b. Applicant's Presentation
    - c. Public Hearing
    - d. Questions and Comments
    - e. Formal Action
  4. Minutes of Previous Meeting (September 2013)
  5. Old Business
  6. New Business
- Adjournment

# August 2014 Board of Adjustment



2012 Aerial Photography  
No scale





July 28, 2014

## Memo

To: North Liberty Planning Commission  
From: Dean Wheatley, Planning Director  
Subject: Accessory Outside Eating at Sushiya Restaurant  
(Legal: Lot 13 Liberty Centre)

Your North Liberty city staff has reviewed the subject submission, and offer comments presented in this memo. The staff review team includes the following personnel:

Ryan Heiar, City Administrator  
Tracey Mulcahey, Assistant City Administrator  
Tom Palmer, City Building Official  
Scott Peterson, City Attorney  
Kevin Trom, City Engineer  
Dean Wheatley, Planning Director

This request is to allow an outside eating area at the new Sushiya restaurant at the existing Liberty Centre commercial development located north of the Liberty Centre Pond. The property is zoned C-2-A Commercial, and the development was designed and built for outside eating on the patio. The closest residential buildings are:

600' to multi-family buildings west of the proposed patio, across the pond and park; and  
325' to duplex homes south of the patio, across Cherry Street.

The specific plans for the patio are to use the existing fenced concrete area, and to potentially add a pergola as shown on the application. Minor additional lighting may be added. Wine and beer will be served and music will be played.

The Zoning Ordinance specifies provisions that apply to every outdoor eating accessory use:

- *All businesses shall be subject to the approval of a conditional use permit and approval by the Council of a site plan meeting requirements of this code. Any City action against the outdoor eating accessory use shall also be enforceable against the associated restaurant operation, and may include withdrawal of certifications or permits for both the accessory use and for the principal restaurant use on the property. The City shall have the discretion to require a formal agreement, specifying conditions for operations, to be approved in any case.*
- *All Zoning Ordinance requirements shall be observed, including parking, yards, and signage. No additional signage is allowed in conjunction with the outside eating area.*
- *The area used for the establishment shall be clearly delineated by fencing, plant materials or other landscaping or other aesthetically pleasing means, to be specified and approved*

*through the site plan process.*

- *The area used for the establishment shall be hard-surfaced with concrete, asphalt, or other suitable permanent materials.*
- *The principal use on the site must meet all Zoning Ordinance and site plan requirements.*
- *Temporary structures or other facilities may be approved through the site plan review.*
- *Businesses must provide evidence that appropriate State and local licensing has been obtained.*
- *All applicable local, county, and State regulations must be met.*
- *Businesses may not serve alcoholic beverages unless specifically approved by formal agreement.*
- *Businesses may not provide lighting unless specifically approved by formal agreement.*
- *Businesses may not provide any amplified music or public address system unless specifically approved by formal agreement.*

This application meets the requirements of the Zoning Ordinance and the conditional use is recommended for approval with alcoholic beverage sales allowed, no music louder than speaking level, and no more seats than allowed by the Building and Fire Codes for this location.

Recommended for approval with the conditions noted above by the Planning Commission at their meeting on August 5, 2014.

Existing Patio



Planned Pergola



# LIBERTY CENTRE - LOT 13 RETAIL SITE

## NORTH LIBERTY, IOWA

**OWNER/DEVELOPER**  
Watt Development Group  
580 Madison Ave. #3  
North Liberty, Iowa 52317  
(319)-626-8570

**PREPARED BY**  
McClure Engineering Company  
1740 Linsinger Lane  
North Liberty, Iowa 52317  
(319)-626-9090

**ZONING**  
C-2-A

**ADDRESS**  
745 Community Drive  
North Liberty, IA 52317

**BULK REGULATIONS**  
Min. Lot Area = N/A  
Front Yard Depth = 25 ft  
Side Yard Width = 10 ft  
Rear Yard Depth = 20 ft  
Max. Height = 35 ft or 2 1/2 stories

**LEGAL DESCRIPTION**  
Lot 13 of Liberty Centre-Part One as recorded in bl. 47, pg. 107 of the Johnson County Records in the NE 1/4 of the SW 1/4 of Section 12, Township 80 North, Range 7 West of the 5th P.M., now in and forming a part of the City of North Liberty, Johnson County, Iowa. Said subdivision contains 2.93 acres and is subject to easements and restrictions of record.

**PROPOSED LOT SIZE**  
73,744 S.F. = 1.69 acres

**LAND USE**  
The 1.69 acre site will be used to construct a 13,856 S.F. Commercial retail/Restaurant building.

**OPEN SPACE**  
Total Lot Area = 73,744 S.F.  
Impervious = 53,984 S.F. (73%)  
Open Space = 19,760 S.F. (27%)

Paving = 33,208 S.F.  
Walk = 6,920 S.F.  
Building = 13,856 S.F.  
Open Space = 19,760 S.F.

**LANDSCAPING PARKING AREA**  
Trees Required in Parking Lot = 16 (17,000 S.F.)  
Trees Provided in Parking Lot = 35  
1 Tree within 40' of every stall.  
Front, Side, & Rear Yard to be completely landscaped.

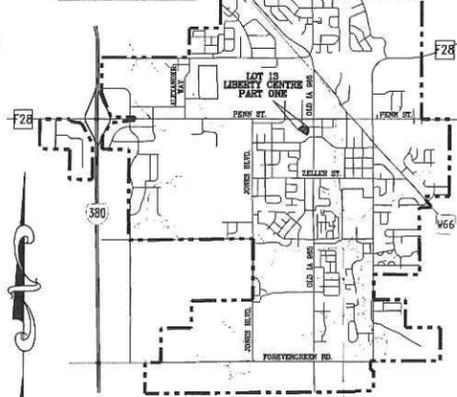
**PARKING**  
Required: 17,000 S.F. (Retail) = 50  
1/100 S.F. (Restaurant) = 40  
ADA Required: 4 stalls

Provided: Stalls Total = 92  
Standard = 88  
ADA = 4

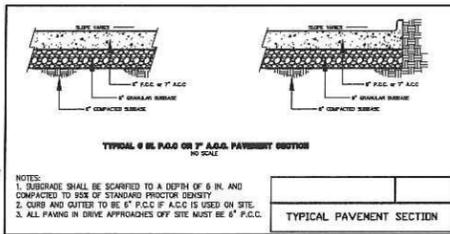
**MINIMUM LOW OPENING (MLO)**  
771.10 feet (As shown on the official plat of Liberty Centre Part One)

**GENERAL NOTES**  
Entire westerly sidewalk will be built as part of this site plan.

CITY OF  
NORTH LIBERTY



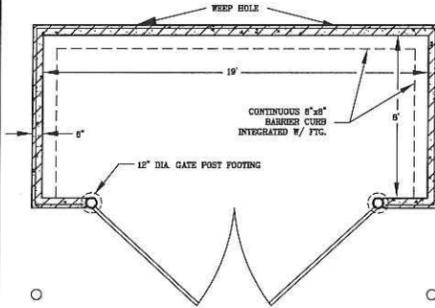
VICINITY MAP  
NO SCALE



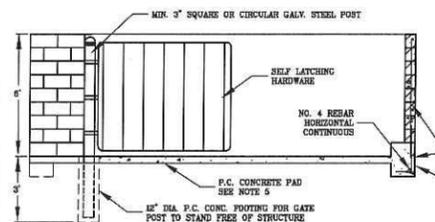
NOTES:  
1. SUBGRADE SHALL BE SCRAPPED TO A DEPTH OF 6" IN. AND COMPACTED TO 95% OF STANDARD PROCTOR DENSITY.  
2. CURB AND OUTER TO BE 6" P.C. IF A.C. IS USED ON SITE.  
3. ALL PAVING IN DRIVE APPROACHES OFF SITE MUST BE 6" P.C.

TYPICAL PAVEMENT SECTION  
NO SCALE

\*\*THIS PARCEL IS PLANNED LOT 1 OF LIBERTY CENTRE, PART 1B\*\*



- NOTES:**
- TRASH AREA TO BE LOCATED SO AS TO BE ACCESSIBLE TO BOTH DEPOSIT AND PICKUP LOCATION TO BE APPROVED BY PLANNING DIVISION.
  - SIX INCH TEXTURED MASONRY BLOCK CONSTRUCTION WITH STANDARD STEEL REINFORCING BARS. FILL ALL CELLS WITH GROUT AND SMOOTH TOP WITH STEEL TROWEL FINISH.
  - METAL GATES WITH HEAVY DUTY HARDWARE. (TYPICAL) METAL PANEL GATES SHALL FULLY OBTURATE THE TRASH RING AND SHALL BE ARCHITECTURALLY COMPATIBLE WITH THE PROJECT.
  - GATE POSTS SHALL BE MINIMUM 8" DIA GALVANIZED STEEL SET IN CONCRETE TO STAND FREE OF THE ENCLOSURE STRUCTURE.
  - FOUR INCH P.C. CONCRETE PAD, TOP OF PAD TO BE AT GROUND LEVEL OR EDGE OF PAVING LEVEL.
  - FILL ALL CELLS WITH P.C. CONCRETE, PEA GRAVEL, GROUT.
  - INSTALL 6" x 6" BARBER CURB WITH FOOTING, COMPLETELY AROUND INSIDE OF ENCLOSURE TO ACT AS TRASH BOX BARRIER GUARD. FOUR MONOLITHICALLY WITH FOOTING.



TRASH ENCLOSURE DETAIL  
NO SCALE

**Plant Legend**

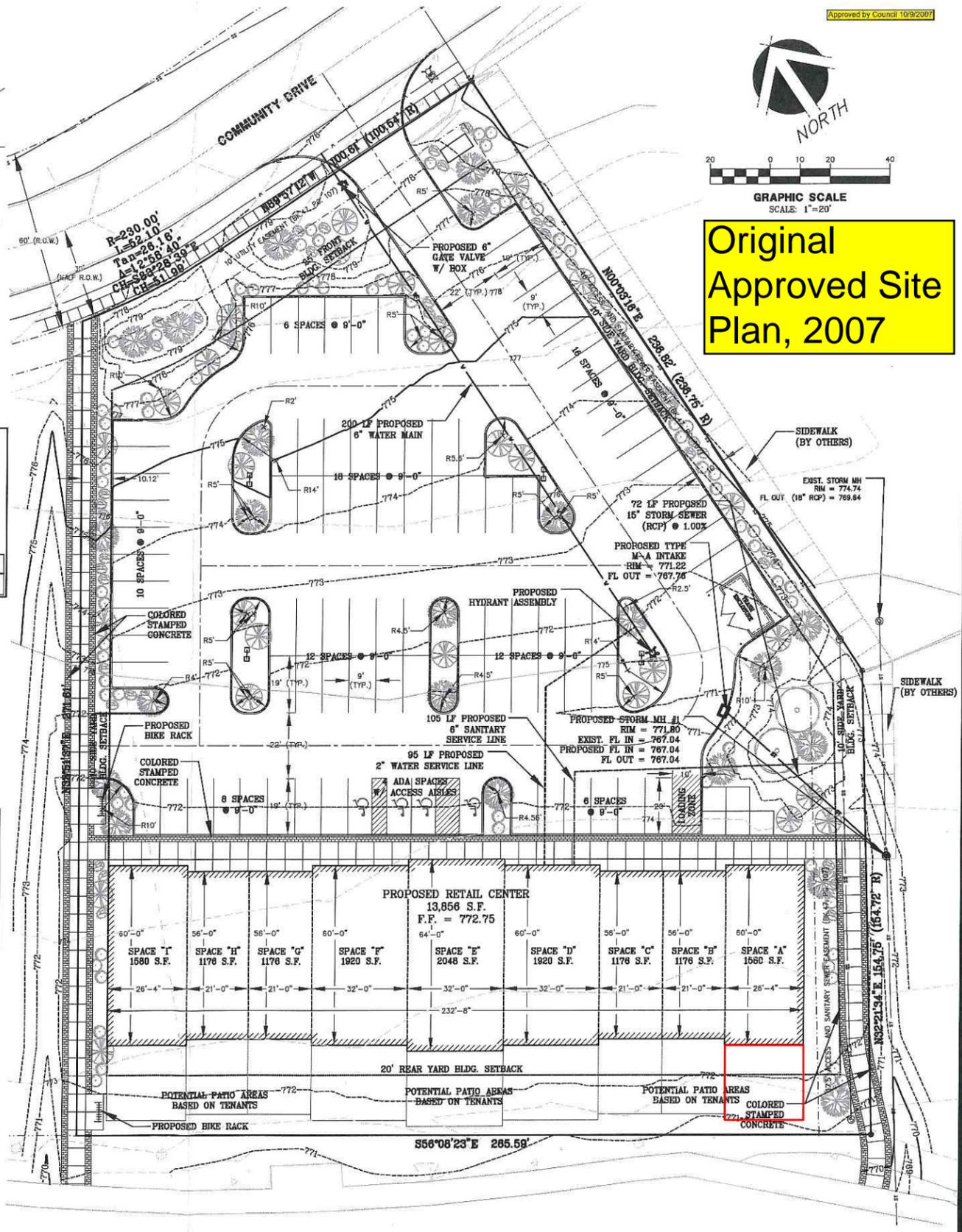
RC	Royalty Crabapple	Morus x 'Royalty'	2" min.
CP	Cleveland Select Pear	Pyrus calleryana	2" min.
HL	Honey Locust	Gleditsia viciifolia	2" min.
SG	Goldmound Spirea	Spiraea x Bumalda 'Goldmound'	3 Gal. Cont.
DK	Deerf Korean Lilac	Syringa Meyer	3 Gal. Cont.

**Plant Material List**

Code	Common Name	Botanical Name	Size
<b>Ornamental Trees</b>			
RC	Royalty Crabapple	Morus x 'Royalty'	2" min.
CP	Cleveland Select Pear	Pyrus calleryana	2" min.
HL	Honey Locust	Gleditsia viciifolia	2" min.
<b>Plantings</b>			
SG	Goldmound Spirea	Spiraea x Bumalda 'Goldmound'	3 Gal. Cont.
DK	Deerf Korean Lilac	Syringa Meyer	3 Gal. Cont.

**GENERAL LEGEND**

EXISTING / PROPOSED	SYMBOL	DESCRIPTION	EXISTING / PROPOSED	SYMBOL	DESCRIPTION
SANITARY SEWER MAIN	—S—	SANITARY SEWER MANHOLE / VAULT	⊙	TELEPHONE MANHOLE / VAULT	⊙
STORM SEWER MAIN OR CULVERT	—ST—	TELEPHONE PEDESTAL	⊙	TELEPHONE PEDESTAL	⊙
SECONDARY STORM SEWER MAIN	—SS—	CABLE TV MANHOLE / VAULT	⊙	CABLE TV PEDESTAL	⊙
WATER MAIN	—W—	GAS VALVE	⊙	GAS VALVE	⊙
UNDERGROUND ELECTRIC	—UE—	BOLLARD (BUMPER POST)	⊙	BOLLARD (BUMPER POST)	⊙
OVERHEAD ELECTRIC	—OE—	ROADWAY SIGN	⊙	ROADWAY SIGN	⊙
UNDERGROUND TELEPHONE	—UT—	WELL	⊙	WELL	⊙
UNDERGROUND FIBER OPTIC	—UF—	DECAIDUOUS TREE	⊙	DECAIDUOUS TREE	⊙
UNDERGROUND CABLE TV	—UCTV—	EVERGREEN TREE	⊙	EVERGREEN TREE	⊙
GAS MAIN OR SERVICE	—GM—	SHRUB OR BUSH	⊙	SHRUB OR BUSH	⊙
CONTOUR LINES IMMEDIATE	—CL—	TREE OR SHRUB LINE	⊙	TREE OR SHRUB LINE	⊙
CONTOUR LINES INDEX	—CLI—	MONITORING WELL	⊙	MONITORING WELL	⊙
PROPERTY LINE / LOT LINE	—PL—	SOL BORNES	⊙	SOL BORNES	⊙
SECTION LINE	—SL—	FLAG POLE	⊙	FLAG POLE	⊙
EASEMENT	—E—	SATELLITE DISH	⊙	SATELLITE DISH	⊙
GRADE PALE	—GP—	SECTION CORNER	⊙	SECTION CORNER	⊙
FIELD FENCE	—FF—	IRON PIN FOUND	⊙	IRON PIN FOUND	⊙
CHAIN LINK FENCE	—CLF—				
WOODEN FENCE	—WF—				
ROAD CENTERLINE	—RC—				
AG LINE	—AL—				
WATERWAY FLOWLINE	—WFL—				



**Original  
Approved Site  
Plan, 2007**

**MCC LURE  
ENGINEERING COMPANY**



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I HEREBY CERTIFY THAT THIS ENGINEERING DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF IOWA.

DATE: 10/04/07  
ADAM J. BOHR, PE NO. 17376

MY LICENSE RENEWAL DATE IS  
DECEMBER 31, 2008

PAGES OR SHEETS COVERED BY  
THIS SEAL:  
SP-01 & EC-01

**LIBERTY CENTRE  
LOT 13  
RETAIL SITE**  
NORTH LIBERTY, IA  
327031  
8/30/07

REVISIONS  
9/25/07  
10/04/07

ENGINEER  
AJB  
DRAWN BY  
NPB  
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AJB  
FIELD BOOK NO.

DRAWING NO. SHEET NO.  
SP-01 01 / 02

MCC LURE ENGINEERING COMPANY



**NORTH LIBERTY BOARD OF ADJUSTMENT  
MEETING MINUTES  
September 11, 2013, 6:30 PM**

**Roll Call:** The meeting was called to order by Acting Chairperson Art Chipman at 6:30 p.m. Board of Adjustment members present were: Chipman, Grell, Sayre, Reed. Absent: Werner-Smith.

Others present: Tom Palmer; Christina Erbe; Kristine Bauer, applicant.

Public comment on items not on the agenda: None.

1. **Conditional Use:** Request of Pawz Playstation to approve a conditional use for a dog grooming and daycare operation at an existing building in an industrial zoning district, 955 236<sup>th</sup> Street, generally located on Progress Street between 236<sup>th</sup> and 238<sup>th</sup> Streets.

(Legal: Lot 3 Deerfield First Subdivision)

Palmer briefed the Board on the history of the case and Planning Commission's recommendations for approval, which included the following conditions:

1. That dogs are not allowed outside before 7:00 AM, which would be consistent with the City's noise ordinance.
2. That the approval be conditioned on continued observance of the operational plan submitted with the application by the owner, including the following:
  - No more than 40 dogs at the site, and
  - Supervised outdoor times of no more than ½ hour, with no dogs outside over night; and
  - Fencing around outside areas as described.
3. That any noise complaints from neighbors reported to staff will be forwarded to the Board of Adjustment for any potential future action relative to the permit.

Applicant Kristine Bauer was present addressed the Board, summarizing her plans for the business.

The Chair opened the public hearing, no one spoke in favor or against the application, and the hearing was closed. Several emails have been received in response to the notice mailed to property owners within 200 feet of the site, and Board members have those emails.

Board Action: Wayne Grell moved to approve the conditional uses subject to conditions noted. Jim Sayre seconded the motion, which passed unanimously.

**Minutes:** Jim Sayre moved to approve the minutes of August 2013. Wayne Grell seconded the motion, which passed unanimously.

**Old Business:** None.

**New Business:** None.

**Adjournment:** The Chair declared the meeting adjourned at 6:45 PM.

Tom Palmer, Building Official