



North Liberty Planning Commission

Meeting Information

Wednesday, January 2, 2019

6:30 PM

City Council Chambers

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@northlibertyiowa.org



NORTH LIBERTY PLANNING COMMISSION

MEETING NOTICE AND AGENDA

Wednesday, January 2, 2019, 6:30 PM

North Liberty City Council Chambers, 1 Quail Creek Circle

- 1. ROLL CALL**
- 2. AGENDA APPROVAL**
- 3. REZONING:** Request of Watts Group Development Inc to approve a one-lot rezoning for a small area of “The Preserve” at the southeast corner of Kansas Avenue and St. Andrews Drive.
 - a. Staff Presentation
 - b. Applicants Presentation
 - c. Public Comments
 - d. Questions and Comments
 - e. Recommendation to the City Council
- 4. PRELIMINARY PLAT:** Request of Watts Group Development Inc to approve a revised subdivision plat for “The Preserve” at the southeast corner of Kansas Avenue and St. Andrews Drive.
 - a. Staff Presentation
 - b. Applicants Presentation
 - c. Public Comments
 - d. Questions and Comments
 - e. Recommendation to the City Council
- 5. SUBDIVISION PLAT:** Request of Longsterman Holdings LLC, to approve a subdivision plat, Longsterman Subdivision, located approximately 1.8 miles beyond the corporate limits along Scales Bend Road, but within the Fringe Area for City review.
 - a. Staff Presentation
 - b. Applicants Presentation
 - c. Public Comments
 - d. Questions and Comments
 - e. Recommendation to the City Council
- 6. COUNTY CONDITIONAL USE IN NORTH LIBERTY FRINGE AREA:** Request of David Scott Hardwick to Johnson County for a conditional use to establish a lawn maintenance

business for 2-5 years at 2780 S Front Street, generally located on the east side of Front Street between the Broadmoor and Windsor Farms subdivisions.

- a. Staff Presentation
- b. Applicants Presentation
- c. Public Comments
- d. Questions and Comments
- e. Recommendation to the City Council

7. ORDINANCE AMENDMENTS: A series of amendments to address various issues, including:

- Trash enclosure opening orientation and gate specifications.
 - Fence installation changes to better reflect current permitting practice and better define a setback standard.
 - Supplemental yard changes to address certain problems encountered by Building Department staff with the locations of garages, sheds, and swimming pools, decks, and other miscellaneous uses.
 - Remove need for outside eating areas to obtain conditional uses, but keeping all code requirements regarding the placement and operations.
 - Cleanup language missed during previous amendment regarding conditional use requirement for outside storage (no longer required).
 - Delete the C-RV (Commercial Recreational Vehicle) district.
 - Refine regulations for PODS storage units and commercial dumpsters, and amend Section 105.11 in the Code, Solid Waste Control, to prohibit commercial dumpsters in residential areas except during permitted construction activities.
- a. Staff Presentation
 - b. Public Comments
 - c. Questions and Comments
 - d. Recommendation to the City Council

8. APPROVAL OF PREVIOUS MINUTES

9. OLD BUSINESS

10. NEW BUSINESS

11. ADJOURNMENT



December 21, 2018

Memo

To: North Liberty Planning Commission

From: Dean Wheatley, Planning Director

Subject: Request from the Watts Group to approve revised residential rezoning for property located at the southeast corner of Kansas Avenue and St. Andrews Drive.

(Legal: NW1/4, SW1/4 and NE1/4, SW1/4 Section 14-80-7; except Devers Subdivision)

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

Kevin Trom, City Engineer

Dean Wheatley, Planning Director

Background and Statistics

This minor revision to the original approved zoning proposes to add one additional RD-8 duplex lot by utilizing part of an RM-8 lot that would have had only marginal value in development of that RM-8 parcel. Since both RD-8 and RM-8 districts require 5,000 square feet of lot area per unit, there would be no expected impact on the total development density for The Preserve development overall. The plat in this part of the development will also need to be revised to allow this new lot creation.

The original request rezoned property to permit the development of single-family, duplex and multi-family lots typical in many North Liberty neighborhoods. Because this application is a very minor change to a previously-approved plat, the previously-held Good Neighbor meeting is proposed by staff to be adequate for vetting area concerns.

The property is shown as “residential” on the Land Use Plan, and so the request is consistent with that policy. Existing housing unit counts within North Liberty are approximately:

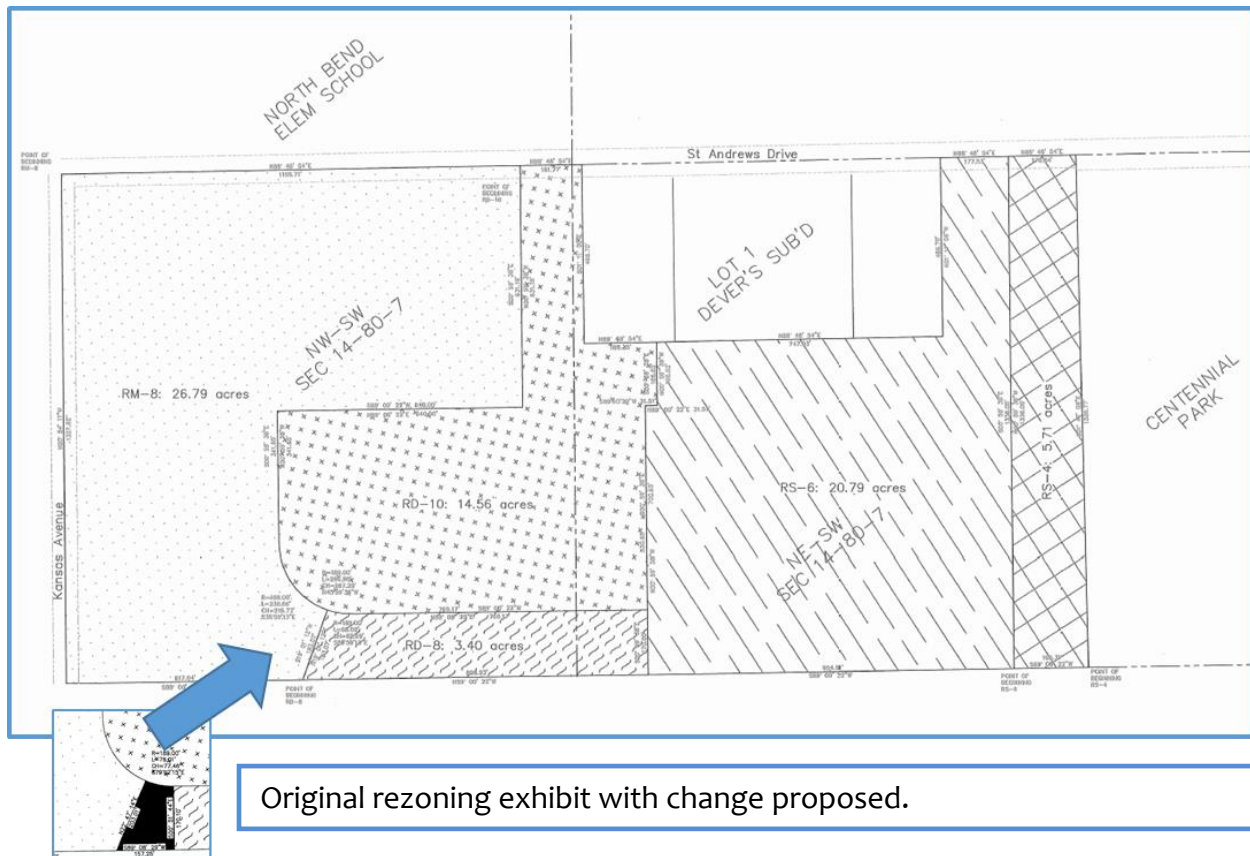
Single-family: 2,738 (37.6%)

Multi-family: 2,536 (34.8%)

Duplex: 1,271 (17.4%)

Res/Commercial: 213 (3%)

Mobile Home: 531 (7.3%)



Subdivision Ordinance Provisions Affecting This Development

No Subdivision Ordinance provisions are affected by the proposed change, which can easily be accommodated on the plat with only minor changes.

Zoning Ordinance Provisions Affecting This Development

None identified.

Staff Comments Regarding the Proposed Zoning

Storm water impacts. Storm water from this site will be managed in accordance with City standards as part of the preliminary plat review and infrastructure construction, currently under way.

Street/Traffic impacts. Both Kansas Avenue and St. Andrews Drive are classified as major streets. Kansas Avenue is an arterial and St. Andrews Drive is a collector. Neither will be impacted by this proposed change.

Land use impacts and adjacent properties.

This proposal does not substantially alter the logical transition in housing density already approved, from higher density near the major streets to lower density extending east and south.

Land use and zoning recommendation. In rezoning considerations, *suitability* and *compatibility* are key issues in addition to land use policy. In this case, the site is physically suitable for the development proposed, and the zoning districts proposed are compatible with expected and

planned development in the area. Based only on the area of each zoning district, each of the zoning types proposed would contain the following maximum number of dwelling units. Revisions to these original numbers from The Preserve are noted.

Type of Zoning	Area Including ROW	Approximate Number Units in Development	Percent of Total Units in Development	Percent Existing in North Liberty Overall
Single-family	27.16 acres	78	25%	42%
Duplex	16.82 17.3 acres	84 86	27% Remains 27%	19%
Multi-family	27.52 27.04 acres	155* 153*	49% 48%	39%
Percent Existing was calculated by using only the city-wide housing unit numbers for these same three uses proposed in this application.				

* This is an estimate of multi-family units. A specific number has not been provided by the developer and would be subject to review and approval of a specific site plan.

Staff recommends approval of this minor change in zoning.

Kansas Avenue

EXISTING RM-8

SEC 14-SW
14-80-7

EXISTING RD-10

R=189.00'
L=78.01'
CH=77.46'
S79°02'15"E

N22° 47' 14"E
203.01'

S00° 51' 44"E
170.10'

EXISTING RD-8

583.21'

N89° 08' 29"E

S89° 08' 29"W

157.25'

SOUTHWEST CORNER
NORTHWEST QUARTER
SOUTHWEST QUARTER
SEC 14-T80N-R7W

POINT OF
BEGINNING
RD-8



December 21, 2018

Memo

To: North Liberty Planning Commission

From: Dean Wheatley, Planning Director

Subject: Request from Watts Group to approve a revised preliminary plat, The Preserve, approved earlier in 2018 for property located at the southeast corner of St. Andrews Drive and Kansas Avenue.

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

Kevin Trom, City Engineer

Dean Wheatley, Planning Director

This minor revision to the original approved plat proposes to add one additional RD-8 duplex lot by utilizing part of an RM-8 lot that would have had only marginal value in development of that RM-8 parcel. Since both RD-8 and RM-8 districts require 5,000 square feet of lot area per unit, there would be no expected impact on the total development density for The Preserve overall development. The zoning in this part of the development will also need to be revised to allow this new lot creation.

The original approved request subdivided a 71.51 acre parcel into 123 single-family, duplex, and multi-family lots sized to meet requirements of the current zoning application for RS-4, RS-6, RD-10, RD-8, and RM-8; as well as two small and one large outlots intended to part of future additions to the west and south. None of the balance of the plat is proposed to change with this revision. To review, and for reference:

RS-4 lot requirements are:

Width: 80 feet

Area: 10,000 square feet

Front Yard Setback: 25 feet (both frontages for corner lots)

Rear Yard Setback: 30 feet

Side Yard Setbacks: 10 feet

RS-6 lot requirements are:

Width: 70 feet

Area: 7,000 square feet
Front Yard Setback: 25 feet (both frontages for corner lots)
Rear Yard Setback: 30 feet
Side Yard Setbacks: 8 feet

RD-8 lot requirements are:
Width: 100 feet
Area: 10,000 square feet, 5,000 per unit
Front Yard Setback: 25 feet (both frontages for corner lots)
Rear Yard Setback: 30 feet
Side Yard Setbacks: 10 feet

RD-10 lot requirements are:
Width: 80 feet
Area: 9,000 square feet, 4,500 per unit
Front Yard Setback: 25 feet (both frontages for corner lots)
Rear Yard Setback: 30 feet
Side Yard Setbacks: 10 feet

RM-8 lot requirements are:
Width: 100 feet
Area: 5,000 square feet per unit
Front Yard Setback: 45 feet (both frontages for corner lots)
Rear Yard Setback: 35 feet
Side Yard Setbacks: 20 feet

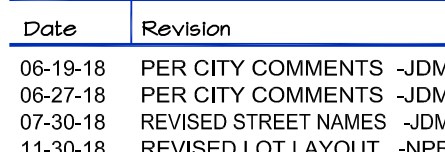
The original plat provides for good internal circulation and connection stubs for future development of and street connections with property to the south, and this minor revision does not change that. Because this application is a very minor change to a previously-approved plat, the previously-held Good Neighbor meeting is proposed by staff to be adequate for vetting area concerns.

Rough grading on The Preserve site began this fall, and construction of utilities and public improvements are expected early next construction season. Staff recommends approval of the revised plat.

Notes:

- A Preliminary Plat Agreement has been executed.

1917 S. GILBERT ST.
IOWA CITY, IOWA 52240
(319) 351-8282
www.mmsconsultants.net



NORTH LIBERTY
JOHNSON COUNTY
IOWA

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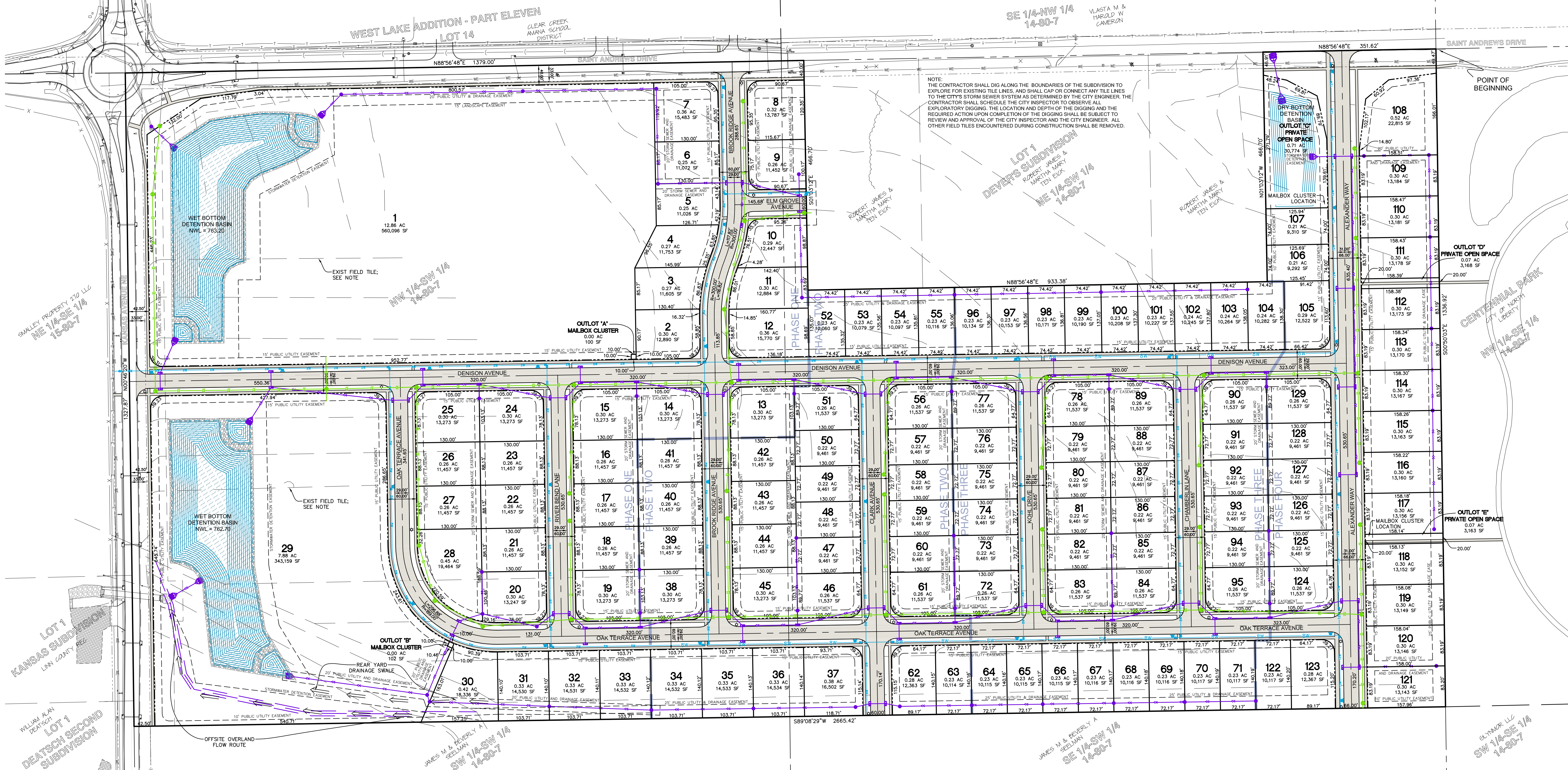
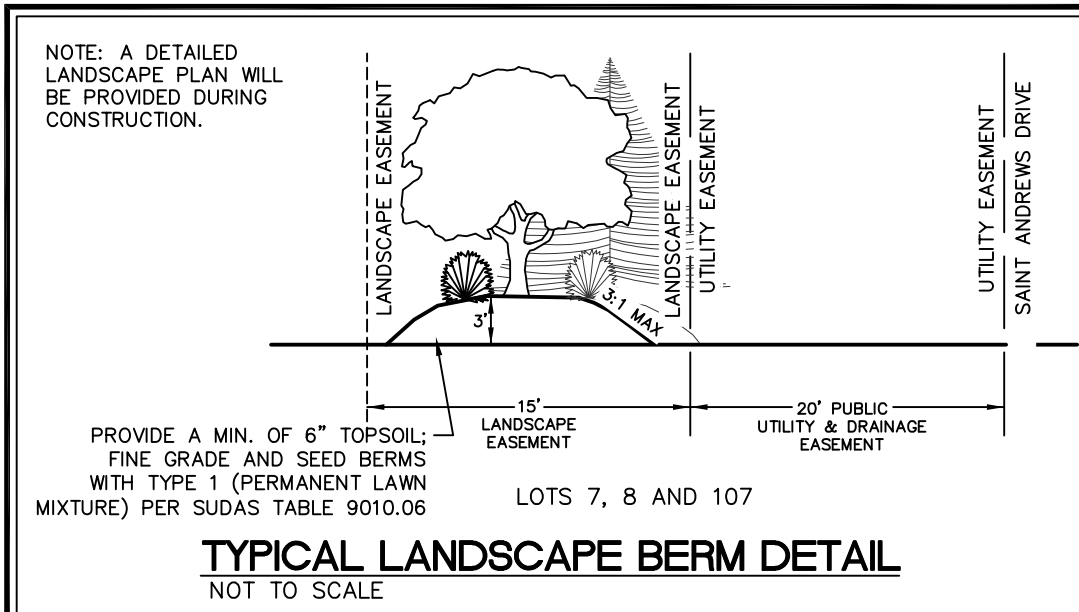


<u>PLAT PREPARED BY:</u>	<u>APPLICANT/OWNER:</u>	<u>APPLICANT'S ATTORNEY:</u>
MMS CONSULTANTS INC.	WATTS GROUP DEVELOPMENT, INC.	MICHAEL J. PUGH
1917 S. GILBERT STREET	425 E. OAKDALE BLVD, SUITE 101	425 E. OAKDALE BLVD, SUITE 201
IOWA CITY, IA 52240	CORALVILLE, IA 52241	CORALVILLE, IA 52241

PLAT/PLAN APPROVED
by the
City of North Liberty

City Clerk _____ Date: _____

UTILITY EASEMENTS, AS SHOWN HEREON, MAY OR MAY NOT, INCLUDE SANITARY SEWER LINES, AND/OR STORM SEWER LINES AND/OR WATER LINES : SEE CONSTRUCTION PLANS FOR DETAILS



STANDARD LEGEND AND NOTES

PROPERTY &/or BOUNDARY LINES
CONGRESSIONAL SECTION LINES
RIGHT-OF-WAY LINES
EXISTING RIGHT-OF-WAY LINES
CENTER LINES
EXISTING CENTER LINES
LOT LINES, INTERNAL
LOT LINES, PLATTED OR BY DEED
PROPOSED EASEMENT LINES
EXISTING EASEMENT LINES

-EXIST- -PROP-

POWER POLE W/DROP
POWER POLE W/TRANS
POWER POLE W/LIGHT
GUY POLE
LIGHT POLE
SANITARY MANHOLE
FIRE HYDRANT
WATER VALVE
DRAINAGE MANHOLE
CURB INLET
FENCE LINE
EXISTING SANITARY SEWER
PROPOSED SANITARY SEWER
EXISTING STORM SEWER
PROPOSED STORM SEWER
WATER LINES
ELECTRICAL LINES
TELEPHONE LINES
GAS LINES
CONTOUR LINES (INTERVAL)
EXISTING TREE LINE
EXISTING DECIDUOUS TREE & SHRUB
EXISTING EVERGREEN TREES & SHRUBS

THE ACTUAL SIZE AND LOCATION OF ALL PROPOSED FACILITIES SHALL BE VERIFIED WITH CONSTRUCTION DOCUMENTS, WHICH ARE TO BE PREPARED AND SUBMITTED SUBSEQUENT TO THE APPROVAL OF THIS DOCUMENT.

"REVISED" PRELIMINARY GRADING PLAN

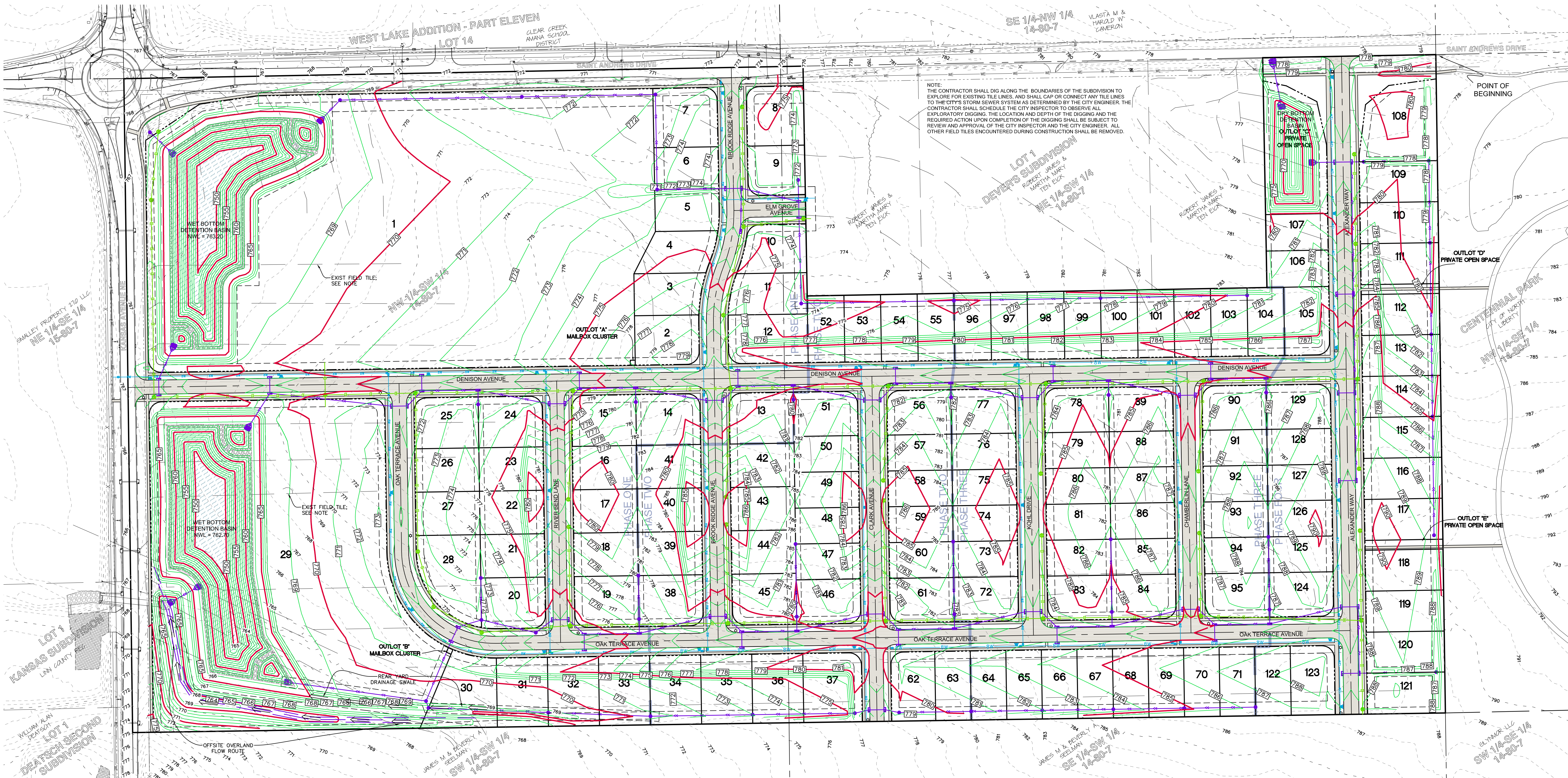
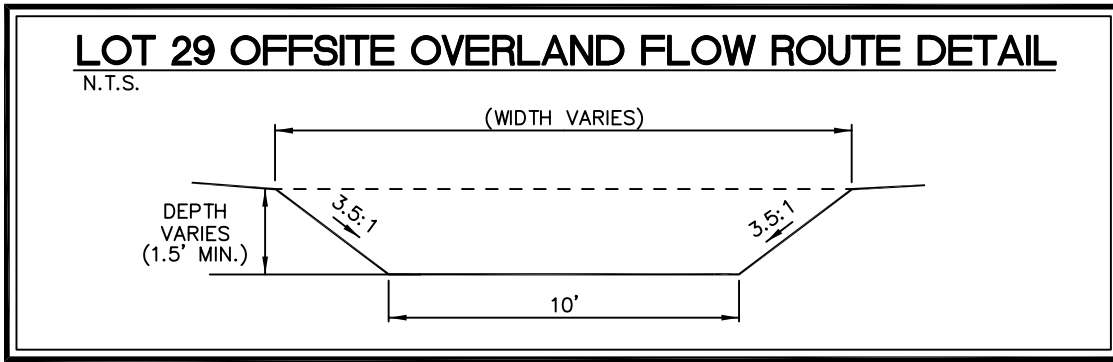
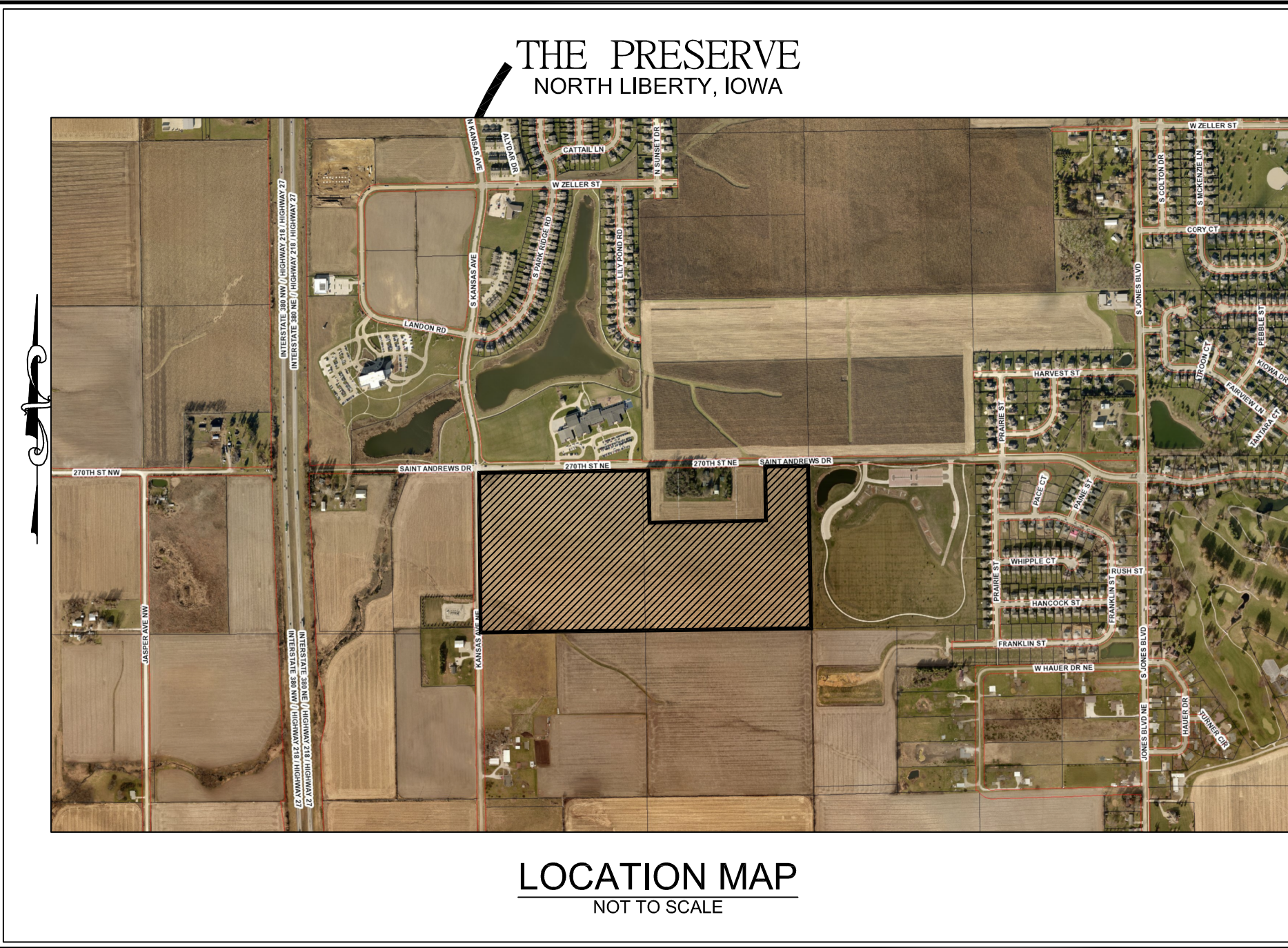
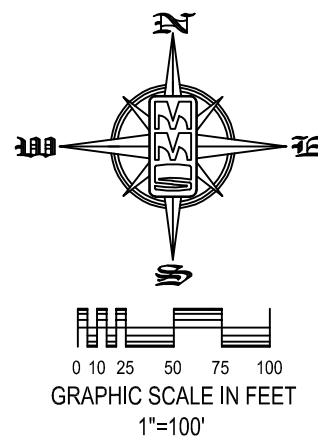
THE PRESERVE

NORTH LIBERTY, IOWA

PLAT PREPARED BY:
MMS CONSULTANTS, INC.
1917 S. GILBERT STREET
IOWA CITY, IA 52240

APPLICANT/OWNER:
WATTS GROUP DEVELOPMENT, INC.
425 E. OAKDALE BLVD, SUITE 101
CORALVILLE, IA 52241

APPLICANT'S ATTORNEY:
MICHAEL J. PUGH
425 E. OAKDALE BLVD, SUITE 201
CORALVILLE, IA 52241



71.51 ACRES

CIVIL ENGINEERS
LAND PLANNERS
LAND SURVEYORS
LANDSCAPE ARCHITECTS
ENVIRONMENTAL SPECIALISTS

1917 S. GILBERT ST.
IOWA CITY, IOWA 52240
(319) 351-8282
www.mmsconsultants.net

Date	Revision
06-19-18	PER CITY COMMENTS -JDM
06-27-18	PER CITY COMMENTS -JDM
07-30-18	REVISED STREET NAMES -JDM
11-30-18	REVISED LOT LAYOUT -NPB

"REVISED" PRELIMINARY GRADING PLAN

THE PRESERVE

NORTH LIBERTY
JOHNSON COUNTY
IOWA

MMS CONSULTANTS, INC.

Date: 06-01-18

Designed by: KJB Field Book No:

Drawn by: JDM Scale: 1"=100'

Checked by: KJB Sheet No:

Project No: IOWA CITY 1331-569

1 of 1



December 14, 2018

Memo

To: North Liberty Planning Commission

From: Dean Wheatley, Planning Director

Subject: Request of Longsterman Holdings LLC to approve Longsterman Subdivision, located approximately 1.8 miles beyond the corporate limits along Scales Bend Road, but within the Fringe Area for City review.

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

Kevin Trom, City Engineer

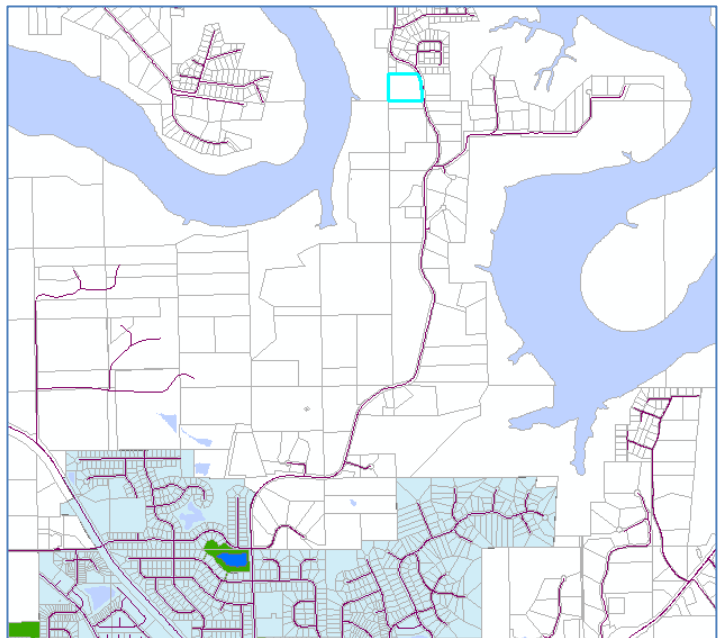
Dean Wheatley, Planning Director

This request is to create a four lot subdivision in the county well beyond the corporate limits by subdividing existing Lot 1, Campbell's Subdivision. City utilities are not available at or near this site.

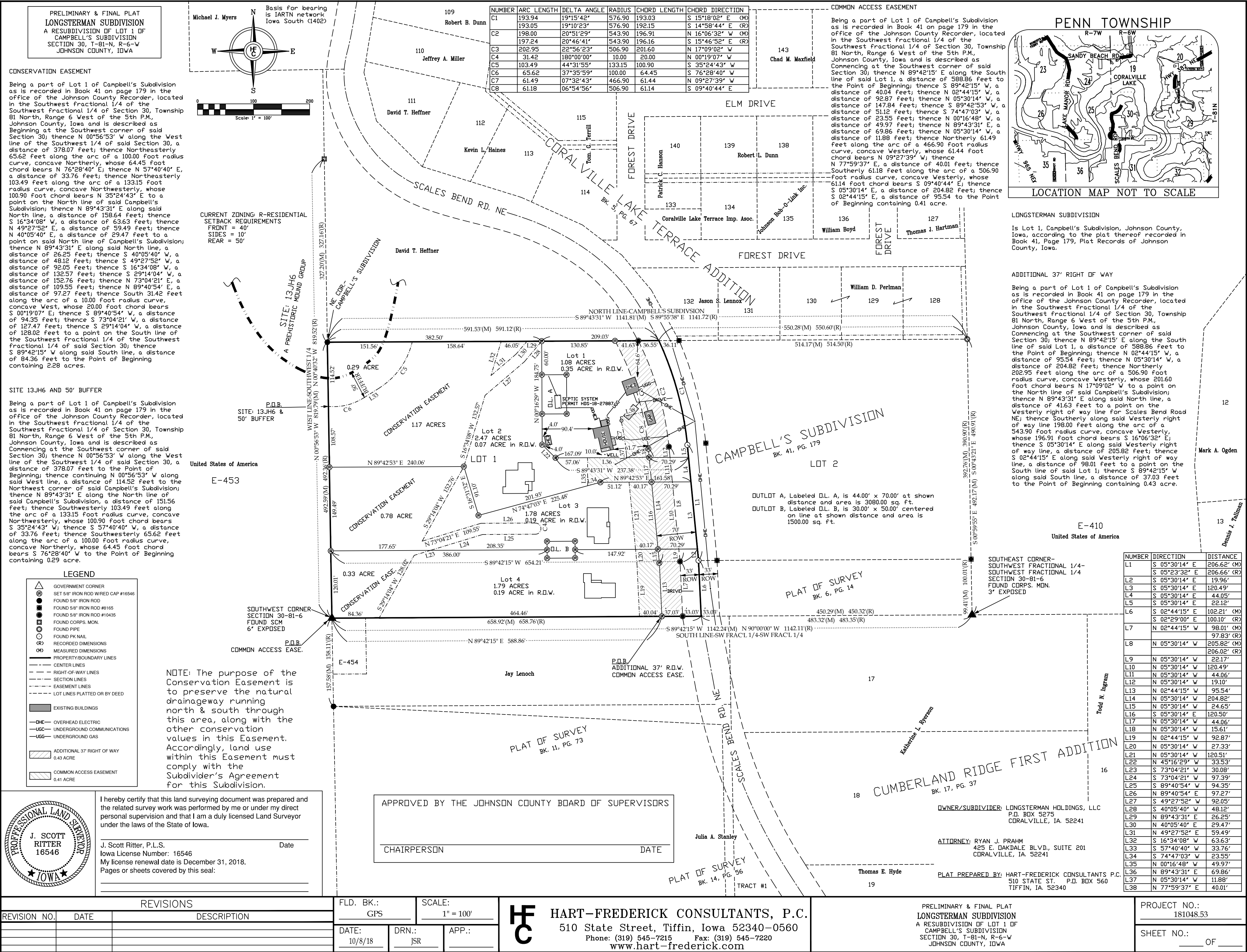
The Fringe Area provisions for this area are:

FRINGE AREAS F1 - COUNTY NORTH CORRIDOR DEVELOPMENT AREA

- ***Residential cluster developments are preferred, which preserves large tracts of open space.***
- ***County review of subdivisions.***
- ***All construction shall be performed in accordance with the County building permitting process.***
- ***Subdivisions shall be reviewed by the City (farmstead splits are exempt), and comments forwarded to the County; however, City approval of development proposals is not required.***



In this case, the property is outside of the City's ability to provide near to long-term sanitary sewer services, and there are no plans for annexation. Staff has no comments regarding this application, and recommends that Council defer to the County.





December 12, 2018

Memo

To: North Liberty Planning Commission

From: Dean Wheatley, Planning Director

Subject: Conditional Use Request in Johnson County, within the Fringe Area Agreement growth area for North Liberty

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

Kevin Trom, City Engineer

Dean Wheatley, Planning Director

This request is for a conditional use to establish a lawn maintenance business for 2-5 years at 2780 S Front Street, generally located on the east side of Front Street between the Broadmoor and Windsor Farms subdivisions. The property is not within the North Liberty corporate limits but is within an area designated in the City-County Fringe Area Agreement for City growth, and for City comments to be provided to the County for intended development. The property is zoned A, Agricultural, in Johnson County, and "Landscaping Business" is a conditional use in that district.

This property is surrounded on three sides by North Liberty residential development, and the planned future use is residential development. All access to the site is from and through City streets. City sanitary sewer and water are immediately available but not connected.

Staff Comments Regarding the Proposed Conditional Use

Storm water impacts. The applicant has applied to the County for a waiver of storm water management requirements, a waiver the City would not agree to if the property was located within the corporate limits. It should be noted that this same property also contains the Colony Pumpkin Patch grounds, which also have been developed with no storm water management measures. Storm water from this site will travel unabated generally west toward Front Street, then north to the storm sewer that crosses Front Street just south of the Broadmoor neighborhood and runs into Muddy Creek. An incremental expansion of existing recently-graveled areas is proposed as part of this plan. While the impact to storm water control is minimal with this proposal, it does establish additional impermeable or reduced permeability area on the site, in addition to buildings constructed over the past several years, and storm water from those surfaces flows into the system North Liberty is responsible for maintaining.

Street/Traffic impacts. Traffic volumes and patterns are not expected to be significantly impacted by this development; however, traffic to and from the site will be commercial in nature and not residential. Tracking of rock and mud onto Front Street can be expected, and the City is expected to control this by the IDNR.

Land use impacts and adjacent properties.

There are several known characteristics of this proposal that make it generally incompatible with existing residential development and development in the City in general, including:

- No storm water management, detailed above.
- Exposed commercial garbage dumpster.
- Dust from unpaved parking and parking access.
- Noise from commercial landscape business operations.
- Lack of restroom facilities for employees.

Additional nonresidential development on this site, especially development not constructed to City standards, is a blighting influence on the surrounding neighborhoods and staff recommends that the City oppose this conditional use.



Conditional Use Permit Request
JOHNSON COUNTY BOARD OF ADJUSTMENT - APPLICATION FOR PUBLIC HEARING

Date of Application: 11-14-18

Parcel ID #: 0718351001

Application #: BOA-18-27701

In accordance with Chapter 8:1.20 of the Johnson County Unified Development Ordinance, the undersigned requests consideration and approval of a Conditional Use Permit located on the property herein described:

2780 FRONT ST ; owner of property is Margaret
Colony

Proposed Use Temporary Shop for Storing + maintaining Lawn Equipment

Address of Location In North Liberty, IA

Owner of Record and Address: Margaret Colony

This application shall be filed with the Johnson County Planning, Development and Sustainability Administrator complete with the following information:

1. A location map for the proposed site.
2. A document explaining the proposed use including but not limited to the number of employees, parking facilities, days and hours of operation, provisions for water and wastewater, type of equipment to be used, and signage.
3. 10 copies of the required site plan identifying the access, the structure(s) to be used for the proposed business, and any Supplemental Conditions as required.
4. The names and addresses of all owners of property within 500 feet of the property described in this application.
5. \$250.00 application fee plus a \$10 sign fee (\$260.00 total). Cash or check only. Please make checks payable to the Johnson County Treasurer.
6. Applications within two (2) miles of any city must notify that city.
7. If requesting a CUP on A-Agriculturally zoned property, Sensitive Areas Analysis and Stormwater management plan.
8. If requesting a waiver from Sensitive Areas and/or Stormwater Management, submit the associated waiver request form(s).

DAVID SCOTT HARDWICK

Applicant or Representative (Please Print)

David Scott Hardwick

Signature of Applicant, owner, contract purchaser, or agent

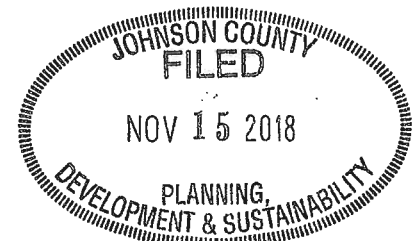
275 JUNIPER CT

Address

H) 319-626-3573 C) 319-430-7741

Telephone number

iowacity.owner@groundsguys.com



Proposed Use Explanation:

First let me state that the proposed use of this location will be a temporary situation. The projected 2-5 year plan is to ultimately move the storage/maintenance of lawn maintenance equipment and the home office (under permit with the City of North Liberty) to a commercial location in a city or town yet to be determined in Johnson county where all business operations will take place.

The primary use of this property will be for storage and maintenance of all lawn equipment utilized by our new start up franchise, the Grounds Guys of Iowa City. The equipment we will have on site include but are not limited to:

- Truck and enclosed trailer, snow plow and tail-gate spreader (ice melt)
- Gas powered Rider, walk-behind & push lawn mowers (various sizes)
- Gas powered String trimmers & blowers
- Gas powered Aerators & De-thatchers (power rake)
- Gas powered Small Chipper/shredder
- Gas powered Lawn Vacuum
- Gas powered Chain saws & Hedge trimmers
- Various hand tools and other non-fueled equipment (Ladders, Air Compressor, etc.)

Since we are a start up business, initially the number of staff and employees will be less than five (5) for the first year (2019) and less than eight (8) for the second year (2020).

The hours of operation where staff and employees will be on or using site will be Monday-Friday from 7:45 a.m. to 4:00 p.m., no later than 5:00 p.m.

Parking for the staff and employees will be primarily on the graveled areas around the garage where the equipment is stored & maintained, which is on the main graveled driveway.

All lawn service work performed by the staff and employees will be off site at the properties of the clients of the franchise. The only work that will be performed on site will be maintenance and upkeep of equipment (changing blades on mowers, cleaning equipment, etc.).

Any and all oil changes and other fluids, and any major equipment repairs will be off site at Pyramid Services, Inc in Iowa City.

There will be minimal water use outside of washing trucks, trailers & other equipment that require daily or weekly washing or cleaning. The water used will be taken from the well faucet located on farm grounds near the farm house, across from the garage. The use of a port-a-potty will serve as the wastewater provision.

Since this location is not projected to be used for retail, there will not be any business signage. The trucks and trailers will be branded for the Grounds Guys and will be parked during non-working hours on site. These could be viewed as "signage" but they will be in use off site during working hours (listed above). There will be no permanent signage erected on site.

Materials necessary for lawn care (Fertilizer) and snow and Ice removal (Ice Melt) would also be stored on site on pallets inside the garage in a designated storage area.

Garbage pickup would be by dumpster, located on site, on a weekly or as needed basis.





JOHNSON COUNTY
FILED
NOV 15 2018
PLANNING,
DEVELOPMENT & SUSTAINABILITY

2780 front street northeast, north liberty, ia



2780 Front St NE >



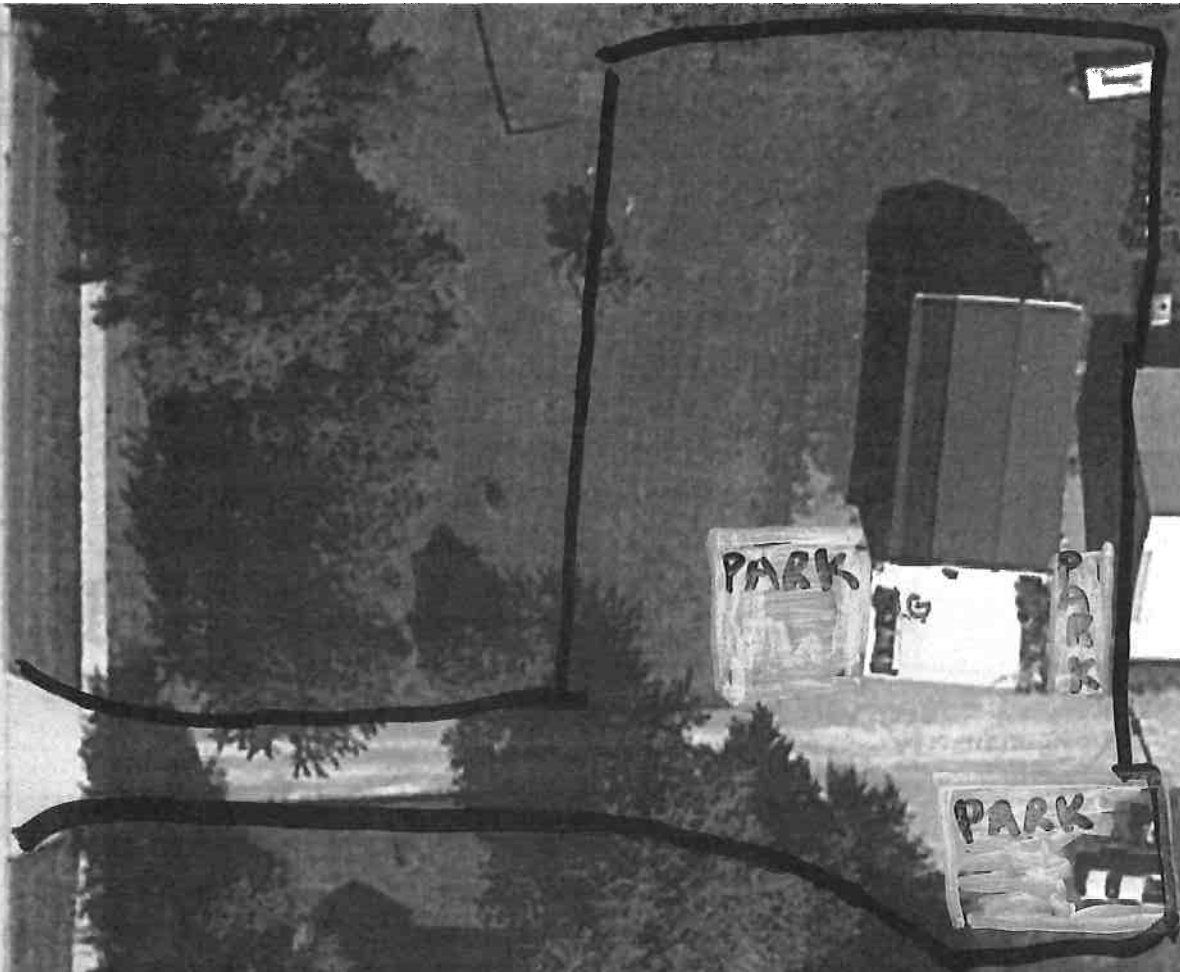
Frank E &
Margaret J Colony



Colony Pumpkin Patch

©2018 Google - Imagery ©2018 USDA Farm Service Agency, DigitalGlobe, Map data ©2018





JOHNSON COUNTY
FILED
NOV 15 2018
PLANNING
DEVELOPMENT & SUSTAINABILITY

Office Use Only		
	Date Filed	Application Number



JOHNSON COUNTY, IOWA

REQUEST FOR WAIVER: Sensitive Areas Ordinance

The undersigned hereby requests waiver from the Sensitive Areas Ordinance requirements of the Johnson County Unified Development Ordinance in connection with the following project:

Subdivision Name or type of request: Conditional Use Permit

Street address or layman's description: 2780 Front St. NE,
North Liberty, IA 52317

Parcel Number(s): 0718351001

N/A iowacity.owner@groundsguys.com
Name of Engineer/Surveyor Contact Email and Phone

Justification for granting this waiver request should be attached hereto. See back of this page.

PLEASE PRINT OR TYPE

The undersigned affirms that the information provided herein is true and correct. If applicant is not the owner, applicant affirms that the owner(s) of the property described on this application consent to this waiver being submitted, and said owners hereby give their consent for the office of Johnson County Planning, Development, and Sustainability to conduct a site visit and photograph the subject property.

Margaret J. Colony David Scott Hardwick
Name of Owner Name of Applicant (if different)

275 Juniper Court, North Liberty, IA 52317
Applicant Street Address (including City, State, Zip)

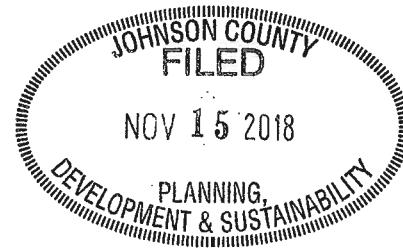
319-430-7741 iowacity.owner@groundsguys.com
Applicant Phone Applicant Email

Applicant Signature

ADMINISTRATIVE OFFICER'S DECISION: ☐ APPROVE ☐ Partial Approval** ☐ DENY

ADMINISTRATIVE OFFICER DATE

**See accompanying letter for explanation for specific requirements.



Office Use Only		
	Date Filed	Application Number



JOHNSON COUNTY, IOWA

REQUEST FOR WAIVER: Stormwater Management Requirements

The undersigned hereby requests waiver from the stormwater management requirements of the Johnson County Unified Development Ordinance in connection with the following project:

Subdivision Name or type of request: CONTINGUAL USE PERMIT

Street address or layman's description: 2780 FRONT ST NE
NORTH LIBERTY, IA 52317

Parcel Number(s): 0718351001

N/A iowacity.owner@groundsguys.com
Name of Engineer/Surveyor Contact Email and Phone

A written narrative explaining justification for granting this waiver request should be attached hereto.

PLEASE PRINT OR TYPE

The undersigned affirms that the information provided herein is true and correct. If applicant is not the owner, applicant affirms that the owner(s) of the property described on this application consent to this waiver being submitted, and said owners hereby give their consent for the office of Johnson County Planning, Development, and Sustainability to conduct a site visit and photograph the subject property.

MARGARET J. COLONY
Name of Owner

DAVID S. HARDWICK
Name of Applicant (if different)

275 JUNIPER CT NORTH LIBERTY IA 52317
Applicant Street Address (including City, State, Zip)

319 430 7741
Applicant Phone

SEE ABOVE
Applicant Email

David S. Hardwick
Applicant Signature

ADMINISTRATIVE OFFICER'S DECISION: ☐ APPROVE ☐ WITH BUILDING PERMIT** ☐ DENY

ADMINISTRATIVE OFFICER DATE

**Sediment and Erosion control, and Stormwater Management compliance will not be required with this development application, but will be required with any future building permits on this site.



Zoning Ordinance Proposed Amendments

January 2019

1. Trash enclosure opening orientation and gate specifications. This amendment draft is based on part on direction from City Council and in part in practical construction considerations.
2. Fence installation changes to better reflect current permitting practice and better define a setback standard. This amendment corrects the Code in deleting the requirement for fence inspections, and adds a minor clarification for enforcement purposes.
3. Supplemental yard changes to address certain problems encountered by Building Department staff with the locations of garages, sheds, and swimming pools, decks, and other miscellaneous uses. Accessory buildings and uses, and allowance of exceptions to yard setbacks is a delicate subject, because no one likes to be restricted on what they can do on their property; however, the reality is that cities do restrict lot usage in many ways, and this proposed amendment mostly clarifies and codifies current City practice as it has evolved over the years. It clarifies by specifically limiting some uses in front yards that have been widely assumed to be limited, and clarifies some yard definitions through the use of exhibits. Many of the marked up changes are reorganization or slight rewording for clarity in enforcement.
4. Remove need for outside eating areas to obtain conditional uses, but keeping all code requirements regarding the placement and operations. Outside eating areas for restaurants currently require a conditional use, but are routinely approved because the Code lays out specific requirements, and businesses can lose up at least 6 weeks going through the conditional use process. This proposal would eliminate the need for a conditional use but still require a permit so that staff can ensure that all Code provisions are met. The Board of Adjustment informally endorsed this change at a previous meeting.
5. Cleanup language missed during previous amendment regarding conditional use requirement for outside storage (no longer required). Some time ago the requirement for a conditional use for outside storage was deleted from the Code, and several references to the need for a conditional use were missed and now need to be deleted as well.
6. Delete the C-RV (Commercial Recreational Vehicle) district. There are no longer any C-RV districts in North Liberty, and this proposal would delete that Code section.
7. Refine regulations for PODS storage units and commercial dumpsters, and amend Section 105.11 in the Code, Solid Waste Control, to address commercial dumpsters in residential. This proposal formalizes current practice of including commercial dumpsters as part of other permits issued by the Building Department. It also addresses an eyesore problem encountered recently where property owners in residential areas have large roll-off commercial dumpsters stored for very long periods of time on their property, by requiring a permit for up to 30 days of use. Additional language allows up to 7 days' use without a permit, to simplify emergency or homeowner project needs.

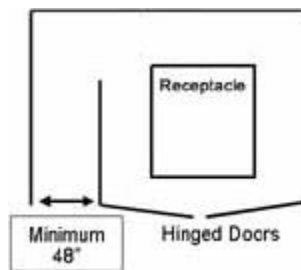
Proposed Amendment: Trash Enclosures Update

169.04 TRASH AND RECYCLING ENCLOSURE. Trash and recycling enclosures are required for commercial, industrial, and multi-family zoned areas except that side-by-side, or townhouse-style multi-family developments may be approved for curb-side individual pickup by Council resolution upon recommendation by the Building Official that the developer or owner has demonstrated the following:

1. Adequate maneuverability for garbage truck access; and
2. Practical and adequate frontage for each dwelling unit so that placement of garbage and recycle materials does not impede pedestrians or drivers on public or private sidewalks, driveways, or streets.

If curb-side pickup is approved, the developer shall provide a recorded document releasing the City from any and all damage or injury liability arising from garbage collection activities, and notifying future owners of that release. Enclosures shall not be located in the front yard area and should be located out of public view to the greatest degree possible. Openings shall be oriented so that gates do not open toward public streets whenever practical. Enclosures shall be constructed of decorative block or brick to match the principle building to the maximum extent possible, to minimize its visual impact. Gates shall be constructed with commercial-grade hinges, pulls, and hasps, and gate supports shall be metal with an appropriate diameter to support the gates. The gates themselves shall be constructed to present a decorative solid façade. Class 2B fused and bonded vinyl coated gauge chain link fence panels with minimum 9 gauge core, with 2" mesh, and winged type slats installed to obtain a Privacy factor of 90% or greater may be used as a substitute for a solid façade. Protective bollards should be provided. See Figure 6 for access requirements for multi-family uses.

FIGURE 6



Proposed Amendment: Fence Requirements

169.05 FENCE REQUIREMENTS. The provisions of this section apply to the construction, alteration, moving, and repair of any fence within the jurisdiction.

1. **Permit Required.** Each application for a fence permit shall be submitted prior to the installation or alteration of a fence. The application shall be accompanied by a plot plan, in duplicate, drawn to scale, showing the actual dimensions of the lot; the size, shape, and location of all existing buildings; location, height, and material type of the proposed fence; and such other information as may be necessary to provide for the enforcement of this section. A record of applications and plans shall be kept in the Code Official's office.
2. **Application Fee.** A fee for the fence permit shall be charged. The fee shall be set by the City and shall be available at the office of the Code Official.
3. **Review.** All applications for fence permits shall be submitted to the Code Official for review and approved prior to permit issuance. Each application shall include data necessary to show that the requirements of this code are met.
4. **Expiration.** Every fence permit issued by the Code Official under the provisions of this code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 180 days from the date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced, for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee. Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The Code Official may extend the time for action by the permittee for a period not exceeding 180 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.
- ~~5. **Inspection Required.** Upon completion of the work the applicant or owner shall notify the Code Official that the work is completed. A final inspection shall be performed to assure compliance with this code.~~
- ~~6-5.~~ **Height.** The height of all fences, retaining walls, and hedges located within a front, side, or rear yard shall not exceed those found in Table 169-C.

TABLE 169-C – MAXIMUM FENCE HEIGHTS^{1, 2}

District	Front Yard	Side Yard	Rear Yard
R Zones	38 inches ⁴	8 feet	8 feet
All Other Zones	38 inches ⁴	16 feet ³	16 feet ³
<div><div>1</div><div>At street intersections, no fence, retaining wall or hedge more than 10 percent solid or three feet above the street level shall be located within a triangular area composed of two of its sides and twenty-five feet in length and measured along the right-of-way lines from the point of intersection of the above-referenced lines.</div></div> <div><div>2</div><div>No chain-link fence shall be located within any portion of the front yard <u>required setback</u>.</div></div> <div><div>3</div><div>If adjoining residential district maximum 8-ft.</div></div>			

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|--|
| <p>4 On a corner lot property, a 6-foot-high privacy fence may be erected on that portion of the lot at the rear of the house provided the fence is erected a minimum of 15 feet from any sidewalk, driveway, or right-of-way line. Said fence shall comply in all other respects with the fence requirements.</p> |
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7-6. Location. Fences and hedges shall be located entirely within the confines of the property lines except for fences located next to a public or private alley shall maintain a minimum 2-foot separation between the fence and alley line. No fence, wall, or hedge shall encroach on or obstruct a public sidewalk.

8-7. Fence Materials.

- A. Barbed Wire. It is unlawful for any person to erect, construct, keep, or maintain any barbed wire fence within the City except when the barbed wire fence is erected, constructed, and maintained in compliance with the provisions contained in the Code of Iowa and used on property zoned for Interim Development use, provided the property has been used for the purpose of enclosing livestock within the preceding 24-month period. Barbed wire fences shall be permitted in a commercial or industrial zoning district, provided that the bottom strand of barbed wire is not less than 6½ feet above grade.
- B. Electric Fences. It is unlawful for any person to erect, construct, keep, or maintain any electric fence in any zoning district within the City, except for the enclosure of livestock operations located in an Interim Development District, provided the property on which the livestock operation is located does not adjoin property that is zoned or used for any residential purposes.
- C. Barbed Wire and ~~Election~~-Electric Fences. Barbed wire and electric fences are prohibited in any zoning district or in conjunction with any use or operation when any such fence is located within five feet of an adjoining residential property, a public sidewalk, or a street right-of-way line where a public sidewalk does not exist.
- D. Metal Fences. Metal fences shall consist of galvanized or vinyl-covered chain link material, including all supporting frame posts and rails.
- E. Wood Fences. Wood fences shall consist of a treated or decay-resistive material. Posts and supports for the wood fence shall be located on the inside of the fence on the property on which the fence is constructed.

9-8. Prohibited Fence Material. The following fences are prohibited, except as provided in this chapter or for permitted agricultural residential gardening uses to protect against rodents, vermin, and pests:

- F. Wooden snow fence;
- G. Welded wire fence;
- H. Panel fence;
- I. Plastic snow/safety fence; and
- J. Chicken wire.

A snow fence may be erected on a temporary basis, not to exceed six months, to alleviate the adverse effects of drifting snow or to warn and prevent access to an area by unauthorized persons. When erected on a temporary basis to prevent access of unauthorized persons to any area, a snow/safety fence shall be removed within 24 hours after the elimination of the reason for which the fence was erected originally.

10-9. Installation and Maintenance. All fences shall be constructed in a workmanlike manner with approved materials and installed to withstand wind load of 30 pounds per square foot. All fences shall be maintained and repaired as needed. The owner of the property upon which the fence is constructed is required to maintain the fence.

Proposed Amendment: Accessory Buildings and Uses, Yards

169.06 LOCATION OF ACCESSORY BUILDINGS AND USES. Accessory buildings and uses shall occupy the same lot as the main use or building. No lot shall have an accessory building or use without the principal use. No accessory building shall be used as a dwelling unit.

1. Separation from Main Building. All accessory buildings shall be separated from the main building by 10 feet.
2. Private Garages. No detached garage shall be located within the front yard area of any lot. An accessory building used as a private garage may be located in any portion of the rear or side yard under the following conditions:
 - A. Maximum one private garage per lot.
 - B. A maximum square feet gross building area not to exceed 30% of the rear yard area with a maximum size of 850 square feet.
 - C. No portion of the structure located in a rear yard area shall be located in any of the following areas:
 - (1) Less than four feet from an adjoining property line.
 - (2) Less than 20 feet from a public or private alley.
 - (3) Within any Utility easement.
 - D. No portion of the structure located in a side yard area shall be located in any of the following areas:
 - (1) Less than the required side yard setback for the main building.
 - (2) Within any Utility easement.
 - E. Maximum building height of 15 feet.
3. Storage Buildings. All accessory buildings used for storage or other similar use may be located in any portion of the rear yard under the following conditions:
 - A. Maximum 200 square feet gross building size.
 - B. No portion of the structure shall be located in any of the following areas:
 - (1) Less than four feet from any adjoining property line.
 - (2) Less than 10 feet from a public or private alley.
 - (3) Within any Utility easement.
 - C. Maximum building height of 10 feet.
4. ~~Front Yard Area. No private garage or storage buildings shall be located in a front yard area.~~ Other accessory uses.
 - A. Swimming pools. No swimming pool shall be located within the front yard area of any lot, or closer than four feet from any adjoining property line.
 - B. Play and recreational structures. No clubhouse, swing set, gazebo, slide, or similar uses or equipment shall be located within the front yard area of any lot.

169.08 SUPPLEMENTAL YARD AND HEIGHT REGULATIONS. Any building, structure, or use hereafter erected, altered, or established shall comply with the general yard space requirements of the district within which it is located, except as specified herein. Reference the “Yards Exhibit” for visual representation of yard areas.

1. Location of Required Yard. The required yard space for any building, structure, or use shall be contained on the same lot as the building, structure, or use and such required yard space shall be entirely upon land in a district in which the principal use is permitted.
2. Reduction or Sharing of Required Yards or Space Prohibited. No lot, yard, court, parking area, or other space shall be reduced in area or dimension so as to make said area or dimension less than the minimum required for this code. No part of a yard, court, parking area, or other space provided for any building or structure to comply with the provisions of this code shall be included as part of a yard, court, parking area, or other spaces required under this code for another building or structure.
3. Required Yards for Existing Buildings. No yards, now or hereafter provided, for a building existing on the effective date of this Zoning Ordinance shall subsequently be reduced below (or further reduced if already less than) the minimum yard requirements of this code for equivalent new construction.
4. Required Yards on Major Streets.
 - A. Major Streets. All applicable building setbacks and yard requirements set forth in this code shall be measured and determined from the existing street right-of-way.
 - B. Private Streets. All applicable building setbacks and yard requirements along private streets shall be measured from the nearest line of the access easement.
 - C. In all C, O-RP, and I-1 districts on lots fronting on two nonintersecting streets, a front yard must be provided on both streets.
 - D. On corner lots in all districts there must-shall be a front yard on both streets.
5. Transitional Yards. Where a lot is in a C or I-1 district and is next to an R district, the side or rear yard required in that R district must be provided along the boundary line.
6. Yards with More than One Principal Building. When two or more ~~related multi-family, hotel, motel, or institutional~~ buildings are permitted on a lot, the required yards shall be maintained around the group of buildings.
7. RD Side Yards.
 - A. ~~In all new buildings if side yards are provided where not required, they must be at least five feet wide~~
 - B. In all RD two-family dwelling unit districts, only the side yard on the detached side of the dwelling will be required. No side yard will be required on the side of the dwelling located on the common lot line.
8. Permitted Encroachments in Required Yards. Under the terms of this code a required yard shall be open, unoccupied, and unobstructed from grade to the sky except for permitted encroachments. The following exceptions identify such permitted encroachments and in which yards they are permitted along with limitations imposed thereon:
9. Front Yard Exceptions. Accessory buildings or uses not listed in this section, including garages, sheds, pools, gazebos, and the like, are not permitted.
 - A. Steps or ramps which are necessary to provide access to the first floor of lawful buildings or for access to a lot from a street or alley.

B. Appurtenances listed as follows shall encroach no more than two feet into the yard, as measured from the building.

(1) Architectural features such as sills, eaves, cornices, and other ornamental features;

(2) Gutters and downspouts;

(3) Awnings and canopies;

(4) Bay windows;

(5) Uncovered stoops not exceeding 100 square feet and in no case closer than 10 feet from the front lot line; but only on legacy lots platted prior to the year 2000 where an existing house is too close to the required front yard setback to allow the stoop.

(5) Any combination of the above listed appurtenances.

C. Landscaping, vegetation, arbors, trellises, flagpoles, and the like ~~shall be allowed in all yards,~~ subject however, to the restrictions imposed in Section 167.04 – Corner Visual Clearance Requirements.

D. ~~Uncovered decks and stoops not exceeding 100 square feet and in no case closer than 10 feet to the front lot line.~~

10. Side Yard Exceptions.

A. Appurtenances listed as follows shall encroach no more than two feet into the yard, as measured from the building.

(1) Architectural features such as sills, eaves, cornices and other ornamental features;

(2) Gutters and downspouts;

(3) Awnings and canopies;

(4) Bay windows;

(5) Any combination of the above listed appurtenances.

B. Uncovered Ppatios which are at least three feet from a side lot line.

C. Uncovered decks and stoops, ~~which are at least five feet from the side lot line~~ but not within the required side yard area.

D. Steps, provided they do not encroach into the side yard closer to the side lot line a distance of one-half the required side yard setback.

E. Air-conditioning equipment, provided it does not encroach into the side yard closer to the side lot line a distance of one-half the required side yard setback.

F. Utility equipment that is directly connected to the structure being served.

11. Rear Yard Exceptions.

A. Appurtenances listed as follows shall encroach no more than two feet into the yard, as measured from the building.

(1) Architectural features such as sills, eaves, cornices and other ornamental features;

(2) Gutters and downspouts;

(3) Awnings and canopies;

(4) Bay windows;

(5) Any combination of the above listed appurtenances.

B. Uncovered decks, patios, ~~and~~ stoops, or pools, including any patio or deck associated with pools, which are at least 10 feet from ~~any~~ the rear and side lot lines.

C. Air-conditioning equipment.

D. Utility equipment that is directly connected to the structure being served.

~~D-E.~~ Private garages or storage buildings, as specified in Section 169.06

12. Exceptions to Height Limitations. In those districts where height limitations are imposed, such height limitations shall not apply to the following appurtenances and structures:

A. Church spires and steeples.

B. Belfries.

C. Monuments.

D. Ornamental towers and spires.

E. Radio, telephone, and television antennas, aerials, towers, and relays.

F. Chimneys.

G. Smoke stacks.

H. Flagpoles.

I. Silos.

J. Windmills.

K. Emergency sirens and similar devices.

L. Elevator and stairway bulkheads.

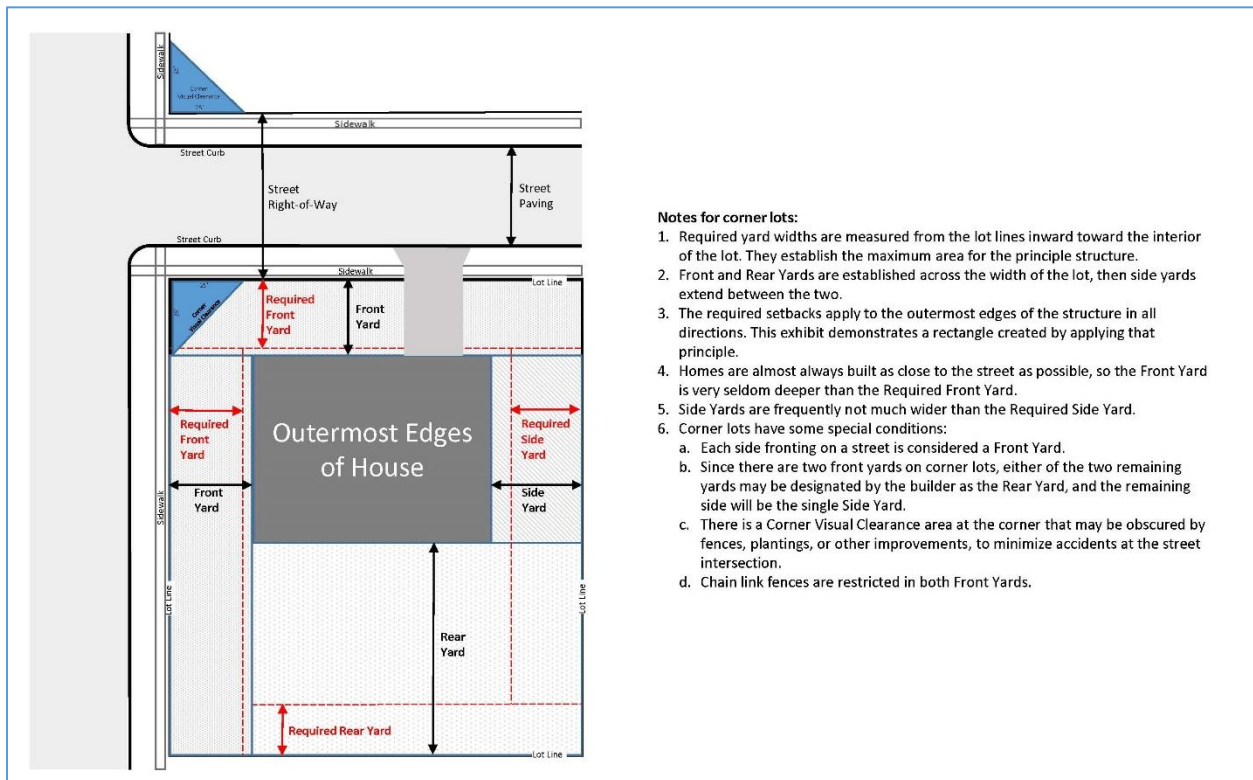
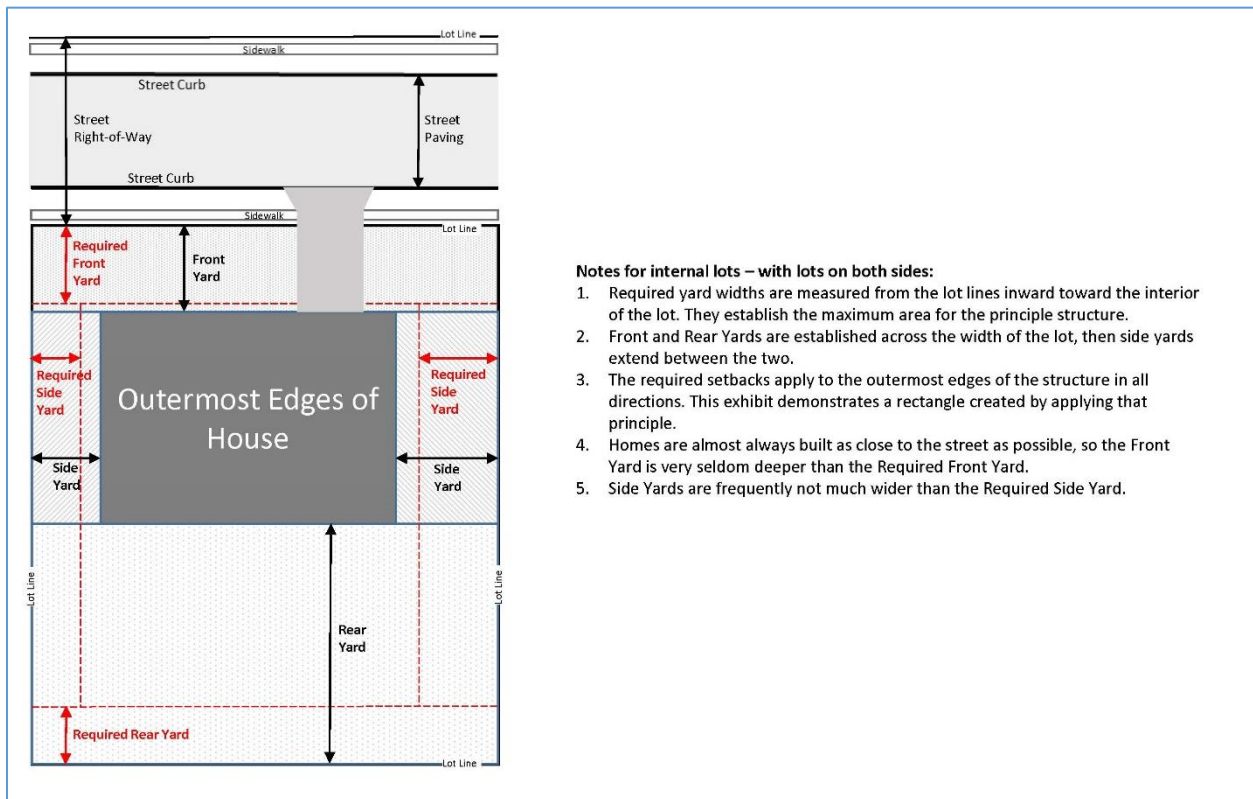
M. Air conditioning equipment.

N. Water towers and cooling towers.

O. Grain elevators and necessary mechanical appurtenances.

P. Fire towers.

Yards Exhibit



Proposed Amendment: Remove Conditional Use Requirement for Outdoor Eating Accessory Uses

170.06 OUTDOOR EATING ACCESSORY USES. Outdoor eating accessory uses are permitted only in association with permanent and full-time restaurants or other businesses that include inside restaurant facilities, and are owned by the same party as the restaurant. The following provisions shall apply:

1. All businesses shall be subject to the approval of a ~~conditional use permit, which includes a site plan and building permit, to be reviewed and approved by City Staff,~~ that meets requirements of this code. Any such outdoor eating plan that is not approved by City Staff may be referred to the City Planning Commission and City Council for consideration in the same manner as other full site plans. 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.
2. All Zoning Ordinance requirements shall be observed, including parking, yards, and signage. No additional signage is allowed in conjunction with the outside eating area.
3. The area used for the establishment shall be clearly delineated by fencing, plant materials or other landscaping, or other aesthetically pleasing means identified on the site plan.
4. The area used for the establishment shall be hard-surfaced with concrete, asphalt, or other suitable permanent materials, and specified as such on the site plan.
5. The principal use on the site must meet all Zoning Ordinance and site plan requirements.
6. Temporary structures or other facilities may be approved through the site plan review.
7. Businesses must provide evidence that appropriate State and local licensing has been obtained.
8. All applicable local, county, and State regulations must be met.
9. Businesses may ~~not~~ serve alcoholic beverages ~~unless specifically authorized by the conditional use permit and liquor licensing if licensed~~ for the outside area.
10. Businesses may not provide illuminating lighting unless ~~specifically approved by the conditional use permits specified and approved with the site plan.~~ Decorative lighting such as string lights is encouraged.
11. Businesses may not provide any amplified music or public address system unless ~~specifically approved by the conditional use permits specified and approved with the site plan~~ or by a separately issued Special Event Permit as provided for by City Code.

Proposed Amendment: Delete Outdated Conditional Use References

168.06 C ZONES – COMMERCIAL DISTRICTS.

- 7. Conditional Uses. Outdoor display ~~and storage~~ uses are permitted subject to the provisions of Section 171.02.

168.07 O/RP ZONES – OFFICE AND RESEARCH PARK DISTRICTS.

- 7. Conditional Uses. Outdoor display ~~and storage~~ uses are permitted subject to the provisions of Section 171.02.

168.09 I ZONES – INDUSTRIAL DISTRICTS.

- 7. Conditional Uses. Outdoor display ~~and storage~~ uses are permitted subject to the provisions of Section 171.02.

Proposed Amendment: Delete C-RV District

~~168.08 C-RV ZONES – COMMERCIAL RECREATIONAL VEHICLE DISTRICT.~~

- ~~1. Defined. The C-RV Commercial Recreational District is intended to provide for the use of recreational mobile homes and vehicles within a commercial recreational vehicle park. The district is intended to provide for the operation of facilities to be used by park residents including laundry, recreational facilities, and other structures or features required by law for the safety and welfare of park residents.~~
- ~~2. Use Regulations. Principal and accessory uses permitted in the C-RV Zone – Commercial Recreational Vehicle Districts are prescribed in Table 168.08-A.~~
- ~~3. Bulk Regulations. The minimum area, setback, density and maximum height restrictions are prescribed in Table 168.08-B.~~
- ~~4. Accessory Uses. Accessory uses are permitted subject to the provisions of Section 169.06.~~
- ~~5. Off-Street Parking. Off-street parking shall be provided according to the provisions of Section 169.01.~~
- ~~6. Signs. Signs shall be permitted according to the provisions of Chapter 173.~~
- ~~7. Conditional Uses. Outdoor display and storage uses are permitted subject to the provisions of Section 171.02.~~

TABLE 168.08-A – C-RV ZONE USES

P = Permitted, C = Conditional, A = Accessory, N = Not Allowed

Land Use	-	Notes
Coin Operated Laundries	A	Maintain setbacks in Table 168.08-B from adjoining property lines.
Dog Runs, Keeping of Small Animals	A	
Emergency Shelters	P	-
Maintenance Building	A	Maintain setbacks in Table 168.08-B from adjoining property lines.
Parks	P	-
Playgrounds	A	
Private Swimming Pools	A	
Recreation Buildings	A	Maintain setbacks in Table 168.08-B from adjoining property lines.
Recreation Vehicle Pads	P	-
Recreational Vehicle Park	P	-
Temporary Construction Buildings	A	
Tent Spaces	P	
Utility and Service Uses	P	

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TABLE 168.08-B – C-RV ZONE BULK REGULATIONS

Principal Permitted Uses	Minimum Lot Size Requirement			Minimum Yard Requirement			
	Frontage	Width	Area	Front Yard Depth	Each Side Yard Width	Rear Yard Depth	Maximum Height
Recreation Vehicle Park	50 feet	200 feet	2 acres	50 feet	30 feet	50 feet	

Proposed Amendment: PODs and Commercial Dumpsters

167.01 DEFINITIONS

“Temporary portable storage container” is a large container designed and rented or leased for the temporary storage of commercial, industrial, or residential household goods, that does not contain a foundation or wheels for movement. Examples of this use include piggyback containers that can be transported by mounting on a chassis, and “POD-type” boxes that can be transported on a flatbed or other truck, but do not include prefabricated sheds that are not designed for transport after erection or commercial trailers used by construction companies or other uses in the regular performance of their businesses. Temporary portable storage containers, except those included in temporary construction permits, are subject to the provisions of Section 171.03 – Temporary Use Permit.

171.03 TEMPORARY USES. These regulations are intended to prescribe the conditions under which activities of limited duration may be conducted. The intent is to prevent the creation of nuisances or annoyances to the occupants of adjacent buildings, premises, or property, and to the general public. Considerations for all types of temporary uses listed herein shall include: compatibility with adjacent uses; potential adverse effects to the surrounding neighborhood because of odor, noise, dust, or other nuisances, especially as they may relate to the consumption of alcohol; parking needs, if applicable; and potential traffic increases and resulting impacts on the surrounding neighborhood or city at large. Temporary uses are categorized into the following three types: Minor Temporary Uses, Special Events, and Zoning Temporary Uses, as defined and restricted herein; and several special uses.

2. Special Events. Special events are those minor events or uses that are generally not more than five days in duration and occur infrequently except as noted. A permit is required, subject to approval by the City Administrator and issuance by the City Clerk. The following general regulations apply to these events and will be further defined and restricted in any permit issued:
 - A. Each special event shall be described in a permit issued by the City Clerk prior to commencement of the event. This permit shall be in addition to all other licenses, permits, or approvals otherwise required by any governmental entity. The City Administrator may impose such conditions on a special event permit as are necessary to meet the purposes of this chapter and protect the public health, safety and welfare, and adjacent uses. Conditions and limitations that may be imposed may include, but are not limited to:
 - (1) Yard setback and open space requirements;
 - (2) Parking;
 - (3) Fences, walls or other screening;
 - (4) Number and placement of signs;
 - (5) Vehicular and pedestrian ingress and egress;
 - (6) Property maintenance during the course of the activity;
 - (7) Control of illumination, noise, odor, vibration or other nuisances; and
 - (8) Hours of operation.
 - B. Proof of ownership or a signed letter from either the property owner or said owner’s authorized representative for the property on which the activity is to take place shall be presented at the

time the temporary permit is requested, as well as other contact information for individuals and groups involved.

- C. All unimproved parking areas and main walk areas shall be maintained to prevent mud tracking or dust entrainment.
- D. Sanitary facilities, either portable or permanent, shall sufficient in quantity and be made available to all employees, attendants and participants of the activity during its operation hours.
- E. A bond or cash deposit of up to \$1,000.00, to be set by the City Administrator, shall be provided to the City to be used for reimbursement of costs for cleanup and repair of public property, police services, and any other damages to the City or its property resulting from the special event; however, the requirement for said bond or cash deposit shall be waived by the City Administrator for typical noncommercial "block parties" privately arranged by and for residents of a street or neighborhood and lasting less than six hours.
- F. All sites shall be completely cleaned of debris and temporary structures, including but not limited to trash receptacles, signs, stands, poles, electrical wiring, or any other fixtures and appurtenances or equipment connected therewith, within 48 hours after the termination of the special event.
- G. The following activities are prohibited unless specifically approved in the permit:
 - (1) Use of public property including streets and rights-of-way.
 - (2) Consumption of alcohol.
 - (3) Amplified music.
 - (4) Signage, either on-site or off-site.
 - (5) Temporary structures or uses located within setback areas established within this ordinance.
- H. A permit fee shall be set by the City and collected prior to issuance of the permit.
- I. Examples of special events requiring a permit issued by the City Clerk include:
 - (1) Annual seasonal events such as Christmas tree sales, Halloween haunted houses, and community-sponsored events, permitted only in commercial and industrial zones.
 - (2) Nonprofit events such as runs, walks, bike rides, and similar.
 - (3) Temporary outdoor eating establishments, permitted only in commercial zones.
 - (4) Parking lot sales, sidewalk sales (private sidewalks only), permitted only in commercial zones.

~~(5) Temporary portable storage containers and temporary commercial dumpsters.~~

- 3. Zoning Temporary Uses. Zoning temporary uses are those events or uses that are generally more than five but not more than 90 days in duration and occur not more than once per year. The following general regulations apply to these events and will be further defined in any permit issued:
 - A. Each use shall be described in a permit issued by the Code Official prior to commencement of the event. This permit shall be in addition to all other licenses, permits, or approvals otherwise required by any governmental entity. The Code Official may impose such conditions on a temporary use permit as are necessary to meet the purposes of this chapter and protect the

public health, safety and welfare, and adjacent uses. Conditions which may be imposed may include but are not limited to:

- (1) Yard setback and open space requirements.
 - (2) Parking.
 - (3) Fences, walls or other screening.
 - (4) Signs.
 - (5) Vehicular and pedestrian ingress and egress.
 - (6) Property maintenance during the course of the activity.
 - (7) Control of illumination, noise, odor, vibration or other nuisances.
 - (8) Hours of operation.
- B. Proof of ownership or a signed letter from either the property owner or said owner's authorized representative for the property on which the activity is to take place shall be presented at the time the temporary permit is requested, as well as other contact information for individuals and groups involved.
- C. All unimproved parking areas and main walk areas shall be maintained to prevent mud tracking or dust entrainment. Use of unimproved areas may be prohibited for those uses that are permitted for a longer duration to avoid damaging those areas.
- D. Sanitary facilities, either portable or permanent, shall be made available to all employees, attendants and participants of the activity during its operation hours.
- E. A bond or cash deposit of up to \$1,000.00, to be set by the City Administrator, shall be provided to the City to be used for reimbursement of costs for cleanup and repair of public property, police services, and any other damages to the City or its property resulting from the zoning temporary use.
- F. All sites shall be completely cleaned of debris and temporary structures, including but not limited to trash receptacles, signs, stands, poles, electrical wiring, or any other fixtures and appurtenances or equipment connected therewith, within 48 hours after the termination of the special event.
- G. The following activities are prohibited unless specifically approved in the permit:
- (1) Use of public property including streets and rights-of-way.
 - (2) Consumption of alcohol.
 - (3) Amplified music.
 - (4) Signage, either on-site or off-site.
 - (5) Temporary structures or uses located within setback areas established within this ordinance.
- H. A permit fee shall be set by the City and collected prior to issuance of the permit.
- I. Examples of zoning temporary uses permitted include:
- (1) Stands for the sales of agricultural products.

- (2) Retail sales of nursery materials.
- (3) Other similar uses described in the definition of this type of use.
- 4. Temporary Portable Storage Containers. A permit is required prior to placement of any temporary portable storage containers, to be obtained from the Building Department. Requirements of the permit include the following:
 - A. Maximum duration of use is no more than 30 days in any calendar year.
 - B. No container shall be more than 8 feet in height, nor more than 16 feet in length in residential districts or 40 feet in length in all other districts.
 - C. Containers shall not be stacked vertically.
 - D. Containers shall be located totally on the owner's lot, and no part of any container shall be located on any public property.
- 5. Commercial Dumpsters. Commercial dumpsters located on a private lot for more than 7 consecutive days are permitted only as part of another permit issued by the Building Department, such as a building permit or demolition permit; or through the commercial dumpster permit listed in item B of this section. Commercial dumpsters located on a private lot for 7 consecutive days or less do not require a permit.
 - A. Commercial dumpsters permitted with issuance of another permit are subject to the following requirements:
 - (1) Containers shall not be stacked vertically.
 - (2) Containers shall be located totally on the owner's lot, and no part of any container shall be located on any public property.
 - B. Commercial dumpsters permitted by commercial dumpster permit are subject to the following requirements:
 - (1) Containers shall not be stacked vertically.
 - (2) Containers shall be located totally on the owner's lot, and no part of any container shall be located on any public property.
 - (3) Maximum duration of use is no more than 30 days in any calendar year. No container shall be more than 8 feet in height, nor more than 16 feet in length in residential districts or 40 feet in length in all other districts.
- ~~4.6~~ Garage Sales. Garage sales are restricted to no more than one three-day event per 180-day period. Garage sales occurring more frequently shall be considered a commercial retail sales business in a residential zone, which is prohibited. Permits are not required, but temporary sign regulations as specified in section 173.13 apply.



NORTH LIBERTY PLANNING COMMISSION

Minutes

November 6, 2018

North Liberty City Council Chambers, 1 Quail Creek Circle

Roll Call

At 6:30 p.m., Chair Ronda Detlefsen called the November 6, 2018 session of the North Liberty Planning Commission to order. Commission members present: Ronda Detlefsen, Adam Gebhart, Jason Heisler, Becky Keogh, Kylie Pentecost and Pat Staber; absent: Jennifer Bleil.

Others present: Ryan Heiar, Tracey Mulcahey, Kevin Trom, Joel Miller, Mayor Terry Donahue, John Marner, Carter Kurdre and other interested parties.

Agenda Approval

Gebhart moved, Staber seconded to approve the agenda. The vote was all ayes. Agenda approved.

Scott Andersen Rezoning Application

Staff Presentation

Heiar presented the request of Scott Andersen to rezone vacant property from ID (Interim Development) to C-2-A (Highway Commercial) at the northwestern intersection of Forevergreen Road and I-380.

Applicants Presentation

John Marner, MMS Consultants, was present on behalf of the applicant and offered additional information regarding the application.

Public Comments

No public comments were offered.

Questions and Comments

The Commission discussed the application including that it is fairly straight forward.

Recommendation to the City Council

Keogh moved, Heisler seconded to recommend approval of the rezoning application to the City Council with no conditions. The vote was: ayes – Detlefsen, Staber, Gebhart, Keogh, Pentecost, Heisler; nays – none. Motion carried.

Approval of Previous Minutes

Gebhart moved, Keogh seconded to approve the minutes from the October 2, 2018 Planning Commission meeting. The vote was all ayes. Minutes approved.

Old Business

No old business was presented.

New Business

No new business was presented.

Adjournment

At 6:34 p.m., Keogh moved, Heisler seconded to adjourn. The vote was all ayes. Meeting adjourned.