



**North Liberty
Planning
Commission
Meeting Information**

**Tuesday, July 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
Tuesday, July 2, 2019, 6:30 PM
North Liberty City Council Chambers, 1 Quail Creek Circle

- 1. ROLL CALL**
- 2. AGENDA APPROVAL**
- 3. ORDINANCE AMENDMENT:** Request of City staff to approve changes to the Zoning Ordinance related to the sale of fireworks.
 - a. Staff Presentation
 - b. Public Comments
 - c. Questions and Comments
 - d. Recommendation to the City Council
- 4. STREETS NAME CHANGE:** Request of City staff to approve changes to the names of two streets to avoid emergency services confusion.
 - a. Staff Presentation
 - b. Public Comments
 - c. Questions and Comments
 - d. Recommendation to the City Council
- 5. APPROVAL OF PREVIOUS MINUTES**
- 6. OLD BUSINESS**
- 7. NEW BUSINESS – Election of Officers for FY2020**
- 8. ADJOURNMENT**



June 28, 2019

Planning & Zoning Commission
City of North Liberty
City Council Chambers
1 Quail Creek Circle

Re: Fireworks Zoning Ordinance Amendment

Dear Chairperson Detlefsen:

Included on this month's Planning and Zoning Commission agenda is a proposed change to the zoning code with respect to the permitted use for the Consumer Firework Sales. The proposed change removes Consumer Firework Sales as a permitted use in C-2-A zones, restricting their use to Industrial areas.

The change in zoning is appropriate and recommended because of a required change in the City's firework ordinance. The City's existing firework ordinance restricts the amount of incendiary or explosive material which may be stored in one place to 125 net pounds of pyrotechnic content, which equates to about 500 pounds of fireworks. State legislators enacted a statute in 2017 which legalized the sale of consumer fireworks in any structure that meets the requirements of National Fire Protection Association (NFPA) Standard 1124. This standard does not establish a limit as to the amount of fireworks which may be stored in one location.

Because the state law does not provide for a weight limit, that part of the City ordinance was preempted by the 2017 law. The weight restriction in North Liberty's Code must therefore be removed. Absent additional changes in state (or federal) law, there will be no limit on the amount of fireworks which may be stored in the City going forward, provided the operator obtains the appropriate permits. Though *sales* are permitted by

operation of State law, I would note that *use* of consumer fireworks within City limits, other than novelties (sparklers, snakes, etc.) remains prohibited.

Because of this change, the North Liberty Fire Marshal and Fire Department have requested that the City follow suit with other Iowa municipalities to limit the sale of consumer fireworks to industrial zones for public safety purposes in the event of a fire or explosion. The larger the amount of fireworks which are stored in one place, the larger the area that the Fire Department will be required to evacuate in the event of such an incident. By restricting sales to I-1 and I-2 zones, a fire or explosion will be less likely to impact residential areas.

I will be available at the upcoming meeting to answer any further questions the Commission may have.

Respectfully submitted,



Grant D. Lientz
City Attorney, City of North Liberty
glientz@northlibertyiowa.org

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NORTH LIBERTY, IOWA, EFFECTING CONFORMITY WITH STATE LAW REGARDING PERMANENT AND TEMPORARY STRUCTURES USED FOR THE SALE OF CONSUMER FIREWORKS, AND RESTRICTING THE SALES OF CONSUMER FIREWORKS TO INDUSTRIAL ZONES.

BE IT ENACTED by the City Council of the City of North Liberty, Iowa:

SECTION 1. AMENDMENT. Section 41.10(3)(E) of the Code of Ordinances of the City of North Liberty, Iowa, is amended to read as follows:

E. All permanent and temporary structures used for the sales of consumer fireworks shall meet all requirements set out in National Fire Protection Association (NFPA) Standard 1124 (2006 Edition) and all applicable provisions of the North Liberty Code of Ordinances, including but not limited to Chapter 122 ("Peddlers, Solicitors and Transient Merchants"); Chapter 157 ("Building Code"); Chapter 157 ("Fire Code"); and Section 171.03 ("Temporary Uses").

SECTION 2. AMENDMENT. Chapter 168 of the Code of Ordinances of the City of North Liberty, Iowa, is amended as follows:

Delete row "Consumer Firework Sales" from Table 168.06-C – C-2-A Zone Uses.

SECTION 3. REPEALER. All Ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4. SEVERABILITY. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 5. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

First reading on _____.

Second reading on _____.

Third and final reading on _____.

CITY OF NORTH LIBERTY

TERRY L. DONAHUE, MAYOR

ATTEST:

I, Tracey Mulcahey, City Clerk of the City of North Liberty, hereby certify that at a meeting of the City Council of said City, held on the above date, among other proceedings, the above was adopted.

TRACEY MULCAHEY, CITY CLERK

I certify that the forgoing was published as Ordinance _____ in the *North Liberty Leader* on _____.

TRACEY MULCAHEY, CITY CLERK



June 5, 2019

Memo

To: North Liberty Planning Commission
From: Dean Wheatley, Planning Director
Subject: Street Renaming

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
Grant Lientz, City Attorney
Kevin Trom, City Engineer
Dean Wheatley, Planning Director

This proposal is to rename two streets as detailed below.

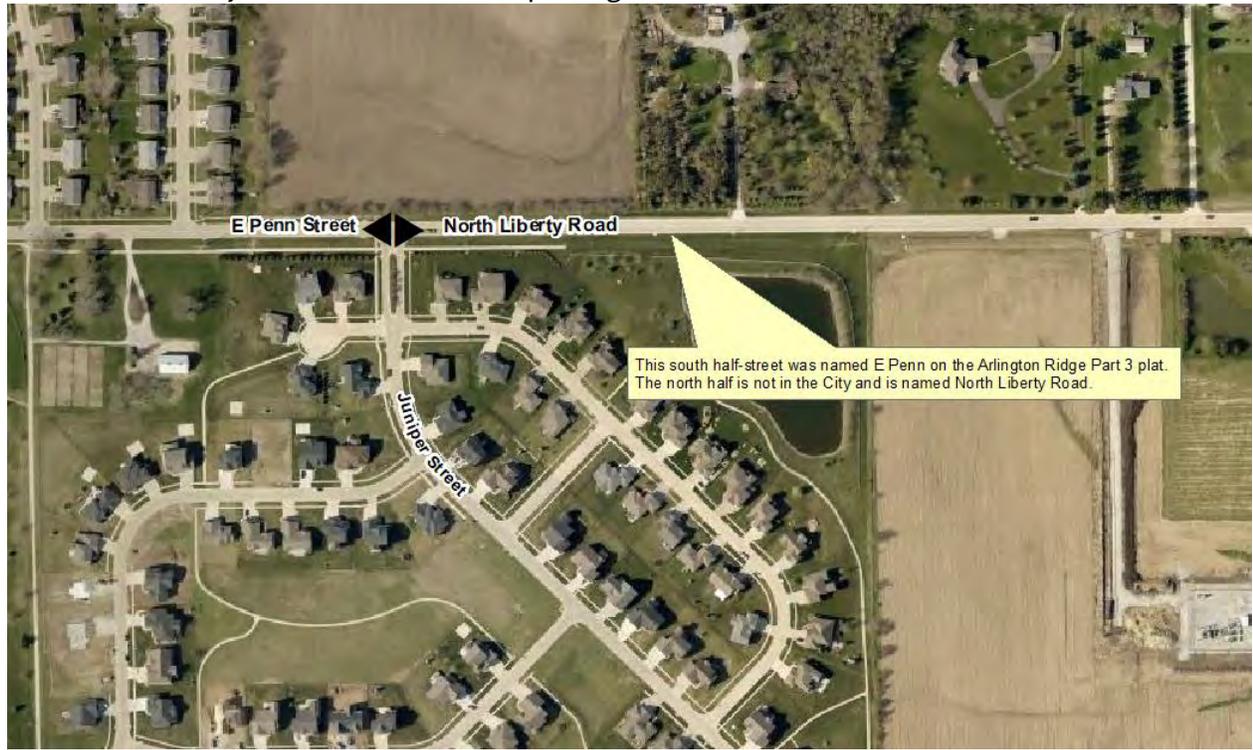


North Bend Drive to Centro Way.

This change is proposed to address emergency services concerns that there may be confusion because existing North Bend Elementary School is located miles away from North Bend Drive, on St. Andrews Drive, and that potential for confusion is substantially enhanced with the construction and planned opening of Grant School this fall. The only owner impacted by this change will be Centro Inc., who has been contacted and informed of the change, and has suggested the revised name.

Part of East Penn Street to North Liberty Road. This change is proposed to formalize the break between these two streets in the

vicinity of Juniper Street in a way that does not interfere with any existing street name addresses. There has currently some confusion due to platting and annexation.





NORTH LIBERTY PLANNING COMMISSION

Minutes

June 4, 2019

North Liberty City Council Chambers, 1 Quail Creek Circle

Roll Call

Chair Ronda Detlefsen called the June 4, 2019 Planning Commission meeting to order at 6:30 p.m. Commission members present: Jennifer Bleil, Ronda Detlefsen, Adam Gebhart, Jason Heisler, Rebecca Keogh, Kylie Pentecost and Patrick Staber.

Others present: Dean Wheatley, Ryan Heiar, Grant Lientz, Tracey Mulcahey, Kevin Trom, Joel Miller, Loren Hoffman, Joe Selix and other interested parties.

Agenda Approval

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

Greenbelt Trail LLC Rezoning

Staff Presentation

Wheatley presented the request of Greenbelt Trail, LLC to approve a single-family residential rezoning for property located on the west side of North Liberty Road, directly north of the Dahnovan Estates neighborhood. Staff recommends approval of the application with no conditions. The Commission was provided with emails relating to the rezoning.

Applicants Presentation

Loren Hoffman, Hall and Hall Engineers, was present on behalf of the applicant and offered additional information on the development.

Public Comments

No public comments were offered.

Questions and Comments

The Commission discussed the application including the plan for development on North Liberty Road to the north of this application, concerns for development of the property, the discussion at the Good Neighbor meeting, stormwater management, and the type of housing planned.

Recommendation to the City Council

Pentecost moved, Keogh seconded to recommend approval of the rezoning request for Green Belt Trail, LLC with no conditions. The vote was: ayes – Staber, Keogh, Gebhart, Bleil, Pentecost, Heisler, Detlefsen; nays – none. Motion carried.

Tin Roost Restaurant Revised Site Plan

Staff Presentation

Wheatley presented the request of Tin Roost restaurant to approve a revised site plan that will establish a new outside lawn area for customer use. Staff recommends approval of the revised site plan with the following conditions:

1. A fence shall be constructed by the owners and maintained around the requested area.
2. There will be no lighting other than that existing for the permanent restaurant.
3. Uses for the lawn area include but are not limited to eating, drinking, various outdoor lawn games such as “bags”, children’s games, and similar uses. Owners will contact the City regarding special events intended to draw a crowd beyond that expected with normal restaurant operations.
4. No kegs, tappers, grills, or other eating or drinking serving equipment, temporary or permanent, shall be used in the lawn area.
5. No permanent tables or chairs are permitted in the lawn area, and no food or alcohol service shall be provided there. Food and drink may be consumed there.
6. No activities are permitted on the lawn area after dark each day, generally defined as one- half hour after sunset.
7. No equipment shall be stored in the lawn area when not in use.
8. No garbage will be allowed to remain on the lawn area when not in use.
9. Placement of typical backyard or playground equipment is to be approved by the City prior to purchase and installation.
10. A building permit will need to be obtained from Building Department for construction of the area.

Applicants Presentation

Joe Selix was present on behalf of the applicant and offered to answer questions.

Public Comments

No public comments were offered.

Questions and Comments

The Commission discussed the application including the need for the space, what will be included in the area, special event process, storage of equipment, trash in the space, the trail that goes through the property and inclusion of the conditions in the motion

Recommendation to the City Council

Staber moved, Heisler seconded to recommend approval of the revised site plan that includes the conditions recommended. The vote was: ayes – Detlefsen, Keogh, Pentecost, Gebhart, Staber, Heisler, Bleil; nays – none. Motion carried.

Approval of previous minutes

Staber moved, Heisler seconded to approve the minutes of the May 7, 2019 Planning Commission meeting. The vote was all ayes. Minutes approved.

Old Business

No old business was presented.

New Business

Wheatley reported that the Commission will elect officers next month.

Adjournment

At 6:53 p.m., Staber moved, Gebhart seconded to adjourn. All ayes. Meeting adjourned.