



North Liberty Board of Adjustment
Wednesday, February 2, 2022, 6:30 PM
North Liberty City Council Chambers
1 Quail Creek Circle, North Liberty, Iowa 52317

This meeting may be accessed live by the public in person or on the internet at northlibertyiowa.org/live, on Facebook at facebook.com/northliberty or on YouTube at youtube.com/northliberty. Meetings are rebroadcast on cable and available on-demand on northlibertyiowa.org.

Call to Order

1. Roll Call
2. Approval of the Agenda
3. Election of Chairperson
4. Election of a Vice-Chairperson
5. Public Comment on any topic not on the agenda
6. Public Hearing for Conditional Use: Request of Colony Acres, LLC, dba Colony Pumpkin Patch on behalf of Colony 1927 for an Agricultural Experience Conditional Use on approximately 63.17 acres of property located on the east side of Front Street NE approximately 130 feet south of East Tartan Drive (2780 Front Street NE).
 - a. Staff Presentation
 - b. Applicant Presentation
 - c. Public Comments
 - d. Questions and Comments
 - e. Form Action
7. Approval of Previous Minutes
8. Old Business
9. New Business
10. Adjournment



To City of North Liberty Board of Adjustment
From Ryan Rusnak, AICP
Date January 28, 2022
Re Request of Colony Acres, LLC, dba Colony Pumpkin Patch on behalf of Colony 1927 for an Agricultural Experience Conditional Use on 63.17 acres of property located on the east side of Front Street NE approximately 130 feet south of East Tartan Drive (2780 Front Street NE).

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 Helar, City Administrator
Tracey Mulcahey, Assistant City Administrator
Grant Lientz, City Attorney
Tom Palmer, City Building Official
Kevin Trom, City Engineer
Ryan Rusnak, Planning Director

Purpose for the Request:

The property is currently located in unincorporated Johnson County, but the request is to facilitate annexation into the City of North Liberty and allow the continuance of the Colony Pumpkin Patch in City limits.

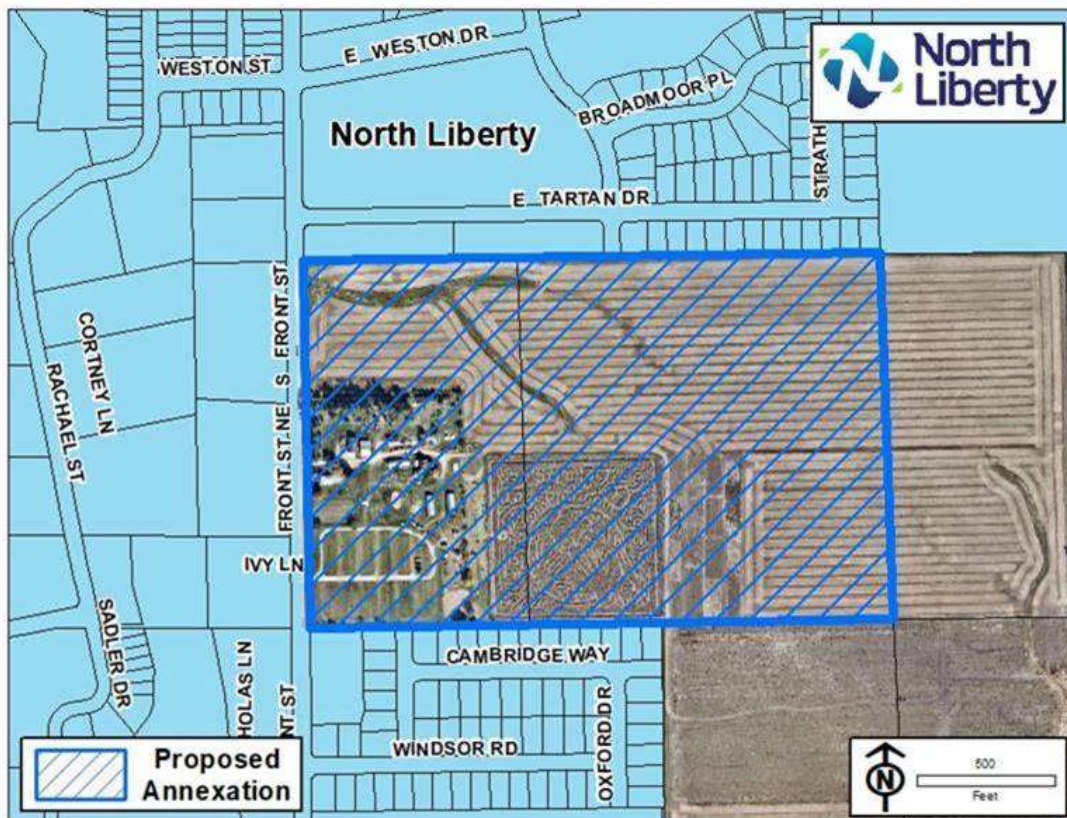
Section 170.07 of the North Liberty Code of Ordinances requires an agricultural experience use to be granted a Conditional Use from the North Liberty Board of Adjustment.

The Planning Commission will be reviewing the request at its February 1, 2022 meeting. Staff will apprise the Board as to its recommendation at the meeting. The City Council will consider the annexation of the property into City limits at its February 8, 2022 meeting. See map on the next page.

A Conditional Use allows the City to consider special uses which may be essential or desirable to a particular community, but which are not allowed as a matter of right within a zoning district, through a special consideration by the Planning Commission and Board of Adjustment.

Consideration of a Conditional Use is a discretionary act and, if approved, is generally subject to a number of pertinent conditions of approval. The owners of property near the site are sent advance notice of the date, time, and place of the public meeting to consider the Conditional Use because impacts on the neighborhood are an important consideration in determining its appropriateness. The main points for a decision include:

- General Welfare: The establishment, maintenance or conducting of the use will not be detrimental to the public health, safety, morals or welfare; or injurious to property or improvements in the neighborhood. Adequate utilities, access, drainage, and other necessary site improvements will be provided, and that adequate measures are being proposed to minimize traffic congestion.
- Nuisance: The establishment, maintenance or conducting of the use will not be objectionable or incompatible with the character of the neighborhood or the city due to noise, dust, odors or other undesirable characteristics. Uses, values, and enjoyment of other properties in the neighborhood will not be substantially impaired by the conditional use.
- Comprehensive Plan Consistency: The establishment, maintenance or conducting of the use will be consistent with provisions of the Comprehensive Plan and will not impede orderly development of the surrounding property.
- Zoning Consistency: The establishment, maintenance or conducting of the use will not violate the policies and regulations found in the Zoning Ordinance, and will not impair the integrity and character of the zoned district.



Anticipated Zoning:
ID Interim Development District.

The ID District is the only zoning district that allows for an Agricultural Use Conditional Use.

Agricultural Experience Use Regulations:
Agricultural Experience Use Regulations are as follows:

1. Agricultural Experience.
 - A. Defined. Agriculture Experience means any agriculture-related activity, as a secondary use in conjunction with a permitted agricultural use, which activity is open to the public with the intended purpose of promoting or educating the public about agriculture, agricultural practices, agricultural activities, or agricultural products. An activity is an agriculture experience activity whether or not the participant paid to participate in the activity. The sale of merchandise and service and/or sale of food and drinks, including alcoholic beverages, is permitted as an accessory use to activities sponsored by the organization.
 - B. Use Standards.
 - (1) Uses permitted in conjunction with an agricultural experience.
 - (a) Agriculturally related seasonal festivals including crop mazes or hayrides.
 - (b) You-pick operations, including, but not limited to vegetable and berry picking, pumpkin patches and similar uses.
 - (c) Direct sale of agricultural products grown and/or produced on or off-site. Examples of agricultural products grown and/or produced off-site include, but are not limited to, fruits and vegetables and seasonal flowers and trees.
 - (d) Value-added (other than alcohol products) processing of produce and fruit grown on the farm.
 - (e) Agricultural clinics and tours, seminars or classes and organized agricultural related group activities with no overnight accommodations.
 - (f) On-the-farm weddings and wedding receptions.
 - (g) On-the-farm events sponsored by the City of North Liberty.
 - (h) Up to twelve non-agricultural related events may occur within a calendar year. The event shall be described in a permit issued by the Code Official prior to the commencement of the event. The Zoning Code Official may impose such conditions on the event as are necessary

to protect the public health, safety and welfare, and adjacent uses. No fee is required for this permit.

- (2) Dimensional standards (applies to buildings, structures and livestock enclosures.
 - (a) Minimum frontage: 400 feet.
 - (b) Minimum lot width: 400 feet.
 - (c) Minimum lot area: 10 acres.
 - (d) Maximum building height: 35 feet.
 - (e) Required front yard: 100 feet.
 - (f) Required corner side yard: 100 feet.
 - (g) Required side yard: 50 feet.
 - (h) Required rear yard: 100 feet.
- (3) Design standards.
 - (a) The area devoted to the agricultural experience shall only have direct access to roadway classified as a collector or arterial roadway.
 - (b) In order to maintain the rural theme, agricultural experience uses shall not be subject to any of the provisions of Section 169.10. Rather, building style and design standards shall be subject to the following:
 - (i) Buildings and structures shall have color schemes primarily based on earth tones. Earth tone colors include colors from the palette of browns, tans, greys, greens, and red. White or off-white is also acceptable. Earth tone and white colors shall be flat or muted. Building trim and accent areas may feature non-earth tone and brighter colors.
 - (ii) Buildings and structures shall have the eaves of roof extend a minimum of one foot past the outside walls.
 - (iii) Buildings and structures shall have a minimum 5/12 roof pitch.
 - (iv) Exterior wall coverings shall be wood vertical or horizontal grooved or lapped siding. Substitute materials achieving a similar appearance may be utilized.
 - (v) No building shall exceed 6,000 square feet in area.
 - (vi) Design standards do not apply to buildings or structures under 200 square feet in area, playground equipment or other similar structures. Existing buildings or structures 200 square feet in

area or greater not meeting design standards may be permitted if identified in the Conditional Use.

- (c) Off-street parking. In order to maintain a rural theme, an agricultural use shall not be subject to the provisions of Section 169.01. Rather, safe vehicular access and customer parking shall be provided on site, such that vehicles are not required to back onto public streets or cause congestion on public streets. The use of gravel is limited to primary and secondary driveway isles. Off-street parking areas shall be located outside of public rights-of-way and shall be maintained in such a manner to allow access to the site by emergency vehicles.
- (d) Lighting. In order to maintain a rural theme, an agricultural use shall not be subject to the provisions of Section 169.06. Rather, any exterior lighting shall be appropriately shielded and/or directed away from adjacent properties and public rights-of-way.
- (e) Sign regulations. Signs shall be subject to the provisions of Chapter 173, except where it conflicts with the exception of the following:
 - (i) One non-internally illuminated sign is permitted per public street access. The surface area for each sign shall not exceed 32 square feet and the height shall not exceed 12 feet. Sign shall be designed with one or more wooden posts that are part of the overall sign structure and sign design. Signs may be externally illuminated.
 - (ii) Electronic message signs are prohibited. Mobile signs are prohibited, but a message board sign may be incorporated in the permanent sign.
 - (iii) Two seasonal event temporary signs are permitted per calendar year. Such signs shall be the only sail-shaped vertical flag signs and shall be removed immediately upon termination of the special event or at the end of 60 days, whichever comes first.
 - (iv) There are no restrictions for signs not visible from the boundary of the property.
- (f) Landscaping requirements. Landscaping shall be subject to the provisions of Chapter 169.02, with the exception of where it conflicts with the following:
 - (i) Along a street frontage. 10 foot wide landscape area.

- (ii) Adjacent to a residential zone. 25 foot wide landscape area.
- (iii) Tree planting is encouraged within landscape areas.
- (g) Temporary restroom facilities. Temporary restroom facilities may be provided, but shall not supplant permanent restroom facilities, when required.
- (h) Maximum capacity. The Fire Marshall and Building Official shall establish the maximum occupant capacity for meetings, training, educational or similar events which shall be appropriate to the site and facilities in terms of capacity in buildings, parking areas and sanitation limitations of the site.

Public Input:

Letters were sent to property owners within 200 feet of the subject property notifying them of the February 2, 2022 Board of Adjustment meeting. No feedback on the request has been received.

Staff Commentary:

The Agricultural Experience Ordinance was written such that every element of the use did not have to be identified on a map. Rather, the use standards were written extensively in order to protect and enhance the health, safety, and welfare of the surrounding area. This allows for adaptability as the business grows or responds to community desires.

Pursuant to the (B)(3)(b)(vi) above the applicant is requesting that the buildings below not meeting the design standards be permitted to be used in conjunction with the use.



Findings:

1. The approval of the Agricultural Experience Conditional Use would allow the Colony Pumpkin Patch to operate within the City of North Liberty; and
2. The Agricultural Experience use complying with the use standards would ensure compatibility with the area.

Recommendation:

Staff recommends the Board of Adjustment accept the two listed findings and approve the Agricultural Experience Conditional Use on approximately 63.17 acres of property located on the east side of Front Street NE approximately 130 feet south of East Tartan Drive (2780 Front Street NE) subject to the following conditions:

1. That the property be annexed into the City of North Liberty; and
2. That the buildings identified in the staff report not meeting the design standards be permitted to be used in conjunction with the use.

Suggested motion:

I move that the Board of Adjustment accept the two listed findings and approve the request subject to the two conditions listed by City staff.



Board of Adjustment
July 15, 2020

Due to the COVID-19 pandemic, this meeting was held by live stream on Zoom.us. All attendance was through the live stream. Virtual Meeting via Zoom.us to be live streamed at: <https://northlibertyiowa.org/departments/communications/watch-meetings-live/>

Call to Order

Members: Krystin Erenberger
Nicholas Gulick
Lance Murphy
Eric Ruttum
Dave Willer

Nicholas Gulick offered to be the temporary Chairperson to begin the meeting.

Roll Call: The meeting was called to order by temporary Chairperson at 6:31 p.m. Members present were: Gulick, Murphy, Ruttum and Willer (Erenberger was excused)

Staff members present: Ryan Rusnak and Grant Lientz.

Others present: Applicants Art and Colleen Chipman and John Yapp.

1. Call to Order
Temporary Chairperson Gulick called the meeting to order at approximately 6:35 pm.
2. Election of Chairperson
Motion by Gulick, second by Murphy for Gulick to serve as Chairperson. The vote was all ayes.
3. Election of Vice-Chairperson
Motion by Ruttum, second by Murphy for Ruttum to serve as Vice-Chairperson. The vote was all ayes.
4. Public comment on items not on the agenda: There was none.

5. Variance Request: Request of Arthur and Colleen Chipman at 1490 West Forevergreen Road for a variance of 420 square feet over the maximum 850 square foot limitation for a detached garage.

Legal Description: Lot 2 of Chimpan's Third Addition

Section 169.06(2)(B) of the Code of Ordinances of the City of North Liberty limits private garages to a maximum square feet gross building area not to exceed 30% of the rear yard area with a maximum size of 850 square feet.

Rusnak outlined the conditions for approval of the granting of a variance. Rusnak stated that if the variance is not approved, there are options of amending the Zoning Code to allow larger garages on larger lots.

Art and Colleen Chipman provided the applicants' presentation.

The Board discussed the request. The discussion by the Board pertained that the request did not meet the following criteria: unique circumstances, not special privilege and hardship not self-created.

Motion by Ruttem, second by Murphy to table the request to allow the applicant and staff to explore a Zoning Code amendment to allow a larger garage. The vote was all ayes.

6. Appeal Request: Request of John Yapp on behalf of High Octane Investments, LLC at 1 Hawkeye Drive to appeal an administrative decision that painting the exterior of the building in the color white is not visually harmonious and compatible with the neighborhood character and the color scheme is not based on earth tones or other compatible colors.

Legal Description: Lot 1 of Golf View Commercial Subdivision - Part One.

Section 169.12(1)(A) and 169.12(1)(D) of the Code of Ordinances of the City of North Liberty, Iowa reads respectively, as follows:

- A. Building design shall be visually harmonious and compatible with the neighborhood character.
- D. Except for the RS districts, color schemes shall be based on earth tones or other compatible colors.

Section 166.01(6) of the Code of Ordinances of the City of North Liberty provides for an appeal of an interpretation by the Code Official to be submitted to the Board of Adjustment and such interpretation shall be considered final.

Rusnak summarized the request and provided justification for his Code interpretation.

Yapp provided the applicant's presentation.

Motion by Ruttem, second by Murphy to uphold staff's interpretation.

Findings of Fact

1. The Zoning Ordinance code language imposes a duty that the development be visually harmonious and compatible with the neighborhood character and that color schemes be based on earth tones or other compatible colors, which existed in the Code of Ordinances of the City of North Liberty, Iowa prior to the painting of the building located at 1 Hawkeye Drive to white.
2. The building located at 1 Hawkeye Drive with a white color scheme is visually unharmonious and incompatible with the adjacent buildings. This is due to the fact that subject and adjacent properties previously had a similar color scheme, which was a brick veneer and a tan secondary color.
3. Earth tones come from natural things in the environment and come from the palette of browns, tans, greys, greens, and red and are flat or muted in color. An alternative color may be considered if it is not in conflict with the earth tones color pallet. This earth tones color scheme is reflective throughout the community and is particularly present along the Ranshaw Way/Hwy 965 corridor. This has been the result of years of applying this color scheme in city building.

The vote was all ayes.

7. Approval of Previous Minutes

Motion by Ruttem, second by Murphy to approve the previous minutes. The vote was all ayes.

8. Old Business

There was none.

9. New Business

There was none.

The meeting adjourned at approximately 7:45 PM.