



**North Liberty City Council
Regular Session
July 26, 2022**



City Administrator Memo



To **Mayor and City Council**
 From **Ryan Heiar, City Administrator**
 Date **July 21, 2022**
 Re **City Council Agenda July 26, 2022**

Consent Agenda

The following items are on the consent agenda and included in the packet:

- City Council Minutes (07/12/22)
- Claims
- Liquor License Renewal
 - Smokin' Joes
 - Casey's #2788
- Pay Application #4, Dubuque Street, Phase 1 Project, All American Concrete, Inc., \$228,082.75
- Change Order #12, Ranshaw Way Phase 5 Project, Peterson Contractors, Inc., \$2,909.50
- Pay Application #18, Ranshaw Way Phase 5 Project, Peterson Contractors, Inc., \$210,885.28

Meetings & Events

Tuesday, Jul 26 at 6:30p.m.
City Council

Monday, Aug 1 at 6:00p.m.
Communications Commission

Tuesday, Aug 2 at 6:30p.m.
Planning Commission

Thursday, Aug 4 at 7:00p.m.
Parks & recreation Commission

Tuesday, Aug 9 at 6:30p.m.
City Council

Solomon's Landing

Solomon Holdings, LLC is requesting that the City amend the conditions in the resolution approving the Solomon's Landing Preliminary Plat. The City Attorney has advised that the City Council may amend these conditions without the need for the Planning Commission to re-review since the content in the Preliminary Plat would remain unchanged. Currently, the developer is required to construct and dedicate Saratoga Lane prior to final plat approval for certain lots within the development. Additionally, there is a required timing for the signalization of the Saratoga Lane/Penn Street intersection due to the impacts of the proposed development. The developer is wishing to utilize the code authorized option of bonding for some of the improvements prior to constructing them in order to obtain Final Plat approval. Additionally, the developer has demonstrated that certain phasing would not warrant the installation of Saratoga Lane and the signalization of the Saratoga Lane/Penn Street intersection. City staff concurs that this has been adequately demonstrated with the amended traffic impact study. The subdivision exhibit depicts which lots would be buildable while the remaining lots would be unbuildable outlots. Once Saratoga Lane and the signalization of the Saratoga Lane/Penn Street intersection occurs (or is bonded for), the remaining lots may be replatted as buildable lots. As mentioned with the previous approval, this is a complex

development, which is being further complicated by market changes due to rising interest rates. Staff recommends approval of the amended conditions.

2022A Bond Sale

The 2022 bond sale will be in the amount of \$9.135 million (\$265k less than originally anticipated) for the following projects:

| | |
|--------------------------------------|--------------------|
| Ranshaw Way, Phase 5 (series 1 of 2) | \$4,500,000 |
| SW Utilities Project | \$4,160,000 |
| Forevergreen Road Trail | \$120,000 |
| Capitalized Interest & Fees | \$355,000 |
| | <hr/> |
| | \$9,135,000 |

The bond sale will take place Tuesday morning and official results will be available Tuesday afternoon. The resolution included in the packet approves the loan agreement and will be updated shortly after the sale with the applicable details. The City's financial advisor, Tionna Pooler with Independent Public Advisors, will be at the meeting to review the results with Council and recommend award. The loan closing is slated for August 10.

West Side Fire Station Land Acquisition

The City has identified a need for an additional fire station situated on the western side of town to accommodate the needs of the community, and to provide improved emergency service response times. Staff, informed by Fire Chief Platz, has determined that the acquisition of approximately four acres of agricultural land near Centennial Park is the most effective and appropriate way to satisfy those needs. This resolution allows for the City Attorney to initiate negotiations with the property owner for the acquisition of the necessary property and is a precondition for the exercise of the City's powers of eminent domain if no agreement can be reached. No purchase will take place, however, without City Council first establishing an amount for just compensation pursuant to an appraisal and authorizing the payment of any negotiated or awarded amount.

Northside Park Land Acquisition

The City's Parks Plan identifies the area north of Penn Street near North Jones Boulevard (see included map) as an appropriate area for the construction of a community park. Staff has identified approximately 42 acres of land which appears to be suitable for construction of such a park. Like the West Side Fire Station Project, this resolution allows for the City Attorney to initiate negotiations with the property owner for the acquisition of the necessary property, and is a precondition for the exercise of the City's powers of eminent domain if no agreement can be reached. No purchase will take

place without City Council first establishing an amount for just compensation pursuant to an appraisal and authorizing the payment of any negotiated or awarded amount.

Employee Handbook Update

From time to time, updates to the City's Employee Handbook are needed to accommodate changes in law, provide clarity on an issue and ensure best practices are being followed. The proposed updates include several minor language revisions that will have minimal impact on current operations. Two of the updates relating to residency requirements and vacation are more significant, with the intent to address employee recruitment and retention. The proposed revision to residency requirements expands the radius from 15 to 30 miles for employees of the Police, Water, Wastewater and Streets departments, excluding the Fire Department. Fulltime firefighters will be required to stay at the department during their shift and the new duty crew program will require the same; therefore, a residency requirement is not necessary for the FD. The intent of this change is to widen the scope of potential employees by allowing them to live farther outside the corporate limits. Further, from a retention perspective, it would allow current employees to relocate without such a limited radius restriction. The proposed revisions to vacation accrual would provide access to vacation time sooner for newer employees, while offering longer term employees some additional time off. The intent of this change is to be more flexible with our employees, encouraging time away to disengage, refresh and attend to family matters.

DOT Substance Abuse Policy Update

The City's current DOT Substance Abuse Policy is outdated and requires an update. The proposed policy (included in the packet), is applicable to city employees with a CDL designation, assures compliance with federal law and provides clear expectations to employees with a commercial driver's license. Human Resources Director Debra Hilton has worked closely with the City's labor attorney, Lynch Dallas, on this revised policy and recommends approval.

Property Disposal Policy

Staff is recommending approval of a policy that defines how the City disposes of surplus property. Surplus property can range from office furniture to a dump truck and depending on the property various disposal methods are considered. The proposed policy mirrors current practice and will formalize the disposal process.

Assessment Resolution

The assessment resolution includes one property that failed to maintain their lawn. After serving notice and seeing no action taken by the owner, staff authorized a contractor to mow the lawn. The amount of the assessment is \$190.30. Staff recommends approval of the resolution.

Buck Moon Preliminary Plat

The Buck Moon Preliminary Plat (FKA Liberty Villas) – located at the east side of North Dubuque Street south of Scales Bend Road – consists of 61 single-unit residence lots, 7 townhouse lots and related infrastructure on 24.18 acres. The Preliminary Plat is generally consistent with the concept plan provided during the rezoning. One notable change is the 8' wide trail has been moved south so that the drainage from the Fox Run Subdivision can be accommodated. The Planning Commission unanimously recommended approval of the Preliminary Plat at its July 5 meeting. Staff also recommends approval.

MLDC, Inc. Rezoning

MLDC, Inc. is requesting a zoning map amendment from RS-6 Single-Unit Residence District to RS-9 Single-Unit Residence District on 2.29 acres and RD-10 Two-Unit Residence District on 7.05 acres – north terminus of Morrison Street – to facilitate development of smaller lot homes and two-unit lot homes. Staff has been seeing denser development requests as a result of increases in construction costs and interest rates. Staff has been generally in favor of increasing density in areas where utilities are available if the development would be compatible with the surrounding area. RS-6 zoning would be maintained along the Sutter/Chipman Lane block faces and along future Remley Street. This would allow for block faces to be relatively consistent and limit the number of driveway accesses along a future collector street. A good neighbor meeting was held on May 12 and there were objections expressed at the meeting. The objections pertained to wanting to maintain a homogeneous neighborhood of RS-6 zoned lots and concerns of increased traffic due to the additional home sites. To date, there have been eight formal objections. The Planning Commission recommended approval of the rezoning at its July 5 meeting. One Commissioner voted no due to the inclusion of two-unit home lots. Staff points to other examples of successful subdivisions with a mix of housing types, such as The Preserve and Cedar Springs. Staff disagrees that 22 additional homes would create a significant increase in traffic. Generally, home sites generate on average 9.5 vehicle trips per day, which equates to 209 vehicles spread out throughout the day with part traveling north to Remley Street and part traveling south to Chipman Lane. Staff also recommends approval of the rezoning.

CMW Properties Rezoning

CMW Properties, LLC is requesting a zoning map amendment from ID Interim Development District to C-3 Higher-Intensity Commercial District on approximately 6.76 acres– southeast corner of South Dubuque Street and North Liberty Road – to facilitate a horizontal mixed-use development, which means a mixture of residential and commercial development in separate buildings. Considering the properties are located at the intersection of major arterial road (North Liberty Road) and minor arterial road (South Dubuque Street), it is staff’s opinion that this is an appropriate location for a higher-intensity commercial district. A good neighbor meeting was held on June 15 and no one outside of City staff and the applicant attended. The Planning Commission unanimously recommended approval of the rezoning at its July 5 meeting. Staff recommends approval as well.

Scanlon Rezoning

Scanlon Family, LLC and Trustees of Penn Township are requesting a zoning map amendment from ID Interim Development District to RS-4 Single-Unit Residence District on 36.32 acres – southeast corner of North Liberty Road and Oak Lane NE – to facilitate development of up to 37 residential lots. The Scanlon Family, LLC has been working with Penn Township about developing in a sensitive manner around the existing cemetery. A good neighbor meeting was held on June 15 and there were objections expressed about stormwater runoff and the use of Oak Lane NE, which would remain a private street in unincorporated Johnson County. These are technical issues related to the actual development of the property. Notably, the Planning Commission tabled the Preliminary Plat request at its July 5 meeting to provide the developer additional time to work with the Fjords North HOA to resolve these issues. Staff is unaware of any objection to the proposed RS-4 zoning. The Planning Commission unanimously recommended approval of the rezoning at its July 5 meeting. Staff also recommends approval.

Zoning Ordinance Update, First Reading

This minor amendment to the Zoning Code proposed by City staff addresses oversights and scrivener errors discovered after the most recent large Zoning Code update. Specifically, the amendments address the inadvertent exclusion of the use “Building Trades and Services”, clarifying requirements in the construction plan review process and clarifying landscaping requirements. Staff has also taken the opportunity to rewrite the trash enclosure regulations after it was discovered that the legacy ordinance did not actually articulate that dumpsters had to be located within an enclosure. Trash enclosure regulations would apply retroactively to June 27, 2000, which was when they were first

required. The Planning Commission unanimously recommended approval of the Ordinance at its July 5 meeting. Staff recommends approval as well.

ITC Midwest Franchise Agreement

ITC has taken over ownership of Alliant Energy's transmission lines and is seeking a franchise with the City of North Liberty. The franchise agreement as proposed is for a ten-year term, which automatically renews for an additional ten years unless the City opts not to renew the franchise at least six months prior to the end of the initial term. It allows ITC to manage its existing equipment in town, to notify and work with the City to avoid damage to any landscaping during that maintenance. Most importantly, the agreement requires City Council approval prior to the installation of any new lines. There is no franchise fee associated with this agreement, as transmission lines do not directly serve individual residences, but rather supply power to the substations which do. Staff recommends approval.

Park Speed Limits Ordinance Amendment, Third & Final Reading

With the completion of the Centennial Park Loop Road project, staff has reevaluated the park speed limit ordinance and is recommending reducing the speed limits from 15 mph to 10 mph in all City parks. The proposed change is also applicable to public parking lots, such as the community center and Penn Meadows Park.



Agenda



City Council

July 26, 2022

6:30 p.m.

Regular Session

Council Chambers

1 Quail Creek Circle

1. Call to order
2. Roll call
3. Approval of the Agenda
4. Consent Agenda
 - A. City Council Minutes, Regular Session, July 12, 2022
 - B. Claims
 - C. Liquor License Renewal, Smokin' Joes
 - D. Liquor License Renewal, Casey's #2788
 - E. Dubuque Street Phase 1 Project, Pay Application Number 4, All American Concrete, Inc., \$228,082.75
 - F. Ranshaw Way Phase 5 Project, Change Order Number 12, Peterson Contractors, Inc., \$2,909.50
 - G. Ranshaw Way Phase 5 Project, Pay Application Number 18, Peterson Contractors, Inc., \$210,885.28
5. Public Comment
6. City Engineer Report
7. City Administrator Report
8. Mayor Report
9. Council Reports
10. Solomon's Landing
 - A. Resolution Number 2022-66, A Resolution modifying conditions for the Preliminary Plat for Solomon's Landing, North Liberty, Iowa
11. 2022A Bond Sale
 - A. Resolution Number 2022-77, A Resolution authorizing and approving a Loan Agreement, providing for the sale and issuance of General Obligation

Corporate Purpose Bonds, Series 2022A, and providing for the levy of taxes to pay the same

12. West Side Fire Station Project
 - A. Public Hearing regarding proposed West Side Fire Station Project
 - B. Resolution Number 2022-78, A Resolution of Approval to Proceed with a Public Improvement, the West Side Fire Station Project

13. North Side Park
 - A. Public Hearing regarding proposed North Side Community Park Project
 - B. Resolution Number 2022-79, A Resolution of Approval to Proceed with a Public Improvement, the North Side Community Park Project

14. Employee Handbook
 - A. Resolution Number 2022-80, A Resolution approving the Updated Employee Handbook

15. DOT Drug and Alcohol Policy
 - A. Resolution Number 2022-81, A Resolution approving the DOT Drug and Alcohol Policy

16. Surplus Property Disposal Policy
 - A. Resolution Number 2022-82, Approving the Surplus Property Disposal Policy

17. Assessment Resolution
 - A. Resolution Number 2022-83, A Resolution assessing delinquent amounts owed to the City of North Liberty, Iowa to individual property taxes

18. Buck Moon Preliminary Plat
 - A. Staff & Commission recommendations
 - B. Applicant presentation
 - C. Resolution Number 2022-84, A Resolution approving the Preliminary Plat for Buck Moon Villas, North Liberty, Iowa

19. Mickelson Rezoning
 - A. Public Hearing regarding proposed rezoning application
 - B. Staff and Commission recommendations
 - C. Applicant presentation
 - D. First consideration of Ordinance Number 2022-16, An Ordinance amending Chapter 167 of the North Liberty Code of Ordinances by amending use regulations on property located in North Liberty, Iowa to those set forth in the

Municipal Code for the RS-9 Single-Unit Residence District and RD-10 Two-Unit Residence District

20. CMW Properties Rezoning

- A. Public Hearing regarding proposed rezoning application
- B. Staff and Commission recommendations
- C. Applicant presentation
- D. First consideration of Ordinance Number 2022-17, An Ordinance amending Chapter 167 of the North Liberty Code of Ordinances by amending the use regulations on property located in North Liberty, Iowa to those set forth in North Liberty, Iowa to those set forth in the Municipal Code for the C-3 Higher-Intensity Commercial District

21. Scanlon and Trustees of Penn Township Rezoning

- A. Public Hearing regarding proposed rezoning application
- B. Staff and Commission recommendations
- C. Applicant presentation
- D. First consideration of Ordinance Number 2022-18, An Ordinance amending Chapter 167 of the North Liberty Code of Ordinances by amending the use regulations on property located in North Liberty, Iowa to those set forth in the Municipal Code for the RS-4 Single-Unit Residence District

22. ITC Midwest Franchise

- A. Public Hearing regarding proposed franchise with ITC Midwest
- B. First consideration of Ordinance Number 2022-19, An Ordinance granting to ITC Midwest LLC, a wholly owned subsidiary of ITF Holdings Corp., its successors and assigns (The "Company"), the right and franchise to acquire, construct, reconstruct, erect, maintain, operate and remove in the City of North Liberty, Johnson County, Iowa, a transmission system for electric Power and Energy and the right to erect and maintain the necessary poles, lines, wires, conduits and other appliances, equipment and substations for the transmission of electric current and telecommunications along, under and upon the streets, avenues, alleys and public places in the City of North Liberty, Johnson County, Iowa, for the period of ten (10) years; and granting the right of eminent domain

23. Zoning Ordinance Amendment

- A. Public Hearing regarding proposed ordinance amendments
- B. First consideration of Ordinance Number 2022-20, An Ordinance amending Chapters 165, 168, 169, and 180 of the North Liberty Code of Ordinances regarding the Construction Plan Approval Process and Standards, Surface and Subsurface Drainage Requirements, Restoring Building Trades and

Services to Use Matrix and adding and relocating certain uses within the Use Matrix, clarifying Landscaping Plan Requirements and amending Dumpster Enclosure Requirements

24. Park Speed Limits

- A. Third consideration and adoption of Ordinance Number 2022-13, An Ordinance amending the Traffic Speed Regulations for Parks, Cemeteries and Parking Lots

25. Closed Session

- A. Proposed Closed Session according to Iowa Code Section 21.5(1)(j) To discuss the purchase of particular real estate where premature disclosure could be reasonably expected to increase the price the governmental body would receive for that property

26. Old Business

27. New Business

28. Adjournment



Consent Agenda



City Council
July 12, 2022
Regular Session

Call to order

Mayor Pro Tem Brian Wayson called the July 12, 2022, Regular Session of the North Liberty City Council to order at 6:30 p.m. Councilors present: Ashley Bermel, RaQuishia Harrington, Ere Sittig, Brent Smith, and Brian Wayson; absent: Mayor Chris Hoffman.

Others present: Ryan Heiar, Tracey Mulcahey, Grant Lientz, Ryan Rusnak and other interested parties.

Approval of the Agenda

Harrington moved; Sittig seconded to approve the agenda. The vote was all ayes. Agenda approved.

Consent Agenda

Smith moved, Bermel seconded to approve the Consent Agenda including the City Council Minutes from the Regular Session on June 28, 2022; the attached list of claims; Ranshaw Phase 5, Pay Application Number 17, Peterson Contractors, Inc. \$140,547.93; and Jones Boulevard Improvements Project, Pay Application Number 2, Schrader Excavating & Grading, \$356,400.97. The vote was all ayes. Consent Agenda approved.

Public Comment

No public comment was offered.

City Engineer Report

The City Engineer was not present to report.

City Administrator Report

City Administrator Heiar reported that the slight change in the traffic pattern on Ranshaw Way will go back to the way it was tomorrow morning. Minimal work will be occurring until August. The Dubuque Street Phase 1 project is moving along nicely. Paving of the area being worked on now is likely in the next month. The Jones Boulevard Project is moving along. Grading is about 90% complete. Paving is not likely until September. On Monday, July 18, the City of Coralville is hosting the Joint Entities meeting. The City received notification from Representative Miller-Meeks office that the East Forevergreen Road Project has crossed another hurdle in the federal approval process. Council discussed the report with Heiar.

Mayor Report

Mayor Pro Tem Wayson reported that Mayor Hoffman sent an email that he nothing to report.

Council Reports

Mayor Pro Tem/Councilor Wayson offered that the City of North Liberty would like to extend condolences to the City of Coralville in the loss of Sgt. John Williams. He presented lifesaving awards before the start of the meeting. He offered thanks to Blues and BBQ sponsors, involved city staff and volunteers, as well as attendees for a great event. He reminded of ongoing City slate activities. He will be attending the MPOJC meeting tomorrow. Councilor Harrington reported that Blues and BBQ was phenomenal, well attended and that staff did an awesome job. Councilor Smith was unable to attend Blues and BBQ. He reported that he had coworkers that came down from Cedar Rapids to attend. Councilor Sittig offered a special shout out to Nick, Jillian and Guy and his team for all their work in the park. Councilor Bermel reiterated the gratitude. She stated that a lot of passion and soul goes into providing a free event for the community.

Library Board Appointment

Harrington moved, Bermel seconded to affirming the Mayoral appointment of Brady Bird to the Library Board. The vote was all ayes. Motion carried.

The Preserve Part 3 Preliminary Plat

Rusnak presented staff and Commission recommendations.

Jon Marner, MMS Consultants, was present on behalf of the applicant and offered to answer questions.

Sittig moved, Harrington seconded to approve Resolution Number 2022-67, A Resolution approving the Preliminary Plat for The Preserve – Part Three, North Liberty, Iowa. The vote was: ayes – Bermel, Sittig, Wayson, Smith, Harrington; nays – none. Motion carried.

FY 23 Social Service Grant Funding Applications

Harrington moved, Bermel seconded to approve Resolution Number 2022-68, A Resolution approving the Social Services Funding Agreement between the City of North Liberty and the North Liberty Community Pantry (NLCP), a Division of the North Liberty United Methodist Church for Fiscal Year 23. The vote was: ayes – Bermel, Smith, Harrington, Wayson; nays – none; abstain – Sittig. Motion carried.

Harrington moved, Sittig seconded to approve Resolution Number 2022-69, A Resolution approving the Social Services Funding Agreements between the City of North Liberty and various Social Service Providers for Fiscal Year 23. The vote was: ayes – Harrington, Bermel, Sittig, Smith, Wayson; nays- none. Motion carried.

Depository Resolution

Harrington moved, Sittig seconded to approve Resolution Number 2022-70, A Resolution designating Hills Bank & Trust Company, Midwest One, Green State Credit Union, First Interstate Bank, Collins Community Credit Union, Two Rivers Bank & Trust and US Bank as depositories for public funds belonging to the City of North Liberty, Iowa. The vote was: ayes – Smith, Harrington, Sittig, Wayson, Bermel; nays – none. Motion carried.

2022A Bond Sale

Heiar presented information regarding the bond sale. Harrington moved, Bermel seconded to approve Resolution Number 2022-71, A Resolution setting the date for the sale of General Obligation Corporate Purpose Bonds, Series 2022A and authorizing the use of a preliminary official statement in connection therewith. The vote was: ayes – Bermel, Wayson, Harrington, Smith, Sittig; nays – none. Motion carried.

GRD Burleson, LLC Annexation

Rusnak presented information on the annexation application.

Mayor Pro Tem Wayson opened the public hearing regarding proposed annexation of property owned by GRD Burleson, LLC at 6:47 p.m. No oral or written comments were received. The public hearing was closed.

Smith moved, Harrington seconded to approve Resolution Number 2022-72, A Resolution approving annexation of certain property to the City of North Liberty, Iowa. The vote was: ayes – Smith, Harrington, Bermel, Wayson, Sittig; nays – none. Motion carried.

Parking Resolution

Harrington moved, Sittig seconded to approve Resolution Number 2022-73, A Resolution approving Parking Control Devices in North Liberty, Iowa. After discussion, the vote was: ayes – Wayson, Sittig, Harrington, Bermel, Smith; nays – none. Motion carried.

Greenbelt Trail Part Two

Harrington moved, Smith seconded to approve Resolution Number 2022-74, A Resolution approving the Final Plat and accepting improvements for Greenbelt Trail – Part Two, North Liberty, Iowa. The vote was: ayes – Sittig, Harrington, Bermel, Smith, Wayson; nays – none. Motion carried.

Harrington moved, Sittig seconded to approve Resolution Number 2022-75, A Resolution approving the Storm Water Management Facilities Maintenance Agreement and Easement between the City of North Liberty and Greenbelt Trail, L.L.C. that establishes the terms and conditions under which stormwater management facilities will be maintained for Greenbelt Trail Part Two Subdivision in the City of North Liberty, Iowa. The vote was: ayes – Wayson, Bermel, Sittig, Smith, Harrington; nays – none. Motion carried.

Lientz presented information on this agreement. Sittig moved, Bermel seconded to approve Resolution Number 2022-76, A Resolution approving the Escrow Agreement for Greenbelt Trail Part Two Subdivision between the City of North Liberty and Greenbelt Trail L.L.C. The vote was: ayes – Bermel, Wayson, Smith, Sittig, Harrington; nays – none. Motion carried.

Park Speed Limits

Smith moved, Bermel seconded to approve the second consideration on Ordinance Number 2022-13, An Ordinance amending the Traffic Speed Regulations for Parks, Cemeteries and

Parking Lots. The vote was: ayes – Sittig, Bermel, Wayson, Harrington, Smith; nays – none. Motion carried.

Mobile Food Units Ordinance

Harrington moved, Bermel seconded to approve the third consideration and adoption of Ordinance Number 2022-12, An Ordinance amending Chapter 124 of the North Liberty Code of Ordinances by replacing Licensing and Temporary Outdoor Eating Establishments with Licensing and Regulations of Mobile Food Units. The vote was: ayes – Harrington, Bermel, Wayson, Sittig, Smith; nays – none. Motion carried.

Old Business

No old business was presented.

New Business

Councilor Smith will not be here for next meeting due to vacation. Councilor Wayson spoke regarding the UTV/OHV letter received.

Adjournment

Harrington moved, Sittig seconded to adjourn at 6:55 p.m. The vote was all ayes. Meeting adjourned.

CITY OF NORTH LIBERTY

By: _____
Brian Wayson, Mayor Pro Tem

Attest: _____
Tracey Mulcahey, City Clerk



State of Iowa

Alcoholic Beverages Division

Applicant

| | | | | |
|------------------------|--|----------------|---------|-------|
| NAME OF LEGAL ENTITY | NAME OF BUSINESS(DBA) | BUSINESS | | |
| The Outlet Inc | Smokin' Joe's Tobacco and Liquor Outlet # 12 | (563) 322-8340 | | |
| ADDRESS OF PREMISES | PREMISES SUITE/APT NUMBER | CITY | COUNTY | ZIP |
| 465 Hwy. 965 Unit G | | North Liberty | Johnson | 52317 |
| MAILING ADDRESS | CITY | STATE | ZIP | |
| 1916 N. Sturdevant St. | Davenport | Iowa | 52804 | |

Contact Person

| | | |
|--------------|----------------|---------------------------------|
| NAME | PHONE | EMAIL |
| Deb Schnyder | (319) 560-3457 | licensing@smokinjoesoutlets.com |

License Information

| | | | |
|----------------|------------------------|----------|------------------------------|
| LICENSE NUMBER | LICENSE/PERMIT TYPE | TERM | STATUS |
| LE0001348 | Class E Liquor License | 12 Month | Submitted to Local Authority |

| | | |
|----------------|-----------------|----------------------|
| EFFECTIVE DATE | EXPIRATION DATE | LAST DAY OF BUSINESS |
| July 1, 2022 | June 30, 2023 | |

SUB-PERMITS

Class E Liquor License, Class C Beer Permit, Class B Wine Permit



State of Iowa

Alcoholic Beverages Division

PRIVILEGES

Sunday Service

Status of Business

BUSINESS TYPE

Privately Held Corporation

Ownership

• Individual Owners

| NAME | CITY | STATE | ZIP | POSITION | % OF OWNERSHIP | U.S. CITIZEN |
|---------------|-----------|-------|-------|-----------|----------------|--------------|
| Anthony Gripp | Davenport | Iowa | 52807 | President | 0.00 | Yes |

• Companies

| COMPANY NAME | FEDERAL ID | CITY | STATE | ZIP | % OF OWNERSHIP |
|-------------------------|------------|-----------|-------|-------|----------------|
| Joseph S. DePaepe Trust | 87-6968982 | Davenport | Iowa | 52804 | 100.00 |

Insurance Company Information

INSURANCE COMPANY

POLICY EFFECTIVE DATE

POLICY EXPIRATION DATE

DRAM CANCEL DATE

OUTDOOR SERVICE EFFECTIVE DATE

OUTDOOR SERVICE EXPIRATION DATE

BOND EFFECTIVE DATE

TEMP TRANSFER EFFECTIVE DATE

TEMP TRANSFER EXPIRATION DATE



State of Iowa ABD approval statement from the following county department

Legal Name of Applicant: _____

Name of Business (DBA): Smokin Joe's Tobacco - Liquor

Address of Business: 465 S Hwy 965 Unit 6

Business Phone: _____

Email: _____

State of Iowa ABD License #: _____

Johnson County Health Department:

The above referenced business possesses a valid Johnson County Public Health food license.

Name: James Lacina

Title: Env. Health Manager Date: 5/2/22

Signature: 



North Liberty Police Department

340 N Main St•PO Box 77•North Liberty, Iowa•52317•(319) 626-5724/Fax: 5743

April 4, 2022

Liquor License Check

Business: Smokin' Joe's Tobacco & Liquor
465 S Hwy 965
North Liberty, IA 52317

Owners: Anthony Gripp(DOB: 1988)

The North Liberty Police Department does not have any documented contacts with the owner(s) or premise in conflict with their liquor license.

I recommend the license be granted.

This record check was conducted by Sergeant Mitch Seymour.



North Liberty Fire Department



Occupancy: **Smokin' Joes Outlet 12**
Occupancy ID: **CIGA01**
Address: **465 S Highway 965 Apt/Suite #Suite G**
North Liberty IA 52317

Inspection Type: **Liquor License Inspection**
Inspection Date: **6/3/2022** By: **Hardin, Bryan E (01-1022)**
Time In: **10:57** Time Out: **11:20**
Authorized Date: **06/03/2022** By: **Hardin, Bryan E (01-1022)**
Next Inspection Date: **No Inspection Scheduled**

Form: General Fire
Inspection Checklist 1.3

Inspection Description:

ORDER TO COMPLY:
You must correct the violations noted upon receipt of this notice. An inspection to determine compliance with this Notice will be conducted on or after 30 days from the date of inspection.
This initial and the first re-inspection are at no charge. If subsequent re-inspections are needed to ensure compliance, you will be charged the current fee schedule.
If you fail to comply with this notice, you may be liable for the penalties provided for by law for such violations.

Inspection Topics:

Additional Time Spent on Inspection:

| Category | Start Date / Time | End Date / Time |
|----------|-------------------|-----------------|
|----------|-------------------|-----------------|

Notes: No Additional time recorded

Total Additional Time: 0 minutes
Inspection Time: 23 minutes
Total Time: 23 minutes

Summary:

Overall Result: Passed

Inspector Notes:

Closing Notes:

Above is the results of your Fire Inspection conducted by the North Liberty Fire Department Department. If you have any questions, please feel free to contact Fire Marshal Bryan Hardin at (319) 626-5709. If you had any violations, please reply back when all corrections are made so we may close out your inspection. Thank you for your time and attention.

Inspector:

Name: Hardin, Bryan E
Rank: Assistant Chief
Work Phone(s): 319-626-5709
Email(s): bhardin@northlibertyiowa.org
Hardin, Bryan E:

Signed on: 06/03/2022 11:10

Signature

Date

Representative Signature:

Signature of: Rachel Myers on 06/03/2022 11:09

A handwritten signature in black ink that reads "Rachel Myers". The signature is written in a cursive style with a large initial 'R' and 'M'.

Signature

Date



State of Iowa

Alcoholic Beverages Division

Applicant

| | | | | |
|---------------------------|-----------------------------|----------------|------------|-------|
| NAME OF LEGAL ENTITY | NAME OF BUSINESS(DBA) | BUSINESS | | |
| CASEY'S MARKETING COMPANY | CASEY'S GENERAL STORE #2788 | (319) 665-6030 | | |
| ADDRESS OF PREMISES | PREMISES SUITE/APT NUMBER | CITY | COUNTY | ZIP |
| 595 N KANSAS AVE | | North Liberty | Johnson | 52317 |
| MAILING ADDRESS | CITY | STATE | ZIP | |
| PO Box 3001 | Ankeny | Iowa | 50021-8045 | |

Contact Person

| | | |
|-----------------|----------------|-------------------------|
| NAME | PHONE | EMAIL |
| Madison Paulson | (515) 381-5974 | madi.paulson@caseys.com |

License Information

| | | | |
|----------------|------------------------|----------|------------------------------|
| LICENSE NUMBER | LICENSE/PERMIT TYPE | TERM | STATUS |
| LE0001945 | Class E Liquor License | 12 Month | Submitted to Local Authority |

| | | |
|----------------|-----------------|----------------------|
| EFFECTIVE DATE | EXPIRATION DATE | LAST DAY OF BUSINESS |
| July 15, 2022 | July 14, 2023 | |

SUB-PERMITS

Class E Liquor License, Class C Beer Permit, Class B Wine Permit



State of Iowa

Alcoholic Beverages Division

PRIVILEGES

Sunday Service

Status of Business

BUSINESS TYPE

Publicly Traded Corporation

Ownership

• Individual Owners

| NAME | CITY | STATE | ZIP | POSITION | % OF OWNERSHIP | U.S. CITIZEN |
|---|-----------|-------|------------|---------------------|----------------|--------------|
| DOUGLAS BEECH | Ankeny | Iowa | 50021 | ASSISTANT SECRETARY | 0.00 | Yes |
| SAMUEL JAMES | Ankeny | Iowa | 50021 | PRESIDENT | 0.00 | Yes |
| SCOTT FABER | Johnston | Iowa | 50131 | SECRETARY | 0.00 | Yes |
| ERIC LARSEN | Ankeny | Iowa | 50023 | TREASURER | 0.00 | Yes |
| BRIAN JOHNSON | Johnston | Iowa | 50131 | VICE PRESIDENT | 0.00 | Yes |
| 42-0935283 Casey's General Stores, Inc. | ANKENY | Iowa | 50021--804 | OWNER | 100.00 | Yes |
| JESSICA GENERAL STORES | Urbandale | Iowa | 50322 | | | |



State of Iowa

Alcoholic Beverages Division

| | | | | | | |
|---------------|--|--|--|--|--|--|
| Carla Heckman | | | | | | |
|---------------|--|--|--|--|--|--|

Insurance Company Information

INSURANCE COMPANY

POLICY EFFECTIVE DATE

POLICY EXPIRATION DATE

DRAM CANCEL DATE

OUTDOOR SERVICE EFFECTIVE DATE

OUTDOOR SERVICE EXPIRATION DATE

BOND EFFECTIVE DATE

TEMP TRANSFER EFFECTIVE DATE

TEMP TRANSFER EXPIRATION DATE



North Liberty Police Department

340 N Main St•North Liberty, Iowa•52317•(319) 626-5724/Fax: 5743

June 3, 2022

Liquor License Check

Business: Casey's General Store #2788
595 N. Kansas Ave
North Liberty, IA 52317

Owners: Douglas Beech (DOB: 1962)
Brian Johnson (DOB: 1975)
Samuel James (DOB: 1983)
Scott Faber (DOB: 1979)
Eric Larsen (DOB: 1967)

The North Liberty Police Department does not have any documented contacts with the owners or premise in conflict with their liquor license.

I recommend the license be granted.

This record check was conducted by Sergeant Mitch Seymour.





State of Iowa ABD approval statement from the following county department

Legal Name of Applicant: _____

Name of Business (DBA): Casey's General Store #2788

Address of Business: _____

Business Phone: _____

Email: _____

State of Iowa ABD License #: _____

Johnson County Health Department:

The above referenced business possesses a valid Johnson County Public Health food license.

Name: James Lucia

Title: Env. Health Manager Date: 6/6/22

Signature: James Lucia

North Liberty Fire Department



Occupancy: **Casey's General Store (Kansas Ave.)**
Occupancy ID: **HAND01**
Address: **595 N Kansas AVE Building #610402001**
North Liberty IA 52317

Inspection Type: **Liquor License Inspection**

Inspection Date: **7/12/2022** By: **Hardin, Bryan E (01-1022)**

Time In: **09:05** Time Out: **10:05**

Authorized Date: **07/12/2022** By: **Hardin, Bryan E (01-1022)**

Form: General Fire
Inspection Checklist 1.0

Inspection Description:

ORDER TO COMPLY:

You must correct the violations noted upon receipt of this notice. An inspection to determine compliance with this Notice will be conducted on or after 30 days from the date of inspection. This initial and the first re-inspection are at no charge. If subsequent re-inspections are needed to ensure compliance, you will be charged the current fee schedule. If you fail to comply with this notice, you may be liable for the penalties provided for by law for such violations.

Inspection Topics:

Site

Address Posted & Visible

505.1 Address identification. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inch. From 100-199 ft from the street the number shall be a minimum of 6 inches high with a minimum stroke of 0.5 inches. From 200-299 ft from the street the number shall be a minimum of 8 inches high with a minimum stroke of 0.5 inches. For each additional 100 ft from the street, the number shall increase by an additional 2 inches in height. Measurements to determine the minimum number size shall be measured from the approved address location to the center line of the street for which the premises is addressed. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure.

Status: FAIL

Notes: Address numbers on the East side of the building (Kansas Ave) are no longer posted. Install at least 6" numbers on the East side of the building, facing Kansas. Must contrast on the background. Due to vehicles and other obstructions, we would recommend putting the numbers as high on the building as possible, towards the East/North corner.

Fire Extinguishers

Fire Extinguisher Monthly Inspection - Initial & Date Tag

NFPA 10: Standard for Portable Fire Extinguishers, 2013 Edition, Section 7.2.1.2 Fire extinguishers and Class D extinguishing agents shall be visually inspected at intervals not exceeding 31 days. Documentation of the visual inspection shall be recorded on the backside of the inspection tag (Date & Initials) or on a log book.

Status: FAIL

Notes: Complete monthly visual check of all fire extinguisher. Date and initial back of inspection tag.

Electrical Rooms / Electrical Wiring

Electrical Equipment - 3 Feet Clearance in Front of Panel

605.3 Working space and clearance. A working space of not less than 30 inches in width, 36 inches in depth and 78 inches in height shall be provided in front of electrical service equipment. Where the electrical service equipment is wider than 30 inches, the working space shall be not less than the width of the equipment. Storage of materials shall not be located within the designated working space.

Status: FAIL

Notes: Maintain at least 3 feet of clearance in front of electrical panels.



Electrical Panels, Junction Boxes & Outlet Boxes - No Openings or Exposed Wiring

605.6 Unapproved conditions. Open junction boxes and open-wiring splices shall be prohibited. Approved covers shall be provided for all switch and electrical outlet boxes.

Status: FAIL

Notes: Re-install cover.



Kitchen Hood System

Kitchen Hood and Duct Cleaned- Current Inspection Tag on Hood

609.3.3.1 Inspection. Hoods, grease-removal devices, fans, ducts and other appurtenances shall be inspected at intervals specified in Table 609.3.3.1 or as approved by the fire code official. Inspections shall be completed by qualified individuals.

Status: FAIL

Notes: Cleaning/inspection was recently completed. We do not have a current inspection/cleaning report on file for the kitchen hood exhaust system, contact Hoodz to submit the report.

Exit Access & Doors

Exits Unobstructed

1031.2 Reliability. Required exit accesses, exits and exit discharges shall be continuously maintained free from obstructions or impediments to full instant use in the case of fire or other emergency where the building area served by the means of egress is occupied. An exit or exit passageway shall not be used for any purpose that interferes with a means of egress.

Status: FAIL

Notes: Main entrance doors are hard to open.



Compressed Gas Cylinders / LPG

Compressed Gas Cylinders Secured or Chained

5303.5.3 Securing compressed gas containers, cylinders and tanks. Compressed gas containers, cylinders and tanks shall be secured to prevent falling caused by contact, vibration or seismic activity. Securing of compressed gas containers, cylinders and tanks shall be by one of the following methods: 1. Securing containers, cylinders and tanks to a fixed object with one or more restraints. 2. Securing containers, cylinders and tanks on a cart or other mobile device designed for the movement of compressed gas containers, cylinders or tanks. 3. Nesting of compressed gas containers, cylinders and tanks at container filling or servicing facilities or in sellers' warehouses not accessible to the public. Nesting shall be allowed provided the nested containers, cylinders or tanks, if dislodged, do not obstruct the required means of egress. 4. Securing of compressed gas containers, cylinders and tanks to or within a rack, framework, cabinet or similar assembly designed for such use. Exception: Compressed gas containers, cylinders and tanks in the process of examination, filling, transport or servicing.

Status: FAIL

Notes: 1) Secure cylinders with chain. Secure chain to wall with two points of contact.

2) Exterior, West side of building, there is one LPG cylinder outside of the two LPG resale cages. Contact propane company to pickup extra LPG cylinder.



LPG - No Storage Inside Accessible to Public*

6109.9 Storage within buildings accessible to the public. Department of Transportation (DOTn) specification cylinders with maximum water capacity of 21/2 pounds (1 kg) used in completely self-contained hand torches and similar applications are allowed to be stored or displayed in a building accessible to the public. The quantity of LP-gas shall not exceed 200 pounds except as provided in Section 6109.11.

Status: FAIL

Notes: Main entrance doors, the "No Propane Cylinders Allowed Inside" signage is covered by promotional Casey's signage. Post new signage on both side of the main entrance.

Additional Time Spent on Inspection:

| Category | Start Date / Time | End Date / Time |
|----------|-------------------|-----------------|
|----------|-------------------|-----------------|

Notes: No Additional time recorded

Total Additional Time: 0 minutes

Inspection Time: 60 minutes

Total Time: 60 minutes

Summary:

Overall Result: Correction Notice Issued

Inspector Notes:

Closing Notes:

Above is the results of your Fire Inspection conducted by the North Liberty Fire Department Department. If you have any questions, please feel free to contact Fire Marshal Bryan Hardin at (319) 626-5709. If you had any violations, please reply back when all corrections are made so we may close out your inspection. Thank you for your time and attention.

Inspector:

Name: Hardin, Bryan E
Rank: Assistant Chief
Work Phone(s): 319-626-5709
Email(s): bhardin@northlibertyiowa.org
Hardin, Bryan E:



Signed on: 07/12/2022 08:52

Signature

Date

Representative Signature:

Signature of: Chris Steele on 07/12/2022 09:44



Signature

Date

PAYMENT APPLICATION

| | | | |
|--|---|---|--|
| TO: City of North Liberty, Iowa 3 Quail Creek Circle North Liberty, Iowa 52317 Attn: | PROJECT NAME AND LOCATION: Dubuque St. Phase 1--N.Liberty Dubuque Street Phase 1 North Liberty, Iowa 52317 | APPLICATION # 4 PERIOD THRU: 07/15/2022 PROJECT #s: DATE OF CONTRACT: 01/27/2022 | Distribution to: <input type="checkbox"/> OWNER <input type="checkbox"/> ARCHITECT <input type="checkbox"/> CONTRACTOR <input type="checkbox"/> <input type="checkbox"/> |
| FROM: All American Concrete, Inc. 1489 Highway 6 West Liberty, IA. 52776 | ARCHITECT: Shive Hattery, Inc. 2839 Northgate Drive Iowa City, Iowa 52245 | | |
| FOR: Dubuque St. Phase 1 | | | |

CONTRACTOR'S SUMMARY OF WORK

Application is made for payment as shown below.
 Continuation Page is attached.

| | |
|---|----------------|
| 1. CONTRACT AMOUNT | \$2,341,680.00 |
| 2. SUM OF ALL CHANGE ORDERS | \$38,498.91 |
| 3. CURRENT CONTRACT AMOUNT (Line 1 +/- 2) | \$2,380,178.91 |
| 4. TOTAL COMPLETED AND STORED (Column G on Continuation Page) | \$952,491.67 |
| 5. RETAINAGE: | |
| a. 5.00% of Completed Work (Columns D + E on Continuation Page) | \$47,094.58 |
| b. 5.00% of Material Stored (Column F on Continuation Page) | \$530.00 |
| Total Retainage (Line 5a + 5b or Column I on Continuation Page) | \$47,624.58 |
| 6. TOTAL COMPLETED AND STORED LESS RETAINAGE (Line 4 minus Line 5 Total) | \$904,867.09 |
| 7. LESS PREVIOUS PAYMENT APPLICATIONS | \$676,784.34 |
| 8. PAYMENT DUE | \$228,082.75 |
| 9. BALANCE TO COMPLETION (Line 3 minus Line 6) | \$1,475,311.82 |

| SUMMARY OF CHANGE ORDERS | ADDITIONS | DEDUCTIONS |
|---|-------------|------------|
| Total changes approved in previous months | \$38,498.91 | \$0.00 |
| Total approved this month | \$0.00 | \$0.00 |
| TOTALS | \$38,498.91 | \$0.00 |
| NET CHANGES | \$38,498.91 | |

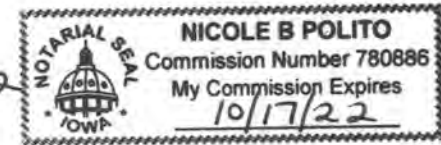
Contractor's signature below is his assurance to Owner, concerning the payment herein applied for, that: (1) the Work has been performed as required in the Contract Documents, (2) all sums previously paid to Contractor under the Contract have been used to pay Contractor's costs for labor, materials and other obligations under the Contract for Work previously paid for, and (3) Contractor is legally entitled to this payment.

CONTRACTOR: All American Concrete, Inc.

By: Jodi Simon Date: 7-20-22
 Jodi Simon

State of: Iowa
 County of: Muscatine

Subscribed and sworn to before me this 20th day of July 2022



Notary Public: Nicole Polito
 My Commission Expires: 10/17/22

ARCHITECT'S CERTIFICATION

Architect's signature below is his assurance to Owner, concerning the payment herein applied for, that: (1) Architect has inspected the Work represented by this Application, (2) such Work has been completed to the extent indicated in this Application, and the quality of workmanship and materials conforms with the Contract Documents, (3) this Application for Payment accurately states the amount of Work completed and payment due therefor, and (4) Architect knows of no reason why payment should not be made.

CERTIFIED AMOUNT..... \$228,082.75

(If the certified amount is different from the payment due, you should attach an explanation. Initial all the figures that are changed to match the certified amount.)

ARCHITECT: [Signature] Date: 7/20/2022

Neither this Application nor payment applied for herein is assignable or negotiable. Payment shall be made only to Contractor, and is without prejudice to any rights of Owner or Contractor under the Contract Documents or otherwise.

CHANGE ORDER
For Local Public Agency Projects

No.: 12

Non-Substantial:

Substantial:

Administering Office
Concurrence Date

Accounting ID No. (5-digit number):37719

Project Number: STP-U-5557(622)--70-52

Contract Work Type: PCC Pavement - Grade & Replace

Local Public Agency: City of North Liberty

Contractor: Peterson Contractors Inc.

Date Prepared: July 5, 2022

You are hereby authorized to make the following changes to the contract documents.

A - Description of change to be made:

8039 - ADD an item for "GATE ASSEMBLY, CHAIN LINK, 3 FT." (2519-3710000). Work to include all necessary labor, materials and hardware to install one 36-inch wide by 72-inch height gate within the new fencing along the golf course (STA 59+42, 203.00' Left). Perform work per Standard Specification 2519. Method of Measurement: By count. Basis of Payment: Contract Unit Price per Each. Payment is full compensation for furnishing all material and for construction of fence gate, including clean up after the work is complete. Note: The new fencing is already included in the project (Item 0710).

8040 - ADD an item for "FENCE, CHAIN LINK, CONVERT TOP" (2599-9999010). Work consists of removing the angled security top arms previously installed (Item 0710) and replacing with standard eye post tops. Perform work per Standard Specification 2519. Method of Measurement: Item will not be measured separately for payment. Basis of Payment: Lump Sum. Payment is full compensation for removing security top and furnishing all material and construction of standard eye tops.

B - Reason for change:

8039 - The Owner requested a pedestrian gate be added to the new fence.

8040 - The Owner requested the security top treatment be removed and replaced with a standard eye fence top.

C - Settlement for cost(s) of change as follows with items addressed in Sections F and/or G:

8039 - Agreed Unit Price

8040 - Agreed Lump Sum

D - Justification for cost(s) (See I.M. 6.000, Attachment D, Chapter 2.36, for acceptable justification):

8039 - An agreed upon unit price for the work was established. Cost is considered reasonable based on estimated labor, materials and equipment anticipated to complete the work. The cost is between the low (\$800/EA) and average (\$2,260.00/EA) bid prices shown in the July 2021 thru June 2022 IDOT Summary of Awarded Contract Prices for similar item 2519-3700000 Gate, As Per Plan. The cost includes 10% prime contractor markup per Standard Specification 1109.03,B.,3.

8040 - An agreed upon lump sum price for the work was established. Cost is considered reasonable based on estimated labor, materials and equipment anticipated to complete the work. The cost includes 10% prime contractor markup per Standard Specification 1109.03,B.,3.

E - Contract time adjustment: No Working Days added Working Days added: _____ Unknown at this time

Justification for selection:

F - Items included in contract:

| Participating | | | For deductions enter as "-x.xx" | | | |
|---------------|-----------|-------------|------------------------------------|-------------------|------------------|---------------|
| Federal-aid | State-aid | Line Number | Item Description | Unit Price .xx | Quantity .xxx | Amount .xx |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | Add Row | Delete Row | TOTAL |

G - Items not included in contract:

| Participating | | | For deductions enter as "-x.xx" | | | | |
|---------------|-----------|---------------|------------------------------------|----------------------------------|-------------------|------------------|---------------|
| Federal-aid | State-aid | Change Number | Item Number | Item Description | Unit Price .xx | Quantity .xxx | Amount .xx |
| | | 8039 | 2519-3710000 | GATE ASSEMBLY, CHAIN LINK, 3 FT. | \$1,314.50 | 1.000 | \$1,314.50 |
| | | 8040 | 2599-9999010 | FENCE, CHAIN LINK, CONVERT TOP | \$1.00 | 1,595.000 | \$1,595.00 |
| | | | | | | | |
| | | | | Add Row | Delete Row | TOTAL | \$2,909.50 |

H. Signatures

Signatures will be applied through DocExpress.

Doc Express® Document Signing History

Contract: 52-5557-622 Document: CO 12

This document is in the process of being signed by all required signatories using the Doc Express® service. Following are the signatures that have occurred so far.

| Date | Signed By |
|------------|---|
| 07/19/2022 | Tyson Dirks Peterson Contractors Electronic Signature (Approved by Contractor) |
| 07/20/2022 | Josiah Bilskemper Shive-Hattery, Inc Electronic Signature (Recommended by Engineer / Approved) |
| | (Approved by PIRC (when applicable)) |
| | (Approved by Administering Office or designee) |
| | (Approved by FHWA (when applicable)) |

APPLICATION AND CERTIFICATE FOR PAYMENT

| | | | |
|--|---|--|--|
| TO OWNER: City of North Liberty 3 Quail Creek Circle P.O. Box 77 North Liberty, Iowa 52317 | PROJECT: Ranshaw Way Phase 5 Improvements STP-U-5557(622)-70-52 | APPLICATION NO: 18 PERIOD TO: 7/16/22 PROJECT NO.: STP-U-5557(622)-70-52 CONTRACT ID: 52-5557-622 LETTING DATE: 4/20/21 | Distribution to: <input type="checkbox"/> OWNER <input type="checkbox"/> ARCHITECT <input type="checkbox"/> CONTRACTOR <input type="checkbox"/> ENGINEER |
| FROM CONTRACTOR: Peterson Contractors, Inc. 104 Blackhawk Street, P.O. Box A Reinbeck, Iowa 50669 | VIA ENGINEER: Shiva-Hattery, Inc. 2839 Northgate Drive Iowa City, Iowa 52245 | | |

CONTRACT FOR: Ranshaw Way Phase 5 Improvements

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet is attached.

| | | |
|--|----|--------------------------|
| 1. ORIGINAL CONTRACT SUM | \$ | <u>7,882,878.58</u> |
| 2. Net Change by Change Orders | \$ | <u>193,770.63</u> |
| 3. CONTRACT SUM TO DATE | \$ | <u>8,076,649.21</u> |
| 4. TOTAL COMPLETED & STORED TO DATE | \$ | <u>7,606,263.81</u> |
| 5. RETAINAGE 3 % of Completed Work & Stored Material | \$ | <u>30,000.00</u> |
| 6. TOTAL EARNED LESS RETAINAGE | \$ | <u>7,576,263.81</u> |
| 7. LESS PREVIOUS CERTIFICATES FOR PAYMENT | \$ | <u>7,365,378.54</u> |
| 8. CURRENT PAYMENT DUE | \$ | <u>210,885.28</u> |

9. BALANCE TO FINISH, INCLUDING RETAINAGE \$ 500,385.40
(This amount will decrease as Change Orders do not yet reflect items deleted or decreased in quantity - see summary sheet for est. final totals)

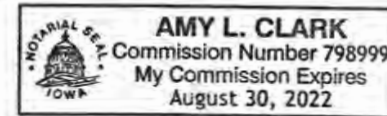
| CHANGE ORDER SUMMARY | ADDITIONS | DEDUCTIONS |
|--|---------------|---------------|
| Total changes approved in previous months by Owner | \$ 531,655.75 | \$ 340,794.62 |
| Total approved this Month | \$ 2,909.50 | \$ - |
| TOTALS | \$ 534,565.25 | \$ 340,794.62 |
| NET CHANGES by Change Order | \$ 193,770.63 | \$ - |

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief, the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: Peterson Contractors, Inc.
 By: [Signature] Date: 7-20-22

State of: Iowa
 County of: Greene
 Subscribed and sworn to before me this 20th day of July, 2022

Notary Public: [Signature]
 My Commission expires: 8-30-22



ENGINEER'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observation and the data comprising this application, the Engineer certifies to the Owner that to the best of the Engineer's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED

(Attach explanation if amount certified differs from the the amount applied for. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)

\$ **210,885.28**

ENGINEER: [Signature]
 By: _____ Date: 07/20/22

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.



Solomon Landings



April 5, 2022

Chris Hoffman, Mayor
City of North Liberty
3 Quail Creek Circle
North Liberty IA 52317

Staff Note: The revised traffic study has been submitted. Staff is requesting that conditions 2 and 3 be modified to reflect new information and/or clarifications received subject to the Planning Commission meeting.

Re: Request of Solomon Holdings, LLC to approve a Preliminary Subdivision Plat for a 118 lot subdivision on 76.97 acres, more or less, on property located on the north side of West Penn Street west of the North Jones Boulevard as extended northerly from West Penn Street to 240th Street.

Mayor Hoffman:

The North Liberty Planning Commission considered the above-referenced request at its April 5, 2022 meeting. The Planning Commission took the following action:

Findings:

1. The preliminary plat, which proposes commercial and residential development, would consistency with the Comprehensive Plan Future Land Map designation, which are Commercial and Residential, respectively; and
2. The preliminary plat, with conditions recommended by City staff, would achieve consistency with Section 180.11(3)(A) and 180.12 of the North Liberty Code of Ordinances, which sets forth the preliminary subdivision plat submittal requirements and design standards, respectively.

Recommendation:

The Planning Commission accepted the two listed findings and forwards the request to approve the preliminary plat to the City Council with a recommendation for approval subject to the following conditions:

1. That the traffic study be updated to incorporate review comments by Johnson County Metropolitan Planning Organization;
2. That the right-of-way for Saratoga Place be dedicated to the City of North Liberty and roadway and infrastructure improvements constructed thereon by the owner, and accepted by the City prior to the issuance of buildings permits for Lots 116, 117 and 118 if the type of development warrants the additional access in the sole discretion of the City. The City may require an additional traffic study to determine whether the additional access in warranted; and

3. That the right-of-way for Saratoga Place be dedicated to the City of North Liberty, roadway and infrastructure improvements constructed thereon and the traffic signal adjacent to Saratoga Place shall be installed by the owner, and accepted by the City prior to the issuance of buildings permits for Lot 114. All of the aforementioned improvements may be required if the type of development on Lots 116, 117 and 118 warrants the improvements, in the sole discretion of the City. The City reserves the right to require a traffic study to determine whether any or all of the improvements are warranted.

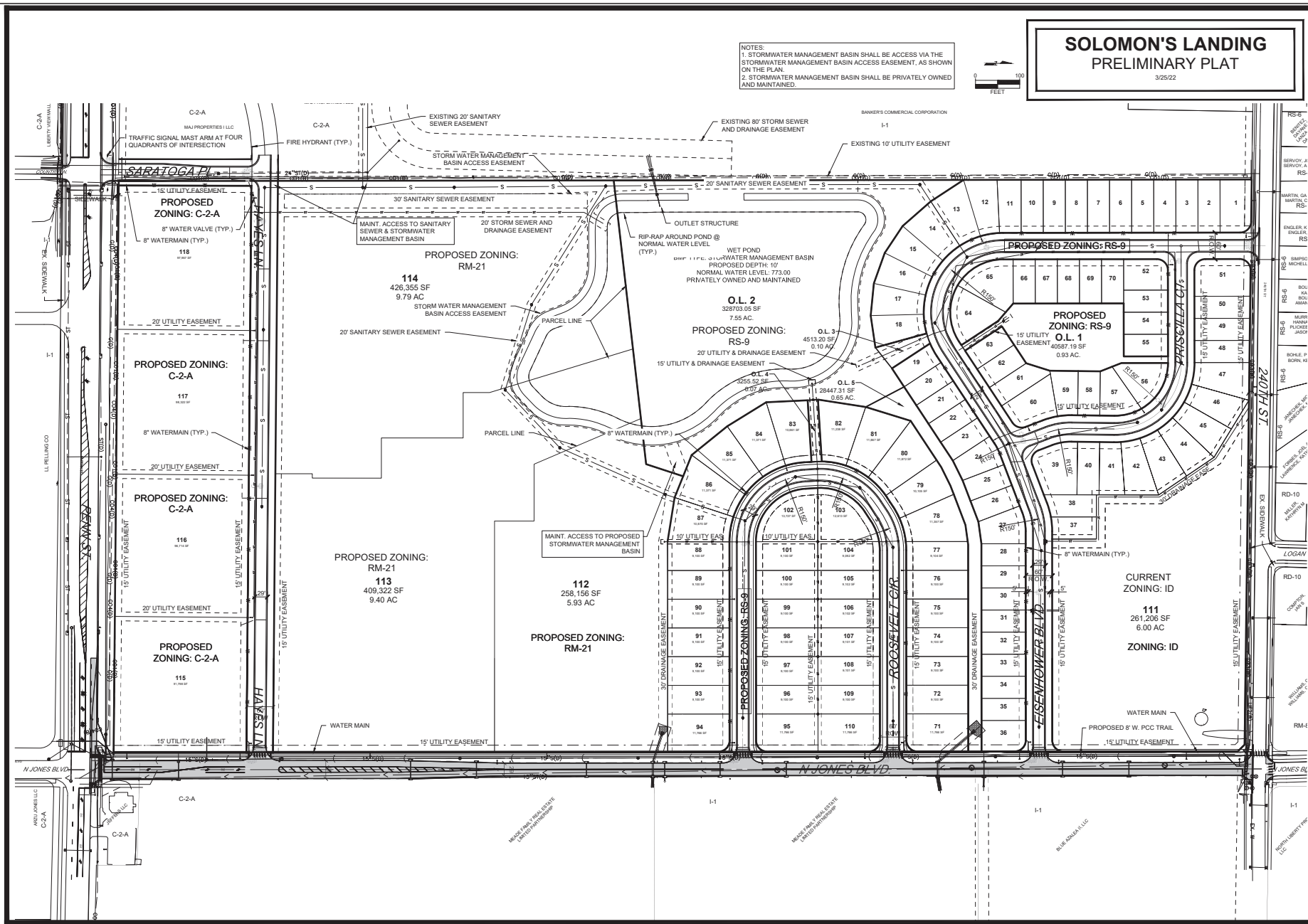
The vote for approval was 6-0.

Josey Bathke, Vice Chairperson
City of North Liberty Planning Commission

SOLOMON'S LANDING PRELIMINARY PLAT

3/25/22

NOTES:
1. STORMWATER MANAGEMENT BASIN SHALL BE ACCESS VIA THE STORMWATER MANAGEMENT BASIN ACCESS EASEMENT, AS SHOWN ON THE PLAN.
2. STORMWATER MANAGEMENT BASIN SHALL BE PRIVATELY OWNED AND MAINTAINED.



| NO. | DATE | BY |
|-----|---------|----|
| 1 | 3/25/22 | TC |

REVISION
Checked By: TC
Date: 3/25/22
Technician MS
Project No: 120.1100.07

MARK
Engineer BCA
320 E. PRENTISS STREET
IOWA CITY, IOWA 52240
319-359-7676 | www.snyder-as-associates.com

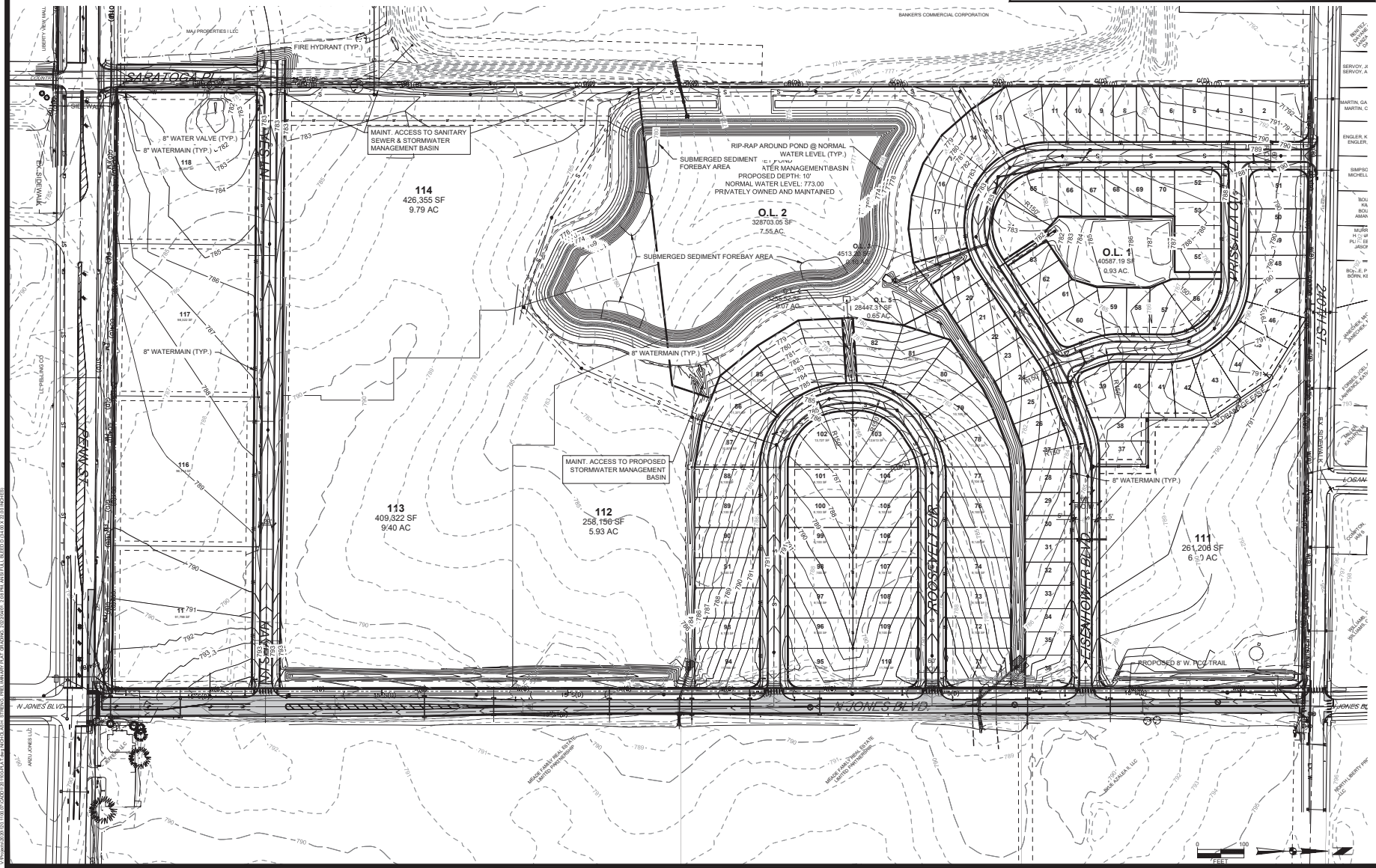
SOLOMON'S LANDING
PRELIMINARY PLAT
SNYDER & ASSOCIATES, INC.



Project No: 120.1100.07
Sheet PP02

NOTES:
 1. SUBMERGED SEDIMENT FOREBAY AREA SIZING WILL BE INCLUDED IN THE FINAL SWMP AND SWPPP.
 2. SUBMERGED SEDIMENT FOREBAY AREAS FINAL LOCATION, SIZING AND DEPTH WILL BE FINALIZED IN FUTURE FINAL PLAT AND CONSTRUCTION PLANS.

SOLOMON'S LANDING
 PRELIMINARY PLAT GRADING
 3/25/22



| MARK | REVISION | DATE | BY |
|------|----------|---------|----|
| 1 | Issue | 3/25/22 | TC |

Engineer: B.C.A.
 Checked By: T.C.
 Terminated: M.S.
 Date: 3/25/22
 Project No: 120.1100.07

SOLOMON'S LANDING
 PRELIMINARY PLAT GRADING
SNYDER & ASSOCIATES, INC.

SNYDER & ASSOCIATES

Project No: 120.1100.07
 Sheet PP03

Sheet PP03



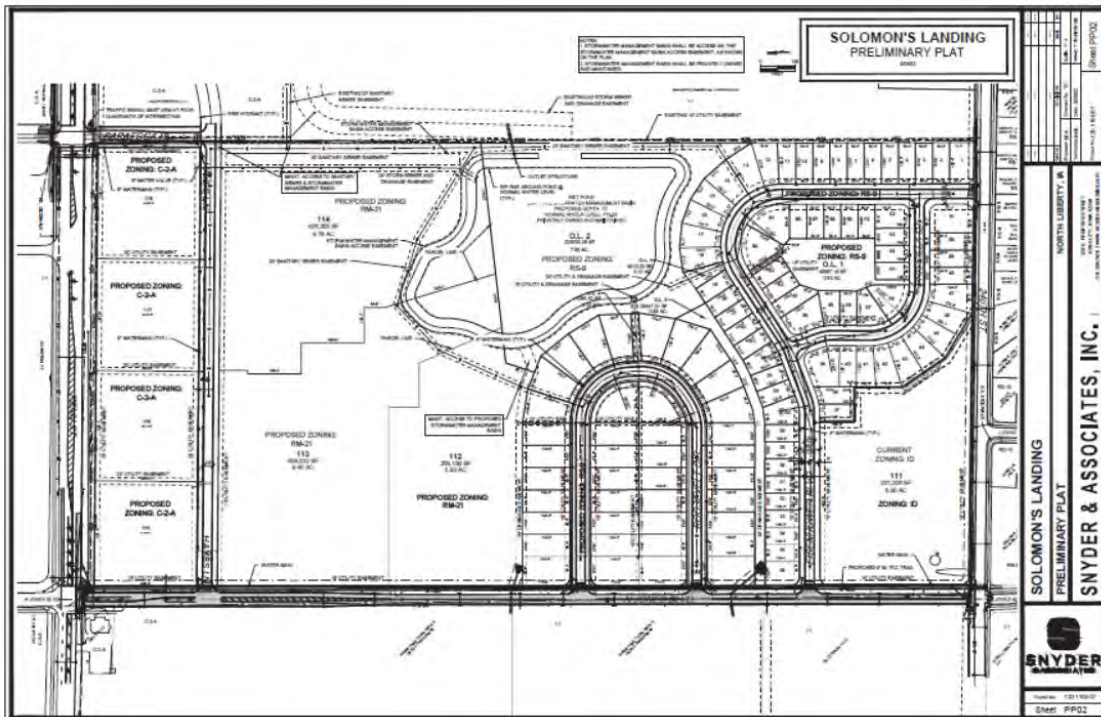
To **City of North Liberty Planning Commission**
 From **Ryan Rusnak, AICP**
 Date **April 1, 2022**
 Re **Request of Solomon Holdings, LLC to approve a Preliminary Subdivision Plat for a 118 lot subdivision on 76.97 acres, more or less, on property located on the north side of West Penn Street west of the North Jones Boulevard as extended northerly from West Penn Street to 240th Street.**

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
- Grant Lientz, City Attorney
- Tom Palmer, City Building Official
- Kevin Trom, City Engineer
- Ryan Rusnak, Planning Director

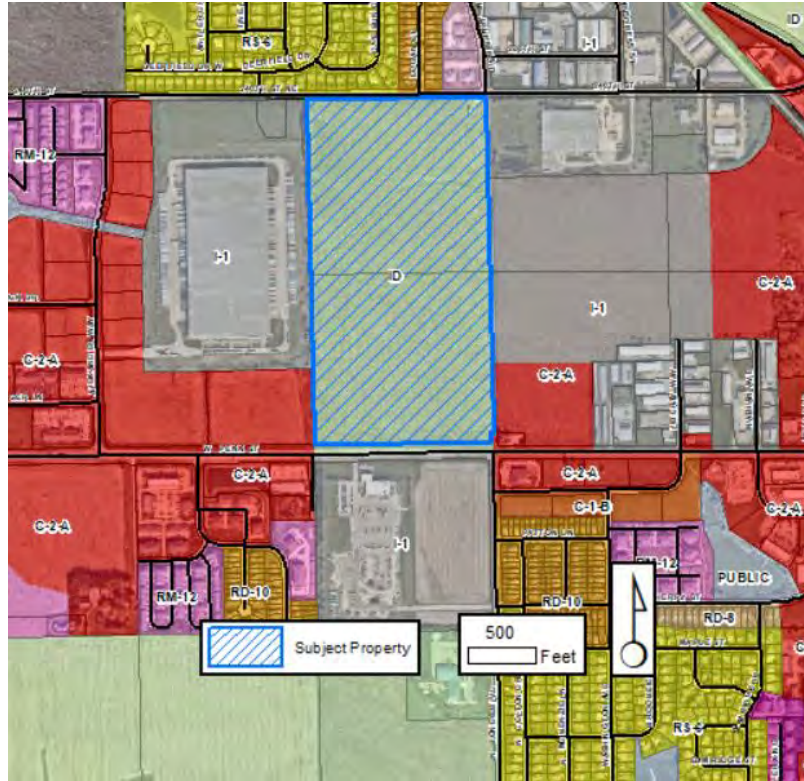
1. Request Summary:

The Preliminary Plat proposes 118 lots and related infrastructure on 76.97 acres.



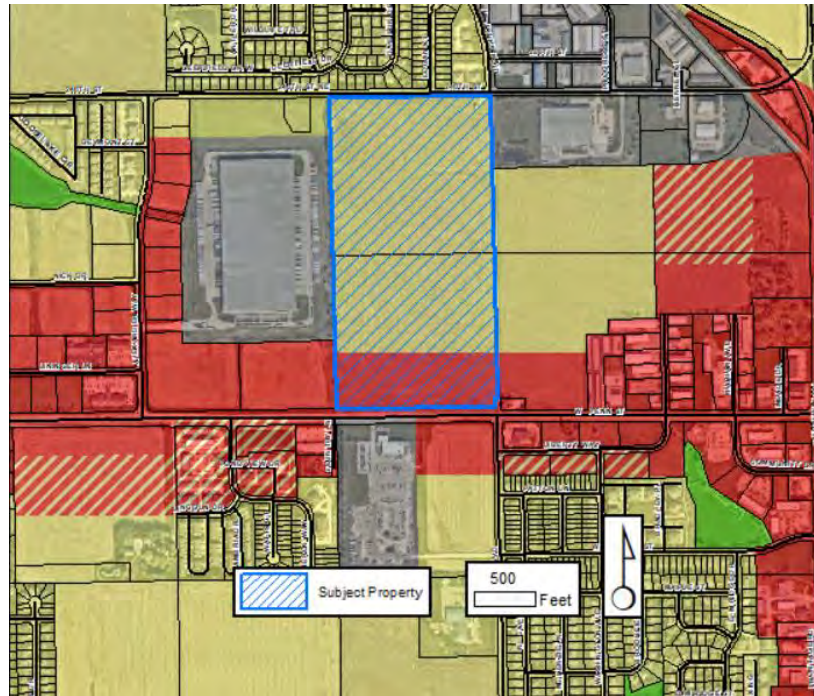
2. Current Zoning:

The property is currently zoned ID Interim Development District. The applicant is requesting a rezoning to RS-9 Single-Unit Residence District on 34.56 acres, RM-21 Multiple-Unit Residence District on 26.85 acres and C-2-A Highway Commercial District on 24.87 acres. It is anticipated that the preliminary plat would be considered at the same meeting as City Council's final approval of the rezoning.



Proposed zoning districts.

3. Comprehensive Plan Future Land Use Map Designation: Residential and Commercial.



The proposed preliminary plat would achieve consistency with the Future Land Use Map.

4. Public Input:

The January 27, 2022 good neighbor meeting was held in conjunction with the rezoning request.

Approximately 15 people attended the meeting and had general questions about the proposed development. The applicant did not request a rezoning at the northeast corner of the property due to the concerns about compatibility and not having a potential end-user at that location. Also, one user of the City’s multi-use trail networks expressed a concern over the number of vehicular access points to North Jones Boulevard.

5. Approval Standards:

Section 180.11(3)(A) of the North Liberty Code of Ordinances sets forth the preliminary subdivision plat submittal requirements and review (Ordinance language in *italics* and staff analysis in **bold**).

- 3. Preliminary Subdivision Plat Submittal Requirements and Review. The preliminary plat, in general, contains more information than the final plat, so that the subdivider and the City can ensure conformance with codes, master facility plans, and good planning and engineering practices. Though the preliminary plat is not recorded, it is approved by resolution of the City Council, and conditions for approval of the plat shall be addressed on any final plats of the same area.*

A. *Preliminary Plat Contents. The application shall include a preliminary plat of the subdivision drawn to a scale of one inch to one hundred feet minimum, and shall show:*

(1) A location map to provide spatial reference, showing the outline of the area to be subdivided, existing streets and corporate limits in the vicinity, a north arrow and scale or note stating "not to scale," and other information that might help clarify where the plat is located as well as its surroundings and size relative to other City features;

This has been provided on the Preliminary Plat.

(2) Name of proposed subdivision and date;

This has been provided on the Preliminary Plat.

(3) Legal description and acreage;

This has been provided on the Preliminary Plat.

(4) Name and address of owner;

This has been provided on the Preliminary Plat.

(5) Names of the persons preparing the plat, owner's attorney, representative or agent, if any;

This has been provided on the Preliminary Plat.

(6) Existing and proposed zoning district classification of all land within the proposed subdivision and within about 200 feet of the subdivision;

Staff is not requiring this information on the Preliminary Plat.

(7) North point and graphic scale;

This has been provided on the Preliminary Plat.

(8) Contours at two-foot intervals or less, both existing and as generally proposed (subject to more refinement in subsequent construction plans);

This has been provided on the Preliminary Plat.

(9) Building setback lines as required by the current or proposed zoning district classifications;

This has been provided on the Preliminary Plat.

(10) The approximate boundaries of areas of known flood levels or floodplains, areas covered by water, wooded areas, floodways, and all open channel drainage ways;

This has been provided on the Preliminary Plat.

(11) Locations, names, and dimensions of existing lot lines, streets, public utilities, water mains, sewers, drainpipes, culverts, watercourses, bridges, railroads and buildings within in the proposed subdivision and within about 200 feet of the subdivision;

This has been provided on the Preliminary Plat.

(12) Layout of proposed blocks, if used, and lots, including the dimension of each lot, and the lot and block number in numerical order;

This has been provided on the Preliminary Plat.

(13) Layout and dimensions of proposed streets, sidewalks, trails, alleys, utility and other easements, parks and other open spaces or reserved areas;

This has been provided on the Preliminary Plat.

(14) Grades of proposed streets and alleys;

This has been provided on the Preliminary Plat.

(15) A cross-section of the proposed streets showing the roadway locations, the type of curb and gutter, the paving, and sidewalks to be installed;

This has been provided on the Preliminary Plat.

(16) The layout of proposed water mains and sanitary sewer systems;

This has been provided on the Preliminary Plat.

(17) The drainage of the land, including proposed storm sewers, ditches, culverts, bridges and other structures;

This has been provided on the Preliminary Plat.

(18) Stormwater management facilities when applicable;

This has been provided on the Preliminary Plat.

(19) A signed certificate of the Johnson County Auditor for the subdivision name;

This information has been provided.

(20) Other special details or features that may be proposed or required.

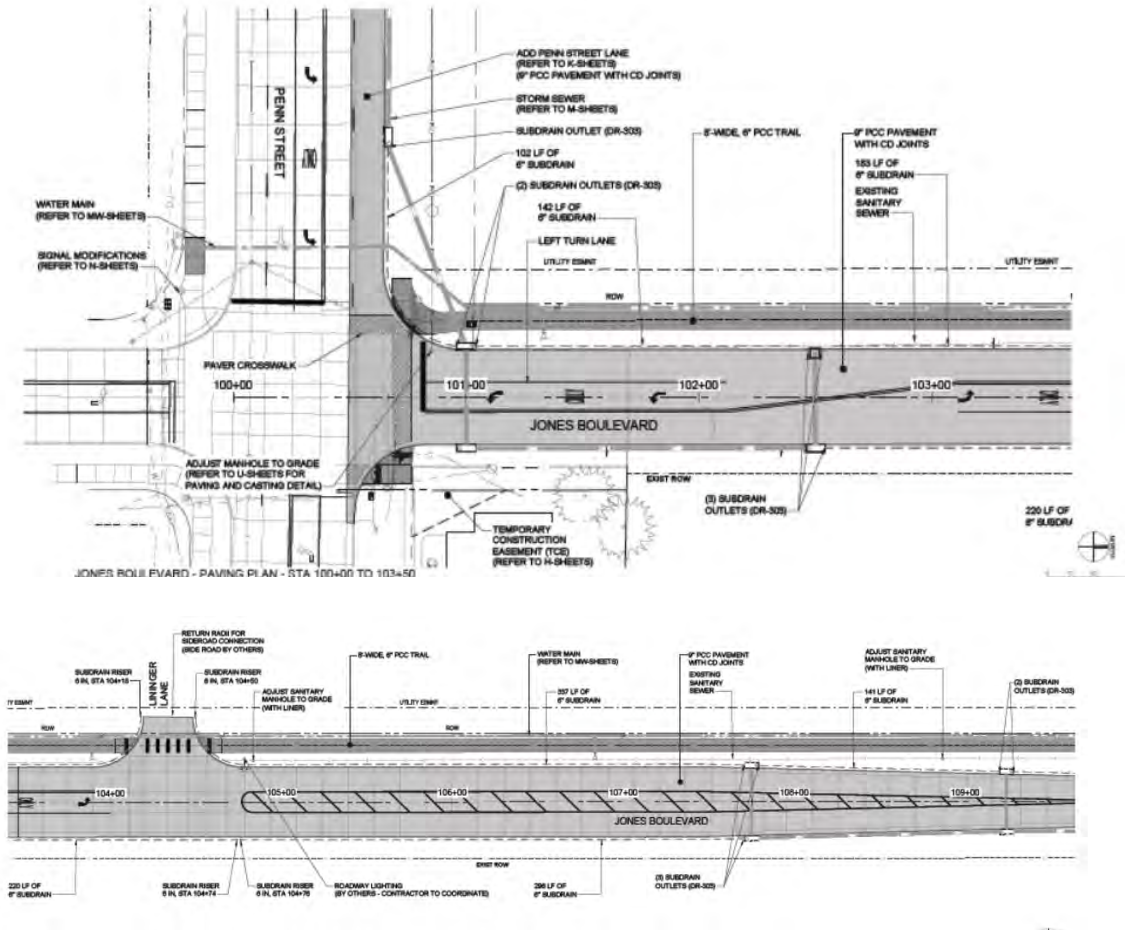
None required.

6. Additional Considerations:

Transportation Network.

Staff has been working with the applicant for approximately two years in regards to developing this property. Now that development of the property is anticipated, the City has authorized the design of North Jones Boulevard. This will be a two-lane urban road with turn lanes onto West Penn Street and the planned street between the commercial and multi-family developments. Westbound West Penn Street will be widened to two full lanes west of the North Jones Boulevard intersection and there will be a left turn onto North Jones Boulevard. Also planned is an 8-foot wide multi-use path along the west

side of the street. Overhead utilities in the area of the proposed road and along 240th Street would be relocated underground. Construction is anticipated to begin in the spring.



Traffic Study.

The City required a traffic study to provide trip generation and distribution assumptions for the proposed development and to determine what intersection geometric and traffic control improvements would be anticipated to be needed for the various phased construction of the proposed development.

The Johnson County Metropolitan Planning Organization staff reviewed the traffic study. It generally agrees with the traffic study, but did provide review comments for amendments.

The traffic study recommends that the intersection of West Penn Street and Country Lane/Saratoga Place. The timing depends on the timing of the second phase of the multi-family development and or the timing and type of commercial development. The recommended location is due to the spacing of the existing signal at West Penn Street and North Jones Boulevard and the lack of turn lane queuing if the proposed signal were to line up with the driveway entrance at LL Pelling Co.

Notably, Saratoga Place is an off-site improvement and will need cooperation from the adjacent property owner to the west. The applicant has been in discussions with the adjacent property owner. The development of the subject property will be subject to the installation of this roadway and traffic signal at some phase of the development. The timing of Saratoga Place and the signal will be articulated in the conditional recommended by City staff and Developer's Agreement for subdivision improvements.

7. Staff Recommendation:

Findings:

1. The preliminary plat, which proposes commercial and residential development, would consistency with the Comprehensive Plan Future Land Map designation, which are Commercial and Residential, respectively; and
2. The preliminary plat, with conditions recommended by City staff, would achieve consistency with Section 180.11(3)(A) and 180.12 of the North Liberty Code of Ordinances, which sets forth the preliminary subdivision plat submittal requirements and design standards, respectively.

Recommendation:

Staff recommends the Planning Commission accept the two listed findings and forward the request of Solomon Holdings, LLC to approve a Preliminary Subdivision Plat for a 118 lot subdivision on 76.97 acres, more or less, on property located on the north side of West Penn Street west of the North Jones Boulevard as extended northerly from West Penn Street to 240th Street to the City Council with a recommendation for approval subject to the following conditions:

1. That the traffic study be updated to incorporate review comments by Johnson County Metropolitan Planning Organization;
2. That the right-of-way for Saratoga Place be dedicated to the City of North Liberty and roadway and infrastructure improvements constructed thereon by the owner, and accepted by the City prior to the issuance of buildings permits for Lots 116, 117 and 118 if the type of development warrants the additional access in the sole discretion of the City. The City may require an additional traffic study to determine whether the additional access in warranted; and
3. That the right-of-way for Saratoga Place be dedicated to the City of North Liberty, roadway and infrastructure improvements constructed thereon and the traffic signal adjacent to Saratoga Place shall be installed by the owner, and accepted by the City prior to the issuance of buildings permits for Lot 114. All of the aforementioned improvements may be required if the type of development on Lots 116, 117 and 118 warrants the improvements, in the sole discretion of the City. The City reserves the right to require a traffic study to determine whether any or all of the improvements are warranted.

Suggested motion:

I move that the Planning Commission accept the two listed findings and forward the preliminary plat to the City Council with a recommendation for approval subject to the conditions recommended by City staff.

development is planned to be constructed in three phases, with full site construction to be completed within an eight year period. An illustrative site plan may be found in the appendix.

Due to this quick construction schedule, expected facilities constructed during the first phase (Phase 1) will be considered for Opening Year traffic impacts, Phases 1, 2, & 3 will be considered for cumulative traffic impacts (Phase 3), and a future conditions period including potential adjacent development will be considered for 2045 impacts (2045).

The site is proposed to include the construction of several new roads including adding north approach legs to the existing West Penn Street & Country Lane and West Penn Street & North Jones Boulevard intersections.

4. ANALYSIS OF FUTURE CONDITIONS

a. Background Traffic Growth

Background traffic growth assumptions were obtained from the MPOJC and in combination with the historic traffic volumes recorded by the Iowa DOT (**Table 1**) were used to calculate an annual traffic growth rate of 2 percent. This growth factor was applied to existing traffic volumes observed by Snyder & Associates (**Table 2**) to generate a background traffic growth estimate for reviewed future project phases. A multiplier of 1.04, 1.13 and 1.58 was applied to existing traffic values to generate background traffic growth estimates for the Phase 1, Phase 3, and 2045 periods, respectively. These background traffic volumes were combined with site and offsite traffic generation volumes and passby reduction rates to obtain projected traffic volumes in each period.

b. Trip Generation

Estimated trip generation for the proposed development was calculated according to the 11th Edition of the ITE *Trip Generation Manual* for weekday AM and PM peak hours for each analysis period. The following ITE Land Use Codes with the relevant independent variable were used for anticipated land uses:

- LU 210 – Single-Family Detached Housing.
 - Variable: Dwelling Units.
- LU 221 – Multi-family Housing (Mid-Rise).
 - Variable: Dwelling Units.
- LU 254 – Assisted Living Facility.
 - Variable: Dwelling Units.
- LU 945– Convenience Store/Gas Station.
 - Variable: Vehicle Fuel Positions.
- LU 822 Strip Retail (<40k Square Feet).
 - Variable: Square footage.
 - 821 – Shopping Plaza 40-150k sq ft passby traffic rates were used for the PM period.
- LU 712 – Small Office Building.
 - Variable: Square Footage.

Due to the development's anticipated construction phasing, Trip Generation Rates were modeled for 3 distinct periods: Phase 1, Phase 3 (which includes all construction planned for the development and the potential

assisted living facility), and 2045 (which includes the full site, potential assisted living facility, assumed commercial development to the west of the site, and background traffic growth).

Table 4. Anticipated Site Build Quantities – Phase 1

| ITE Code | Land Use Type | Variable |
|----------|--------------------------------|-----------|
| 210 | Single-Family Detached Housing | 20 DU |
| 221 | Multifamily Housing (Mid-Rise) | 156 DU |
| 945 | Convenience Store/Gas Station | 16 VFP |
| 822 | Strip Retail <40K | 0 K SQ FT |
| 712 | Small Office Building | 0 K SQ FT |
| 254 | Assisted Living | 0 DU |

Table 5. Anticipated Site Build Quantities – Phase 3, Cumulative

| ITE Code | Land Use Type | Variable |
|----------|--------------------------------|------------|
| 210 | Single-Family Detached Housing | 110 DU |
| 221 | Multifamily Housing (Mid-Rise) | 428 DU |
| 945 | Convenience Store/Gas Station | 16 VFP |
| 822 | Strip Retail <40K | 24 K SQ FT |
| 712 | Small Office Building | 7 K SQ FT |
| 254 | Assisted Living | 100 DU |

Table 6. Anticipated Offsite Build Quantities, west of Solomon’s Landing, 2045

| ITE Code | Land Use Type | K SQ FT |
|----------|----------------|---------|
| 821 | Shopping Plaza | 55 |

Site traffic consists of three parts: site generated traffic, internally captured traffic, and site passby traffic. Site generated traffic consists of new trips generated by land uses; internally captured traffic occurs when multiple site uses are combined into a single entering/exiting trip, thereby reducing the travel load on the adjacent streets; and passby trips are more trips of opportunity as existing background traffic users divert their travel patterns to take advantage of the new land use.

See the appendix for the more fulsome trip generation tables for each phase of development with Gross, Internal Capture, and Net Trip Generation tables for each predicted land use.

Table 7: Net Site Trip Generation – Phase 1

| ITE Code | Quantity | Variable | Land Use | Daily | | | | AM Peak | | | | PM Peak | | | |
|----------|----------|----------|--------------------------------|--------|-------------|----------|---------|---------|------------|----------|---------|---------|------------|----------|---------|
| | | | | Rate | Total Trips | Entering | Exiting | Rate | Total Trip | Entering | Exiting | Rate | Total Trip | Entering | Exiting |
| 210 | 20 | DU | Single-Family Detached Housing | 9.43 | 189 | 94 | 94 | 0.75 | 15 | 4 | 11 | 0.99 | 20 | 13 | 7 |
| 221 | 156 | DU | Multifamily Housing (Mid-Rise) | 4.54 | 708 | 354 | 354 | 0.35 | 55 | 14 | 40 | 0.39 | 61 | 37 | 24 |
| 254 | 0 | DU | Assisted Living | 2.6 | - | - | - | 0.22 | - | - | - | 0.33 | - | - | - |
| 945 | 16 | VFP | Convenience Store/Gas Station | 257.13 | 4,114 | 2,057 | 2,057 | 27.04 | 424 | 208 | 216 | 23.88 | 376 | 191 | 185 |
| 822 | 0 | 1k SQ Ft | Strip Retail <40K | 54.45 | - | - | - | 7.6 | - | - | - | 13.24 | - | - | - |
| 712 | 0 | 1k SQ Ft | Small Office Building | 14.39 | - | - | - | 2.61 | - | - | - | 3.15 | - | - | - |
| Total | | | | - | 5,011 | 2,505 | 2,505 | - | 493 | 226 | 268 | - | 456 | 240 | 216 |

Table 8: Net Site Trip Generation – Phase 3

| ITE Code | Quantity | Unit | Land Use | Daily | | | | AM Peak | | | | PM Peak | | | |
|----------|----------|----------|--------------------------------------|--------|-------------|----------|---------|---------|------------|----------|---------|---------|------------|----------|---------|
| | | | | Rate | Total Trips | Entering | Exiting | Rate | Total Trip | Entering | Exiting | Rate | Total Trip | Entering | Exiting |
| 210 | 110 | DU | Single-Family Detached Housing | 9.43 | 1,037 | 519 | 519 | 0.75 | 83 | 21 | 61 | 0.99 | 109 | 70 | 39 |
| 221 | 420 | DU | Multifamily Housing (Mid-Rise) | 4.54 | 1,943 | 972 | 972 | 0.35 | 150 | 39 | 111 | 0.39 | 167 | 100 | 67 |
| 251 | 100 | DU | Senior Adult Housing - Single Family | 2.6 | 260 | 130 | 130 | 0.22 | 22 | 15 | 7 | 0.33 | 33 | 15 | 18 |
| 945 | 16 | VFP | Convenience Store/Gas Station | 257.13 | 4,114 | 2,057 | 2,057 | 27.04 | 403 | 187 | 216 | 23.88 | 403 | 191 | 170 |
| 822 | 24 | 1k SQ Ft | Strip Retail <40K | 54.45 | 1,307 | 653 | 653 | 7.6 | 153 | 62 | 91 | 13.24 | 345 | 172 | 119 |
| 712 | 7 | 1k SQ Ft | Small Office Building | 14.39 | 101 | 50 | 50 | 2.61 | 18 | 11 | 7 | 3.15 | 22 | 9 | 13 |
| Total | | | | - | 8,762 | 4,381 | 4,381 | - | 829 | 335 | 494 | - | 1,079 | 557 | 425 |

Table 9. Net Site Trip Generation – Offsite

| ITE Code | Quantity | Variable | Land Use | Daily | | | | AM Peak | | | | PM Peak | | | |
|----------|----------|----------|----------------|-------|-------------|----------|---------|---------|------------|----------|---------|---------|------------|----------|---------|
| | | | | Rate | Total Trips | Entering | Exiting | Rate | Total Trip | Entering | Exiting | Rate | Total Trip | Entering | Exiting |
| 821 | 55 | 1k SQ Ft | Shopping Plaza | 94.49 | 5,197 | 2,598 | 2,598 | 7.06 | 388 | 202 | 186 | 9.72 | 535 | 262 | 273 |
| Total | | | | - | 5,197 | 2,598 | 2,598 | - | 388 | 202 | 186 | - | 535 | 262 | 273 |

***See the appendix for the Gross-Internal-Net Trip Generation tables for 2045**

c. Trip Distribution

Several distribution assumptions were made to assign site generated trips to the local road network. These assumptions include:

- As West Penn Street provides a direct link to I-380 and is classified as a minor arterial, all commercial site traffic and most of the residential site traffic will use West Penn Street rather than West 240th Street NE.
- Due to intersection proximity, all multi-family dwelling unit trips are assumed to use West Penn Street.
- 50 percent of the trips generated by 20 single family dwelling units constructed during Phases 1 and 2 are assumed to use West Penn Street.
- 50 percent of the trips generated by the 50 single family dwelling units constructed during Phase 3 are assumed to use West Penn Street.
- 90 percent of the 40 single family dwelling units constructed during Phase 3 are assumed to use West Penn Street.
- 50 percent of the senior living center generated trips are assumed to use West Penn Street.
- Residential trips are assumed to have different access point splits, with multi-family dwelling unit trips to be split evenly across both intersections while single family dwelling unit trips and senior living facility trips are assumed to access the site via West Penn Street & North Jones Boulevard.
- Commercial trips are assumed to split evenly across both study intersections.
- Site travel will mimic existing observed travel flow for AM and PM peak periods. As the two study intersections are without a north approach leg, existing south approach traffic travel flows percentages will be used to approximate site exiting traffic flows.
- A small amount of additional traffic was added to the background traffic volumes for the intersection of West Penn Street & North Jones Boulevard to reflect anticipated use of the collector street by individuals traveling southbound. This additional volume, 75 vehicles entering and 75 vehicles exiting, was applied equally across the SBL/T/R, NBT, EBL, and WBR turning movements in the AM & PM peak periods and increased in line other background traffic volumes in Phase 3 and 2045.

Table 10. Observed Traffic Directional Flow

| Traffic Directional Flow | AM Peak Period | | PM Peak Period | |
|--------------------------|---------------------------------|--|---------------------------------|--|
| | West Penn Street & Country Lane | West Penn Street & North Jones Boulevard | West Penn Street & Country Lane | West Penn Street & North Jones Boulevard |
| EB | 38% | 37% | 55% | 52% |
| WB | 61% | 45% | 44% | 33% |
| NB | 0% | 18% | 0% | 15% |

Turning moment percentages and volumes for all studied periods are available in the appendix as is a site diagram with assumed dwelling unit and commercial property directional flows.

d. Signal Warrant Analysis

Traffic signal warrants for the proposed intersection of West Penn Street & Saratoga/Country Lane were reviewed for existing and projected future traffic volumes. The planning-level signal warrant analysis uses a typical hourly traffic distribution to evaluate Warrant 1 (8-hour volume warrant) and peak hour traffic volumes to evaluate Warrant 3 (peak hour warrant) from the *Manual on Uniform Traffic Control Devices* (MUTCD).

Warrant 1 was evaluated because it is typically the strongest indicator of a potential signal need. Warrant 3 was evaluated where traffic conditions may create undue delay on minor streets due to major street traffic.

Upon review, Warrant 1 (condition B) and Warrant 3 were both met under projected volume conditions during Phases 1 & 3 and 2045 traffic volume conditions.

Refer to the appendix for the planning-level signal warrant calculations.

e. Capacity Analysis

Intersection capacity analysis was completed using the Highway Capacity Manual 6th Edition (HCM 6) and signalized intersection capacity analysis methodology incorporated into the traffic analysis software Synchro 11. Intersection delay is a function of traffic factors such as traffic volume, turning vehicles, vehicle types and arrival patterns, as well as geometric factors such as number of lanes, and traffic control. Intersection operations are categorized by equating average vehicular delay to level of service (LOS) criteria.

LOS A is considered the most desirable level, with the least delay, while LOS F experiences the most delay. Typically, LOS D is the minimum acceptable LOS for urban intersections with LOS E occurring at non-signalized side-street approaches to arterials. LOS criteria defined by the HCM for unsignalized and signalized intersections are shown in the Table below.

Table 11: Level Service (LOS) Definition

| LOS | Average Delay per Vehicle (sec) | |
|-----|---------------------------------|-------------------------|
| | Unsignalized Intersection | Signalized Intersection |
| A | Less than 10 | Less than 10 |
| B | 10-15 | 10-20 |
| C | 15-25 | 20-35 |
| D | 25-35 | 35-55 |
| E | 35-50 | 55-80 |
| F | Greater than 50 | Greater than 80 |

Capacity Analysis for each study intersection were initially reviewed with both study intersections. For each intersection, a north approach with a dedicated left-turn lane with 150 of storage space and a through/right turn lane was included. EB left turn lanes with 200 ft of storage space were also added to the West Penn Street & Saratoga/Country Lane intersection and West Penn Street & N Jones Boulevard intersection.

Existing Traffic Control Conditions

West Penn Street & Saratoga/Country Lane

Phase 1

In projected Phase 1 conditions, SBL turning movements from West Penn Street & Saratoga/Country Lane exhibited an unacceptable LOS of “F” for the SBL movement during the PM peak period. The SBL movement during the AM peak period exhibited a projected LOS of “E”. Queue lengths for all peak periods at all movements were within the provided queue space.

Phase 3

In projected Phase 3 conditions, SBL turning movements from West Penn Street & Saratoga/Country Lane exhibited an unacceptable LOS of “F” during the AM and PM peak periods, with SBL queue lengths exceeding the provided storage space (150 ft) in the PM peak period.

2045

In projected 2045 conditions, SBL turning movements from West Penn Street & Saratoga/Country Lane exhibited an unacceptable LOS of “F” during the AM and PM peak periods, with SBL queue lengths exceeding the provided storage space (150 ft) in the PM peak period. The NBL movement also exhibited an unacceptable LOS of “F” during the PM period.

West Penn Street & North Jones Boulevard

Phase 1

In projected Phase 1 conditions, existing intersection control (signalized) and proposed turn lane configuration conditions were adequate to manage projected traffic volumes and queue lengths.

Phase 3

In projected Phase 3 conditions, existing intersection control (signalized) and proposed turn lane configuration conditions were adequate to manage projected traffic volumes and queue lengths. Traffic signal timing will need to be adjusted to accommodate the new traffic patterns and volumes.

2045

In projected 2045 conditions, the NBL movement exhibited an unacceptable LOS of “F” in the PM peak period. The WBT through movement also exhibited an unacceptable LOS of “F” in the AM peak period.

Alternative Conditions Reviewed

To address the projected unacceptable LOS and queue lengths projected under the original configuration criteria, alternative traffic controls and lane configurations were reviewed.

*West Penn Street & Saratoga/Country Lane*Phase 1

Adding a traffic signal resulted in an acceptable LOS level and projected queue lengths below provided for storage space for all intersection movements.

Phase 3

Adding a traffic signal resulted in an acceptable LOS level and projected queue lengths below provided for storage space for all intersection movements.

2045

Adding a traffic signal resulted in acceptable LOS levels and projected queue lengths below provided for storage space for all intersection movements.

*West Penn Street & North Jones Boulevard*2045

Adding an additional WB through lane to the West Penn Street & North Jones Boulevard intersection for the 2045 scenario restored acceptable LOS levels for all modeled movements, not just the through movement. The additional throughput on the WB lanes allows for the previously noted NBL LOS concern to be corrected as more signal time is allocated for that movement.

f. Access Spacing

As described by the Federal Highway Administration, access management refers to the design, application and control of entry and exist points along a road.” This includes intersections with other roads and driveways that serve adjacent properties. Thoughtful access management along a corridor can simultaneously enhance safety for all modes, facilitate walking and biking, and reduce trip delay and congestions.

The upstream functional distance (UFD) of full access intersections is based on motorist perception/reaction time (based on urban/rural character), deceleration distance (based on travel speed), and queue storage length for waiting vehicles (differs based on traffic control method).

Along West Penn Street, the UFD for unsignalized intersections is 415 ft at minimum and for signalized intersections is 515 ft at minimum. Conservatively, 600 ft should be assumed to be an acceptable distance.

The two existing intersections are approximately 1,350 feet apart from each other and are in conformance with SUDAS spacing recommendations.

5. CONCLUSIONS & RECOMMENDATIONS

The proposed Solomon's Landing Development will entail the construction of new north approaches for existing intersections along West Penn Street at Country Lane and North Jones Boulevard.

The West Penn Street & Saratoga/Country Lane intersection is anticipated to have unacceptable performance during reviewed AM periods in Phase 3 and 2045 periods and during all PM periods. This deficiency is primarily due to the expected trip generation potential of the proposed convenience store/gas station in Phase 1 of construction and this report's distribution assumptions.

If the convenience store/gas station is in the commercial parcels close to Saratoga, it is anticipated that a signal will be needed prior to the completion of Phase 1 of development, as was shown in our modeling. If the convenience store/gas station is located adjacent to North Jones Boulevard, motorists will likely depart from our distribution assumptions by prioritizing the existing West Penn Street & North Jones Boulevard intersection, likely delaying the need for a traffic signal until Phase 3 of development.

With the inclusion of a traffic signal, projected LOS levels are acceptable and queue lengths are within modeled lengths⁴, including the critical SBL movement that was resulted in unacceptable LOS delays in a TWSC configuration.

The use of the existing West Penn Street & Country Lane as the new full access intersection for the west side of the Solomon's Landing Development conforms with established SUDAS spacing guidance. The intersection location also provides safe and efficient access to the future development to the west of Solomon's Landing as well as the existing retail south of West Penn Street.

The West Penn Street & North Jones Boulevard intersection is anticipated to have acceptable performance through Phase 3 of the Solomon's Landing Development but is anticipated to have unacceptable performance for the NBL movement and the WBT movement in 2045. As reported in their 2017 Long Range Transportation Plan "Future Forward", MPOJC anticipates that West Penn Street will experience significant congestion during peak hours (LOS of E or F) in 2045 scenarios⁵ due to general traffic volume increases, and not specifically attributable to this development. This report's traffic modeling conforms with the MPOJC's traffic projections.

This report's modeling suggests that adding a second WBT lane at the West Penn Street & North Jones Boulevard intersection will address these conditions. The inclusion of the additional through lane, reducing the required green time to service the future WB through volumes, will allow for a more efficient traffic signal pattern, alleviating the NBL delay and queue concerns projected for the 2045 scenario. The addition

⁴ Modeled storage lengths include 200 ft for the EBL, 150 ft for the SBL, and 50 ft for the WBL.

⁵ Metropolitan Planning Organization of Johnson County. Future Forward: 2045 Long Range Transportation Plan, p. 76. May, 2017. Online Available at: <https://www8.iowa-city.org/WebLink/ElectronicFile.aspx?dbid=0&docid=1786006&>

of the second WBT lane would likely significantly impact the existing property at 1180 West Penn Street (northeast quadrant of the intersection) due to the proximity of the building to the right of way line. There is approximately 25' between the existing back of curb and right of way line. It is recommended that the City of North Liberty (if not already in process) begin to work with the property owner on improvement concepts to accommodate the additional travel lane.

The following intersection configurations are recommended for both study intersections:

West Penn Street & Saratoga/Country Lane

Prior to the completion of Phase 1 construction

- The installation of a traffic signal (if the convenience store/gas station is proximate to this intersection).
- The construction of a North approach with a dedicated left-turn lane with 150 ft of storage space and a through/right turn lane.

Prior to the completion of Phase 3 construction

- The installation of a traffic signal, if not installed during Phase 1 of construction.

West Penn Street & North Jones Boulevard

Prior to the completion of Phase 1 construction

- The construction of a North approach with a dedicated left-turn lane with 150 ft of storage space and a through/right turn lane.
- The construction of a EB left-turn lane with 200 ft of storage space.

Prior to the 2045 Design Year

- The addition of a second WB through lane.

Appendix

Study Area

Site Plan

Site Distribution

Capacity Analysis Summary Tables

Trip Generation Tables

Trip Distribution Diagrams

Crash History Reports, Iowa DOT

Planning-Level Signal Warrant Analysis

Synchro Capacity Analysis and Queue Reports

Resolution No. 2022-66

**RESOLUTION MODIFYING CONDITIONS FOR THE
PRELIMINARY PLAT FOR SOLOMON'S LANDING,
NORTH LIBERTY, IOWA**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY,
IOWA:**

WHEREAS, the owner and applicant, Solomon Holdings, LLC, has filed with the City Clerk a preliminary plat which was approved by the City Council subject to certain conditions in resolution 2022-36; and

WHEREAS, the owner has requested that the City modify the conditions for said preliminary plat in light of the completion of a certain revised traffic impact study for the project, dated June 1, 2022; and

WHEREAS, said revised traffic impact study contemplates that development within the preliminary plat would be limited to the numbered lots depicted on the attached Exhibit A, and subject to size and unit restrictions described in the attached Exhibit B; and

WHEREAS, the owner and applicant has agreed to abide by the proposed amended conditions; and

WHEREAS, the City finds that amendment of the conditions for preliminary plat approval is just and appropriate under the circumstances;

WHEREAS, said preliminary plat is found to conform with Chapter 354 of the Code of Iowa and ordinances of the City of North Liberty.

NOW, THEREFORE, BE IT RESOLVED that the Preliminary Plat for Solomon's Landing is approved, subject to the following amended conditions:

1. That no construction site plan shall be approved by the City of North Liberty for any lot, parcel or tract within the proposed development until a final plat is approved and recorded;
2. That development within the numbered lots identified on the attached Exhibit A may proceed without the right-of-way for Saratoga Place and corresponding roadway and infrastructure improvements being constructed and dedicated to the

City of North Liberty. Said development shall abide by size and unit restrictions as described on the attached Exhibit B. The City reserves the right to require an additional traffic study if changes to the development are requested by the developer; and

3. That the right-of-way for Saratoga Place be dedicated to the City of North Liberty, roadway and infrastructure improvements constructed thereon and the traffic signal at the Saratoga Place/West Penn Street intersection be installed by the Developer, and accepted by the City prior to development outside of the numbered lots depicted on the attached Exhibit A.

APPROVED AND ADOPTED this 26thth day of July, 2022.

CITY OF NORTH LIBERTY:

CHRIS HOFFMAN, 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

Exhibit B

Table 1: Solomon's Landing Phase 1 Uses

| Lot group | Lots included | Permitted ITE Codes* |
|-----------|---------------|----------------------|
| 1 | 1-5, 44-56 | 210 |
| 2 | 113 | 221 |
| 3 | 112 | 251 |
| 4 | 116, 117, 118 | 435, 932, 822, 712 |

*See Table 2 for use details and restrictions

Table 2: Solomon's Landing Use Restrictions

| ITE Code | Land Use Type | Maximum aggregate size | Maximum Dwelling units |
|----------|--------------------------------------|------------------------|------------------------|
| 210 | Single-Family Detached Housing | | 50 |
| 221 | Multifamily Housing (Mid-Rise) | | 148 |
| 251 | Senior Adult Housing - Single Family | | 60 |
| 435 | Multipurpose Recreational Facility | 31 K SQ FT | |
| 932 | High-Turnover (Sit-down) Restaurant | 7.5 K SQ FT | |
| 822 | Strip Retail less than 40K SF | 12 K SQ FT | |
| 712 | Small Office Building | 11 K SQ FT | |



2022A Bond Sale

MINUTES TO AUTHORIZE SALE AND
ISSUANCE OF BONDS

421033-87

North Liberty, Iowa

July 26, 2022

The City Council of the City of North Liberty, Iowa, met on July 26, 2022, at _____
o'clock ____ .m., at the _____, North Liberty, Iowa.

The meeting was called to order by the Mayor, and the roll was called showing the
following Council Members present and absent:

Present: _____

Absent: _____.

This being the time and place fixed by the City Council for the consideration of bids for
the purchase of General Obligation Corporate Purpose Bonds, Series 2022A to be issued in
evidence of the City's obligation under a loan agreement, the Mayor announced that bids had
been received and canvassed on behalf of the City at the time and place fixed therefor.

The results of the bids were then read and the substance of such bids was noted in the
minutes, as follows:

Name and Address of Bidder

Final Bid (interest cost)

(Attached bid tabulation)

After due consideration and discussion, Council Member _____
introduced the following resolution and moved its adoption, seconded by Council Member
_____. The Mayor put the question upon the adoption of said
resolution, and the roll being called, the following Council Members voted:

Ayes: _____

Nays: _____.

Whereupon, the Mayor declared the resolution duly adopted as hereinafter set out.

••••

At the conclusion of the meeting, and upon motion and vote, the City Council adjourned.

Mayor

Attest:

City Clerk

RESOLUTION NO. 2022-77

Resolution authorizing and approving a Loan Agreement, providing for the sale and issuance of General Obligation Corporate Purpose Bonds, Series 2022A, and providing for the levy of taxes to pay the same

WHEREAS, the City of North Liberty (the “City”), in Johnson County, State of Iowa, heretofore proposed to enter into a loan agreement (the “Loan Agreement”), pursuant to the provisions of Section 384.24A of the Code of Iowa, and to borrow money thereunder in a principal amount not to exceed \$9,400,000 for the purpose of paying the costs, to that extent, of (1) constructing street, water system, sanitary sewer system, storm water drainage and side walk improvements; and (2) acquiring and installing street lighting, signage and signalization improvements (the “Projects”), and pursuant to law and duly published notice of the proposed action has held a hearing thereon on June 28, 2022; and

WHEREAS, a Preliminary Official Statement (the “P.O.S.”) has been prepared to facilitate the sale of General Obligation Corporate Purpose Bonds, Series 2022A (the “Bonds”) to be issued in evidence of the obligation of the City under the Loan Agreement, and the City has made provision for the approval of the P.O.S. and has authorized its use by Independent Public Advisors, LLC, as municipal financial advisor (the “Financial Advisor”) to the City; and

WHEREAS, pursuant to advertisement of sale, bids for the purchase of the Bonds to be issued in evidence of the City’s obligation under the Loan Agreement were received and canvassed on behalf of the City at the appointed time for the payment of costs of the Projects; and

WHEREAS, upon final consideration of all bids, the bid of _____, _____ (the “Purchaser”), was the best, such bid proposing the lowest interest cost to the City; and

WHEREAS, it is now necessary to make final provision for the approval of the Loan Agreement and to authorize the issuance of the Bonds;

NOW, THEREFORE, Be It Resolved by the City Council of the City of North Liberty, Iowa, as follows:

Section 1. The form of agreement of sale of the Bonds with the Purchaser is hereby approved, and the Mayor and City Clerk are hereby authorized to accept and execute the same for and on behalf of the City.

Section 2. The City shall enter into the Loan Agreement with the Purchaser in substantially the form as has been placed on file with the City Council, providing for a loan to the City in the principal amount of \$9,135,000 for the purposes set forth in the preamble hereof.

The Mayor and City Clerk are hereby authorized and directed to sign the Loan Agreement on behalf of the City, and the Loan Agreement is hereby approved.

Section 3. The bid of the Purchaser referred to in the preamble hereof is hereby accepted, and the Bonds, in the aggregate principal amount of \$9,135,000, are hereby authorized to be issued in evidence of the City’s obligations under the Loan Agreement. The Bonds shall be dated August 10, 2022, shall be issued in the denomination of \$5,000 each or any integral multiple thereof and shall mature on June 1 in each of the years, in the respective principal amounts, and bearing interest at the respective rates as follows:

| <u>Year</u> | <u>Principal Amount</u> | <u>Interest Rate Per Annum</u> | <u>Year</u> | <u>Principal Amount</u> | <u>Interest Rate Per Annum</u> |
|-------------|-------------------------|--------------------------------|-------------|-------------------------|--------------------------------|
| 2024 | \$665,000 | _____ % | 2030 | \$760,000 | _____ % |
| 2025 | \$680,000 | _____ % | 2031 | \$785,000 | _____ % |
| 2026 | \$695,000 | _____ % | 2032 | \$810,000 | _____ % |
| 2027 | \$710,000 | _____ % | 2033 | \$830,000 | _____ % |
| 2028 | \$725,000 | _____ % | 2034 | \$855,000 | _____ % |
| 2029 | \$740,000 | _____ % | 2035 | \$880,000 | _____ % |

Section 4. UMB Bank, n.a., West Des Moines, Iowa, is hereby designated as the Registrar and Paying Agent for the Bonds and may be hereinafter referred to as the “Registrar” or the “Paying Agent.” The City shall enter into an agreement (the “Registrar/Paying Agent Agreement”) with the Registrar, in substantially the form as has been placed on file with the Council; the Mayor and City Clerk are hereby authorized and directed to sign the Registrar/Paying Agent Agreement on behalf of the City; and the Registrar/Paying Agent Agreement is hereby approved.

The City reserves the right to optionally prepay part or all of the principal of the Bonds maturing in the years 2031 to 2035, inclusive, prior to and in any order of maturity on June 1, 2030, or on any date thereafter upon terms of par and accrued interest. If less than all of the Bonds of any like maturity are to be redeemed, the particular part of those Bonds to be redeemed shall be selected by the Registrar by lot. The Bonds may be called in part in one or more units of \$5,000.

If less than the entire principal amount of any Bond in a denomination of more than \$5,000 is to be redeemed, the Registrar will issue and deliver to the registered owner thereof, upon surrender of such original Bond, a new Bond or Bonds, in any authorized denomination, in a total aggregate principal amount equal to the unredeemed balance of the original Bond. Notice of such redemption as aforesaid identifying the Bond or Bonds (or portion thereof) to be redeemed shall be sent by electronic means or by certified mail to the registered owners thereof at the addresses shown on the City’s registration books not less than 30 days prior to such redemption date. All of such Bonds as to which the City reserves and exercises the right of redemption and as to which notice as aforesaid shall have been given and for the redemption of which funds are duly provided, shall cease to bear interest on the redemption date.

Accrued interest on the Bonds shall be payable semiannually on the first day of June and December in each year, commencing December 1, 2022. Interest shall be calculated on the basis of a 360-day year comprised of twelve 30-day months. Payment of interest on the Bonds shall

be made to the registered owners appearing on the registration books of the City at the close of business on the fifteenth day of the month next preceding the interest payment date and shall be paid to the registered owners at the addresses shown on such registration books. Principal of the Bonds shall be payable in lawful money of the United States of America to the registered owners or their legal representatives upon presentation and surrender of the Bond or Bonds at the office of the Paying Agent.

The Bonds shall be executed on behalf of the City with the official manual or facsimile signature of the Mayor and attested with the official manual or facsimile signature of the City Clerk, and shall be fully registered Bonds without interest coupons. In case any officer whose signature or the facsimile of whose signature appears on the Bonds shall cease to be such officer before the delivery of the Bonds, such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery.

The Bonds shall not be valid or become obligatory for any purpose until the Certificate of Authentication thereon shall have been signed by the Registrar.

The Bonds shall be fully registered as to principal and interest in the names of the owners on the registration books of the City kept by the Registrar, and after such registration, payment of the principal thereof and interest thereon shall be made only to the registered owners or their legal representatives or assigns. Each Bond shall be transferable only upon the registration books of the City upon presentation to the Registrar, together with either a written instrument of transfer satisfactory to the Registrar or the assignment form thereon completed and duly executed by the registered owner or the duly authorized attorney for such registered owner.

The record and identity of the owners of the Bonds shall be kept confidential as provided by Section 22.7 of the Code of Iowa.

Section 5. Notwithstanding anything above to the contrary, the Bonds shall be issued initially as Depository Bonds, with one fully registered Bond for each maturity date, in principal amounts equal to the amount of principal maturing on each such date, and registered in the name of Cede & Co., as nominee for The Depository Trust Company, New York, New York (“DTC”). On original issue, the Bonds shall be deposited with DTC for the purpose of maintaining a book-entry system for recording the ownership interests of its participants and the transfer of those interests among its participants (the “Participants”). In the event that DTC determines not to continue to act as securities depository for the Bonds or the City determines not to continue the book-entry system for recording ownership interests in the Bonds with DTC, the City will discontinue the book-entry system with DTC. If the City does not select another qualified securities depository to replace DTC (or a successor depository) in order to continue a book-entry system, the City will register and deliver replacement Bonds in the form of fully registered certificates, in authorized denominations of \$5,000 or integral multiples of \$5,000, in accordance with instructions from Cede & Co., as nominee for DTC. In the event that the City identifies a qualified securities depository to replace DTC, the City will register and deliver replacement Bonds, fully registered in the name of such depository, or its nominee, in the denominations as set forth above, as reduced from time to time prior to maturity in connection with redemptions or

retirements by call or payment, and in such event, such depository will then maintain the book-entry system for recording ownership interests in the Bonds.

Ownership interests in the Bonds may be purchased by or through Participants. Such Participants and the persons for whom they acquire interests in the Bonds as nominees will not receive certificated Bonds, but each such Participant will receive a credit balance in the records of DTC in the amount of such Participant's interest in the Bonds, which will be confirmed in accordance with DTC's standard procedures. Each such person for which a Participant has an interest in the Bonds, as nominee, may desire to make arrangements with such Participant to have all notices of redemption or other communications of the City to DTC, which may affect such person, forwarded in writing by such Participant and to have notification made of all interest payments.

The City will have no responsibility or obligation to such Participants or the persons for whom they act as nominees with respect to payment to or providing of notice for such Participants or the persons for whom they act as nominees.

As used herein, the term "Beneficial Owner" shall hereinafter be deemed to include the person for whom the Participant acquires an interest in the Bonds.

DTC will receive payments from the City, to be remitted by DTC to the Participants for subsequent disbursement to the Beneficial Owners. The ownership interest of each Beneficial Owner in the Bonds will be recorded on the records of the Participants whose ownership interest will be recorded on a computerized book-entry system kept by DTC.

When reference is made to any action which is required or permitted to be taken by the Beneficial Owners, such reference shall only relate to those permitted to act (by statute, regulation or otherwise) on behalf of such Beneficial Owners for such purposes. When notices are given, they shall be sent by the City to DTC, and DTC shall forward (or cause to be forwarded) the notices to the Participants so that the Participants can forward the same to the Beneficial Owners.

Beneficial Owners will receive written confirmations of their purchases from the Participants acting on behalf of the Beneficial Owners detailing the terms of the Bonds acquired. Transfers of ownership interests in the Bonds will be accomplished by book entries made by DTC and the Participants who act on behalf of the Beneficial Owners. Beneficial Owners will not receive certificates representing their ownership interest in the Bonds, except as specifically provided herein. Interest and principal will be paid when due by the City to DTC, then paid by DTC to the Participants and thereafter paid by the Participants to the Beneficial Owners.

Section 6. The Bonds shall be in substantially the following form:

(Form of Bond)

**UNITED STATES OF AMERICA
STATE OF IOWA JOHNSON COUNTY
CITY OF NORTH LIBERTY**

GENERAL OBLIGATION CORPORATE PURPOSE BOND, SERIES 2022A

| | | | |
|-----------|---------------|-----------------|----------|
| No. _____ | | | \$ _____ |
| RATE | MATURITY DATE | BOND DATE | CUSIP |
| _____% | June 1, _____ | August 10, 2022 | _____ |

The City of North Liberty (the “City”), in Johnson County, State of Iowa, for value received, promises to pay on the maturity date of this Bond to

Cede & Co.
New York, New York

or registered assigns, the principal sum of

THOUSAND DOLLARS

in lawful money of the United States of America upon presentation and surrender of this Bond at the office of UMB Bank, n.a., West Des Moines, Iowa (hereinafter referred to as the “Registrar” or the “Paying Agent”), with interest on said sum, until paid, at the rate per annum specified above from the date of this Bond, or from the most recent interest payment date on which interest has been paid, on June 1 and December 1 of each year, commencing December 1, 2022, except as the provisions hereinafter set forth with respect to redemption prior to maturity may be or become applicable hereto. Interest on this Bond is payable to the registered owner appearing on the registration books of the City at the close of business on the fifteenth day of the month next preceding the interest payment date, and shall be paid to the registered owner at the address shown on such registration books. Interest shall be calculated on the basis of a 360-day year comprised of twelve 30-day months.

This Bond shall not be valid or become obligatory for any purpose until the Certificate of Authentication hereon shall have been signed by the Registrar.

This Bond is one of a series of General Obligation Corporate Purpose Bonds, Series 2022A (the “Bonds”) issued by the City to evidence its obligation under a certain loan agreement, dated as of August 10, 2022 (the “Loan Agreement”), entered into by the City for the purpose of paying the cost, to that extent, of (1) constructing street, water system, sanitary sewer system, storm water drainage and side walk improvements; and (2) acquiring and installing street lighting, signage and signalization improvements.

The Bonds are issued pursuant to and in strict compliance with the provisions of Chapters 76 and 384 of the Code of Iowa, 2021, and all other laws amendatory thereof and supplemental thereto, and in conformity with a resolution (the “Resolution”) of the City Council,

adopted on July 26, 2022, authorizing and approving the Loan Agreement and providing for the issuance and securing the payment of the Bonds, and reference is hereby made to the Resolution and the Loan Agreement for a more complete statement as to the source of payment of the Bonds and the rights of the owners of the Bonds.

The City reserves the right to optionally prepay part or all of the principal of the Bonds maturing in the years 2031 to 2035, inclusive, prior to and in any order of maturity on June 1, 2030, or on any date thereafter upon terms of par and accrued interest. If less than all of the Bonds of any like maturity are to be redeemed, the particular part of those Bonds to be redeemed shall be selected by the Registrar by lot. The Bonds may be called in part in one or more units of \$5,000.

If less than the entire principal amount of any Bond in a denomination of more than \$5,000 is to be redeemed, the Registrar will issue and deliver to the registered owner thereof, upon surrender of such original Bond, a new Bond or Bonds, in any authorized denomination, in a total aggregate principal amount equal to the unredeemed balance of the original Bond. Notice of such redemption as aforesaid identifying the Bond or Bonds (or portion thereof) to be redeemed shall be sent by electronic means or by certified mail to the registered owners thereof at the addresses shown on the City's registration books not less than 30 days prior to such redemption date. All of such Bonds as to which the City reserves and exercises the right of redemption and as to which notice as aforesaid shall have been given and for the redemption of which funds are duly provided, shall cease to bear interest on the redemption date.

This Bond is fully negotiable but shall be fully registered as to both principal and interest in the name of the owner on the books of the City in the office of the Registrar, after which no transfer shall be valid unless made on said books and then only upon presentation of this Bond to the Registrar, together with either a written instrument of transfer satisfactory to the Registrar or the assignment form hereon completed and duly executed by the registered owner or the duly authorized attorney for such registered owner.

The City, the Registrar and the Paying Agent may deem and treat the registered owner hereof as the absolute owner for the purpose of receiving payment of or on account of principal hereof, premium, if any, and interest due hereon and for all other purposes, and the City, the Registrar and the Paying Agent shall not be affected by any notice to the contrary.

And It Is Hereby Certified and Recited that all acts, conditions and things required by the laws and Constitution of the State of Iowa, to exist, to be had, to be done or to be performed precedent to and in the issue of this Bond were and have been properly existent, had, done and performed in regular and due form and time; that provision has been made for the levy of a sufficient continuing annual tax on all the taxable property within the City for the payment of the principal of and interest on this Bond as the same will respectively become due; and that the total indebtedness of the City, including this Bond, does not exceed any constitutional or statutory limitations.

ASSIGNMENT

For valuable consideration, receipt of which is hereby acknowledged, the undersigned assigns this Bond to

(Please print or type name and address of Assignee)

PLEASE INSERT SOCIAL SECURITY OR OTHER
IDENTIFYING NUMBER OF ASSIGNEE

and does hereby irrevocably appoint _____, Attorney, to transfer this Bond on the books kept for registration thereof with full power of substitution.

Dated: _____

Signature guaranteed:

(Signature guarantee must be provided in accordance with the prevailing standards and procedures of the Registrar and Transfer Agent. Such standards and procedures may require signatures to be guaranteed by certain eligible guarantor institutions that participate in a recognized signature guarantee program.)

NOTICE: The signature to this Assignment must correspond with the name of the registered owner as it appears on this Bond in every particular, without alteration or enlargement or any change whatever.

Section 7. The Bonds shall be executed as herein provided as soon after the adoption of this resolution as may be possible, and thereupon they shall be delivered to the Registrar for registration, authentication and delivery to or on behalf of the Purchaser, upon receipt of the loan proceeds (\$ _____), including original issue premium (the “Loan Proceeds”), and all action heretofore taken in connection with the Loan Agreement is hereby ratified and confirmed in all respects.

A portion of the Loan Proceeds (\$ _____) shall be retained by the Purchaser as the underwriter’s discount.

A portion of the Loan Proceeds (\$ _____) (the “Project Proceeds”) received from the sale of the Bonds shall be deposited in a dedicated fund (the “Project Fund”), which is hereby created, to be used for the payment of costs of the Projects and to the extent that Project Proceeds remain after the full payment of the costs of the Projects, such Proceeds, shall be transferred to the Debt Service Fund for the payment of interest on the Bonds.

The Loan Proceeds received as capitalized interest proceeds (\$ _____) shall be deposited into the Debt Service Fund for payment of interest on the Bonds as the same becomes due.

The remainder of the Loan Proceeds (\$ _____) (the “Cost of Issuance Proceeds”), received from the sale of the Bonds shall be deposited in the Project Fund, and shall be used for the payment of costs of issuance of the Bonds, and to the extent that Cost of Issuance Proceeds remain after the full payment of the costs of issuance of the Bonds, such Cost of Issuance Proceeds shall be transferred to the Debt Service Fund for the payment of interest on the Bonds.

The City shall keep a detailed and segregated accounting of the expenditure of, and investment earnings on, the Loan Proceeds to ensure compliance with the requirements of the Internal Revenue Code, as hereinafter defined.

Section 8. For the purpose of providing for the levy and collection of a direct annual tax sufficient to pay the principal of and interest on the Bonds as the same become due, there is hereby ordered levied on all the taxable property in the City the following direct annual tax for collection in each of the following fiscal years:

For collection in the fiscal year beginning July 1, 2023,
sufficient to produce the net annual sum of \$ _____ ;

For collection in the fiscal year beginning July 1, 2024,
sufficient to produce the net annual sum of \$ _____ ;

For collection in the fiscal year beginning July 1, 2025,
sufficient to produce the net annual sum of \$ _____ ;

For collection in the fiscal year beginning July 1, 2026,
sufficient to produce the net annual sum of \$ _____ ;

For collection in the fiscal year beginning July 1, 2027,
sufficient to produce the net annual sum of \$ _____;

For collection in the fiscal year beginning July 1, 2028,
sufficient to produce the net annual sum of \$ _____;

For collection in the fiscal year beginning July 1, 2029,
sufficient to produce the net annual sum of \$ _____;

For collection in the fiscal year beginning July 1, 2030,
sufficient to produce the net annual sum of \$ _____;

For collection in the fiscal year beginning July 1, 2031,
sufficient to produce the net annual sum of \$ _____;

For collection in the fiscal year beginning July 1, 2032,
sufficient to produce the net annual sum of \$ _____;

For collection in the fiscal year beginning July 1, 2033,
sufficient to produce the net annual sum of \$ _____; and

For collection in the fiscal year beginning July 1, 2034,
sufficient to produce the net annual sum of \$ _____.

Section 9. A certified copy of this resolution shall be filed with the County Auditor of Johnson County, and the County Auditor is hereby instructed to enter for collection and assess the tax hereby authorized. When annually entering such taxes for collection, the County Auditor shall include the same as a part of the tax levy for Debt Service Fund purposes of the City and when collected, the proceeds of the taxes shall be converted into the Debt Service Fund of the City and set aside therein as a special account to be used solely and only for the payment of the principal of and interest on the Bonds hereby authorized and for no other purpose whatsoever.

Pursuant to the provisions of Section 76.4 of the Code of Iowa, each year while the Bonds remain outstanding and unpaid, any funds of the City which may lawfully be applied for such purpose, including incremental property tax revenues as provided for in Section 403.19 of the Code of Iowa, may be appropriated, budgeted and, if received, used for the payment of the principal of and interest on the Bonds as the same become due, and if so appropriated, the taxes for any given fiscal year as provided for in Section 8 of this Resolution, shall be reduced by the amount of such alternate funds as have been appropriated for said purpose and evidenced in the City's budget.

Section 10. The interest or principal and both of them falling due in any year or years shall, if necessary, be paid promptly from current funds on hand in advance of taxes levied and when the taxes shall have been collected, reimbursement shall be made to such current funds in the sum thus advanced.

Section 11. It is the intention of the City that interest on the Bonds be and remain excluded from gross income for federal income tax purposes pursuant to the appropriate

provisions of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations in effect with respect thereto (all of the foregoing herein referred to as the “Internal Revenue Code”). In furtherance thereof, the City covenants to comply with the provisions of the Internal Revenue Code as they may from time to time be in effect or amended and further covenants to comply with the applicable future laws, regulations, published rulings and court decisions as may be necessary to insure that the interest on the Bonds will remain excluded from gross income for federal income tax purposes. Any and all of the officers of the City are hereby authorized and directed to take any and all actions as may be necessary to comply with the covenants herein contained.

The City hereby designates the Bonds as “Qualified Tax Exempt Obligations” as that term is used in Section 265(b)(3)(B) of the Internal Revenue Code.

Section 12. The Securities and Exchange Commission (the “SEC”) has promulgated certain amendments to Rule 15c2-12 under the Securities Exchange Act of 1934 (17 C.F.R. § 240.15c2-12) (the “Rule”) that make it unlawful for an underwriter to participate in the primary offering of municipal securities in a principal amount of \$1,000,000 or more unless, before submitting a bid or entering into a purchase contract for the bonds, an underwriter has reasonably determined that the issuer or an obligated person has undertaken in writing for the benefit of the bondholders to provide certain disclosure information to prescribed information repositories on a continuing basis or unless and to the extent the offering is exempt from the requirements of the Rule.

On the date of issuance and delivery of the Bonds, the City will execute and deliver a Continuing Disclosure Certificate pursuant to which the City will undertake to comply with the Rule. The City covenants and agrees that it will comply with and carry out the provisions of the Continuing Disclosure Certificate. Any and all of the officers of the City are hereby authorized and directed to take any and all actions as may be necessary to comply with the Rule and the Continuing Disclosure Certificate.

Section 13. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 14. This resolution shall be in full force and effect immediately upon its approval and adoption, as provided by law.

Passed and approved July 26, 2022.

Mayor

Attest:

City Clerk

ATTESTATION CERTIFICATE

STATE OF IOWA
COUNTY OF JOHNSON SS:
CITY OF NORTH LIBERTY

I, the undersigned, City Clerk of the City of North Liberty, do hereby certify that as such City Clerk I have in my possession or have access to the complete corporate records of the City and of its City Council and officers and that I have carefully compared the transcript hereto attached with those corporate records and that the transcript hereto attached is a true, correct and complete copy of all the corporate records in relation to the adoption of a resolution authorizing a Loan Agreement and providing for the sale and issuance of \$9,135,000 General Obligation Corporate Purpose Bonds, Series 2022A of the City evidencing the City’s obligation under the Loan Agreement and that the transcript hereto attached contains a true, correct and complete statement of all the measures adopted and proceedings, acts and things had, done and performed up to the present time with respect thereto.

I further certify that no appeal has been taken to the District Court from the decision of the City Council to enter into the Loan Agreement, to issue the Bonds or to levy taxes to pay the principal of and interest on the Bonds.

WITNESS MY HAND this _____ day of _____, 2022.

City Clerk

COUNTY FILING CERTIFICATE

STATE OF IOWA

SS:

JOHNSON COUNTY

I, the undersigned, County Auditor of Johnson County, in the State of Iowa, do hereby certify that on the _____ day of _____, 2022, the City Clerk of the City of North Liberty filed in my office a certified copy of a resolution of such City shown to have been adopted by the City Council and approved by the Mayor thereof on July 26, 2022, entitled: "Resolution authorizing and approving a Loan Agreement, providing for the sale and issuance of General Obligation Corporate Purpose Bonds, Series 2022A, and providing for the levy of taxes to pay the same," and that I have duly placed a copy of the resolution on file in my records.

I further certify that the taxes provided for in that resolution will in due time, manner and season be entered on the State and County tax lists of this County for collection in the fiscal year beginning July 1, 2023, and subsequent years as provided in the resolution.

WITNESS MY HAND this _____ day of _____, 2022.

County Auditor



West Side Fire Station

Resolution No. 2022-78

**APPROVAL TO PROCEED WITH A PUBLIC
IMPROVEMENT, THE WEST SIDE FIRE STATION
PROJECT**

WHEREAS, a discussion was held on the proposed West Side Fire Station Project (the "Public Improvement") during the regular City Council Meeting on the 26th day of July, 2022; and

WHEREAS, persons interested in the project presented their views regarding the proposed Public Improvement, and regarding the proposed acquisition of property for the Public Improvement; and

WHEREAS, the City Council of the City of North Liberty, Iowa has determined that the proposed Public Improvement, which contemplates the construction of a fire station and appurtenant facilities on approximately four acres north of St. Andrews Dr., serves an important public purpose,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY, IOWA, AS FOLLOWS:

That the West Side Fire Station Project (the "Project") has a valid public purpose which will benefit the community; that the preliminary site location of the Project is approved and adopted; that there is a reasonable expectation that the acquisition of the real property identified in Exhibit A will enable the City to achieve its public purpose for the Project, that the Project will comply with all applicable standards, and the City will be able to obtain all permits necessary for the Project; that funding shall be provided for the acquisition of said real property; that the acquisition of all or a portion of the properties needed for the project, by condemnation if necessary, and all appurtenant expenses associated with such condemnation are hereby approved and authorized, and that the City Attorney is empowered to begin negotiations for the acquisition of same in accordance with Chapter 6B of the Code of Iowa.

APPROVED AND ADOPTED this 26th day of July, 2022.

CITY OF NORTH LIBERTY:

Chris Hoffman, 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.

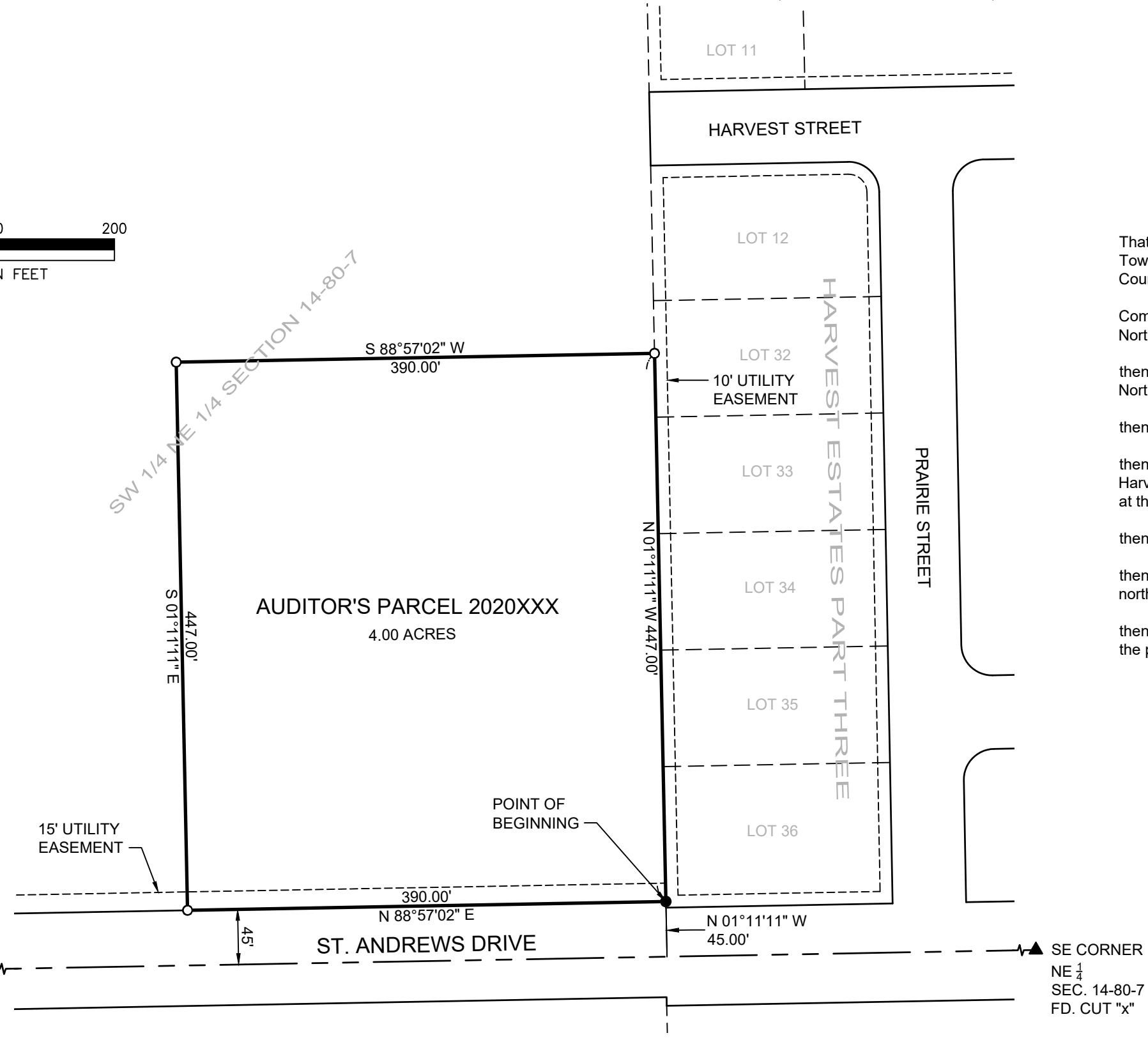
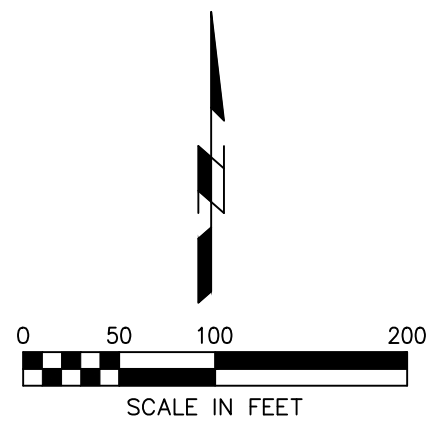
Tracey Mulcahey, City Clerk

| INDEX LEGEND | |
|------------------|--|
| LOCATION : | SW 1/4 NE 1/4 SECTION 14-80-7 NORTH LIBERTY, JOHNSON COUNTY, IOWA |
| REQUESTOR : | THE CITY OF NORTH LIBERTY |
| PROPRIETOR : | HAROLD W. CAMERON |
| SURVEYOR : | JONATHON BAILEY, P.L.S. |
| SURVEY COMPANY : | SHIVE-HATTERY, INC. |
| COMPANY : | 2839 NORTHGATE DR. IOWA CITY, IA 52245 |
| RETURN TO : | THE CITY OF NORTH LIBERTY |

EXHIBIT A
PLAT OF SURVEY
AUDITOR'S PARCEL 2022XXX
 A PART THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER
 SECTION 14, TOWNSHIP 80 NORTH, RANGE 7 WEST
 NORTH LIBERTY, JOHNSON COUNTY, IOWA

THIS SPACE RESERVED FOR RECORDER'S USE

6/13/2022 3:21:22 PM



DESCRIPTION

That part of the Southwest Quarter of the Northeast Quarter of Section 14, Township 80 North, Range 7 West of the 5th P.M., North Liberty, Johnson County, Iowa described as follows:

Commencing as a point of reference at the southeast corner of said Northeast Quarter;

thence South 88°57'02" West 1338.09 feet along the south line of said Northeast Quarter (assumed bearing for this description only);

thence North 1°11'11" West 45.00 feet to the point of beginning.

thence continuing North 1°00'00" West 447.00 feet along the west line of Harvest Estates Part Three (Final Plat recorded in Plat Book 48, Page 259 at the Johnson County Recorder's Office);

thence South 88°57'02" West 390.00 feet;

thence South 0°11'11" East 447.00 feet to a point of intersection with the northerly right-of-way of St. Andrews Drive;

thence North 88°57'02" East 390.00 feet along said northerly right-of-way to the point of beginning and containing 4.00 acres more or less.

PRELIMINARY

ONLY THESE COPIES OF THIS DOCUMENT SIGNED AND DATED IN CONTRASTING INK COLOR ARE TO BE CONSIDERED CERTIFIED OFFICIAL COPIES PER IOWA ADMINISTRATION CODE 193C-6.1(5)

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

SIGNATURE: _____

NAME: **JONATHON BAILEY**

DATE: _____ LICENSE NUMBER: 12531

MY LICENSE RENEWAL DATE IS: DECEMBER 31, 2020

PAGES, SHEETS OR DIVISIONS COVERED BY THIS SEAL: 1 of 1

SHIVE-HATTERY
 ARCHITECTURE + ENGINEERING
 2839 Northgate Drive | Iowa City, Iowa 52245
 319.354.3040 | www.shive-hattery.com
 Iowa | Illinois | Indiana | Nebraska | Wisconsin
 Illinois Firm Number: 184-000214

| DATE | DRAWN | APPROVED |
|---------|------------|----------|
| 6/13/22 | JSB | JSB |
| 6/13/22 | SCALE | AS SHOWN |
| | FIELD BOOK | .. |
| | REVISION | .. |

PLAT OF SURVEY
 A PART OF THE SW 1/4 NW 1/4, SECTION 14-80-7
 CAMERON PROPERTY
 NORTH LIBERTY, JOHNSON COUNTY, IOWA

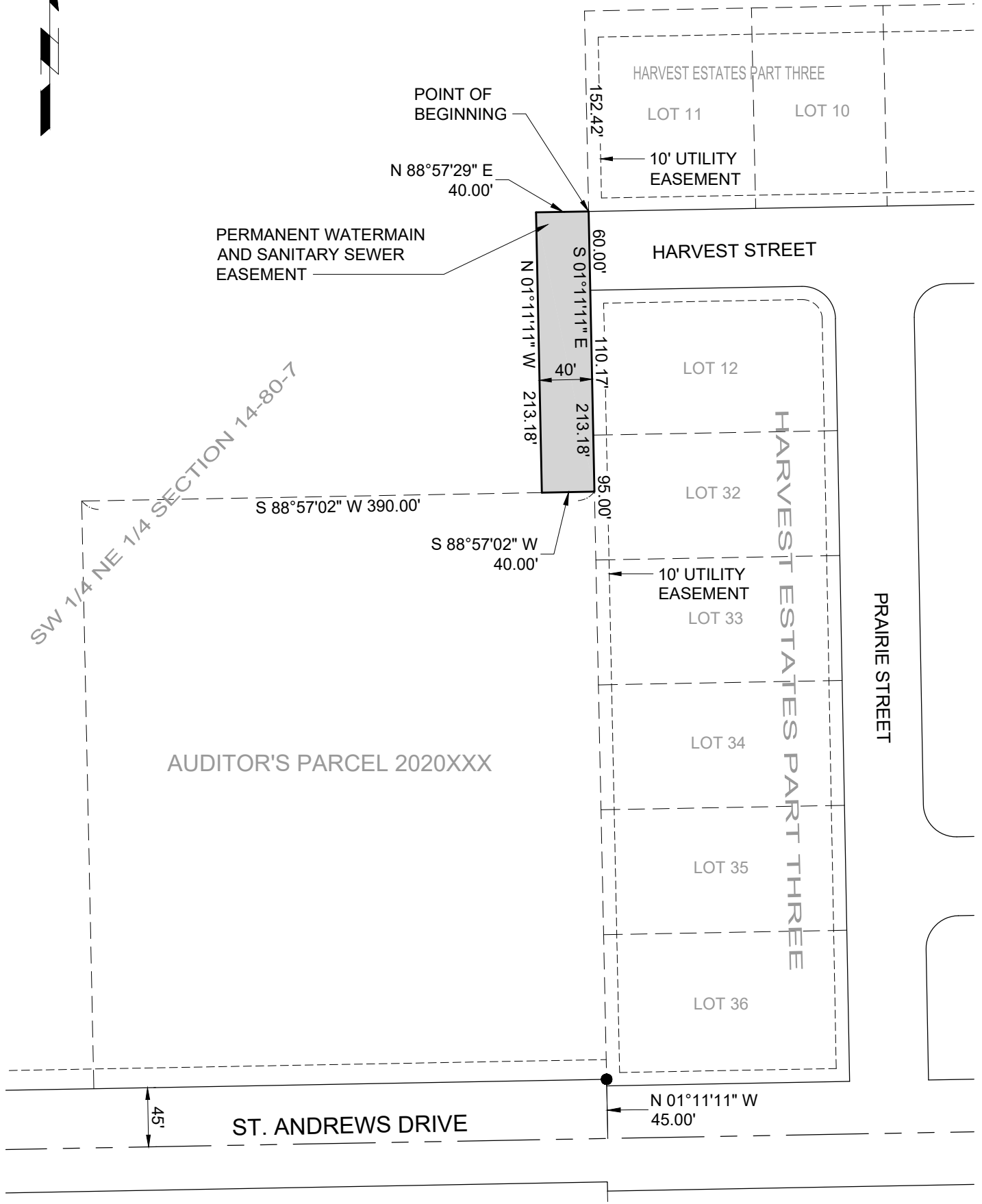
PROJECT NO.
2112201020

SHEET NO.
1 of 1

P:\Projects\IC2112201020\Deliverables\Drawings\1a_Survey\New Fire Station\AP2022xxx.dwg

EASEMENT EXHIBIT A PERMANENT WATERMAIN AND SANITARY SEWER EASEMENT

A PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER
SECTION 14, TOWNSHIP 80 NORTH, RANGE 7 WEST
NORTH LIBERTY, JOHNSON COUNTY, IOWA



PRELIMINARY

SEE SHEET 2 FOR DESCRIPTION



EASEMENT REQUESTED BY: THE CITY OF NORTH LIBERTY
PROPERTY OWNER: HAROLD W. CAMERON

SHIVE-HATTERY
ARCHITECTURE + ENGINEERING

2839 Northgate Drive | Iowa City, Iowa 52245
319.354.3040 | www.shive-hattery.com
Iowa | Illinois | Indiana | Nebraska | Wisconsin

| EASEMENT EXHIBIT | | | |
|--------------------------------------|-----------|------------|----------|
| PERM. WATERMAIN AND SANITARY SEWER | | | |
| A PART OF SW 1/4 NW 1/4 SEC. 14-80-7 | | | |
| NORTH LIBERTY, JOHNSON COUNTY, IOWA | | | |
| DATE | 6/13/2022 | SCALE | AS SHOWN |
| DRAWN | JSB | FIELD BOOK | -- |
| APPROVED | JSB | REVISION | -- |

PROJECT NO.
2112201020

SHEET NO.
1 of 2

EASEMENT EXHIBIT A PERMANENT WATERMAIN AND SANITARY SEWER EASEMENT

A PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER
SECTION 14, TOWNSHIP 80 NORTH, RANGE 7 WEST
NORTH LIBERTY, JOHNSON COUNTY, IOWA

DESCRIPTION

A 40-foot wide watermain and sanitary sewer easement on that part of the Southwest Quarter of the Northeast Quarter of Section 14, Township 80 North, Range 7 West of the 5th P.M., North Liberty, Johnson County, Iowa described as follows:

Beginning at the southwest corner of Lot 11, Harvest Estates Part Three (Final Plat recorded in Plat Book 48, Page 259 at the Johnson County Recorder's Office);

thence South 0°11'11" East 213.81 feet along the west line of said Harvest Estates Part Three (assumed bearing for this description only)

thence South 88°57'02" West 40.00 feet;

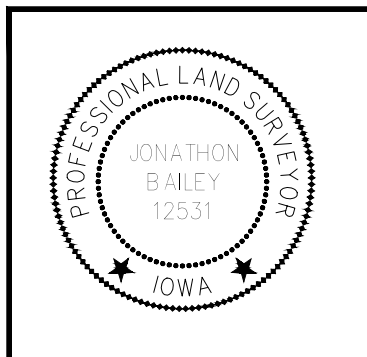
thence North 1°11'11" West 213.18 feet;

thence North 88°57'29" East 40.00 feet to the point of beginning.

Area: 8,527 square feet more or less.

PRELIMINARY

ONLY THESE COPIES OF THIS DOCUMENT SIGNED AND DATED IN CONTRASTING INK COLOR ARE TO BE CONSIDERED CERTIFIED OFFICIAL COPIES PER IOWA ADMINISTRATION CODE 193C-6.1(5)



I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

SIGNATURE: _____

NAME: JONATHON BAILEY

DATE: _____ LICENSE NUMBER: 12531

MY LICENSE RENEWAL DATE IS: DECEMBER 31, 2022

PAGES, SHEETS OR DIVISIONS COVERED BY THIS SEAL: 1 of 2, 2 of 2

SHIVEHATTERY
ARCHITECTURE + ENGINEERING

2839 Northgate Drive | Iowa City, Iowa 52245
319.354.3040 | www.shive-hattery.com
Iowa | Illinois | Indiana | Nebraska | Wisconsin

**EASEMENT EXHIBIT
PERM. WATERMAIN AND SANITARY SEWER**
A PART OF SW 1/4 NW 1/4 SEC. 14-80-7
NORTH LIBERTY, JOHNSON COUNTY, IOWA

| | | | |
|----------|-----------|------------|----------|
| DATE | 6/13/2022 | SCALE | AS SHOWN |
| DRAWN | JSB | FIELD BOOK | -- |
| APPROVED | JSB | REVISION | -- |

PROJECT NO.
2112201020

SHEET NO.
2 of 2

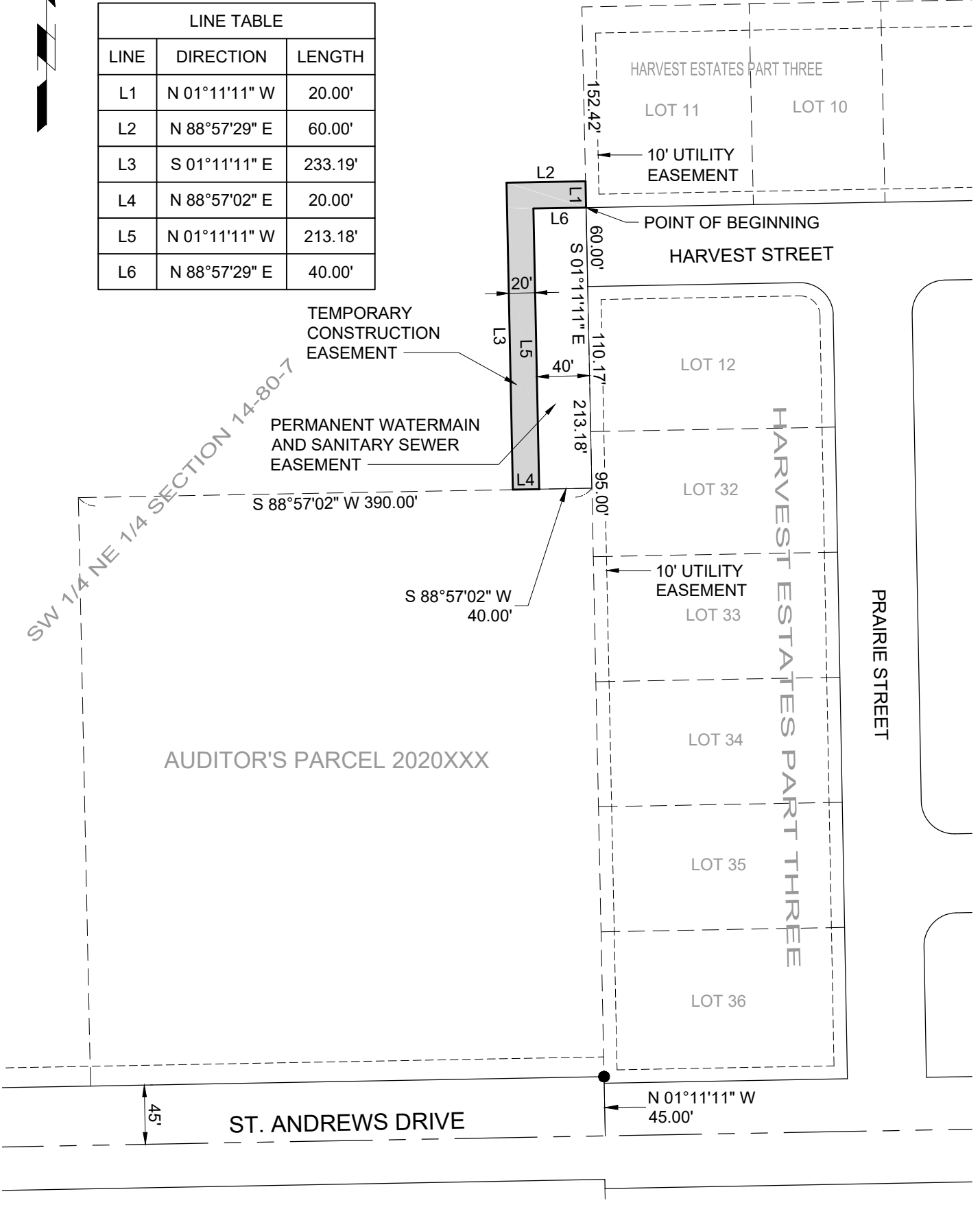
EASEMENT EXHIBIT A

TEMPORARY CONSTRUCTION EASEMENT

A PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER
SECTION 14, TOWNSHIP 80 NORTH, RANGE 7 WEST
NORTH LIBERTY, JOHNSON COUNTY, IOWA



| LINE TABLE | | |
|------------|---------------|---------|
| LINE | DIRECTION | LENGTH |
| L1 | N 01°11'11" W | 20.00' |
| L2 | N 88°57'29" E | 60.00' |
| L3 | S 01°11'11" E | 233.19' |
| L4 | N 88°57'02" E | 20.00' |
| L5 | N 01°11'11" W | 213.18' |
| L6 | N 88°57'29" E | 40.00' |



PRELIMINARY

SEE SHEET 2 FOR DESCRIPTION



EASEMENT REQUESTED BY: THE CITY OF NORTH LIBERTY PROPERTY OWNER: HAROLD W. CAMERON

SHIVE-HATTERY
ARCHITECTURE + ENGINEERING

2839 Northgate Drive | Iowa City, Iowa 52245
319.354.3040 | www.shive-hattery.com
Iowa | Illinois | Indiana | Nebraska | Wisconsin

| EASEMENT EXHIBIT | | | |
|---|-----------|------------|----------|
| TEMPORARY CONSTRUCTION EASEMENT | | | |
| A PART OF SW 1/4 NW 1/4 SEC. 14-80-7 NORTH LIBERTY, JOHNSON COUNTY, IOWA | | | |
| DATE | 6/13/2022 | SCALE | AS SHOWN |
| DRAWN | JSB | FIELD BOOK | -- |
| APPROVED | JSB | REVISION | -- |

PROJECT NO.
2112201020

SHEET NO.
1 of 2

EASEMENT EXHIBIT A

TEMPORARY CONSTRUCTION EASEMENT

A PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER
SECTION 14, TOWNSHIP 80 NORTH, RANGE 7 WEST
NORTH LIBERTY, JOHNSON COUNTY, IOWA

DESCRIPTION

A temporary construction easement on that part of the Southwest Quarter of the Northeast Quarter of Section 14, Township 80 North, Range 7 West of the 5th P.M., North Liberty, Johnson County, Iowa described as follows:

Beginning at the southwest corner of Lot 11, Harvest Estates Part Three (Final Plat recorded in Plat Book 48, Page 259 at the Johnson County Recorder's Office);

thence North 1°11'11" West 20.00 feet along the west line of said Harvest Estates Part Three (assumed bearing for this description only);

thence South 88°57'02" West 60.00 feet;

thence South 1°11'11" East 213.19 feet;

thence North 88°57'29" East 20.00 feet;

thence North 1°11'11" West 213.18 feet;

thence North 88°57'29" East 40.00 feet to the point of beginning.

Area: 5,464 square feet more or less.

PRELIMINARY

SHIVEHATTERY
ARCHITECTURE + ENGINEERING

2839 Northgate Drive | Iowa City, Iowa 52245
319.354.3040 | www.shive-hattery.com
Iowa | Illinois | Indiana | Nebraska | Wisconsin

| | | | |
|--------------------------------------|-----------|------------|----------|
| EASEMENT EXHIBIT | | | |
| PERM. WATERMAIN AND SANITARY SEWER | | | |
| A PART OF SW 1/4 NW 1/4 SEC. 14-80-7 | | | |
| NORTH LIBERTY, JOHNSON COUNTY, IOWA | | | |
| DATE | 6/13/2022 | SCALE | AS SHOWN |
| DRAWN | JSB | FIELD BOOK | -- |
| APPROVED | JSB | REVISION | -- |

PROJECT NO.
2112201020

SHEET NO.

2 of 2



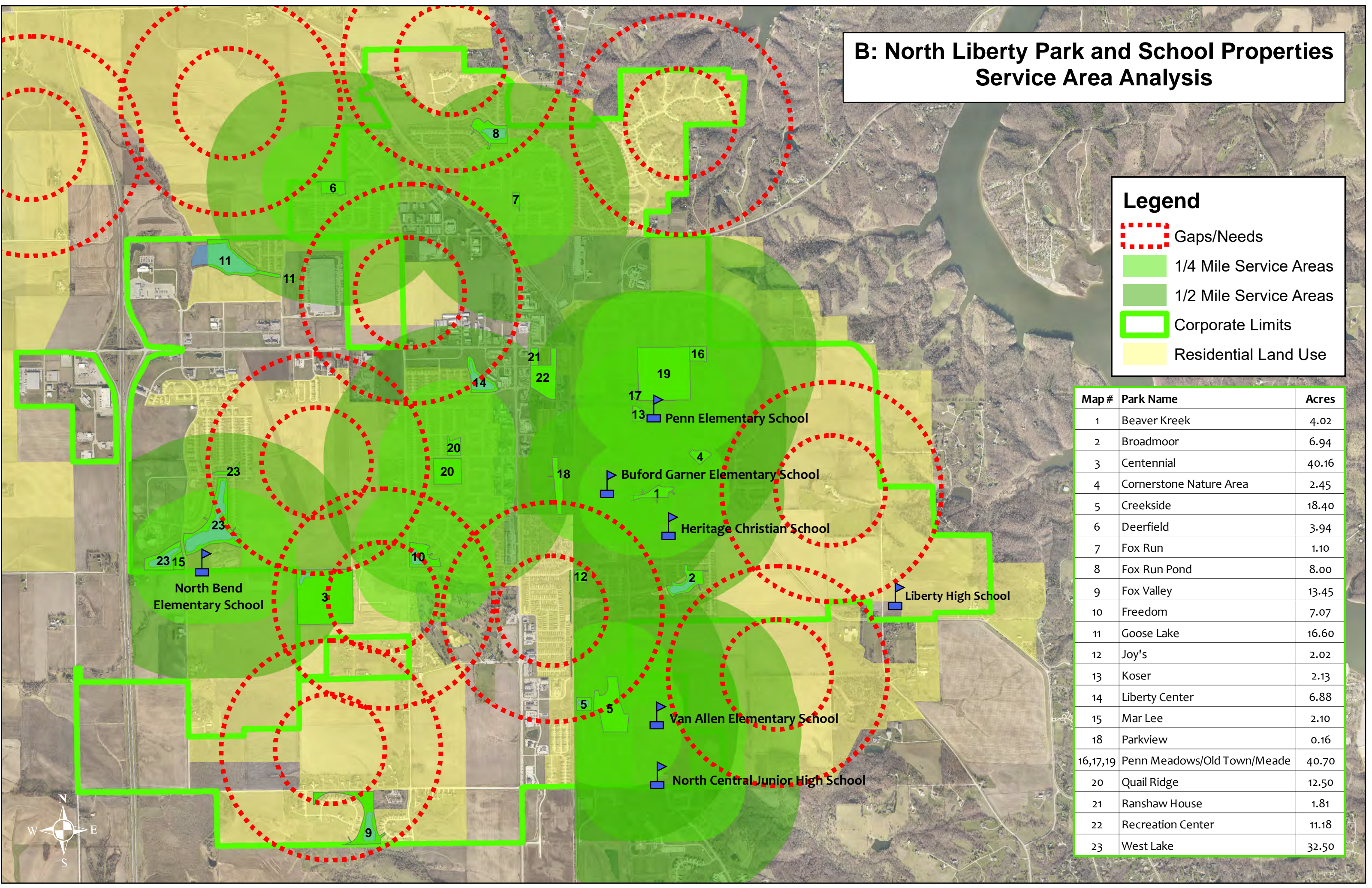
North Side Park

B: North Liberty Park and School Properties Service Area Analysis

Legend

- Gaps/Needs
- 1/4 Mile Service Areas
- 1/2 Mile Service Areas
- Corporate Limits
- Residential Land Use

| Map # | Park Name | Acres |
|----------|-----------------------------|-------|
| 1 | Beaver Creek | 4.02 |
| 2 | Broadmoor | 6.94 |
| 3 | Centennial | 40.16 |
| 4 | Cornerstone Nature Area | 2.45 |
| 5 | Creekside | 18.40 |
| 6 | Deerfield | 3.94 |
| 7 | Fox Run | 1.10 |
| 8 | Fox Run Pond | 8.00 |
| 9 | Fox Valley | 13.45 |
| 10 | Freedom | 7.07 |
| 11 | Goose Lake | 16.60 |
| 12 | Joy's | 2.02 |
| 13 | Koser | 2.13 |
| 14 | Liberty Center | 6.88 |
| 15 | Mar Lee | 2.10 |
| 18 | Parkview | 0.16 |
| 16,17,19 | Penn Meadows/Old Town/Meade | 40.70 |
| 20 | Quail Ridge | 12.50 |
| 21 | Ranshaw House | 1.81 |
| 22 | Recreation Center | 11.18 |
| 23 | West Lake | 32.50 |



Resolution No. 2022-79

**APPROVAL TO PROCEED WITH A PUBLIC
IMPROVEMENT, THE NORTH SIDE COMMUNITY PARK
PROJECT**

WHEREAS, a discussion was held on the proposed North Side Community Park Project (the "Public Improvement") during the regular City Council Meeting on the 26th day of July, 2022; and

WHEREAS, persons interested in the project presented their views regarding the proposed Public Improvement, and regarding the proposed acquisition of property for the Public Improvement; and

WHEREAS, the City Council of the City of North Liberty, Iowa has determined that the proposed Public Improvement, which contemplates the creation of a community park on approximately 42 acres east of North Jones Boulevard, as extended, serves an important public purpose,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY, IOWA, AS FOLLOWS:

That the North Side Community Park Project (the "Project") has a valid public purpose which will benefit the community; that the preliminary site location of the Project is approved and adopted; that there is a reasonable expectation that the acquisition of the real property identified in Exhibit A will enable the City to achieve its public purpose for the Project, that the Project will comply with all applicable standards, and the City will be able to obtain all permits necessary for the Project; that funding shall be provided for the acquisition of said real property; that the acquisition of all or a portion of the properties needed for the project, by condemnation if necessary, and all appurtenant expenses associated with such condemnation are hereby approved and authorized, and that the City Attorney is empowered to begin negotiations for the acquisition of same in accordance with Chapter 6B of the Code of Iowa.

APPROVED AND ADOPTED this 26th day of July, 2022.

CITY OF NORTH LIBERTY:

Chris Hoffman, 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

EXHIBIT A

The north half of the Northwest Quarter of Section 12, Township 80 North, Range 7 West of the 5th P.M., excepting all that part thereof lying northeast of the right of way of the Cedar Rapids and Iowa City Railway Company, that part lying westerly of the westerly right-of-way of Ranshaw Way and further excepting Lots 103 through 107, inclusive, of the Inter-City Industrial Park Part Two subdivision, as described in Plat Book 32, Page 64, in the Office of the Recorder for Johnson County, and subject to easements and restrictions of record.



 City Aquisition

500 Feet





Employee Handbook

RESIDENCY REQUIREMENT

~~All critical need personnel are required to reside within fifteen miles of the North Liberty corporate city limits. Critical need personnel include all full time department heads and a~~All employees of the Police, certified law enforcement officers and employees of the Street, Water, Fire (including paid per call fire), and Wastewater Departments are required to live within thirty miles of the North Liberty corporate city limits.

~~Department Directors are required to live within fifteen miles of the North Liberty corporate city limits. Critical need personnel hired on or before June 1, 2011 who did not live within fifteen miles of the City of North Liberty on June 1, 2011, will not be required to meet this residency requirement, but any change of residency after this date will require the employee to comply with the residency requirement as set out above. The list of critical need personnel may be amended from time to time by the City Administrator, subject to approval of the City Council.~~

The City Administrator and the Assistant City Administrator are required to reside within the City limits.

All City employees are encouraged to live in the City of North Liberty.

EMPLOYEE BENEFITS

The City provides various benefits to eligible employees. Social Security, Medicare, Iowa Public Employees Retirement System (IPERS), workers' compensation and unemployment insurance cover all employees in the manner prescribed by law.

Leave benefits are offered to regular full-time employees.

Pro-rated leave benefits are offered to regular part-time employees whose set regular work schedule is ~~between twenty (20) and 39 or more~~ hours or more per week ~~at the prorated rate of 50% of the benefits available to comparable, full time employees.~~

PERSONAL LEAVE OF ABSENCE

In certain cases, the City may allow an unpaid leave of absence for personal reasons. An employee must exhaust all paid leave available to the employee prior to any request for unpaid leave being considered. The employee should request a leave of absence by completing a Time-Off Request Form. The employee's department head will make a recommendation to the City Administrator who will approve or deny the request. If such a request is approved, that employee will not be compensated for the amount of time that is not worked. The City does not make contributions to retirement programs for the duration of the leave. A personal leave of absence may be granted for up to thirty (30) days, as a longer leave will generally cause the City hardship; however, the City will review any requests for unpaid leave as a reasonable accommodation under the Americans with Disabilities Act as Amended on a case-by-case basis.

If personal leave is extended to more than thirty (30) calendar days, benefits (i.e., vacation, sick leave, holidays, seniority, personal, etc.) shall stop accruing. During a personal leave of absence, if the employee participates in group health insurance, and desires to continue coverage, the employee must pay the full insurance premiums during any month the employee is not on the payroll, shall continue to pay the employee's portion of the employee's health insurance premium. The employee shall make arrangements with the Human Resources Director to have pay his/her the portion of the health insurance premiums paid by the 20th of the month. Failure to pay the entire amount of the premiums owed by the employee in a timely manner shall result in termination of coverage. Except for military leave, the employee shall not accrue seniority, and shall have his/her anniversary date adjusted to reflect the length of the unpaid leave.

If the employee does not return by the approved date, termination of employment or other disciplinary action may result.

SICK LEAVE BENEFITS

Sick Time

The City of North Liberty values its employees and recognizes that both mental and physical well-being are important. Full-time and permanent-regular part-time employees are normally eligible to receive compensation for personal illness days. Criteria for paid personal illness days are as follows:

- Regular full-time employees shall accumulate sick time at the rate of eight hours per month of completed employment up to a maximum of 960 hours.
- ~~Regular~~ Regular part-time employees, whose set regular work schedule is 20 or more hours ~~or more~~ per week, shall accumulate sick time at a prorated amount up to a maximum of 690

~~hours, the rate of four hours per month of completed employment up to a maximum of 480 hours.~~

Formatted: Justified, Indent: Left: 0.5"

HOLIDAYS

For purposes of employment, the City recognizes the holidays listed below:

- New Year's Day (January 1)
- Reverend Dr. Martin Luther King Jr. Day (3rd Monday in January)
- President's Day
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (first Monday in September)
- Thanksgiving (fourth Thursday in November)
- Friday after Thanksgiving
- Christmas Eve Day (December 24)
- Christmas Day (December 25)
- New Year's Eve Day (December 31)

The City will ~~recognize~~ provide holiday ~~benefits~~ time off with pay for all regular full-time employees, ~~and to regular part-time employees whose regular set work schedule is 20 hours or more per week, pro-rated according to the schedule set forth in "Employee Benefits."~~ Holiday time off with pay will be available on a prorated basis to regular part-time employees whose regular set work schedule is 20 hours or more per week.

Holiday pay will be calculated based on the employee's straight time pay rate (as of the date of the holiday) times the number of hours the employee would regularly have worked on that day. Employees on unpaid leaves shall not receive holiday pay.

VACATION

The City of North Liberty shall make available vacation time off with pay to regular full-time and regular part-time employees for rest, relaxation and personal pursuits. Vacation time off with pay will be available on a prorated basis to regular part-time employees whose regular set work schedule is twenty hours or more per week.

Vacation benefits will be computed based on the employee's employment anniversary date. Effective January 1, 2022, Accrual rates for full-time employees are as follows:

After six months of continuous service 40 Hours
After one year of continuous service 80 Hours
After five years of continuous service 120 Hours
After ten years of continuous service 160 Hours
After fifteen years of continuous service 8 hours will be given for each year of service up to twenty years. (40 hours total)

Formatted: Font: Red Hat Display

Formatted: Font: Red Hat Display

Formatted: Font: Red Hat Display

Formatted: Font: Red Hat Display

Formatted: Font: Red Hat Display

| <u>Length of Service</u> | <u>Amount of Vacation</u> |
|---|---|
| <u>Upon the completion of six (6) months of service</u> | <u>40 hours</u> |
| <u>Upon the completion of one (1) year of service</u> | <u>80 hours</u> |
| <u>Upon the completion of two (2) years of service</u> | <u>96 hours</u> |
| <u>Upon the completion of five (5) years of service</u> | <u>136 hours</u> |
| <u>Upon the completion of eight (8) years of service</u> | <u>152 hours</u> |
| <u>Upon the completion of ten (10) years of service</u> | <u>168 hours</u> |
| <u>Upon the completion of twelve (12) years of service</u> | <u>176 hours</u> |
| <u>Upon the completion of fourteen (14) years of service</u> | <u>184 hours</u> |
| <u>Upon the completion of sixteen (16) years of service</u> | <u>200 hours</u> |
| <u>Upon the completion of seventeen (17) years of service</u> | <u>Eight (8) additional hours for each year of service up to a maximum of 240 hours</u> |

Formatted: Font: Red Hat Display

Vacation days may be taken in one quarter (¼) hour increments. Employees must timely submit a Time-Off Request Form to their supervisor/department head for approval prior to utilizing available vacation time. Requests should be made with at least one-week prior notice and will be reviewed for approval based on a number of factors including City needs and staffing requirements. When multiple requests are made for the same day, such requests will be granted on a first come-first serve basis.

Vacation accrues on the employee's anniversary date of employment. Eighty (80) hours of vacation may be carried over into the next year. Any accrued vacation hours in excess of eighty (80) at the time of the anniversary date of employment shall be forfeited. Regular part time employees may carry over vacation into the next year on the same prorated basis with which they accrue vacation. If during a week in which an employee has scheduled a vacation and the employee is required to work overtime, the vacation hours will be considered as time worked for the purpose of determining overtime.

OVERTIME

Nonexempt employees may be requested and/or scheduled to work overtime hours. Reasonable attempts are made to notify employees in advance of mandatory overtime assignments. All overtime hours worked must be approved in advance by the employee's supervisor/department head. Failure to work scheduled overtime or overtime worked without prior authorization may result in disciplinary action.

Overtime compensation shall be paid to all nonexempt employees at a rate of one and one-half times the applicable straight-time rate for all hours worked over 40 per week as required by law. Time spent on the job performing assigned duties and paid time off under the circumstances described in the Employee Handbook will be considered time worked for the purposes of calculating overtime.

Employees may elect payment of overtime compensation in the form of compensatory time off. Employees must submit a Time-Off Request Form to their supervisor/department head for approval prior to utilizing banked compensatory time. Requests will be reviewed for approval based on a number of factors including business needs and staffing requirements. Employees of the North Liberty Fire Department are precluded from electing compensatory time off and will be compensated at a rate of one and one-half times the applicable straight-time rate for all overtime hours worked.

Resolution No. 2022-80

RESOLUTION APPROVING THE UPDATED EMPLOYEE HANDBOOK

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY, IOWA:

WHEREAS, the City's Employee Handbook was last updated in 2021; and

WHEREAS, revisions have been made to the document relating to employee residency requirements, leaves of absence, sick leave, compensatory time, and the accrual of employee vacation time; and

WHEREAS, the revised Employee Handbook has been reviewed by City legal counsel; and

WHEREAS, the modifications made provide the necessary updates and revisions to bring the policy current.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY, IOWA, that the revised Employee Handbook is approved and authorized for use effective upon action.

APPROVED AND ADOPTED this 26th day of July, 2022.

CITY OF NORTH LIBERTY:

Chris Hoffman, 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



Substance Abuse Policy



DOT Drug and Alcohol Policy

Approved
July 26, 2022

The City of North Liberty, Iowa

Drug & Alcohol Testing Procedures & Policy for DOT Employees

In addition to the City of North Liberty's Drug Free Workplace/Drug and Alcohol Testing Procedures Policy, the City provides the following, additional policies for employees subject to Department of Transportation ("DOT") drug and alcohol testing requirements by virtue of their essential job functions and/or the licenses required for their positions. Where portions of this policy and the Drug Free Workplace/Drug and Alcohol Testing Procedures Policy conflict, this policy shall govern.

This policy complies with federal and state law governing drug and alcohol testing and, in the event it does not comply, federal and state law shall supersede this policy.

Any questions or concerns regarding either the drug or alcohol policy shall be directed to the Designated Employee Representative (DER) Debra Hilton at 319-626-5746 or by e-mail dhilton@northlibertyiowa.org.

Federal law requires that the City test all CDL employees who drive a Commercial Motor Vehicle ("CMV") for drugs and alcohol. This includes all employees who drive a CMV, even if the employee does not regularly drive a CMV. If an employee is covered by more than one (1) DOT testing agency, the employee shall be tested based on the tasks he or she performs the majority of the time. These employees are engaged in safety sensitive functions throughout the entirety of their workday including, but not limited to, driving, performing required pre- and post- trip checks on vehicles, and performing maintenance on vehicles. The City conducts all required drug and alcohol testing in accordance with state and federal law.

Per DOT requirements, employees are prohibited from using alcohol within four (4) hours of performing a safety sensitive function. Employees are prohibited from possessing ANY amount of alcohol (including medications or over-the-counter remedies containing alcohol) while on duty.

There are several instances that may require an employee's submission to drug and alcohol testing. They are described as follows:

- a. Pre-employment testing: A CDL licensed CMV driver must submit to a drug test and receive a negative drug test result before he/she will be permitted to operate a CMV.
- b. Post-accident testing: A CDL licensed CMV driver engaged in a safety sensitive function at the time of an accident must submit to a drug/alcohol test as soon as practicable following the accident if said accident involved (1) the loss of human life; (2) if the driver was cited for alcohol within eight hours of the accident; or, (3) if the driver was cited for drugs within thirty-two hours of the accident under state or local law for a moving traffic violation; or, if the accident

involved (1) bodily injury to any person causing that person to receive medical treatment away from the scene of the accident; or, (2) one or more motor vehicles incurred disabling damage as a result of the accident requiring the vehicle(s) to be removed by tow or other motor vehicle. Employees are prohibited from using or being under the influence of alcohol at any time while on duty, eight (8) hours post-accident, or until tested post-accident.

- c. Random Testing: All CDL licensed CMV drivers must be randomly tested throughout the year pursuant to state and federal regulations. The City contracts with Unity Point-Allen Occupational Health and Unity Point-Allen Occupational Health is responsible for selection of the employees to be tested based on a neutral and objective selection process in compliance with state and federal regulations.
- d. Reasonable Suspicion Testing: CDL licensed CMV drivers who appear to be under the influence of drugs or alcohol are subject to immediate drug testing. The determination of who appears to be under the influence shall be made by a supervisor trained to identify such impairment pursuant to this policy.

This policy outlines disciplinary action which will be taken in the event of a positive drug or alcohol test. Refusal to test is also considered a positive test by federal law.

If the test of an employee who is subject to the requirements of federal DOT drug and alcohol testing results in a Medical Review Officer ("MRO") verified positive test for the use of drugs or an alcohol concentration of 0.04 or greater, or they refuse to submit to drug or alcohol testing, the employee shall be considered to have tested positive for drugs and/or alcohol. The employee shall be provided a list of appropriate and qualified substance abuse professionals who are available to the employee, including the substance abuse professionals' names, telephone numbers, and addresses, for assessment and enrollment in a treatment and rehabilitation program, if recommended.

Pursuant to state and federal regulations, employees testing above 0.02 but lower than 0.039, who are not terminated from their employment, may not perform a safety sensitive job function for twenty-four (24) hours after a positive test or a positive confirmation test, whichever occurs later, according to federal law. Employees testing between 0.02 and 0.039 may be assigned to non-covered duties at the option of the employee's supervisor.

If non-covered duties are not available, the employee's supervisor will order and arrange for alternate transportation home for the employee. The employer will first contact the employee's emergency contact and then, if the emergency contact is unavailable, will resort to other safe drivers. If the employee refuses alternate transportation, the employee will be subject to disciplinary action for failure to follow a reasonable order of the supervisor. The employee, when

sent home, may use personal or vacation leave, compensatory time, or unpaid leave. The use of sick leave will not be allowed.

Results of a positive drug or alcohol test and terms of rehabilitation will remain confidential except as noted throughout this policy and as provided by the Federal Regulations.

Employees who are required to report for random drug and/or alcohol testing will be allowed to be tested during work hours and may drive a City vehicle to and from the collection site or, with the employer's approval, they may drive their personal vehicle and will be reimbursed mileage.

Substance use and alcohol misuse have a negative effect on an employee's health, relationships, and work life. An employee who is using drugs and/or misusing alcohol may have impaired physical, behavioral, and speech functions and his or her job performance may suffer. If an employee suspects that another employee is using drugs and/or misusing alcohol, he or she is encouraged to report it to the employee's supervisor or Human Resources for follow up.

The City shall provide training to all persons designated to supervise drivers. The City shall provide said supervisors with sixty (60) minutes of training on alcohol misuse and sixty (60) minutes of training on controlled substance use. This training is used to ensure that supervisors have the tools to determine whether or not reasonable suspicion exists to require a driver to undergo reasonable suspicion testing. Training also includes the physical, behavioral, speech, and performance indicators of probable alcohol misuse and controlled substance use.

An employee who violates this policy will be subject to disciplinary action by the City of North Liberty, which may include termination as mandated by DOT. In addition, any driver who is convicted by the judicial system of a felony for a drug or alcohol related matter is subject to immediate termination.

Notification and General Consent for Limited Queries of the Federal Motor Carrier Safety Administration (FMCSA) Drug and Alcohol Clearinghouse

The FMCSA Clearinghouse is an electronic database that will contain information about commercial motor vehicle drivers' drug and alcohol program violations. FMCSA regulations require employers to inform drivers and driver-applicants that the following information will be reported to the Clearinghouse (beginning 1/16/2020):

1. A verified positive, adulterated, or substituted drug test result;
2. An alcohol confirmation test with a concentration of 0.04 or higher;
3. A refusal to submit to a drug or alcohol test required by FMCSA regulations;
4. An employer's report of actual knowledge of:
 - a. On duty alcohol use (see 49 CFR § 382.205);
 - b. Pre-duty alcohol use (see 49 CFR § 382.207);
 - c. Alcohol use following an accident (see 49 CFR § 382.209);
 - d. Controlled substance use (see 49 CFR § 382.213);
5. A substance abuse professional's report of the successful completion of the return-to-duty process;
6. A negative return-to-duty test; and,
7. An employer's report of completion of follow-up testing.

In addition to the notification above, the FMCSA requires employers to obtain consent from drivers prior to accessing the Clearinghouse to determine if a record exists. In compliance with that requirement:

I, _____, hereby provide consent to the City of North Liberty to conduct a limited query of the FMCSA Commercial Driver's License Drug and Alcohol Clearinghouse (Clearinghouse) to determine whether drug or alcohol violation information about me exists in the Clearinghouse.

I understand that the consent I am providing is for a period of five (5) years from the date I signed and dated this consent form below.

I understand that if any limited query conducted by City of North Liberty indicates that drug or alcohol violation information about me exists in the Clearinghouse, FMCSA will not disclose that information to City of North Liberty without first obtaining additional specific consent.

I further understand that if I refuse to provide consent for the City of North Liberty to conduct a limited query of the Clearinghouse, the City of North Liberty must prohibit me from performing safety-sensitive functions, including driving a commercial motor vehicle, as required by FMCSA's drug and alcohol program regulations.

Employee Signature: _____

Date: _____

Employee Acknowledgement of Notification

I, the undersigned employee of the City of North Liberty, Iowa, hereby certify that I have been informed of my obligation under the Federal Regulations on Drug and Alcohol Testing as they pertain to work with commercial motor vehicles operated by the City of North Liberty, Iowa. I have been provided this information through the City’s Employee Handbook and a DOT-specific drug and alcohol policy. I have had an opportunity to review these policies and ask questions about these policies if necessary.

I agree to follow all of these policies including submitting to drug and alcohol testing as required pursuant to these policies. I understand that refusal to submit to a test when called upon, under provisions of the Federal Regulations, will result in termination of my employment with the City of North Liberty. I further understand that any violation of these policies may result in discipline up to and including termination.

I understand and consent to my name and social security number being included in the Unity Point-Allen Occupational Health Drug and Alcohol Testing Consortium pool of employees for purposes of random testing.

I have received sixty (60) minutes of educational materials on substance abuse and the City of North Liberty Employee Assistance Program contact information.

I understand that neither these policies nor this acknowledgement constitute a contract for employment and that my employment with the City is at-will, meaning either party can terminate the employment relationship at any time and for any reason.

I further confirm that I have not tested positive or refused to test for any pre-employment drug or alcohol test administered by an employer to which I applied for, but did not obtain, safety sensitive work covered by DOT agency drug and alcohol testing rules during the past three (3) years OR that I have disclosed such positive test or refusal to test to City of North Liberty. I understand that failure to disclose this information or any misrepresentation of this information shall result in my immediate termination.

Employee Signature: _____

Date: _____

Release of information
49 C.F.R. Part 40 Drug & Alcohol Testing

Section I: To be completed by the new employer, signed by the employee, and transmitted to the previous employer:

Employee Name: _____

(Print – First Name, Middle Initial, Last Name)

Employee ID# or SS#: _____

I authorize the release of information from my Department of Transportation regulated drug and alcohol testing records by my previous employer, listed in Section I-B, to the employer listed in Section I-A. I understand and affirmatively state that I must execute one of these releases for each previous employer I have had for the past three years.

This release is in accordance with DOT Regulation 49 CFR Section 40.25. I understand that information to be released in Section II-A by my previous employer, is limited to the following DOT-regulated testing items:

1. Alcohol tests with a result of 0.04 or higher alcohol concentration;
2. Verified positive drug tests;
3. Refusals to be tested (including verified adulterated or substituted drug tests);
4. Other violations of DOT agency drug and alcohol testing regulations; and
5. If I violated a DOT drug and alcohol regulation, documentation of my successful completion of DOT return-to-duty requirements (including follow-up tests). If my previous employer does not have information about the return-do-duty process (e.g., an employer who did not hire an employee who tested positive on a pre-employment test), I understand and agree that it is my responsibility to provide this to my new employer, the City of North Liberty.

I understand that this information must be provided to the City of North Liberty within thirty (30) days from the date I first performed safety-sensitive functions for the City of North Liberty, or I will be placed on an unpaid leave until the information is provided to the City of North Liberty in compliance with federal law. The City of North Liberty may excuse me from this timeline if I have made a documented, good-faith effort to obtain the information.

The City of North Liberty will store all information related to this request in my confidential medical file. The City of North Liberty will retain this information for no less than three (3) years from the date I first performed safety sensitive functions for City of North Liberty.

Employee Signature: _____

Date: _____

I-A.

New Employer Name: _____

Address: _____

Phone #: _____ Fax #: _____

Designated Employer Representative: _____

I-B.

Previous Employer Name: _____

Address: _____

Phone #: _____

Designated Employer Representative (if known): _____

Section II. To be completed by the previous employer and transmitted by mail or fax to the new employer:

II-A. In the three (3) years prior to the date of the employee's signature (in Section I), for DOT-regulated testing:

1. Did the employee have alcohol tests with a result of 0.04 or higher?

Yes _____ No _____

2. Did the employee have verified positive drug tests?

Yes _____ No _____

3. Did the employee refuse to be tested?

Yes _____ No _____

4. Did the employee have other violations of DOT agency drug and alcohol testing regulations?

Yes _____ No _____

5. Did a previous employer report a drug and alcohol rule violation to you?

Yes _____ No _____

6. If you answered "yes" to any of the above items, did the employee complete the return-to-duty process?

N/A_____ Yes___ No___

NOTE: If you answered "yes" to item 5, you must provide the previous employer's report. If you answered "yes" to item 6, you must also transmit the appropriate return-to-duty documentation (e.g., SAP report(s), follow-up testing record).

II-B.

Name of person providing information in Section II-A: _____

Title: _____ Phone #: _____

Date: _____

Resolution No. 2022-81

RESOLUTION APPROVING THE DOT DRUG AND ALCOHOL POLICY

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY, IOWA:

WHEREAS, the City has a Drug Free Workplace/Drug and Alcohol Testing Procedures Policy; and

WHEREAS, the City has to provide additional policies for employees subject to Department of Transportation (DOT) drug and alcohol testing requirements for required positions; and

WHEREAS, the Drug & Alcohol Testing Procedures & Policy for DOT employees has been reviewed by City legal counsel.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY, IOWA, that the DOT Drug and Alcohol Policy is approved and authorized for use effective upon action.

APPROVED AND ADOPTED this 26th day of July, 2022.

CITY OF NORTH LIBERTY:

Chris Hoffman, 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



Disposal Policy



**CITY OF NORTH LIBERTY
SURPLUS PROPERTY DISPOSAL POLICY**

I. General

- A. "Surplus property" is defined as City-owned property that no longer is needed or has no practical use to a particular City Department (hereafter "Surplus Property" or "Property"). Surplus property does not include City-owned property that is to be transferred to a third party pursuant to a duly authorized promotional event, written agreement, or legal obligation.
- B. Items seized, confiscated, or found by the Police Department (hereafter "Seized Property" or "Unclaimed Property") shall be handled and disposed of in accordance with applicable Federal, State, and local requirements.
- C. Surplus Property shall be disposed of in accordance with this policy. Seized Property and Unclaimed Property may be disposed of in accordance with this policy. All Surplus, Seized and Unclaimed Property is disposed of "as-is" and "where-is," with no warranty, guarantee, or representation of any kind, expressed or implied, as to the condition, utility or usability of the item offered.
- D. It is critical to maintain a trail of documentation for audit purposes regarding the disposition of Surplus Property of the City of North Liberty (hereafter "City").

II. Responsibilities

- A. It shall be the responsibility of the department in possession of Surplus Property to notify the City Administrator ("CA") or the City Administrator's designee of such Property in its possession.
- B. The method of disposal for the Property shall be determined by the Department Director in consultation with the CA or the CA's designee in accordance with this Policy. The department with Property for disposal is responsible to provide information to the CA or CA's designee including a photo, brief description and estimated value. Each department will maintain storage of the Property until final disposal. If applicable, departments shall provide information regarding the best time and day the Property can be viewed and or received.
- C. The Department Director shall be responsible for coordination of the disposal process for all Property except as indicated below:
 - 1. Disposition of real estate or any interest in land, including leases for more than three years, requires a resolution of the City Council after published notice and public

hearing in accordance with the Code of Iowa. All such dispositions of real estate or land interest shall be the responsibility of the City Attorney's office.

2. Seized and Unclaimed Property within the Police Department shall be handled and disposed of in accordance with applicable Federal, State, and local requirements.
3. Property purchased with grant funds shall be disposed of in accordance with applicable grant requirements.
4. "Computer and Electronic Data Storage Equipment" is defined as any equipment that contains electronic data, has contained electronic data, or is procured or managed by the Information Technology (IT) Department (hereafter "IT Equipment"). Such IT Equipment shall be returned to the IT Department for proper data removal and disposal. This includes, but is not limited to computers, laptops, tablets, servers, backup tapes and media switches, routers and hubs, phones, printers, fax machines, copiers, scanners, monitors, and external hard drives.
 - a) IT staff will wipe any data or configuration on the IT Equipment as deemed appropriate by current IT standards. For servers, backup media, or any IT Equipment in which data wiping is not feasible, staff will physically remove the data storage components for destruction of the data or configuration by physical or other permanent means.
 - b) When deemed appropriate, some IT Equipment may be disposed of in accordance with section III of this Policy.
 - c) Flash memory devices, such as USB thumb drives or SD cards, may be disposed of by the individual department so long as the memory does not, nor has ever contained City data. If the device has contained City data, it shall be delivered to the IT Department for proper wiping and disposal.
 - d) Any optical media IT Equipment, including writable CD and DVD media, containing City data shall be disposed of by individual departments using the City's shredding procedures.
 - e) Any electronic data consisting of records covered by state or federal law shall be retained in accordance with the City's record retention policies until storing the records is no longer required and the records have no further value.

III. Procedure for Disposal

- A. The Department Director shall notify the CA or CA's designee of the intent to transfer, sell or dispose of any Surplus Property. Once final, such transfer, sale or disposal shall require updating applicable City records, such as inventory documents, insurance records, audit lists and grant requirement documentation.
- B. The Department Director in consultation with the CA or CA's designee, will consider the following methods for disposal of Surplus Property:
 1. Transfer to other departments:

- a. Surplus Property may be transferred to another City department.
 - b. The departments involved in the transfer shall exchange purchase information, service manuals and service records and all other applicable information regarding the Property.
2. Trade-in of Surplus Property: Surplus Property may be used in trade if determined to provide maximum return for the City.
3. Sale of Surplus Property:
- a. Value estimate. The Department representative shall provide to the CA's designee an estimated value of the Surplus Property sought for sale.
 - i. Property estimated in excess of \$25,000 requires City Council approval prior to sale.
 - ii. Property estimated in value less than \$25,000 requires CA designee approval prior to sale.
 - a. Methods of sale. Any of the methods of sale listed in this section may be used for the sale of Surplus Property following consultation with the CA or CA's designee, and alternative methods may be selected as circumstances may warrant following additional consultation. In selecting a method for sale, due consideration shall be given to the net financial benefit to the City relative to the costs involved for using each method.
 - i. Public auction, including public auctions of other government agencies.
 - a) It is the responsibility of the department with possession of the Property to provide administrative and logistical support of the auction item/event. Any expense incurred in conducting the auction shall be deducted from the auction receipts.
 - ii. Internet auction sites.
 - a) It is the responsibility of the department having possession of the Property to provide administrative and logistical support of the auction item. Any expense incurred in conducting the auction shall be deducted from the auction receipts.
 - b) The selling department shall provide one or more photos, a brief description, and the estimated value of the Property, and may include a reserve price.
 - iii. Soliciting written bids/quotations or other similar means. A reserve bid may be set.
 - iv. Scrap metal may be sold through a reputable metals recycling dealer without competitive bids if the value of the scrap metal is estimated at less than \$2,500.

4. Cannibalizing: Property may be disassembled and used for parts when this is the most cost- effective method of disposal for the City.
5. Transfer to Other Public Agency or Charity:
 - a. No Property shall be transferred to another public agency or charity before it is first offered to City departments, as outlined in section "A."
 - b. When the value of the Property is estimated at \$25,000 or less, the CA or CA's designee shall approve its sale or transfer to another Iowa public agency or charitable organization exempt under Section 501(c)(3) of the Internal Revenue Code, without competitive bid. Public agency means the State of Iowa or any agency or subdivision thereof, any city, county, special district, or school district.
 - c. When the value of the Property is estimated to be more than \$25,000, the sale or transfer to another Iowa public agency without competitive bid shall be approved by the City Council.
 - d. The transfer of Property, of any value, to a non-Iowa public agency shall be approved by the City Council.
 - e. Publication requirements do not apply when Property is transferred to another governmental agency.
6. Property Having No Value:
 - a. Property that has no practical salvage or scrap metal value may be disposed of in the proper manner for the item.
 - b. If Property cannot be recycled or disposed of in the regular solid waste disposal process, departments shall arrange for appropriate disposal.
 - c. No Property shall be given to or salvaged by City Officials or Employees.

IV. City Officials and Employees

- A. "Employees" shall be defined as any full-time or part-time/seasonal employee of the City of North Liberty (hereafter "Employees").
- B. "City Officials" shall be defined as elected officials, commission members, board members, and committee member (hereafter "City Officials").
- C. City Officials and Employees are eligible to bid on Property listed for disposal in section III within this Policy, unless specifically prohibited by State, Federal, or departmental guidelines (i.e.: police investigation-related items or federally seized items).
- D. City Officials and Employees shall not bid on Property while on duty nor while acting in official capacity of the City.

V. Unauthorized Personal Scrapping, Recycling or Disposal of Trash or Junk

- A. Transferring, selling, donating, scrapping, recycling or disposing of Property by City Officials or Employees for personal gain or to benefit the interest of any person or party other than the City of North Liberty, including handling or disposal of trash or junk, except as directed by duly authorized City management personnel, is strictly forbidden.
- B. City Officials and Employees shall not claim ownership of, give away, recover, or salvage any materials abandoned, disposed or stored upon City premises, including trash or other similar materials, placed in, on, or in the vicinity of recycling or collection cans, dumpsters or bins. Furthermore, City Officials and Employees shall not obtain Property or the proceeds from the disposal of Property, except as lawfully authorized by the CA. This prohibition includes giving any such Property or proceeds to any person or party other than for the duly authorized benefit and interest of the City of North Liberty, or authorizing any other person or party to accept, receive or take any such Surplus Property to benefit their own interest, except as provided herein above.
- C. Disciplinary Action(s): Appropriate disciplinary action, up to and including termination, will be taken should an employee be found, through proper investigation, to have violated the terms of this policy.

Resolution No. 2022-82

**RESOLUTION APPROVING THE SURPLUS PROPERTY
DISPOSAL POLICY**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY,
IOWA:**

WHEREAS, the City has regular needs for disposing of no longer needed, obsolete or non-functioning property; and

WHEREAS, the City has set forth guidance and procedures for disposal of that property; and

WHEREAS, the Surplus Property Disposal Policy has been reviewed by City legal counsel.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY
OF NORTH LIBERTY, IOWA**, that the Surplus Property Disposal Policy is approved and authorized for use effective upon action.

APPROVED AND ADOPTED this 26th day of July, 2022.

CITY OF NORTH LIBERTY:

Chris Hoffman, 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



Assessment Resolution

Resolution No. 2022-83

**RESOLUTION ASSESSING DELINQUENT AMOUNTS OWED
TO THE CITY OF NORTH LIBERTY, IOWA TO INDIVIDUAL
PROPERTY TAXES**

WHEREAS, the following individuals have not paid the amounts listed below which are due and payable to the City of North Liberty, Iowa as follows:

| <u>Name</u> | <u>Property</u> | <u>Parcel</u> | <u>Amount</u> | <u>Description</u> |
|-------------|-----------------|---------------|---------------|--------------------|
| Matnic, Ilc | 415 N Main St | 0612406007 | \$190.30 | Weeds & Grass |

WHEREAS, diligent effort has been made to collect said amount; and

WHEREAS, under the terms of the Municipal Code of North Liberty, Iowa, this amount is delinquent and should be certified pursuant to said Municipal Code.

NOW, THEREFORE, BE IT RESOLVED THAT that the City Clerk is hereby authorized and directed to certify to the Johnson County Treasurer the above and foregoing delinquent amount to the appropriate real property in North Liberty, Johnson County, Iowa, as hereinbefore described.

APPROVED AND ADOPTED this 26th day of July, 2022.

CITY OF NORTH LIBERTY:

CHRIS HOFFMAN, 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



Buck Moon Preliminary Plat



July 5, 2022

Chris Hoffman, Mayor
City of North Liberty
3 Quail Creek Circle
North Liberty IA 52317

Re: Request of Daniel & Rhonda Bernacki Revocable Trust to approve a Preliminary Subdivision Plat for a 68 lot subdivision on approximately 36.32 acres. The property is located on the east side of North Dubuque Street approximately 185' south of Scales Bend Road.

Mayor Hoffman:

The North Liberty Planning Commission considered the above-referenced request at its July 5, 2022 meeting. The Planning Commission took the following action:

Findings:

1. The preliminary plat would consistency with the Comprehensive Plan Future Land Map designation; and
2. The preliminary plat would achieve consistency with Section 180.11(3)(A) and 180.12 of the North Liberty Code of Ordinances, which sets forth the preliminary subdivision plat submittal requirements and design standards, respectively.

Recommendation:

The Planning Commission accepted the listed findings and forwards the preliminary plat to the City Council with a recommendation for approval.

The vote for approval was 7-0.

Josey Bathke, Chairperson
City of North Liberty Planning Commission



To **City of North Liberty Planning Commission**
From **Ryan Rusnak, AICP**
Date **June 30, 2022**
Re **Request of Daniel & Rhonda Bernacki Revocable Trust to approve a Preliminary Subdivision Plat for a 68 lot subdivision on approximately 36.32 acres. The property is located on the east side of North Dubuque Street approximately 185' south of Scales Bend Road**

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
Grant Lientz, City Attorney
Tom Palmer, City Building Official
Kevin Trom, City Engineer
Ryan Rusnak, Planning Director

1. Request Summary:

This Preliminary Subdivision Plat proposes 61 single-unit residence lots, 7 townhouse lots and related infrastructure.

2. Current Zoning:

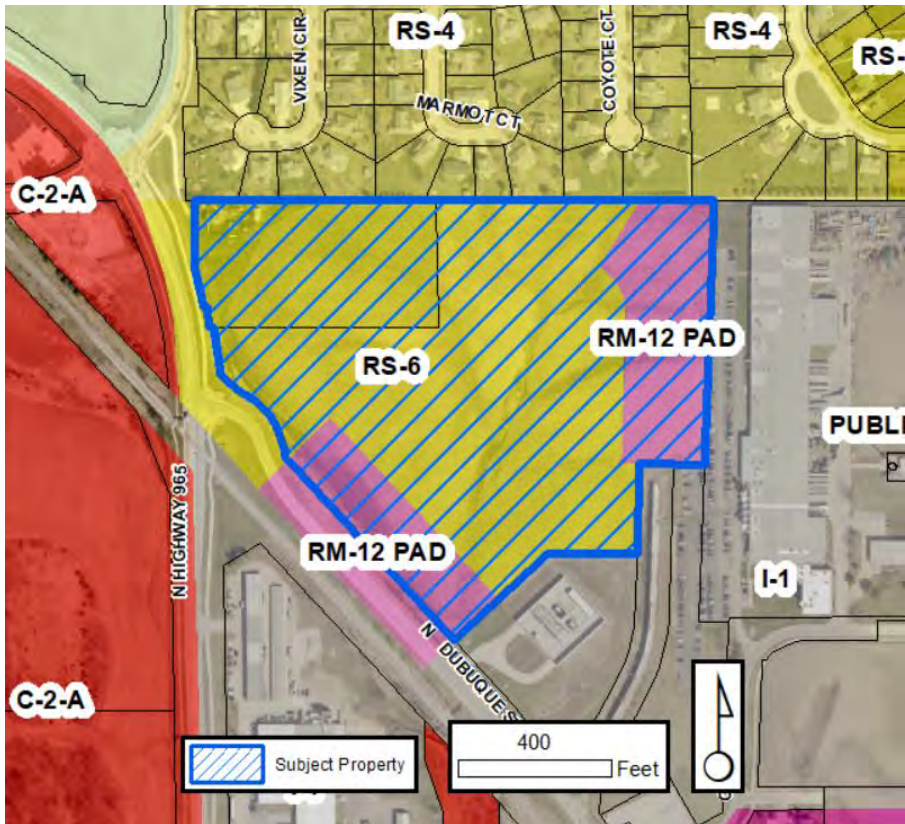
RS-6 Single-Unit Dwelling District.

The RS-6 District is intended to provide for and maintain moderate density single-unit residential neighborhoods. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the RS-6 District.

RM-12 PAD

RM-12 Multi-Unit Residence District. The RM-12 District is intended to provide and maintain medium-density, multiple-unit housing residential neighborhoods. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the RM-12 District.

The Planned Area Development was approved allow the townhomes within the multi-family portion of the development to construct individual curb cuts along a public street, which is normally not permitted in the Off-Street Parking Ordinance.



3. Consistency with Comprehensive Plan:
 Land Use Plan designation: Residential.



4. Public Input:

Good neighbor meetings were held on February 14, 2022 and March 22, 2022. The first meeting was held via Zoom and was very well attended with approximately 25 attendees outside of the applicant's representatives and staff. The second meeting was held in person and via Zoom with approximately five attendees outside of the applicant's representatives and staff.

Expressed concerns (staff commentary in italics):

1. Improving the drainage along the south side of the Fox Run Subdivision.
2. General questions about the final design of the subdivision, including storm water detention.
3. Concern about the compatibility of the homes adjacent to the Fox Run Subdivision. Whether there would be a visual buffer between the two developments.
4. The amount of traffic on North Dubuque Street and the increased traffic caused by the proposed development. The spacing of the two entrances on North Dubuque Street.
5. The potential of their being an 8' wide trail (which staff advocated for) along the north end of the property and being able to accommodate drainage and adequate setbacks.
6. The location of the condominium development within the subdivision.
7. The style of home sites being proposed, the selling price and the applicant's experience with construction subdivisions and homes.
8. If the development will offer more affordable homes for sale.
9. How the proposed development would impact the capacity of Christine Grant Elementary.

5. Approval Standards:

Section 180.11(3)(A) of the North Liberty Code of Ordinances sets forth the preliminary subdivision plat submittal requirements and review (Ordinance language in *italics* and staff analysis in **bold**).

3. *Preliminary Subdivision Plat Submittal Requirements and Review. The preliminary plat, in general, contains more information than the final plat, so that the subdivider and the City can ensure conformance with codes, master facility plans, and good planning and engineering practices. Though the preliminary plat is not recorded, it is approved by resolution of the City Council, and conditions for approval of the plat shall be addressed on any final plats of the same area.*
 - A. *Preliminary Plat Contents. The application shall include a preliminary plat of the subdivision drawn to a scale of one inch to one hundred feet minimum, and shall show:*
 - (1) *A location map to provide spatial reference, showing the outline of the area to be subdivided, existing streets and corporate limits in the vicinity, a north arrow and scale or note stating "not to scale," and other information that might help clarify where the plat is located as well as its surroundings and size relative to other City features;*

This has been provided on the Preliminary Plat.

(2) Name of proposed subdivision and date;
This has been provided on the Preliminary Plat.

(3) Legal description and acreage;
This has been provided on the Preliminary Plat.

(4) Name and address of owner;
This has been provided on the Preliminary Plat.

(5) Names of the persons preparing the plat, owner's attorney, representative or agent, if any;
This has been provided on the Preliminary Plat.

(6) Existing and proposed zoning district classification of all land within the proposed subdivision and within about 200 feet of the subdivision;
Staff is not requiring this information on the Preliminary Plat.

(7) North point and graphic scale;
This has been provided on the Preliminary Plat.

(8) Contours at two-foot intervals or less, both existing and as generally proposed (subject to more refinement in subsequent construction plans);
This has been provided on the Preliminary Plat.

(9) Building setback lines as required by the current or proposed zoning district classifications;
This has been provided on the Preliminary Plat.

(10) The approximate boundaries of areas of known flood levels or floodplains, areas covered by water, wooded areas, floodways, and all open channel drainage ways;
This has been provided on the Preliminary Plat.

(11) Locations, names, and dimensions of existing lot lines, streets, public utilities, water mains, sewers, drainpipes, culverts, watercourses, bridges, railroads and buildings within in the proposed subdivision and within about 200 feet of the subdivision;
This has been provided on the Preliminary Plat.

(12) Layout of proposed blocks, if used, and lots, including the dimension of each lot, and the lot and block number in numerical order;
This has been provided on the Preliminary Plat.

(13) Layout and dimensions of proposed streets, sidewalks, trails, alleys, utility and other easements, parks and other open spaces or reserved areas;
This has been provided on the Preliminary Plat.

(14) Grades of proposed streets and alleys;

This has been provided on the Preliminary Plat.

(15) A cross-section of the proposed streets showing the roadway locations, the type of curb and gutter, the paving, and sidewalks to be installed;

This has been provided on the Preliminary Plat.

(16) The layout of proposed water mains and sanitary sewer systems;

This has been provided on the Preliminary Plat.

(17) The drainage of the land, including proposed storm sewers, ditches, culverts, bridges and other structures;

This has been provided on the Preliminary Plat.

(18) Stormwater management facilities when applicable;

This has been provided on the Preliminary Plat.

(19) A signed certificate of the Johnson County Auditor for the subdivision name;

This information has been provided.

(20) Other special details or features that may be proposed or required.

None required.

6. Additional Considerations:

One of the biggest concerns was accepting the drainage from the Fox Run Subdivision. It became clear that there was not sufficient space to accommodate the drainage and constructing an 8' wide path in that location. The preliminary plat depicts an 8' side path within the subdivision, which would connect to the path behind Cedar Springs Subdivision.

An 8' wide trail along North Dubuque Street would be constructed adjacent to the subdivision. There would be a missing section of approximately 750' of trail south of the development to Centro Way. The City will need to further explore the timing of this section of trail.

There are some minor details that need to be resolved prior to City Council's consideration of the Preliminary Plat. Staff is comfortable that these will be resolved without the need for conditions.

7. Staff Recommendation:

Findings:

1. The preliminary plat would consistency with the Comprehensive Plan Future Land Map designation; and
2. The preliminary plat would achieve consistency with Section 180.11(3)(A) and 180.12 of the North Liberty Code of Ordinances, which sets forth the preliminary subdivision plat submittal requirements and design standards, respectively.

Recommendation:

Staff recommends the Planning Commission accept the two listed findings and forward the request to approve a Preliminary Subdivision Plat for 61 single-unit residence lots, 7 townhouse lots and related infrastructure. on approximately 36.32 acres to the City Council with a recommendation for approval.

Suggested motion:

I move that the Planning Commission accept the two listed findings and forward the Preliminary Subdivision Plat to the City Council with a recommendation for approval.

Resolution No. 2022-84

**RESOLUTION APPROVING THE PRELIMINARY PLAT
FOR BUCK MOON VILLAS, NORTH LIBERTY, IOWA**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY,
IOWA:**

WHEREAS, the owner and applicant, Daniel & Rhonda Bernacki Rev Trust, has filed with the City Clerk a preliminary plat described in Exhibit A which is attached hereto;

WHEREAS, the property is legally described as:

Auditor's Parcel 2017-092 and Auditor's Parcel 216-089, City of North Liberty,
Johnson County, Iowa

Outlots A-C shall be privately owned and maintained for storm water management

WHEREAS, said real estate is owned by the above-named party and the subdivision is being made with free consent and in accordance with the desires of the owner;

WHEREAS, said preliminary plat has been examined by the North Liberty Planning and Zoning Commission which found:

1. The preliminary plat would achieve consistency with the Comprehensive Plan Future Land Map designation; and
2. The preliminary plat would achieve consistency with Section 180.11(3)(A) and 180.12 of the North Liberty Code of Ordinances, which sets forth the preliminary subdivision plat submittal requirements and design standards, respectively.

and did recommend that the preliminary plat described as Buck Moon Villas be approved with no conditions;

WHEREAS, said preliminary plat are found to conform with Chapter 354 of the Code of Iowa and ordinances of the City of North Liberty.

NOW, THEREFORE, BE IT RESOLVED that the Preliminary Plat for Buck Moon Villas is approved.

APPROVED AND ADOPTED this 26th day of July, 2022.

CITY OF NORTH LIBERTY:

CHRIS HOFFMAN, MAYOR

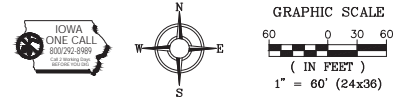
ATTEST:

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.

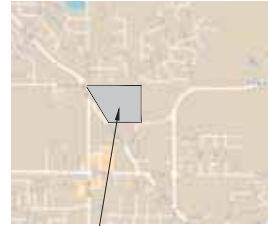
TRACEY MULCAHEY, CITY CLERK

PRELIMINARY PLAT

BUCK MOON VILLAS
TO THE CITY OF NORTH LIBERTY, IA



SITE LOCATION MAP



APPROXIMATE SITE LOCATION

| Lot | Area | Acres |
|-------|-------|-------|
| 1-61 | 24.18 | ± |
| 62-68 | 4.19 | ± |
| 1-61 | 14.38 | ± |
| 62-68 | 3.90 | ± |
| A-C | 1.71 | ± |

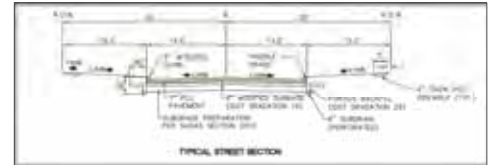
Total Lots:
Single Family Lots: 1-61 Zoned RS-6
3-Plex Lots: 62-68 (21 Units) Zoned RM-12

AREA OF SUBDIVISION:
GROSS: 24.18 ACRES ±
R.O.W.: 4.19 ACRES ±
RS-6 LOTS 1-61: 14.38 ACRES ±
RM-12 LOTS 62-68: 3.90 ACRES ±
OUTLOTS LOTS A-C: 1.71 ACRES ±

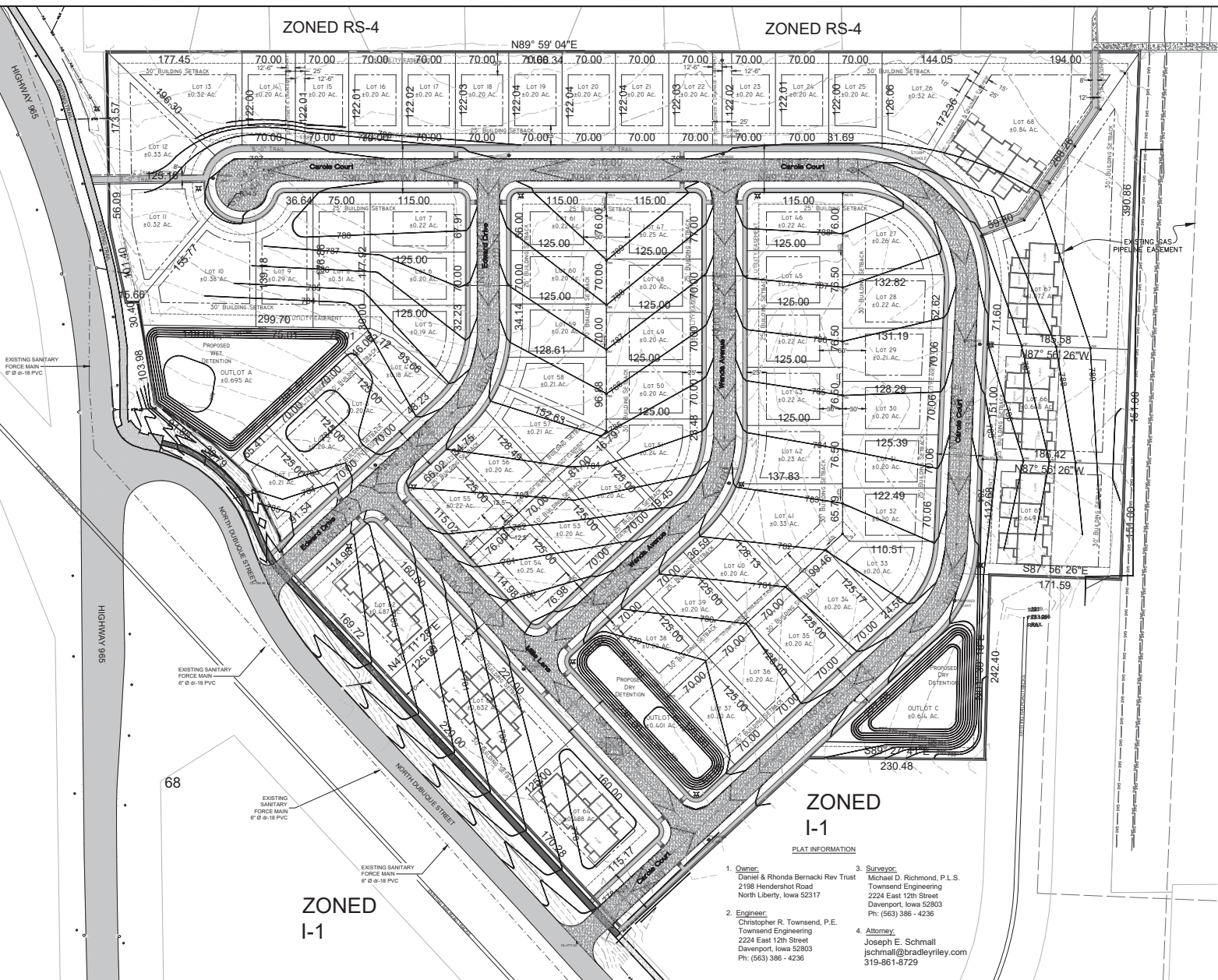
GENERAL NOTES

LEGAL DESCRIPTION OF PROPERTY:
AUDITOR'S PARCEL 2017-092 AND AUDITOR'S PARCEL 2016-089, CITY OF NORTH LIBERTY, JOHNSON COUNTY, IOWA.

OUTLOTS A-C SHALL BE PRIVATELY OWNED AND MAINTAINED FOR STORM WATER MANAGEMENT.



| LEGEND: | |
|---------|---------------------------------------|
| | EXISTING GAS VALVE |
| | EXISTING WATER VALVE |
| | EXISTING UTILITY POLE |
| | EXISTING LIGHT POLE |
| | EXISTING TREE |
| | EXISTING BUSH |
| | EXISTING MANHOLE |
| | EXISTING FIRE HYDRANT |
| | FOUND PROPERTY PIN |
| | CONTROL POINT |
| | EXISTING CONTOUR LINE |
| | PROPOSED CONTOUR LINE |
| | SPOT ELEVATION TOP OF CURB |
| | SPOT ELEVATION FINISH FLOOR ELEVATION |



1. Owner:
Daniel & Rhonda Bernacki Rev Trust
2198 Hendershot Road
North Liberty, Iowa 52317
2. Engineer:
Christopher R. Townsend, P.E.
Townsend Engineering
2224 East 12th Street
Davenport, Iowa 52803
Ph: (563) 386 - 4236
3. Surveyor:
Michael D. Richmond, P.L.S.
Townsend Engineering
2224 East 12th Street
Davenport, Iowa 52803
Ph: (563) 386 - 4236
4. Attorney:
Joseph E. Schmall
jschmall@bradleyriley.com
319-861-8729

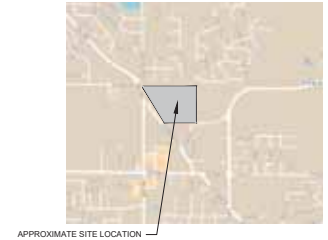
| | | | | | | | | | |
|--|-----------------|---|-----------------|-----|------------------------|------|---|---|-----------|
| | DATE: 6/27/2022 | DRAWN BY: CV | CHECKED BY: MDR | NO. | REVISIONS: DESCRIPTION | DATE | PROJECT | OWNER | SHEET NO. |
| | | DRAWING LOCATION S:\CUMMINS\LIBERTY VILLAS.DWG | | | | | PRELIMINARY PLAT BUCK MOON VILLAS DUBUQUE STREET NORTH LIBERTY, IOWA | DANIEL & RHONDA BERNACKI REV TRUST 2198 HENDERSHOT RD NORTH LIBERTY, IA 52317 | 1 of 3 |

PRELIMINARY PLAT
UTILITY DESIGN

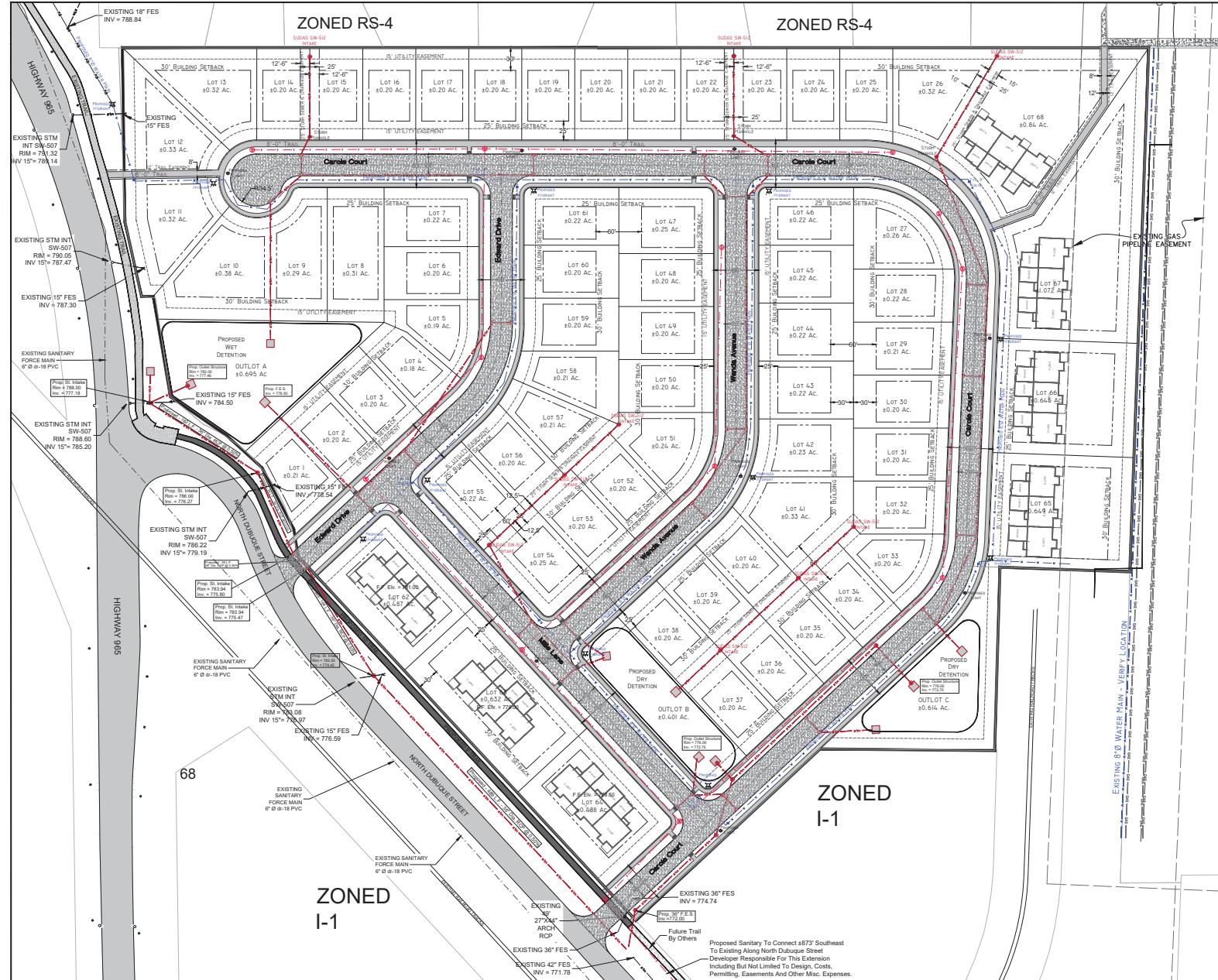
BUCK MOON VILLAS

TO THE CITY OF NORTH LIBERTY, IA

SITE LOCATION MAP



APPROXIMATE SITE LOCATION



| LEGEND: | | | |
|---------|----------------------|--|------------------------------|
| | EASEMENT | | EXISTING GAS VALVE |
| | SETBACK LINE | | EXISTING WATER VALVE |
| | CENTERLINE | | EXISTING UTILITY POLE |
| | PROPERTY BOUNDARY | | EXISTING LIGHT POLE |
| | EXISTING FENCE | | EXISTING TREE |
| | EXISTING SANITARY | | EXISTING BUSH |
| | PROPOSED SANITARY | | EXISTING MANHOLE |
| | EXISTING STORM SEWER | | EXISTING FIRE HYDRANT |
| | PROPOSED STORM SEWER | | FLOOD PROPERTY PIN |
| | EXISTING WATER | | EXISTING ELECTRIC |
| | PROPOSED WATER | | EXISTING CONTOUR LINE |
| | EXISTING GAS LINE | | PROPOSED CONTOUR LINE |
| | EXISTING ELECTRIC | | SPOT ELEVATION 5' OR GREATER |
| | | | SPOT ELEVATION 1' TO 4' 11" |
| | | | PROPOSED FLOOR ELEVATION |



DATE: 6/27/2022
 386 4236 386 4231
 2224 East 12th Street, Des Moines, IA 50319

DRAWN BY: CV
 CHECKED BY: MDR
 DRAWING LOCATION
 S:\CUMMINS\LIBERTY VILLAS.DWG

| NO. | REVISIONS: DESCRIPTION | DATE |
|-----|------------------------|------|
| | | |
| | | |

PROJECT
 PRELIMINARY PLAT
 BUCK MOON VILLAS
 DUBUQUE STREET
 NORTH LIBERTY, IOWA



OWNER
 DANIEL & RHONDA BERNACKI REV TRUST
 2198 HENDERSHOT RD
 NORTH LIBERTY, IA 52137

SHEET NO.
2 of 3

PRELIMINARY PLAT

BUCK MOON VILLAS

TO THE CITY OF NORTH LIBERTY, IA

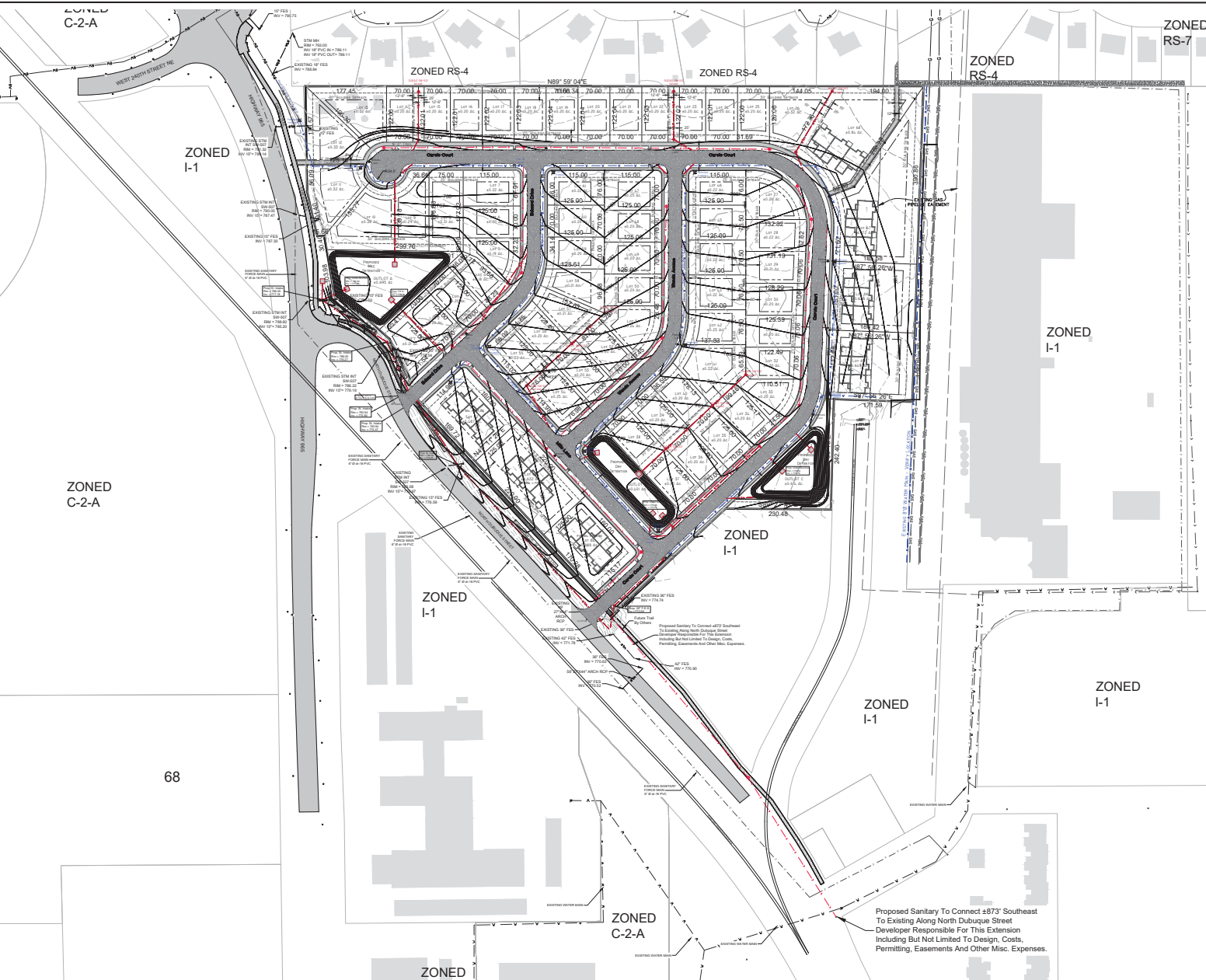



GRAPHIC SCALE
100 0 50 100
(IN FEET)
1" = 100' (24x36)

SITE LOCATION MAP



APPROXIMATE SITE LOCATION



Proposed Sanitary To Connect #873' Southeast To Existing Along North Dubuque Street
Developer Responsible For This Extension
Including But Not Limited To Design, Costs,
Permitting, Easements And Other Misc. Expenses.

| LEGEND: | | |
|---------|-----------------------|--|
| | EXISTING GAS VALVE | |
| | EXISTING WATER VALVE | |
| | EXISTING UTILITY POLE | |
| | EXISTING LIGHT POLE | |
| | EXISTING TREE | |
| | EXISTING BUSH | |
| | EXISTING MANHOLE | |
| | EXISTING FIRE HYDRANT | |
| | FOUND PROPERTY PIN | |
| | | |
| | | |
| | | |



DATE: 6/27/2022
386 4236 386 4231
2224 East 142nd Street, Des Moines, IA 50325

DRAWN BY: CV
CHECKED BY: MDR
DRAWING LOCATION: S:\CUMMINS\LIBERTY VILLAS.DWG

| NO. | REVISIONS: DESCRIPTION | DATE |
|-----|------------------------|------|
| | | |
| | | |
| | | |

PROJECT: PRELIMINARY PLAT
BUCK MOON VILLAS
DUBUQUE STREET
NORTH LIBERTY, IOWA

OWNER: DANIEL & RHONDA BERNACKI REV TRUST
2198 HENDERSHOT RD
NORTH LIBERTY, IA 52317

SHEET NO. 3 of 3

PRELIMINARY PLAT

BUCK MOON VILLAS
TO THE CITY OF NORTH LIBERTY, IA

IOWA ONE CALL
800.232.6969
www.iowacall.com

GRAPHIC SCALE
60 0 30 60
IN FEET
1" = 60' (24x36)

SITE LOCATION MAP



| Item | Min | Max |
|-----------------------------------|----------|---------------------|
| Minimum Lot Area | 2,000 SF | 50,000 SF (5.00 AC) |
| Minimum Lot Width | 20' | 100' |
| Minimum Building Height | 8' | 35' |
| Setbacks | | |
| Minimum Required Front Yard | 10' | 10' |
| Minimum Required Corner Side Yard | 5' | 5' |
| Minimum Required Side Yard | 5' | 5' |
| Minimum Required Rear Yard | 5' | 5' |

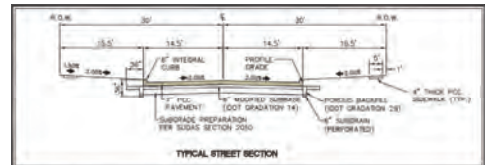
APPROXIMATE SITE LOCATION

Total Lots:
Single Family Lots: 1-61 Zoned RS-6
3-Plex Lots: 62-68 (21 Units) Zoned RM-12

AREA OF SUBDIVISION:
GROSS: 24.18 ACRES ±
R.O.W.: 4.19 ACRES ±
RS-6 LOTS 1-61: 14.38 ACRES ±
RM-12 LOTS 62-68: 3.90 ACRES ±
OUTLOTS A-C: 1.71 ACRES ±

GENERAL NOTES

LEGAL DESCRIPTION OF PROPERTY:
AUDITOR'S PARCEL 2017-092 AND AUDITOR'S PARCEL 2018-089, CITY OF NORTH LIBERTY, JOHNSON COUNTY, IOWA.
OUTLOTS A-C SHALL BE PRIVATELY OWNED AND MAINTAINED FOR STORM WATER MANAGEMENT.

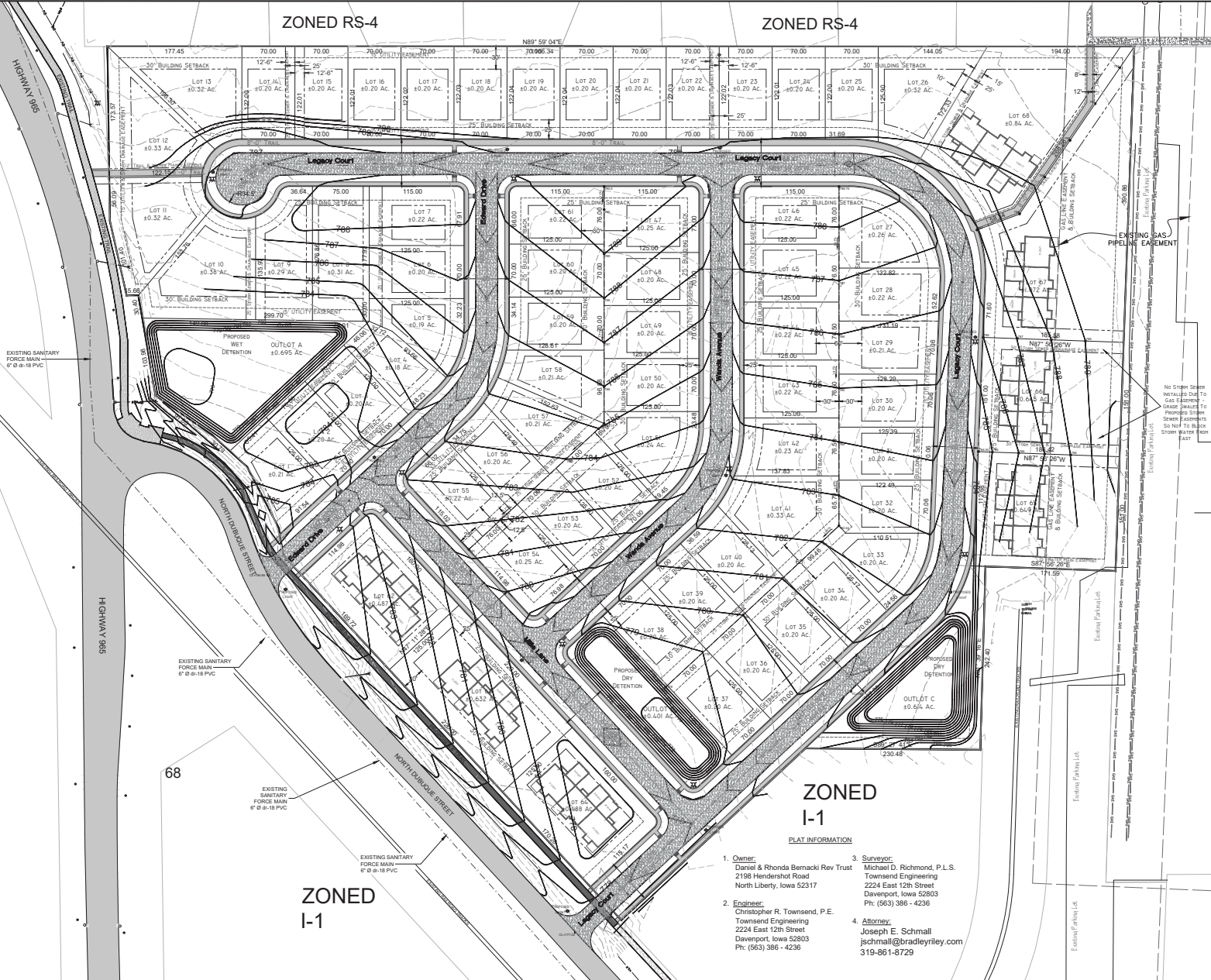


Saw Cut Joints in Trail As Per City North Liberty Specifications



LEGEND:

| | | | | | |
|--|----------------------|--|-----------------------|--|------------------------------|
| | EASEMENT | | EXISTING GAS VALVE | | EXISTING CONTOUR LINE |
| | EASEMENT | | EXISTING WATER VALVE | | PROPOSED CONTOUR LINE |
| | CENTERLINE | | EXISTING UTILITY POLE | | SPOT ELEVATION TOP OF STORM |
| | PROPERTY BOUNDARY | | EXISTING LIGHT POLE | | SPOT ELEVATION BOT. OF STORM |
| | EXISTING PIPE | | EXISTING TREE | | SPOT ELEVATION EXISTING |
| | EXISTING SANITARY | | EXISTING BUSH | | SPOT ELEVATION EXISTING |
| | PROPOSED SANITARY | | EXISTING MANHOLE | | SPOT ELEVATION EXISTING |
| | EXISTING STORM SEWER | | EXISTING FIRE HYDRANT | | PROPOSED FLOOR ELEVATION |
| | PROPOSED STORM SEWER | | FOUND PROPERTY PA | | CONTROL POINT |
| | EXISTING WATER | | EXISTING ELECTRIC | | |



ZONED I-1
PLAT INFORMATION

- Owner: Daniel & Rhonda Bernacki Rev Trust
2198 Hendershot Road
North Liberty, Iowa 52317
- Engineer: Christopher R. Townsend, P.E.
Townsend Engineering
2224 East 12th Street
Davenport, Iowa 52803
Ph: (563) 386 - 4236
- Surveyor: Michael D. Richmond, P.L.S.
Townsend Engineering
2224 East 12th Street
Davenport, Iowa 52803
Ph: (563) 386 - 4236
- Attorney: Joseph E. Schmall
jschmall@bradleyriley.com
319-861-8729



DATE: 7/20/2022
563 386.4236 386.4231
2224 East 12th Street, Davenport, IA 52803

DRAWN BY: CV
CHECKED BY: MDR
DRAWING LOCATION
S:\CUMMINS\LIBERTY VILLAS.DWG

| NO. | REVISIONS: DESCRIPTION | DATE |
|-----|------------------------|------|
| | | |
| | | |

PROJECT
PRELIMINARY PLAT
BUCK MOON VILLAS
DUBUQUE STREET
NORTH LIBERTY, IOWA

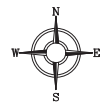
OWNER
DANIEL & RHONDA BERNACKI REV TRUST
2198 HENDERSHOT RD
NORTH LIBERTY, IA 52317

SHEET NO.
1 of 3

PRELIMINARY PLAT
UTILITY DESIGN

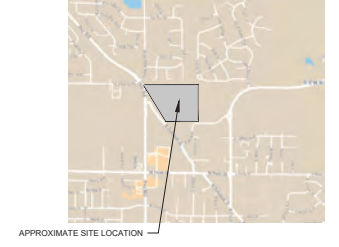
BUCK MOON VILLAS

TO THE CITY OF NORTH LIBERTY, IA

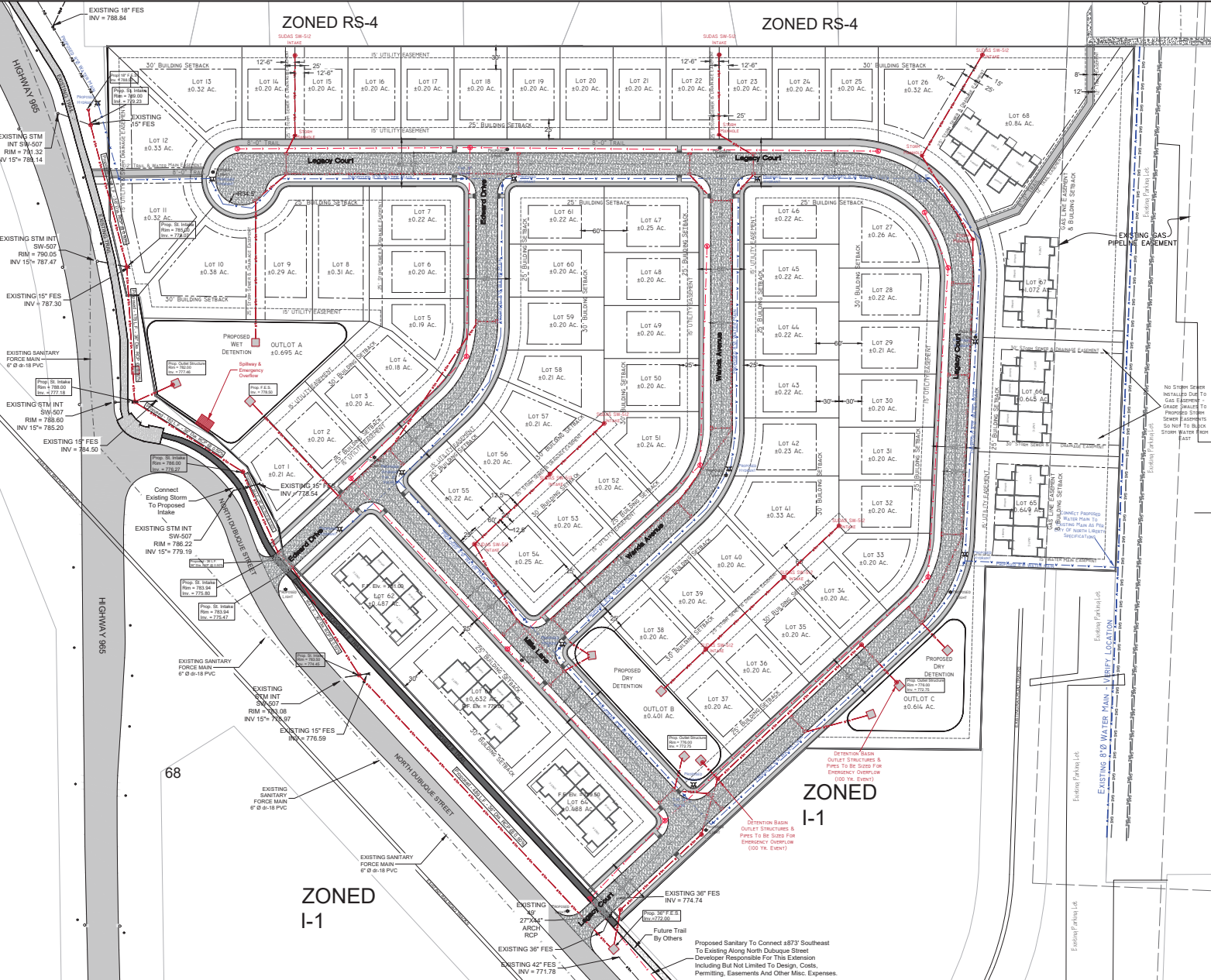


GRAPHIC SCALE
60 0 30 60
(IN FEET)
1" = 60' (24x36)

SITE LOCATION MAP



APPROXIMATE SITE LOCATION



| LEGEND: | | |
|---------|---------------------------------|------------------|
| | EXISTING SANITARY FORCE MAIN | |
| | EXISTING STORM SEWER | |
| | EXISTING GAS LINE | |
| | EXISTING ELECTRIC | |
| | EXISTING GAS VALVE | |
| | EXISTING WATER VALVE | |
| | EXISTING UTILITY POLE | |
| | EXISTING TREE | |
| | EXISTING BUSH | |
| | EXISTING MANHOLE | |
| | EXISTING FIRE HYDRANT | |
| | FOUND PROPERTY PA CONTROL POINT | |
| | EXISTING CONTOUR LINE | |
| | PROPOSED CONTOUR LINE | |
| | SPOT ELEVATION TOP OF CURB | 0.00, 0.00, 0.00 |
| | SPOT ELEVATION OF GUTTER | 0.00, 0.00, 0.00 |
| | SPOT ELEVATION DECK | 0.00, 0.00, 0.00 |
| | FINISHED FLOOR ELEVATION | 0.00, 0.00, 0.00 |



DATE: 7/20/2022
563 386.4236 386.4231
2224 East 12th Street, Des Moines, IA 50303

DRAWN BY: CV
CHECKED BY: MDR
DRAWING LOCATION
S:\CUMMINS\LIBERTY VILLAS.DWG

| NO. | REVISIONS: DESCRIPTION | DATE |
|-----|---------------------------|------|
| | | |
| | | |



PROJECT: PRELIMINARY PLAT
BUCK MOON VILLAS
DUBUQUE STREET
NORTH LIBERTY, IOWA

OWNER: DANIEL & RHONDA BERNACKI REV TRUST
2198 HENDERSHOT RD
NORTH LIBERTY, IA 52317

PRELIMINARY PLAT

BUCK MOON VILLAS

TO THE CITY OF NORTH LIBERTY, IA

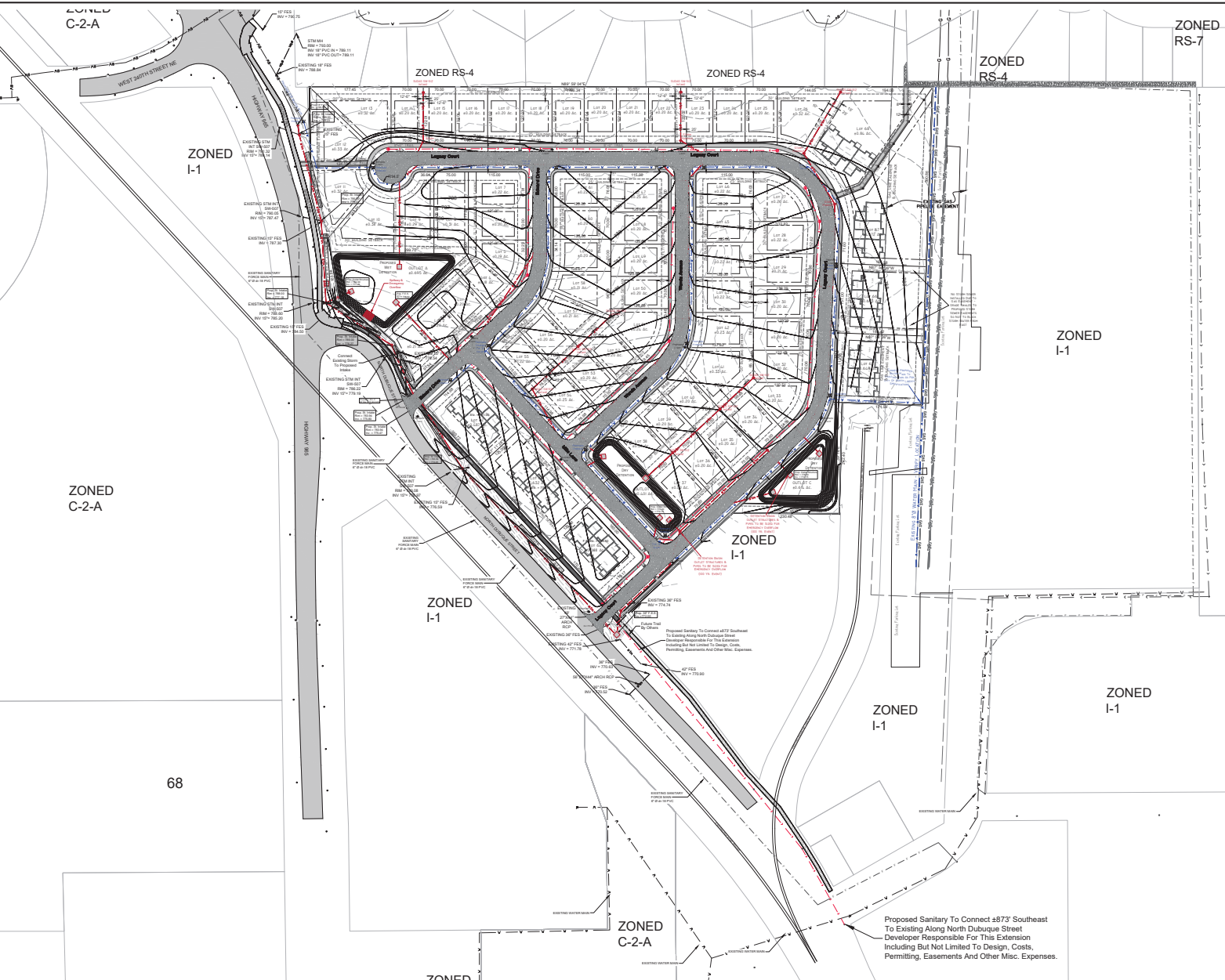



GRAPHIC SCALE
100 0 50 100
(IN FEET)
1" = 100' (24x36)

SITE LOCATION MAP



APPROXIMATE SITE LOCATION



| LEGEND: | | | |
|---------|-----------------------|--|--------------------------|
| | EXISTING GAS VALVE | | EXISTING CONTOUR LINE |
| | EXISTING WATER VALVE | | PROPOSED CONTOUR LINE |
| | EXISTING UTILITY POLE | | SPOT ELEVATION |
| | EXISTING LIGHT POLE | | SPOT ELEVATION |
| | EXISTING TREE | | SPOT ELEVATION |
| | EXISTING BUSH | | SPOT ELEVATION |
| | EXISTING MANHOLE | | SPOT ELEVATION |
| | EXISTING FIRE HYDRANT | | FINISHED FLOOR ELEVATION |
| | EXISTING FIRE HYDRANT | | FINISHED FLOOR ELEVATION |
| | FOUND PROPERTY P/N | | |
| | CONTROL POINT | | |
| | | | |
| | | | |



DATE: 7/20/2022
563 386.4236 386.4231
2224 East 12th Street, Des Moines, IA 52803

DRAWN BY: CV
CHECKED BY: MDR
DRAWING LOCATION
S:\CUMMINS\LIBERTY VILLAS.DWG

| NO. | REVISIONS: DESCRIPTION | DATE |
|-----|------------------------|------|
| | | |
| | | |
| | | |

PROJECT
PRELIMINARY PLAT
BUCK MOON VILLAS
DUBUQUE STREET
NORTH LIBERTY, IOWA

OWNER
DANIEL & RHONDA BERNACKI REV TRUST
2198 HENDERSHOT RD
NORTH LIBERTY, IA 52317

SHEET NO.
3 of 3



Mickelson Rezoning



July 5, 2022

Chris Hoffman, Mayor
City of North Liberty
3 Quail Creek Circle
North Liberty IA 52317

Re: Request of MLDC, Inc. for a zoning map amendment (rezoning) from RS-6 Single-Unit Residence District to RS-9 Single-Unit Residence District on approximately 2.29 acres and from RS-6 Single-Unit Residence District to RD-10 Two-Unit Residence District on 7.06 acres. The property is located at the north terminus of Morrison Street.

Mayor Hoffman:

The North Liberty Planning Commission considered the above-referenced request at its July 5, 2022 meeting. The Planning Commission took the following action:

Finding:

1. The rezoning request from RS-4 Single-Unit Residence District to RS-9 Single-Unit Residence District and RD-10 Two-Unit Residence District achieves consistency with the approval standards enumerated in Section 165.09 of the Zoning Code.

Recommendation:

The Planning Commission accepted the listed finding and forwards the zoning map amendment to the City Council with a recommendation for approval.

The vote for approval was 6-1.

Josey Bathke, Chairperson
City of North Liberty Planning Commission



To **City of North Liberty Planning Commission**
From **Ryan Rusnak, AICP**
Date **June 30, 2022**
Re **Request of MLDC, Inc. for a zoning map amendment (rezoning) from RS-6 Single-Unit Residence District to RS-9 Single-Unit Residence District on approximately 2.29 acres and from RS-6 Single-Unit Residence District to RD-10 Two-Unit Residence District on 7.06 acres. The property is located at the north terminus of Morrison Street.**

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
Grant Lientz, City Attorney
Tom Palmer, City Building Official
Kevin Trom, City Engineer
Ryan Rusnak, Planning Director

1. Request Summary:

This rezoning request is to facilitate development of the property with smaller single-unit residence and single-unit zero lot line residences. If approved, the request would allow for the construction of 22 additional homes (six single-unit residences and 16 single-unit zero lot line residences).

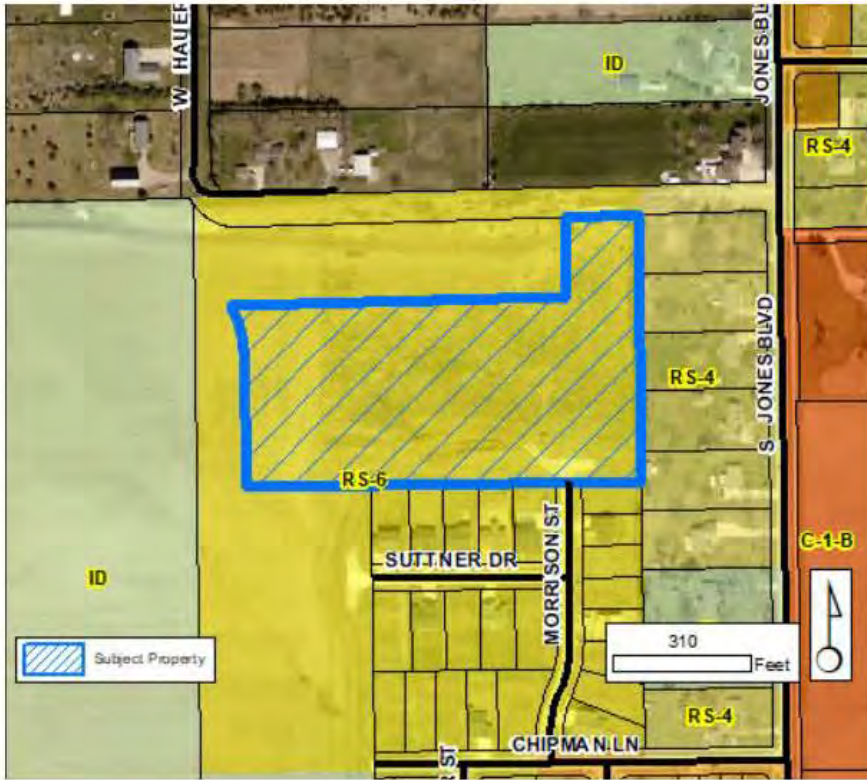
2. Proposed Zoning:

RS-9 Single-Unit Dwelling District.

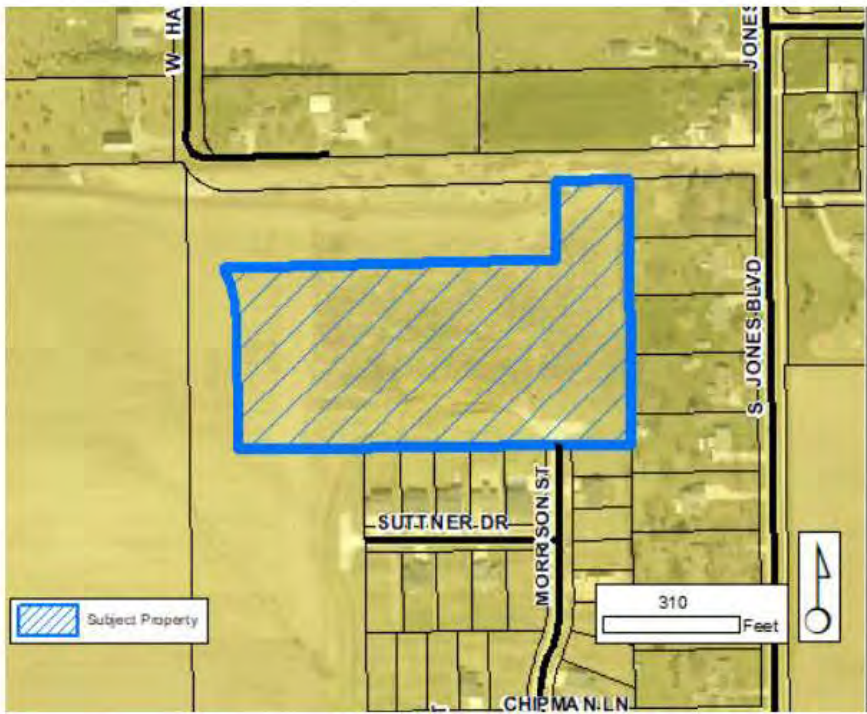
The RS-9 District is intended to provide for and maintain high-density single-unit residential neighborhoods. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the RS-9 District.

RD-10 Two-Unit Residence District.

The RD-10 District is intended to allow for attached single-unit dwellings joined together on a common boundary line with a common wall between the units. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the RD-10 District.



3. Consistency with Comprehensive Plan:
Land Use Plan designation: Residential.



The North Liberty Comprehensive Plan articulates the following regarding residential uses:

The plan promotes the development of a diversified housing stock that is affordable to a wide range of incomes. Even though general planning goals include limiting residential uses along arterials and in some cases even collector streets, the miles of such frontages within the City make strict adherence to those goals impractical, and landscape buffers, limited access, and smart neighborhood street layouts are utilized to minimize traffic impacts. Higher density residential development is considered to be somewhat of a transitional buffer between office/commercial development and lower density residential neighborhoods, in part because it is practical to locate the greater numbers of residents found in the higher density developments closer to the commercial services they need.

Relevant Comprehensive Plan Policies Related to Land Use:

- Protect residential neighborhoods from encroachment or intrusion of incompatible higher use types by adequate buffering and separation. This policy is not to be interpreted to imply that new development must match existing development in cost, density, or character; but instead to mean that gross incompatibilities shall be minimized and mitigated where unavoidable.

4. Public Input:

A good neighbor meeting was held on May 12, 2022. Approximately five people outside of City staff and the applicant attended the virtual meeting. There were some objections expressed at the meeting. The objections pertained to the different style of housing types than the developed RS-6 lots and the additional traffic generated by the additional units. To date, staff has received eight formal objections.

5. Approval Standards:

Section 165.09 of the Zoning Ordinance sets for the approval standards for zoning maps amendments.

- D. Approval Standards. The Planning Commission recommendation and the City Council decision on any zoning text or map amendment is a matter of legislative discretion that is not controlled by any particular standard. However, in making their recommendation and decision, the Plan Commission and the City Council must consider the following standards. The approval of amendments is based on a balancing of these standards (staff commentary in italics).

(1) Map Amendments.

(a) The consistency of the proposed amendment with the Comprehensive Plan and any adopted land use policies.

It is staff's opinion that the zoning map amendment would achieve consistency with the Comprehensive Plan and adopted land use policies. The RS-6 zoning would be maintained along Chipman Lane and Suttner Lane, which would allow continuity along the block faces. RS-6 zoning would also be maintained along future Remley Street, which is a planned collector street. It is the City's policy to limit the number of driveway accesses on a collector street. It is staff's opinion that the location of the RS-9 zoning would be appropriate due to the adjacency of the higher density RD-10 zoning.



(b) The compatibility with the zoning of nearby property.

It is staff's opinion that the proposed zonings would be compatible with adjacent RS-4 and RS-6 zoning.

(c) The compatibility with established neighborhood character.

It is staff's opinion that the proposed zonings would be compatible with established neighborhood character. A mix of housing types in a logical manner is appropriate.

- (d) The extent to which the proposed amendment promotes the public health, safety, and welfare of the City.

It is staff's opinion that the proposed zonings would promote the public health, safety, and welfare of the City.

- (e) The suitability of the property for the purposes for which it is presently zoned, i.e. the feasibility of developing the property in question for one or more of the uses permitted under the existing zoning classification.

As construction costs and interest rates increase, staff expects denser development requests such as this one. Staff is generally in favor of increasing density in areas where utilities are available if the development would be compatible with the surrounding area.

- (f) The extent to which the proposed amendment creates nonconformities.

This is not applicable.

6. Additional Considerations:

There are several examples of a mix of housing types within a residential subdivision within North Liberty. The Planning Commission unanimously recommended approval of the Watts Development Group's recent requests for RS-9 and RD-10 zoning in The Preserve subdivision. If approved, The Preserve would have RS-4, RS-6, RS-9, RD-8, RD-10 and RM-8 zoning within a relatively small geographic location. This would allow The Preserve to offer a good range of housing types. Another example includes Cedar Springs, which has six different residential zoning districts.

Staff disagrees that 22 additional homes would create a significant increase in traffic. Generally, home sites generate on average 9.5 vehicle trips per day, which equates to 209 vehicles spread out throughout the day with part traveling north to Remley Street and part traveling south to Chipman Lane.

7. Staff Recommendation:

Finding:

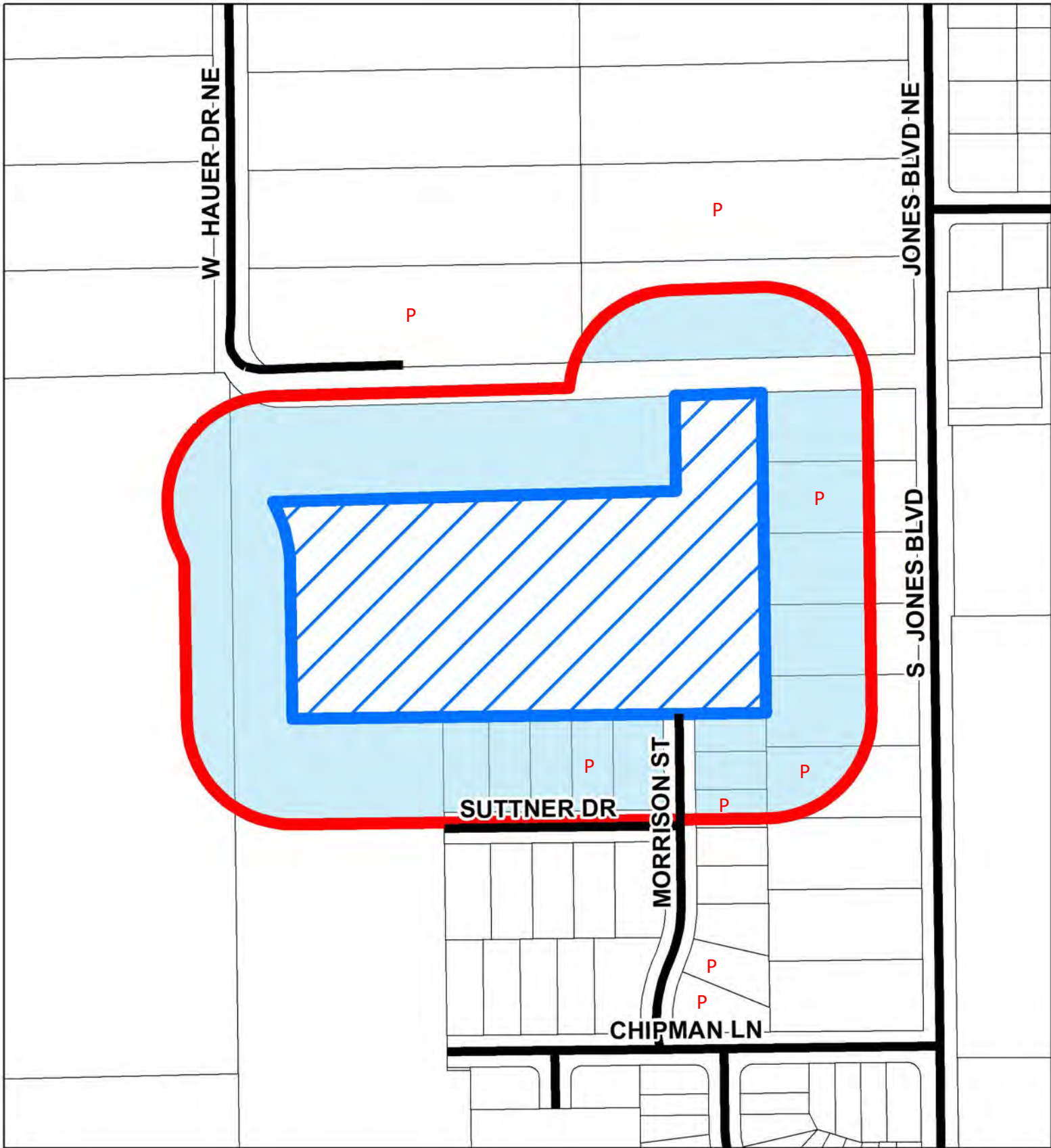
1. The rezoning request from RS-4 Single-Unit Residence District to RS-9 Single-Unit Residence District and RD-10 Two-Unit Residence District achieves consistency with the approval standards enumerated in Section 165.09 of the Zoning Code.


Recommendation:


Staff recommends the Planning Commission accept the listed finding and forward the request for zoning map amendment from RS-6 Single-Unit Dwelling District to RS-9 Single-Unit Dwelling District and RD-10 Two-Unit Residence District to the City Council with a recommendation for approval.


Suggested motion:

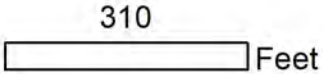
I move that the Planning Commission accept the listed findings and forward the zoning map amendment to the City Council with a recommendation for approval.



 Subject Property

 200' Radius

 Parcel Intersect



| FID | PPN | MailingNam | MailingA_1 | MailingA_2 | MailingZip | Area | Protest? | Protest % |
|-----|-----------|--------------------------------|------------------------|------------------|------------|----------|----------|-----------|
| 1 | 623102003 | SEAN & BRANDY GREENE | 1367 S JONES BLVD | NORTH LIBERTY IA | 52317 | 18499.16 | No | 0 |
| 2 | 623101002 | SCOTT D CLEMONS | 1275 S JONES BLVD | NORTH LIBERTY IA | 52317 | 26999.27 | Yes | 0.037377 |
| 3 | 623101003 | KELLY & LINDA WHITE | 1295 S JONES BLVD | NORTH LIBERTY IA | 52317 | 26999.21 | No | 0 |
| 4 | 623101004 | RAMONA I WALKER | 7 POND RIDGE CIR | CORALVILLE IA | 52241 | 26999.45 | No | 0 |
| 5 | 623102002 | JEFFREY O POTTER | 1365 S JONES BLVD | NORTH LIBERTY IA | 52317 | 26744.87 | Yes | 0.037025 |
| 6 | 614477009 | LEROY GREGORY KRIENER | 2793 JONES BLVD NE | NORTH LIBERTY IA | 52317 | 58171.65 | No | 0 |
| 7 | 614477010 | KEVIN P WATTS | PO BOX 218 | NORTH LIBERTY IA | 52317-0218 | 251.49 | Yes | 0.000348 |
| 8 | 623126001 | BRADLEY R MICKELSON | 7429 MALLARD CT NE | CEDAR RAPIDS IA | 52402 | 65807.22 | No | 0 |
| 9 | 623101001 | DOUGLAS WAYNE BROWN | 1255 S JONES BLVD | NORTH LIBERTY IA | 52317 | 26632.01 | No | 0 |
| 10 | 623102009 | MLDC INC | 711 S GILBERT ST | IOWA CITY IA | 52240 | 272369.9 | No | 0 |
| 11 | 623103003 | H & H HOME BUILDERS INC | 960 GROUSE CT | NORTH LIBERTY IA | 52317 | 7504.35 | No | 0 |
| 12 | 623103002 | PAUL J & JODY A HEID | 1370 MORRISON ST | NORTH LIBERTY IA | 52317 | 9742.93 | No | 0 |
| 13 | 623104005 | ADAM J & BRIANNA M JARR | 1360 SUTTNER DR | NORTH LIBERTY IA | 52317 | 15612.88 | No | 0 |
| 14 | 623104004 | RANDI L JELINEK & JEREMY D JEL | 1350 SUTTNER DR | NORTH LIBERTY IA | 52317 | 14188.92 | No | 0 |
| 15 | 623104003 | TERESA L & EDWARD H HU | 1340 SUTTNER DR | NORTH LIBERTY IA | 52317 | 14193.93 | Yes | 0.01965 |
| 16 | 623104002 | THOMAS M ERENBERGER & KRYSTIN | 1330 SUTTNER DRIVE | NORTH LIBERTY IA | 52317 | 14198.8 | Yes | 0.019657 |
| 17 | 623104001 | BLAKE EDWARDS | 1320 SUTTNER DR | NORTH LIBERTY IA | 52317 | 17186.01 | No | 0 |
| 18 | 623103001 | DR HORTON IOWA LLC | 1910 SW PLAZA SHOPS LN | ANKENY IA | 50023 | 9744.26 | No | 0 |

Total Land Area 651846.3

Total ROW Area 70494.63

Total Area within 200' Radius 722340.9

Total Protest Area* 11.41%

*20% Protest area rate requires 3/4 majority of City Council to approve the Zoning Map Amendment.

Ryan Rusnak

From: jpottero@southslope.net
Sent: Thursday, June 09, 2022 4:33 PM
To: Ryan Rusnak
Subject: [EXTERNAL] rezoning

WARNING: This email originated from outside of this organization. Do not click links or open attachments unless you know the contents are safe. Never provide your user ID or password to anyone.

Dear Ryan

I am opposed to the zoning change proposal for the property located at the north terminus of Morrison st.. I live at 1365 S. Jones Blvd. and the rezoning of the property behind me already devalued my property values because of the lots being so small. The rezoning of that property would make the population more dense meaning more traffic and devaluing other single-family homes in the area.

Thank you A 33 year concerned resident Jeff Potter

Ryan Rusnak

From: Scott Clemons <scott_clemons@southslope.net>
Sent: Thursday, June 09, 2022 3:19 PM
To: Ryan Rusnak
Cc: nancy_hale@southslope.net
Subject: [EXTERNAL] In opposition to rezoning North Terminus Morrison Street

WARNING: This email originated from outside of this organization. Do not click links or open attachments unless you know the contents are safe. Never provide your user ID or password to anyone.

Hello Director Rusnak,
My name is Scott Clemons. My wife, Nancy Hale, and I live at 1275 South Jones Boulevard, North Liberty, Iowa. We are opposed to the zoning change proposal for the property at the North Terminus of Morrison Street.
Respectfully - Scott

Ryan Rusnak

From: Alex Rickels <rickels.alex@iowacityschools.org>
Sent: Saturday, June 04, 2022 9:30 AM
To: Ryan Rusnak
Subject: [EXTERNAL] Morrison St Rezoning

WARNING: This email originated from outside of this organization. Do not click links or open attachments unless you know the contents are safe. Never provide your user ID or password to anyone.

Hi Ryan,

Please add Keaton and Alex Rickels to the list of those in formal objection to the rezoning change for the property located at the North Terminus of Morrison St. Thank you!

Alex and Keaton Rickels
1460 Morrison St.

From: Paige Prior <paigepriorphotography@gmail.com>
Sent: Monday, June 06, 2022 4:44 PM
To: Ryan Rusnak
Subject: [EXTERNAL] opposed rezoning

WARNING: This email originated from outside of this organization. Do not click links or open attachments unless you know the contents are safe. Never provide your user ID or password to anyone.

I am writing to you today because I am opposed to the zoning change proposal for the property located at the north terminus of Morrison st. in North Liberty.

Concern number 1:

Morrison st. will become a main traffic hub whether you create another street off of Jones or not. Traffic will come from both sides, as we are located between two interstate exits (Penn & Forevergreen) Almost every single home in this neighborhood has SMALL children, under the age of 8. Traffic will double, people WILL speed out of the neighborhood (This is coming from someone who used to live on a duplex street.) On street parking/snow removal is also going to be a nightmare. Overall though, my main concern is for the safety of our children. We are located right on Morrison, and am absolutely worried about the increase of traffic.

Concern(s) number 2:

One year ago my husband and I decided it was time to move out of our duplex (whipple ct). We had grown out of it, and grown tired of the neighborhood. We shopped around North Liberty for the perfect lot in a family friendly, quiet neighborhood. We knew we HAD TO stay in the CCA district, specifically zoned within North Bend Elementary school. In North Liberty if you want to build a home, you basically have two options for single family neighborhoods in the North Bend Elementary district. Harvest estates (where we used to live), or Mickelson.. Slim pickins. We chose Mickleson for the lure of the larger single family homes, the neighborhood was secluded, private, and very quiet. It reminded me of Aspen Ridge/Liberty farms. It feels very safe here! H&H home builders recommended Mickleson because there was more value in the land over here, and the homes were larger than Harvest Estates. It was zoned as a single family neighborhood, therefore perfect!

If we would have known that the City of North Liberty was even entertaining the thought of rezoning to smaller single family/ duplexes in Mickelson we would have decided against building here. I can tell you that 100% of the neighbors on Chipman/Morrison/Suttner would have to agree.

North Liberty has an abundance of zero lot/duplexes, triplexes, condos on this side of town. There are even some at the entrance of Mickelson Estates. It makes no sense to totally sandwich \$460,000-\$600,000 dollar homes in between TWO duplex neighborhoods. Keep the duplexes closer to the interstate over by North Bend Elementary. No one who lives here wants to drive down the appeal and value of their home by having duplexes directly in their backyard.

Please reconsider, it makes the current residents very sad and worried. We will not live here for more than a few years if duplexes are built. That's not what sold us when we bought our lot in Mickelson-- a new single family home neighborhood within NL & the CCA district, tucked away in a quiet/safe area sold us.

Thank you for your time.

1390 Morrison st.

Paige Prior

From: Tammy Kahler <tammy@kahlercollision.com>
Sent: Thursday, May 19, 2022 8:39 AM
To: Ryan Rusnak
Subject: [EXTERNAL]

WARNING: This email originated from outside of this organization. Do not click links or open attachments unless you know the contents are safe. Never provide your user ID or password to anyone.

Hi Ryan,

Would you please add Mick and Tammy Kahler to the list of those in formal objection to the rezoning of the property south of Morrison Street from RS6 to RS9 and RD10.

We would prefer our neighborhood to remain single family, with large to moderate size lots as had already been established and previously zoned for.

We feel there are other more suitable places for zero lots and small lots.

Thank you,
Mick and Tammy Kahler

Ryan Rusnak

From: Krystin Erenberger <krystin.erenberger@gmail.com>
Sent: Friday, June 03, 2022 9:31 AM
To: Ryan Rusnak
Subject: Re: [EXTERNAL] 5/12 Good Neighbor Follow-Up

WARNING: This email originated from outside of this organization. Do not click links or open attachments unless you know the contents are safe. Never provide your user ID or password to anyone.

Hi, Ryan -

Thanks for the email! Coincidentally I was just thinking of this, this morning, and how I had not sent you an official email so I appreciate your follow up. Yes, please mark us down as opposing the zoning change.

In reading the 414.5 code it states the 20% threshold must be met before the public hearing: "The protest, if filed, must be filed before or at the public hearing." Is this referring to the first city council public hearing or the zoning meeting on the 7th?

Krystin

On Fri, Jun 3, 2022 at 8:30 AM Ryan Rusnak <rrusnak@northlibertyiowa.org> wrote:

Krystin,

I have not seen a formal objection from you. Would you like to provide one so I can include it in the information packet?



RYAN RUSNAK, AICP
PLANNING DIRECTOR
(319) 626-5747 office

Messages to and from this account are subject to public disclosure unless otherwise provided by law.

Please let me know if I can be of further assistance.

414.5 Changes — protest.

The regulations, restrictions, and boundaries may, from time to time, be amended, supplemented, changed, modified, or repealed. Notwithstanding section 414.2, as a part of an ordinance changing land from one zoning district to another zoning district or an ordinance approving a site development plan, a council may impose conditions on a property owner which are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before the public hearing required under this section or any adjournment of the hearing. The conditions must be reasonable and imposed to satisfy public needs which are directly caused by the requested change. In case, however, of a written protest against a change or repeal which is filed with the city clerk and signed by the owners of twenty percent or more of the area of the lots included in the proposed change or repeal, or by the owners of twenty percent or more of the property which is located within two hundred feet of the exterior boundaries of the property for which the change or repeal is proposed, the change or repeal shall not become effective except by the favorable vote of at least three-fourths of all the members of the council. The protest, if filed, must be filed before or at the public hearing. The provisions of section 414.4 relative to public hearings and official notice apply equally to all changes or amendments.

165.09 ZONING TEXT AND MAP AMENDMENTS.

1. Purpose. The regulations imposed and the districts created by this Ordinance may be amended from time to time in accordance with this section. This process for amending the Zoning Ordinance text or the Zoning Map is intended to allow modifications in response to omissions or errors, changed conditions, or changes in City policy. Amendments are not intended to relieve particular hardships or confer special privileges or rights upon any person or party. Zoning map amendments are also called rezonings.

(2) The Planning Commission must evaluate the application in accordance with the approval standards of this section and evidence and/or testimony provided at the public hearing.

(3) The Planning Commission shall, with due diligence, prepare a preliminary report and hold public hearings thereon before submitting its final report; and such council shall not hold its public hearings or take action until it has received the final report of such commission.

C. Action by the City Council.

(1) The City Council must hold a public hearing on the application within 60 days of receipt of the Planning Commission recommendation.

(2) Following the public hearing, the City Council must take action in the form of approval, approval with conditions, or denial of applications. The City Council may also refer the application back to the Planning Commission for further consideration if it has deemed there are substantive changes and/or new relevant evidence and/or testimony has been provided.

(3) If the Planning Commission recommends denial of the application or if a protest against the rezoning is signed by 20% or more of the area of the lots included in such proposed change or by owners within 200 feet of the exterior boundaries of such proposed map amendment, it may only be approved by a favorable 3/4 vote of the City Council.

D. Approval Standards. The Planning Commission recommendation and the City Council decision on any zoning text or map amendment is a matter of legislative discretion that is not controlled by any particular standard. However, in making their recommendation and decision, the Plan Commission and the City Council must consider the following standards. The approval of amendments is based on a balancing of these standards.

(1) Map Amendments.

(a) The consistency of the proposed amendment with the Comprehensive Plan and any adopted land use policies.

(b) The compatibility with the zoning of nearby property

(c) The compatibility with established neighborhood character.

(d) The extent to which the proposed amendment promotes the public health, safety, and welfare of the City.

(e) The suitability of the property for the purposes for which it is presently zoned, i.e. the feasibility of developing the property in question for one or more of the uses permitted under the existing zoning classification.

(f) The extent to which the proposed amendment creates nonconformities.

(2) Zoning Text Amendments.

(a) The consistency of the proposed amendment with the Comprehensive Plan and any adopted land use policies.

1. Are you able to send me the verbiage or information (or direct me where to get it) on the 20% legal rule that applies to the residents in the 200ft boundary of the development in question? You had stated it in the meeting but I didn't catch all of it and I just want to make sure I am interpreting it correctly and having it in writing would help.
2. Regarding the residents in the 200ft boundary: am I able to get a list of the residents that you included in this? Not sure if that is overreaching but thought I would ask.
3. We (myself and fellow neighbors) will be attempting to achieve this 20% by talking to all the residents in the 200ft boundary. Does each household have to write/email to the City individually or are we able to obtain signatures supporting objection in a petition format?

I will plan to send a separate email to you at a later date stating my specific concerns and formal objection, so you have them in writing, but I wanted to get the above requests to you first. Let me know your thoughts and thank you for your time.

Krystin Erenberger

1330 Suttner Dr

319-430-4863

From: Doris Vaske <dorisvaske@icloud.com>
Sent: Monday, May 23, 2022 8:49 PM
To: Ryan Rusnak
Subject: [EXTERNAL] Opposed to rezoning property located at North Terminus of Morrison Street

WARNING: This email originated from outside of this organization. Do not click links or open attachments unless you know the contents are safe. Never provide your user ID or password to anyone.

Hi Ryan,

We are opposed to the zoning change proposal for the property located at North Terminus of Morrison Street in North Liberty from single family zoning to smaller single family and/or zero lot residences.

Doris and Mark Vaske
1480 Morrison Street
North Liberty, IA. 52317

From: Kevin P Watts <kevinpaulwatts@gmail.com>
Sent: Thursday, May 19, 2022 6:50 AM
To: Ryan Rusnak
Subject: [EXTERNAL] Hodge Rezoning Objection

WARNING: This email originated from outside of this organization. Do not click links or open attachments unless you know the contents are safe. Never provide your user ID or password to anyone.

Hi Ryan,

Would you please add my name to the list of those in formal objection to the rezoning of the property south of me described as the north terminus of Morrison St.

I have no issue with the development as it was originally zoned and platted. However, I believe our neighborhood should remain single family, moderate size lots as has been established and previously zoned. There are other more suitable places for zero lots and small lots.

Thanks, Kevin Watts

Ordinance No. 2022-16

AN ORDINANCE AMENDING CHAPTER 167 OF THE NORTH LIBERTY CODE OF ORDINANCES BY AMENDING THE USE REGULATIONS ON PROPERTY LOCATED IN NORTH LIBERTY, IOWA TO THOSE SET FORTH IN THE MUNICIPAL CODE FOR THE RS-9 SINGLE-UNIT RESIDENCE DISTRICT AND RD-10 TWO-UNIT RESIDENCE DISTRICT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY, IOWA:

SECTION 1. AMENDMENT. Chapter 167 of the North Liberty Code of Ordinances (2013) is hereby amended by amending the zoning for 2.29 acres, more or less, to RS-9 Single Unit Residence and 7.06 acres, more or less, to RD-10 Two Unit Residence District of property located at the north terminus of Morrison Street. The property is more particularly described as follows:

RS-6 to RS-9: Commencing at the Northeast Corner of Auditor's Parcel 2017115 in the City of North Liberty, Iowa, in accordance with the Plat thereof Recorded in Plat Book 61 at Page 274 of the Records of the Johnson County Recorder's Office; Thence S00°46'27"E, along the East Line of said Auditor's Parcel 2017115, a distance of 66.00 feet; Thence S88°28'17"W, along said East Line, 323.35 feet, to the POINT OF BEGINNING; Thence S00°46'17"E, along said East Line, 606.39 feet; Thence S89°13'43"W, along said East Line, 165.00 feet; Thence N00°46'17"W, 604.20 feet; Thence N88°28'17"E, 165.01 feet, to the POINT OF BEGINNING. Said Rezoning Tract #1 contains 2.29 acres, and is subject to easements and restrictions of record.

RS-6 to RD-10: Commencing at the Northeast Corner of Auditor's Parcel 2017115 in the City of North Liberty, Iowa, in accordance with the Plat thereof Recorded in Plat Book 61 at Page 274 of the Records of the Johnson County Recorder's Office; Thence S00°46'27"E, along the East Line of said Auditor's Parcel 2017115, a distance of 66.00 feet; Thence S88°28'17"W, along said East Line, 323.35 feet; Thence continuing S88°28'17"W, 165.01 feet; Thence S00°46'17"E, 183.30 feet; to the POINT OF BEGINNING; Thence continuing S00°46'17"E, 420.90 feet, to a Point on the North Line of Mickelson First Addition, in accordance with the Plat thereof Recorded in Plat Book 61 at Page 394 of the Records of the Johnson County Recorder's Office; Thence S89°13'43"W, along said North Line, and the Westerly Projection thereof, 731.83 feet; Thence N00°43'53"W, 276.95 feet; Thence Northwesterly, 144.36 feet, along a 300.00 foot radius curve, concave Southwesterly, whose 142.97 foot chord bears N14°31'02"W; Thence N88°50'55"E, 765.63 feet, to the POINT OF BEGINNING. Said Rezoning Tract #2 contains 7.06 acres, and is subject to easements and restrictions of record.

SECTION 2. CONDITIONS IMPOSED. At the July 5, 2022, meeting the Planning Commission accepted the listed finding, the rezoning request from RS-4 Single-Unit Residence District to RS-9 Single Unit Residence District and RD-10 Two-Unit Residence District

achieves consistency with the approval standards enumerated in Section 165.09 of the Zoning Code and forwards the request for a zoning map amendment to the City Council with a recommendation for approval with no conditions.

SECTION 3. ZONING MAP. It is hereby authorized and directed that the Zoning Map of the City of North Liberty, Iowa, be changed to conform to this amendment upon final passage, approval and publication of this ordinance as provided by law.

SECTION 4. RECORDATION. The City Clerk is hereby authorized and directed to record this ordinance at the Johnson County Recorder's office upon final passage and approval.

SECTION 5. REPEALER. All Ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 6. SCRIVENER'S ERROR. The correction of typographical errors which do not affect the intent of the ordinance may be authorized by the City Clerk or the Clerk's designee without further public hearing.

SECTION 7. 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 8. 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:

CHRIS HOFFMAN, 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 No. 2022-16 in *The Gazette* on the ___ of _____, 2022.

TRACEY MULCAHEY, CITY CLERK



CMW Rezoning



July 5, 2022

Chris Hoffman, Mayor
City of North Liberty
3 Quail Creek Circle
North Liberty IA 52317

Re: Request of CMW Properties, LLC. for a zoning map amendment (rezoning) from ID Interim Development District to C-3 Higher-Intensity Commercial District on approximately 6.76 acres. The properties are located at the southeast corner of South Dubuque Street and North Liberty Road.

Mayor Hoffman:

The North Liberty Planning Commission considered the above-referenced request at its July 5, 2022 meeting. The Planning Commission took the following action:

Finding:

1. The rezoning request from ID Interim Development District to C-3 Higher-Intensity Commercial District achieves consistency with the approval standards enumerated in Section 165.09 of the Zoning Code.

Recommendation:

The Planning Commission accepted the listed finding and forwards the zoning map amendment to the City Council with a recommendation for approval.

The vote for approval was 7-0.

Josey Bathke, Chairperson
City of North Liberty Planning Commission

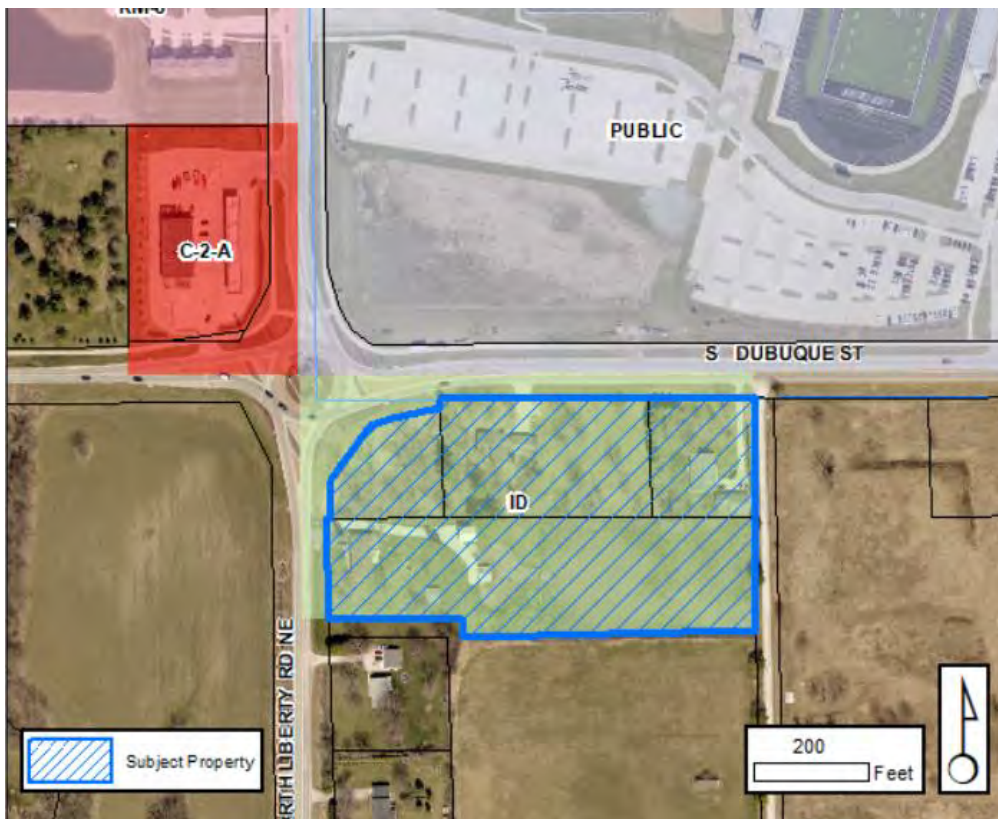


To **City of North Liberty Planning Commission**
 From **Ryan Rusnak, AICP**
 Date **June 30, 2022**
 Re **Request of CMW Properties, LLC. for a zoning map amendment (rezoning) from ID Interim Development District to C-3 Higher-Intensity Commercial District on approximately 6.76 acres. The properties are located at the southeast corner of South Dubuque Street and North Liberty Road.**

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
 Grant Lientz, City Attorney
 Tom Palmer, City Building Official
 Kevin Trom, City Engineer
 Ryan Rusnak, Planning Director

1. Request Summary:

This rezoning request is to facilitate development of the properties with horizontal mixed-use development, which means there is a mixture of residential and commercial development in separate buildings.



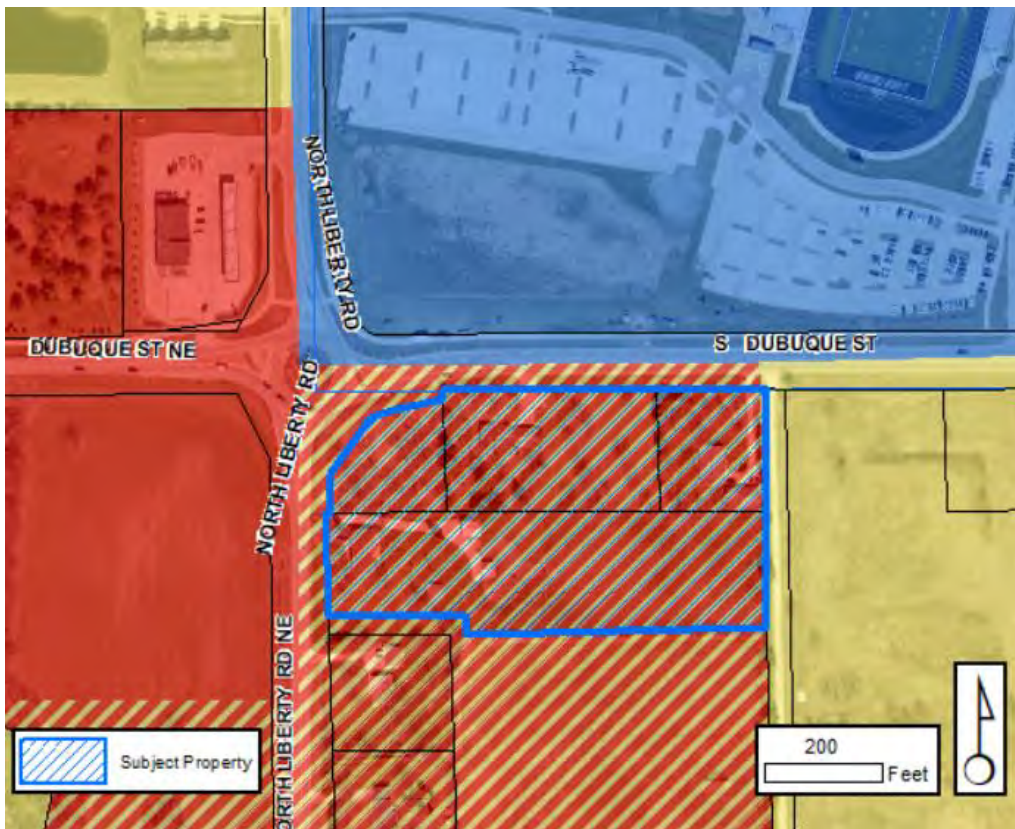
2. Proposed Zoning:

C-3 Higher-Intensity Commercial District.

The C-3 District is intended to accommodate higher-intensity commercial development that serves both local and regional markets. The C-3 District addresses medium and large-scale development that may generate considerable traffic and typically requires significant off-street parking. Higher density residential uses are also allowed to facilitate a mixed-use orientation where appropriate.

3. Consistency with Comprehensive Plan:

Land Use Plan designation: Commercial with Residential.



It appears that the Commercial with Residential designation was part of a more recent Future Land Use Map update. It is staff's understanding that the designation was to encourage mixed commercial/residential development.

Relevant Comprehensive Plan Policies Related to Land Use:

- Establish and maintain an advantageous property tax situation and pursue a strengthened and sound tax base through a diversification of land uses, including commercial and industrial development, as well as a variety of residential options.
- Support high density and medium density housing in close proximity to commercial and service centers to provide intensity-of-use buffers for low density residential uses.
- Concentrate higher density, apartment-type housing in proximity to areas that offer a wide range of existing supportive services, commercial and recreational facilities.

4. Public Input:

A good neighbor meeting was held on June 15, 2022. No one outside of City staff and the applicant attended the meeting. To date, staff has received no formal objections.

5. Analysis of the Request

Section 165.09 of the Zoning Ordinance sets for the approval standards for zoning maps amendments.

D. Approval Standards. The Planning Commission recommendation and the City Council decision on any zoning text or map amendment is a matter of legislative discretion that is not controlled by any particular standard. However, in making their recommendation and decision, the Plan Commission and the City Council must consider the following standards. The approval of amendments is based on a balancing of these standards (staff commentary in italics).

(1) Map Amendments.

(a) The consistency of the proposed amendment with the Comprehensive Plan and any adopted land use policies.

It is staff's opinion that the zoning map amendment would achieve consistency with the Comprehensive Plan and adopted land use policies. The C-3 District allows a mix of commercial and residential uses, both horizontally and vertically.

(b) The compatibility with the zoning of nearby property.

This is an emerging part of the City. Staff has spoken with representatives of adjacent properties about developing in a similar manner.

(c) The compatibility with established neighborhood character.

This is an emerging part of the City. It is staff's opinion that this development will establish the character of the area.

(d) The extent to which the proposed amendment promotes the public health, safety, and welfare of the City.

It is staff's opinion that the proposed zonings would promote the public health, safety, and welfare of the City.

- (e) The suitability of the property for the purposes for which it is presently zoned, i.e. the feasibility of developing the property in question for one or more of the uses permitted under the existing zoning classification.

This is not applicable. The City expects this property to be redeveloped.

- (f) The extent to which the proposed amendment creates nonconformities.

This is not applicable.

6. Additional Considerations:

The subject property is located at the intersection of major arterial road (North Liberty Road) and minor arterial road (South Dubuque Street). This is an appropriate location for a higher-intensity commercial district.

Please recall that the C-3 District was re-written during the large Zoning Code amendment.

| Table 168.03 Dimensional Standards SF = Square Feet, ' = Feet | |
|--|--|
| | C-3 |
| Bulk | |
| Minimum Lot Area | 20,000 SF |
| Minimum Frontage | 35 |
| Minimum Lot Width | 35' |
| Maximum Building Height | 75' |
| Setbacks | |
| Minimum Required Front Yard | 25' |
| Minimum Required Corner Side Yard | 25' |
| Minimum Required Side Yard | 10', unless abutting a residential district then 20' |
| Minimum Required Rear Yard | 10' unless abutting a residential district then 25' |

7. Staff Recommendation:

Finding:

1. The rezoning request from ID Interim Development District to C-3 Higher-Intensity Commercial District achieves consistency with the approval standards enumerated in Section 165.09 of the Zoning Code.

Recommendation:

Staff recommends the Planning Commission accept the listed finding and forward the request for zoning map amendment from ID Interim Development District to C-3 Higher-Intensity Commercial District on approximately 6.76 acres to the City Council with a recommendation for approval.

Suggested motion:

I move that the Planning Commission accept the listed finding and forward the zoning map amendment to the City Council with a recommendation for approval.

Ordinance No. 2022-17

AN ORDINANCE AMENDING CHAPTER 167 OF THE NORTH LIBERTY CODE OF ORDINANCES BY AMENDING THE USE REGULATIONS ON PROPERTY LOCATED IN NORTH LIBERTY, IOWA TO THOSE SET FORTH IN THE MUNICIPAL CODE FOR THE C-3 HIGHER-INTENSITY COMMERCIAL DISTRICT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY, IOWA:

SECTION 1. AMENDMENT. Chapter 167 of the North Liberty Code of Ordinances (2013) is hereby amended by amending the zoning for 6.76, more or less, of property located at the southeast corner of South Dubuque Street and North Liberty Road to C-3 Higher-Intensity Commercial. The property is more particularly described as follows:

That part of the Southwest Quarter of Section 17, Township 80 North, Range 6 West of the 5th Principal Meridian, Johnson County, Iowa and being more particular described as follows:

Commencing at the Southwest corner of said Section 17; Thence north 1037.92; thence east 1328.89 to the centerline of county road and the point of beginning; thence north 258.72 feet along said centerline of county road to the centerline of Old Highway 218; thence south 88°37'30" east 241.72 feet along the centerline of said Old Highway 218; thence south 258.72 feet along the west line of Lot 1, Wayne Phillips Subdivision, Johnson County, Iowa, according the plat recorded in Book 19, Page 50, Plat Records of Johnson County, as extended northly to the centerline of Old Highway 218; thence north 88°37'30" west 241.72 feet to the point of beginning, excepting therefrom that portion conveyed to the City of North Liberty, Iowa, for right-of-way purposes, described in Warranty Deed recorded in Deed Book 5725 Page 759, records of the Recorder of Johnson County Iowa.

AND

Lot 1, Wayne Phillips Subdivision, Johnson County, Iowa, according the plat recorded in Book 19, Page 50, Plat Records of Johnson County.

AND

Commencing at the Southwest corner of said Section 17; Thence north 1037.92; thence east 1328.89 to the centerline of county road; thence south 88°37'30" east 608.06 to the point of beginning; thence north 0°21'15" east 208.71 feet to a point on the south line of Old Highway 218; thence south 88°37'30" east 183.17 along said south line of Old Highway 218; thence south 0°21'15" west 208.71; thence north 88°37'30" west 183.17 feet to the point of beginning.

SECTION 2. CONDITIONS IMPOSED. At the July 5, 2022, meeting the Planning Commission accepted the listed finding, the rezoning request from ID Interim Development to C-3 Higher-Intensity Commercial District achieves consistency with the approval standards

enumerated in Section 165.09 of the Zoning Code and forwards the request for a zoning map amendment to the City Council with a recommendation for approval with no conditions.

SECTION 3. ZONING MAP. It is hereby authorized and directed that the Zoning Map of the City of North Liberty, Iowa, be changed to conform to this amendment upon final passage, approval and publication of this ordinance as provided by law.

SECTION 4. RECORDATION. The City Clerk is hereby authorized and directed to record this ordinance at the Johnson County Recorder's office upon final passage and approval.

SECTION 5. REPEALER. All Ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 6. SCRIVENER'S ERROR. The correction of typographical errors which do not affect the intent of the ordinance may be authorized by the City Clerk or the Clerk's designee without further public hearing.

SECTION 7. 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 8. 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:

CHRIS HOFFMAN, 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 No. 2022-17 in *The Gazette* on the ___ of _____, 2022.

TRACEY MULCAHEY, CITY CLERK



Scanlon & Trustees of Penn Township Rezoning



July 5, 2022

Chris Hoffman, Mayor
City of North Liberty
3 Quail Creek Circle
North Liberty IA 52317

Re: Request of Scanlon Family, LLC. And The Trustees of Penn Township for a zoning map amendment (rezoning) from ID Interim Development District to R-4 Single-Unit Residence District on approximately 36.32 acres. The property is located at the southeast corner of North Liberty Road and Oak Lane NE.

Mayor Hoffman:

The North Liberty Planning Commission considered the above-referenced request at its July 5, 2022 meeting. The Planning Commission took the following action:

Finding:

1. The rezoning request from ID Interim Development District to RS-4 Single-Unit Residence District achieves consistency with the approval standards enumerated in Section 165.09 of the Zoning Code.

Recommendation:

The Planning Commission accepted the listed finding and forwards the zoning map amendment to the City Council with a recommendation for approval.

The vote for approval was 7-0.

Josey Bathke, Chairperson
City of North Liberty Planning Commission



To **City of North Liberty Planning Commission**
From **Ryan Rusnak, AICP**
Date **June 30, 2022**
Re **Request of Scanlon Family, LLC. And The Trustees of Penn Township for a zoning map amendment (rezoning) from ID Interim Development District to R-4 Single-Unit Residence District on approximately 36.32 acres. The property is located at the southeast corner of North Liberty Road and Oak Lane NE.**

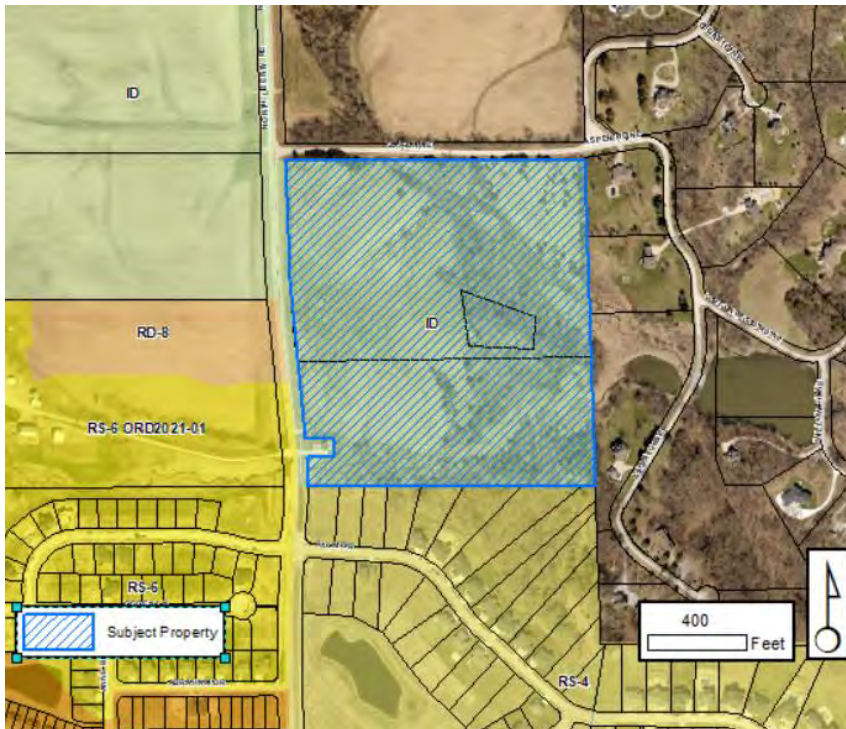
North Liberty City staff has reviewed the subject submission, and offer comments presented in this memo. The staff review team includes the following personnel:

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

1. Proposed Zoning:

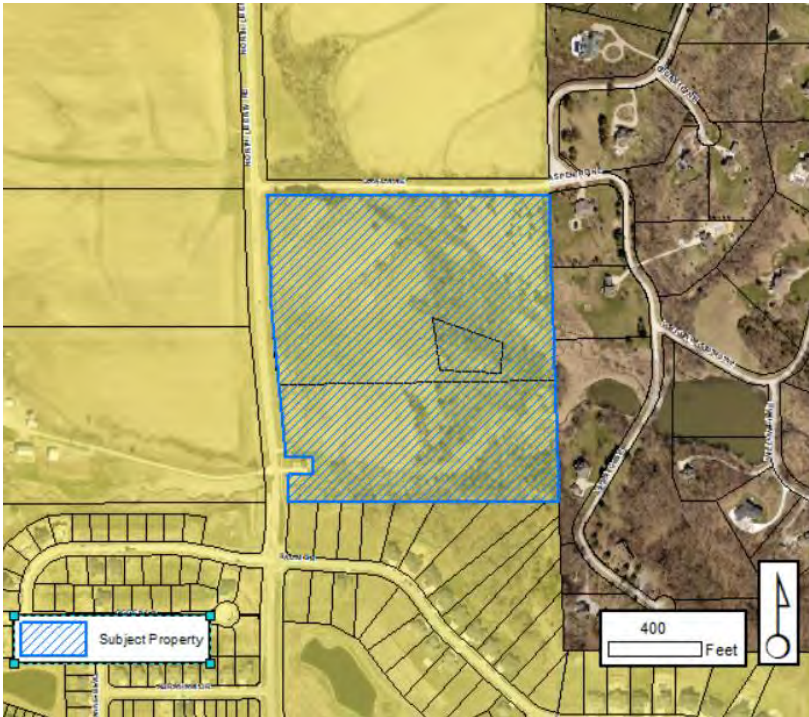
RS-4 Single-Unit Dwelling District.

RS-4 Single-Unit Residence District. The RS-4 District is intended to provide and maintain low-density single-unit residential neighborhoods. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the RS-4 District.



2. Consistency with Comprehensive Plan:

Land Use Plan designation: Residential.



The North Liberty Comprehensive Plan articulates the following regarding residential uses:

The plan promotes the development of a diversified housing stock that is affordable to a wide range of incomes. Even though general planning goals include limiting residential uses along arterials and in some cases even collector streets, the miles of such frontages within the City make strict adherence to those goals impractical, and landscape buffers, limited access, and smart neighborhood street layouts are utilized to minimize traffic impacts. Higher density residential development is considered to be somewhat of a transitional buffer between office/commercial development and lower density residential neighborhoods, in part because it is practical to locate the greater numbers of residents found in the higher density developments closer to the commercial services they need.

Relevant Comprehensive Plan Policies Related to Land Use:

- Protect residential neighborhoods from encroachment or intrusion of incompatible higher use types by adequate buffering and separation. This policy is not to be interpreted to imply that new development must match existing development in cost, density, or character; but instead to mean that gross incompatibilities shall be minimized and mitigated where unavoidable.

3. Public Input:

A good neighbor meeting was held on June 15, 2022. Approximately eleven people outside of City staff and the applicant attended the virtual meeting. There were some concerns expressed at the meeting. Concerns expressed pertained to the use of Oak Lane NE (which will remain private and in unincorporated Johnson County), stormwater runoff and erosion control and the removal of trees to accommodate the development. To date, staff has received four formal objections.

4. Approval Standards:

Section 165.09 of the Zoning Code sets for the approval standards for zoning maps amendments.

D. Approval Standards. The Planning Commission recommendation and the City Council decision on any zoning text or map amendment is a matter of legislative discretion that is not controlled by any particular standard. However, in making their recommendation and decision, the Plan Commission and the City Council must consider the following standards. The approval of amendments is based on a balancing of these standards (staff commentary in italics).

(1) Map Amendments.

(a) The consistency of the proposed amendment with the Comprehensive Plan and any adopted land use policies.

It is staff's opinion that the zoning map amendment would achieve consistency with the Comprehensive Plan and adopted land use policies.

(b) The compatibility with the zoning of nearby property.

It is staff's opinion that the proposed zonings would be compatible with the zoning of nearby property. The property to the south is currently zoned RS-4 and the property to the east is zoned R (unincorporated Johnson County).

(c) The compatibility with established neighborhood character.

It is staff's opinion that the proposed zonings would be compatible with established neighborhood character.

(d) The extent to which the proposed amendment promotes the public health, safety, and welfare of the City.

It is staff's opinion that the proposed zonings would promote the public health, safety, and welfare of the City.

(e) The suitability of the property for the purposes for which it is presently zoned, i.e. the feasibility of developing the property in question for one or more of the uses permitted under the existing zoning classification.

This is not applicable. The City expects this property to be developed.

(f) The extent to which the proposed amendment creates nonconformities.

This is not applicable.

6. Additional Considerations:

The northern parcel and the Alt/Wein Cemetery property were recently annexed into the corporate limits of North Liberty. The following is from the Find a Grave website:

The first burial in the Alt/Wein Cemetery was on Nov 15 1842, Louisa, dau of Alonzo and Maria Denison. The people buried in this cemetery are pioneer settlers of Penn Twp. Based on the stones in the cemetery, thirty were buried before the end of the Civil War, fourteen before the end of the century and three at the beginning of the 20th Century. No more burials were allowed after 1920. Two Civil War Veterans are buried there. On Apr 3 1922, the trustees of Penn Twp accepted a quit claim deed from the Alts for the cemetery and agreed to maintain it. The cemetery is east of a gravel road. Currently one must access the cemetery through a cow pasture. Access can only be made with permission of the pasture owner who lives on a farm on the other side of the road.

The Scanlon Family, LLC has been working with The Trustees of Penn Township about developing in a sensitive manner around the cemetery.

There are two drainage courses through the property. The direction of the drainage flow is show in red on the map below. The area in green are the two high points of the property.



Oak Lane NE is a private access to the Fjords North Subdivision and is planned to remain in unincorporated Johnson County. This is more of a discussion with the preliminary subdivision plat, but three of the lots would have access to the Oak Lane NE due to the topography of the site.

7. Staff Recommendation:

Finding:

1. The rezoning request from ID Interim Development District to RS-4 Single-Unit Residence District achieves consistency with the approval standards enumerated in Section 165.09 of the Zoning Code.

Recommendation:

Staff recommends the Planning Commission accept the listed finding and forward the request for zoning map amendment from ID Interim Development District to RS-4 Single-Unit Residence District to the City Council with a recommendation for approval.

Suggested motion:

I move that the Planning Commission accept the listed finding and forward the zoning map amendment to the City Council with a recommendation for approval.

Ordinance No. 2022-18

AN ORDINANCE AMENDING CHAPTER 167 OF THE NORTH LIBERTY CODE OF ORDINANCES BY AMENDING THE USE REGULATIONS ON PROPERTY LOCATED IN NORTH LIBERTY, IOWA TO THOSE SET FORTH IN THE MUNICIPAL CODE FOR THE RS-4 SINGLE -UNIT RESIDENCE DISTRICT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY, IOWA:

SECTION 1. AMENDMENT. Chapter 167 of the North Liberty Code of Ordinances (2013) is hereby amended by amending the zoning for 36.32, more or less, of property located at the southeast corner of North Liberty Road and Oak Lane NE to R-4 Single-Unit Residence District. The property is more particularly described as follows:

The Northeast Quarter of the Northwest Quarter of section 17, township 80 north, range 6 west of the 5th principal meridian, Johnson County, Iowa.

EXCEPT

That part of Auditor's Parcel No. 2021024 lying within the Northeast Quarter of the Northwest Quarter of Section 17, Township 80 North, Range 6 West of the 5th Principal Meridian as recorded in Book 64, Page 353 in the Office of the Johnson County, Iowa recorder.

AND EXCEPT

That part of North Liberty Road right-of-way in the Northeast Quarter of the Northwest Quarter of Section 17, Township 80 North, Range 6 West of the 5th Principal Meridian as recorded in Book 5351, Page 996 in the office of the Johnson County, Iowa Recorder.

AND EXCEPT

That part of North Liberty Road right-of-way in the Northeast Quarter of the Northwest Quarter of Section 17, Township 80 north, range 6 west of the 5th Principal Meridian as recorded in Book 5479, Page 466 in the Office of the Johnson County, Iowa Recorder.

SECTION 2. CONDITIONS IMPOSED. At the July 5, 2022, meeting the Planning Commission accepted the listed finding, the rezoning request from ID Interim Development to RS-4 Single-Unit Residence District achieves consistency with the approval standards enumerated in Section 165.09 of the Zoning Code and forwards the request for a zoning map amendment to the City Council with a recommendation for approval with no conditions.

SECTION 3. ZONING MAP. It is hereby authorized and directed that the Zoning Map of the City of North Liberty, Iowa, be changed to conform to this amendment upon final passage, approval and publication of this ordinance as provided by law.

SECTION 4. RECORDATION. The City Clerk is hereby authorized and directed to record this ordinance at the Johnson County Recorder's office upon final passage and approval.

SECTION 5. REPEALER. All Ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 6. SCRIVENER'S ERROR. The correction of typographical errors which do not affect the intent of the ordinance may be authorized by the City Clerk or the Clerk's designee without further public hearing.

SECTION 7. 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 8. 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:

CHRIS HOFFMAN, 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 No. 2022-18 in *The Gazette* on the ___ of _____, 2022.

TRACEY MULCAHEY, CITY CLERK



ITC Midwest Franchise

Ordinance No. 2022-19

AN ORDINANCE GRANTING TO ITC MIDWEST LLC, A WHOLLY OWNED SUBSIDIARY OF ITC HOLDINGS CORP., ITS SUCCESSORS AND ASSIGNS (THE "COMPANY"), THE RIGHT AND FRANCHISE TO ACQUIRE, CONSTRUCT, RECONSTRUCT, ERECT, MAINTAIN, OPERATE AND REMOVE IN THE CITY OF NORTH LIBERTY, JOHNSON COUNTY, IOWA, A TRANSMISSION SYSTEM FOR ELECTRIC POWER AND ENERGY AND THE RIGHT TO ERECT AND MAINTAIN THE NECESSARY POLES, LINES, WIRES, CONDUITS AND OTHER APPLIANCES, EQUIPMENT AND SUBSTATIONS FOR THE TRANSMISSION OF ELECTRIC CURRENT AND TELECOMMUNICATIONS ALONG, UNDER AND UPON THE STREETS, AVENUES, ALLEYS AND PUBLIC PLACES IN THE CITY OF NORTH LIBERTY, JOHNSON COUNTY, IOWA; GRANTING THE RIGHT TO ERECT AND MAINTAIN UPON THE STREETS, AVENUES, ALLEYS AND PUBLIC PLACES, TRANSMISSION LINES THROUGH THE CITY OF NORTH LIBERTY, JOHNSON COUNTY, IOWA, FOR THE PERIOD OF TEN (10) YEARS; AND GRANTING THE RIGHT OF EMINENT DOMAIN

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY, IOWA:

SECTION 1. NEW CHAPTER. Chapter 118 of the North Liberty Code of Ordinances is hereby created, entitled "ITC Electric Transmission Franchise," and reading as follows:

118.01. Grant.

There is hereby granted to the Company the right and franchise to acquire, construct, reconstruct, erect, maintain, operate and remove in the City a transmission system for electric power and the right to erect and maintain the necessary poles, lines, wires, conduits, and other appliances, equipment and substations for the transmission of electric power and energy and telecommunications (collectively, the "Facilities") along, under and upon the streets, avenues, alleys and public places in the City; also the right to erect and maintain upon the streets, avenues, alleys and public places, transmission lines through the City for the period of ten (10) years; also the right of eminent domain as provided in Section 364.2 of the Code of Iowa.

118.02. Indemnification.

The Facilities shall be placed and maintained so as not to unnecessarily interfere with the travel on the streets, avenues, alleys, and public places in the City nor unnecessarily interfere with the proper use of the same, including ordinary drainage, or with the sewers, underground pipe and other property of the City, and the Company shall hold the City free and harmless from all damages arising from the negligent acts or omissions of the Company in the erection or maintenance of the transmission system.

118.03. Relocation.

Except as provided herein below, the Company shall, at its cost and expense, locate and relocate its Facilities in, on or over any public street or alley in the City in such a manner as the City may at any time reasonably require for the purposes of facilitating the construction, reconstruction, maintenance or repair of the street or alley or any public improvement of, in or about any such street or alley or reasonably promoting the efficient operation of any such improvement. If the City orders or requests the Company to relocate its Facilities for the primary benefit of a commercial or private project, or as the result of the initial request of a commercial or private developer or other non-public entity, the Company shall receive payment for the cost of such relocation as a precondition to relocating its Facilities. The City shall consider reasonable alternatives in designing its public works projects so as not arbitrarily to cause the Company unreasonable additional expense in exercising its authority under this section. The City shall also provide a reasonable alternate location for the Company's Facilities. The City shall give the Company reasonable advance written notice to vacate a public right-of-way. Vacating a public right-of-way shall not deprive the Company of its right to operate and maintain existing Facilities until the reasonable cost of relocating the same are paid to the Company.

118.04. Modern System.

The system authorized by this Ordinance shall be designed, operated, and kept in an operable condition consistent with good utility practice and applicable codes, rules, regulations, and standards of the Company and its interconnection customers and any applicable reliability standards of the North American Electric Reliability Council (NERC).

118.05. Future System Plans; City-Company Partnership for Joint Planning.

The Company recognizes the importance of community input when siting new projects to serve the community and electricity distribution as well as the authority of the City to permit and otherwise regulate siting activity. The Company will work jointly with the City to plan each new route involving the

exercise of the rights granted in Section 1. Each party shall work together in planning and approving such routes to balance the City's interests in promoting orderly growth and economic development with the Company's interests in provide electric power and energy safely and efficiently to the community. Notwithstanding any other provision herein, no new project shall be sited, and none of the powers described in Section 1 of this Agreement shall attain to the Company with respect to any new project without prior written approval from the City. The Company will not pursue any route that the City denies approval. However, such route approvals will not be unreasonably withheld. At the request of the City, mapping information will be reviewed with the City staff. All such reviews will be in compliance with the Federal Energy Regulatory Commission regulations or the regulations of other agencies with authority over the review and dissemination of critical infrastructure information, and infrastructure security and subject to all protective provisions for critical infrastructure under the Open Records Act, Iowa Code §21.1, et seq., as amended. Prior to any excavating in the rights-of-way, both parties shall follow the procedures set forth in Iowa Code Chapter 480 or an entity with a similar function utilized by both the City and the Company, currently the Iowa One Call System.

The Company will apply to the City for a permit for work performed in City rights-of-way in accordance with City regulations and provide project-specific mapping, which shall be deemed protected under the Open Records Act, Iowa Code §21.1, et seq., as amended, to wit, §50, et al., to be used solely and exclusively by the City in administering the use and occupancy of the public right-of-way and not otherwise to be relied upon for any other purpose.

For emergencies, the Company may proceed with the work without first applying for a permit, provided, however, that the Company shall apply for and obtain a permit as soon as commercially practicable after commencing such work.

118.06. Vegetation Management.

To promote public safety in proximity to its Facilities and to maintain electric reliability, the Company may, with prior notice to the City, , remove, cut, trim, or otherwise control any tree, shrub, brush, bush or any parts thereof located within or extending into any street, alley, right-of-way or public grounds. Upon notice, Company or its duly authorized agent of vegetation management will meet and discuss with the City the planned routes of vegetation management and planned vegetation management activities thereon to mutually identify and remedy any concerns City may have as to City-owned vegetation. No such prior notice shall be required in the event of an emergency necessitating the immediate management of such vegetation to restore or prevent an imminent loss of electric service. The foregoing vegetation management shall be completed in

accordance with the most current nationally accepted safety and utility industry standards, as revised and updated from time to time.

118.07. Continuous Service.

Service to be rendered by the Company under this franchise shall be continuous unless prevented from doing so by fire, Acts of God, unavoidable accidents or casualties, customer outages or interruptions on the electric transmission system to no fault of Company or interruptions necessary to properly service the Company's equipment, and in such event service shall be resumed as quickly as is commercially practicable.

118.08. Non-exclusivity.

The franchise granted by this Ordinance shall not be exclusive.

118.09. Undergrounding.

The City may request estimates for the undergrounding of replacement lines, upgrades or new lines, including lines to be adjusted for road moves or for other specific projects. When requested, the Company will provide to the City two estimates: 1) An estimate for the cost of the project with overhead construction, and 2) An estimate for the cost of the project with underground construction. The City will have no more than 60 days from the estimate date to determine if it wants the line built overhead or placed underground. If the City chooses underground construction for such project, the City will be responsible for the incremental cost of undergrounding, if and to the extent, such costs are not already part of or included in a precondition payment for relocation pursuant to Section 3. The incremental cost of undergrounding is defined as the differential between the estimate for underground construction and the estimate for overhead construction. Upon receipt of the City's payment for the incremental cost of undergrounding, the Company will install the underground facilities. The Company reserves the right to bill City for the amount that the incremental cost associated with installation exceeds its estimate. The City reserves the right to a refund of overpayment if the incremental costs are less than the amount billed in the estimate. If the City wishes to have a line not scheduled for replacement or upgrade placed underground, the City shall contact the Company to make such a request. The City shall cover all costs related to this work. If undergrounding of transmission lines requires entities interconnecting with the Company to make adjustments to their electrical systems, the City bears the responsibility of communication with those entities and, if it chooses, the cost of converting their facilities from overhead to underground. The Company reserves the right to review all the City's communications with the affected entities.

118.10. Severability.

If any section, provision, or part of this Ordinance shall be adjudged to be 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.

118.11. Term of Agreement.

The term of the franchise granted by this Ordinance and the rights granted thereunder shall continue for the period of ten (10) years from and after written acceptance by the Company, and shall thereafter automatically be renewed for an additional single ten (10) year term, unless the City notifies the Company in writing of its intent not to renew the franchise not later than 180 days prior to the expiration of the initial term.

118.12. Publication Expenses.

The expense of the publication of this Ordinance shall be paid by the Company.

118.13. Repeal of Conflicting Ordinances.

All ordinances, or parts of ordinances, insofar as they are in direct conflict herewith, are hereby repealed.

118.14. Acceptance.

The franchise granted by this Ordinance shall be conditioned upon acceptance by the Company in writing. The acceptance shall be filed with the City Clerk within ninety (90) days from the passage of this Ordinance.

118.15. Future Developments.

The City agrees it will not permit or grant approval for any development, construction or land uses in the City that would result in or cause the Company's Facilities to violate setback requirements, safety requirements or any other provision of the National Electric Safety Code or any law, regulation or ordinance of the State of Iowa, Johnson County or the City.

118.16. Closing.

This Ordinance sets forth and constitutes the entire agreement between the Company and the City with respect to the rights contained herein, and may not be superseded, modified or otherwise amended without the approval and

acceptance of the Company. Upon acceptance by the Company, this Ordinance shall supersede, abrogate and repeal any prior electric system ordinance between the Company and the City as of the date this Ordinance is accepted by the Company. Notwithstanding the foregoing, in no event shall the City enact any ordinance or place any limitations, either operationally or through the assessment of fees, that create additional burdens upon the Company, or that delay utility operations.

SECTION 2. REPEALER. All Ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 3. SCRIVENER'S ERROR. The correction of typographical errors which do not affect the intent of the ordinance may be authorized by the City Clerk or the Clerk's designee without further public hearing.

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 _____, 2022.

Second reading on _____, 2022.

Third and final reading on _____, 2022.

CITY OF NORTH LIBERTY:

CHRIS HOFFMAN, 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 No. 2022-19 in the North Liberty *Leader* on the ____ day of _____, 2022.

TRACEY MULCAHEY, CITY CLERK



Zoning Ordinance Amendment



July 5, 2022

Chris Hoffman, Mayor
City of North Liberty
3 Quail Creek Circle
North Liberty IA 52317

Re: Request of the City of North Liberty for an Ordinance amending Chapters 165, 168, 169 And 180 of the North Liberty Code of Ordinances Regarding the Construction Plan Approval Process And Standards, Surface and Subsurface Drainage Requirements, Restoring Building Trades and Services To Use Matrix and Adding and Relocating Certain Uses within the Use Matrix, Clarifying Landscaping Plan Requirements and Amending Dumpster Enclosure Requirements.

Mayor Hoffman:

The North Liberty Planning Commission considered the above-referenced request at its July 5, 2022 meeting. The Planning Commission took the following action:

Finding:

1. The proposed Ordinance would revise oversights and provide greater clarification to the recently adopted Zoning Ordinance amendment.

Recommendation:

The Planning Commission accepted the listed finding and forwards the ordinance amendment to the City Council with a recommendation for approval.

The vote for approval was 7-0.

Josey Bathke, Chairperson
City of North Liberty Planning Commission



To **City of North Liberty Planning Commission**
From **Ryan Rusnak, AICP**
Date **June 30, 2022**
Re **Request of the City of North Liberty for an Ordinance amending Chapters 165, 168, 169 And 180 of the North Liberty Code of Ordinances Regarding the Construction Plan Approval Process And Standards, Surface and Subsurface Drainage Requirements, Restoring Building Trades and Services To Use Matrix and Adding and Relocating Certain Uses within the Use Matrix, Clarifying Landscaping Plan Requirements and Amending Dumpster Enclosure Requirements.**

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
Grant Lientz, City Attorney
Tom Palmer, City Building Official
Kevin Trom, City Engineer
Ryan Rusnak, Planning Director

Discussion:

This Ordinance cleans up oversights in the large Zoning Ordinance amendment, which was recently amended. As mentioned during the initial amendment, staff is committed to making amendments to achieve the desired community standard.

1. Section 165.05 Permit Requirements.
 - A. Clarifies the timing of when construction site plans can be approved.
 - B. Clarifies that construction standards are established by resolution of the City Council.
 - C. Adds surface water drainage language.

2. Table 168.06 Use Matrix
 - A. Adds Building Trades and Services to the C-2-A, C-2-B, C-3, I-1 and I-P Districts.
 - B. Adds Live Performance Venue to the I-P District.
 - C. Removes Medical/Dental Office and adds Office to the I-1 District.

3. Section 168.07 Uses Defined and Use Standards.
 - A. Defines Building Trades and Services and creates use standards.
 - B. Minor correction to Single-Unit Residence Dwelling Use Standards.

4. Chapter 169.02 Landscaping Standards.

- A. Removes the berming requirement. We have recently found that one utility provider would not allowing any berming within the utility easement, which is typically at the edge of the public right-of-way and coincides with the currently required landscaping berming.
- B. Clarifies that credit may be given for trees in parking lot landscape, trees within parking lot islands adjacent to parking lot landscaping areas and on-site trees. Requiring trees for each of these areas independently is excessive.

5. Chapter 169.03 Dumpster, Recycling and Trash Compacter Enclosures.

Staff realized that sites were required to have enclosures, but the Ordinance did not go far enough to require that dumpsters, trash compactors and/or other such solid waste containers be required to be always stored in the enclosure. Staff took the opportunity to rewrite the chapter. The Ordinance would allow the performance standards to apply retroactively to June 27, 2000, which was the adoption of a repeal and replace of the Zoning Ordinance. Trash enclosures regulations similar to current regulations were found in the adopted Ordinance.

6. Section 180.06 Building Permit and Certificates of Occupancy and Section 180.12 General Requirements.

- A. This amendment is similar to Section 165.05 by clarifying when building permits be approved and certificates of occupancy be issued.
- B. Clarifies that construction standards are established by resolution of the City Council.

Public Input:

No public input has been received. However, these amendments are the result of applications of the Zoning Ordinance on real projects.

Staff Recommendation:

Finding:

- 1. The proposed Ordinance would revise oversights and provide greater clarification to the recently adopted Zoning Ordinance amendment.

Recommendation:

Staff recommends the Planning Commission accept the listed finding and forward the Ordinance amendment to the City Council with a recommendation for approval.

Suggested Motion:

I move that the Planning Commission accept the listed finding and forwards the Ordinance amendment to the City Council with a recommendation for approval.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTERS 165, 168, 169 AND 180 OF THE NORTH LIBERTY CODE OF ORDINANCES REGARDING THE CONSTRUCTION PLAN APPROVAL PROCESS AND STANDARDS, SURFACE AND SUBSURFACE DRAINAGE REQUIREMENTS, RESTORING BUILDING TRADES AND SERVICES TO USE MATRIX AND ADDING AND RELOCATING CERTAIN USES WITHIN THE USE MATRIX, CLARIFYING LANDSCAPING PLAN REQUIREMENTS AND AMENDING DUMPSTER ENCLOSURE REQUIREMENTS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY, IOWA:

SECTION 1. AMENDMENT OF ORDINANCE. Paragraph 3 of Chapter 165.05 of the North Liberty Code of Ordinances, entitled Permit Requirements, is amended to read as follows:

3. Construction Site Plans Review. The construction site plan review process ensures consistency with the approved preliminary site plan, ~~and~~ all applicable municipal regulations, and adopted construction standards.
 - A. Authority. The Code Official reviews and issues final approval of construction site plans. When a subdivision plat is required by any provision of this Code of Ordinances, and such plat creates the need for extension of streets, utilities or any other new public improvements, no construction plan approval shall be issued for any lot, parcel or tract within the proposed development until a final plat is approved and recorded.
 - B. Required Construction Site Plan Review. Construction site plan approval is required for any development requiring preliminary site plan approval, and development of any utility (sub)stations.
 - C. Construction Site Plan Submittal Requirements. All applications for construction site plan review shall include the following:
 - (1) The completed application form.
 - (2) A scaled and dimensioned site plan drawn to a scale not less than one inch to one hundred feet, prepared by a licensed engineer, landscape architect and/or architect. The site plan shall include the following:
 - (a) Date, north arrow and graphic scale.
 - (b) The property owner's name and description of proposed development.
 - (c) A vicinity sketch showing the location of the property and other properties within 1,000 feet of it.
 - (d) Property boundary lines, dimensions, and total area.
 - (e) Contour lines at intervals of not more than five feet, City datum. If substantial topographic change is proposed, the existing

topography shall be illustrated on a separate map and the proposed finished topography shown on the site plan.

- (f) The location of existing streets, sidewalks, easements, utilities, drainage courses.
- (g) The total square feet of building floor area, both individually and collectively.
- (h) Total number of dwelling units and the density of the development.
- (i) All structures and major features shall be fully dimensioned including distance between structures, distance between driveways, parking areas, property lines and building height.
- (j) Off-street parking areas, ingress and egress to the property, number of parking spaces proposed, number of parking spaces required by this code and type of surfacing.
- (k) Pedestrian walkways with special consideration given to pedestrian safety.
- (l) Recreation and open spaces, with special consideration given to the location, size and development of the areas in regard to adequacy, effect on privacy of adjacent living areas, and relationship to community wide open spaces and recreation facilities.
- (m) Walls, fences or other artificial features.
- (n) Trash and refuse enclosures.
- (o) Documentation demonstrating compliance with Chapter 155, entitled Construction Site Erosion and Sediment Control.
- (p) Documentation demonstrating compliance with Chapter 156, entitled Post-Construction Storm Water Runoff Control.
- (q) A lighting plan depicting the location, height, and type of lighting fixtures on the site and proposed buildings and a photometric plan depicting the lighting fixture locations and illumination levels.
- (r) The location, type and size of all plants, shrubs, trees, and ground cover.

- D. Extension of public utilities. The petitioner may, as ~~part~~ condition of the construction site plan approval, be required to install public utilities, including (but not limited to) water lines, storm sewer, sanitary sewer, street paving, fire hydrants, and such other utilities as applicable to properly serve the proposed development. Where required as ~~part~~ condition of a construction site plan approval, utilities shall be constructed in accordance with ~~City~~ construction standards as ~~referred to in the subdivisions ordinance established by resolution of the City Council~~ for those portions within the public right-of-way and to be dedicated to the City, and may be required to be constructed to the same specifications for those undedicated portions where said utilities may have a direct effect on the future safety, proper functioning, and maintenance of those portions to be dedicated.

E. Surface water drainage management. The petitioner may, as a condition of construction site plan approval, be required to perform such work as may be necessary to ensure the proper drainage of surface water over and across the property, in accordance with construction standards established by resolution of the City Council.

E.F. Modifications. The development shall be substantially in conformance with the approved construction site plan. Amended construction site plans shall be submitted to the Code Official for determination if the amendment can be approved administratively or if the amendment requires review by the Planning Commission and approval by City Council in accordance with Section 165.05(2)(E).

F.G Once a site plan is approved, the petitioner has eighteen (18) months to commence the development of the property consistent with the approved site plan and any related conditions and agreements. The development of the property shall be substantially completed within thirty-six (36) months from the date of City approval of the site plan. In the event that the petitioner fails to either commence or complete the development of the property within these timeframes, authorization to proceed with the development shall cease, and the petitioner shall be required to seek reauthorization and approval of the construction site plan. The petitioner may, however, request an extension of time from the City. If an extension is granted, it may be conditioned upon updating any security posted by the petitioner or requiring the petitioner to provide security to reflect cost increases and extended completion date.

SECTION 2. AMENDMENT OF ORDINANCE. Table 168.06 of Chapter 168.06 of the North Liberty Code of Ordinances, entitled Use Matrix, is amended to read as follows:

| Table 168:06: Use Matrix | | | | | | | | | | | | | | | |
|--|----------|----------|----------|----------|------|----------|-------|-------|-------|----------|------|----------|----------|-----|----------|
| See Section 168.07 for Use Definitions and Use Standards | | | | | | | | | | | | | | | |
| Use | ID | RS | RD | RM | R-MH | C-1-A | C-1-B | C-2-A | C-2-B | C-3 | OR/P | I-1 | I-2 | I-P | P |
| 1. Adult Entertainment | | | | | | | | | | | | | <u>C</u> | | |
| 2. Agricultural Experience | <u>C</u> | | | | | | | | | | | | | | |
| 3. Agriculture | P | | | | | | | | | | | | | | |
| 4. Amusement Facility – Indoor | | | | | | <u>C</u> | P | P | P | P | | | | | |
| 5. Amusement Facility – Outdoor | | | | | | | | | | <u>C</u> | | | | | |
| 6. Animal Care Facility | | | | | | P | P | P | P | | | P | | | |
| 7. Animal Shelter | | | | | | | | | | | | <u>C</u> | | | <u>C</u> |
| 8. Art Gallery | | | | | | P | P | P | P | P | | | | | |
| 9. Arts and Fitness Studio | | | | | | P | P | P | P | P | | | | | |
| 10. Bar | | | | | | P | P | P | P | P | | P | | P | |
| 11. Bed and Breakfast Home | | <u>C</u> | | | | | | | | | | | | | |
| 12. Body Art Establishment | | | | | | | | P | P | | | | | | |
| 13. Brewery-Micro | | | | | | P | P | P | P | P | | | | P | |
| 14. Broadcasting Studio | | | | | | | | P | P | P | | | | P | P |
| 15. Building Trades and Services | | | | | | | | P | P | P | | P | | P | |
| 15.16. Car Wash | | | | | | | | P | P | | | | | | |
| 16.17. Child Care Center | | | | | | P | P | P | P | P | P | | | P | P |
| 17.18. Child Care Home | | P | | | P | | | | | | | | | | |
| 18.19. Child Development Home | | P | | | | | | | | | | | | | |
| 19.20. Community Center | | | | | | P | P | P | P | P | | | | P | P |
| 20.21. Community Pantry | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | | <u>C</u> | P | P | P | | | | | | |
| 21.22. Cultural Facility | | | | | | P | P | P | P | P | | | | | P |
| 22.23. Distillery, Micro | | | | | | P | P | P | P | P | | | | P | |
| 23.24. Drive-Through Facility | | | | | | <u>C</u> | P | P | P | P | P | | | P | |

Table 168:06: Use Matrix
See Section 168.07 for Use Definitions and Use Standards

| Use | ID | RS | RD | RM | R-MH | C-1-A | C-1-B | C-2-A | C-2-B | C-3 | OR/P | I-1 | I-2 | I-P | P |
|--|----|----|----|----|------|-------|-------|-------|-------|-----|------|-----|-----|-----|---|
| <u>24.25. Dwelling – Manufactured Home</u> | | | | | P | | | | | | | | | | |
| <u>25.26. Dwelling – Mixed Use</u> | | | | | | P | P | P | P | P | | | | | |
| <u>26.27. Dwelling – Multiple-Unit</u> | | | | P | | | | | | P | | | | | |
| <u>27.28. Dwelling – Single-Unit</u> | P | P | | | | | | | | | | | | | |
| <u>28.29. Dwelling – Single-Unit Zero Lot Line</u> | | | P | | | | | | | | | | | | |
| <u>29.30. Dwelling – Townhouse</u> | | | | P | | | | | | | | | | | |
| <u>30.31. Dwelling – Two Unit</u> | | | P | P | | | | | | | | | | | |
| <u>31.32. Educational Facility – Primary</u> | P | P | P | P | | P | P | P | P | P | | | | | P |
| <u>32.33. Educational Facility – Secondary</u> | P | P | P | P | | P | P | P | P | P | | | | | P |
| <u>33.34. Educational Facility – University or College</u> | | | | | | | | | | | P | | | P | P |
| <u>34.35. Educational Facility – Vocational</u> | | | | | | C | P | P | P | P | | P | | P | |
| <u>35.36. Financial Institution</u> | | | | | | P | P | P | P | P | | | | P | |
| <u>36.37. Fireworks, Retail Sales of</u> | | | | | | | | | | | | P | | | |
| <u>37.38. Food Bank</u> | | | | | | | | | | | | P | | | |
| <u>38.39. Fueling Station</u> | | | | | | | P | P | P | | | P | | P | |
| <u>39.40. _____ Fulfillment Center, Micro</u> | | | | | | | | C | C | C | | P | | | |
| <u>40.41. Funeral Home</u> | | | | | | | | P | P | | | | | | |
| <u>41.42. Golf Course/Driving Range</u> | | | | | | | P | | | | | | | | P |
| <u>42.43. Greenhouse/Nursery – Retail</u> | | | | | | | | | | | | P | | | |
| <u>43.44. _____ Group Home</u> | P | P | P | | P | | | | | | | | | | |
| <u>44.45. _____ Healthcare Institution</u> | | | | | | | | | | P | | | | P | P |

Table 168:06: Use Matrix
See Section 168.07 for Use Definitions and Use Standards

| Use | ID | RS | RD | RM | R-MH | C-1-A | C-1-B | C-2-A | C-2-B | C-3 | OR/P | I-1 | I-2 | I-P | P |
|--|----|----|----|----|------|-------|-------|-------|-------|-----|------|-----|-----|-----|---|
| <u>45-46. Heavy Rental and Service Establishment</u> | | | | | | | | | | | | P | | | |
| <u>46-47. Heavy Retail Establishment</u> | | | | | | | | | | P | | P | | | |
| <u>47-48. Hotel</u> | | | | | | C | P | P | P | P | P | | | P | |
| <u>48-49. Industrial - General</u> | | | | | | | | | | | | P | P | | |
| <u>49-50. Industrial - Light</u> | | | | | | | | | | | | P | P | P | |
| <u>50-51. Industrial Design</u> | | | | | | | P | P | P | P | | P | | P | |
| <u>51-52. Live Performance Venue</u> | | | | | | P | P | P | P | P | | | | P | |
| <u>52-53. Manufactured Home Park</u> | | | | | P | | | | | | | | | | |
| <u>53-54. Medical/Dental Office</u> | | | | | | P | P | P | P | P | | P | | | |
| <u>54-55. Office</u> | | | | | | P | P | P | P | P | P | P | | P | P |
| <u>55-56. Outdoor Seating</u> | | | | | | P | P | P | P | P | | | | P | P |
| <u>56-57. Park, Private</u> | P | P | P | P | P | P | P | P | P | P | P | | | P | |
| <u>57-58. Park, Public</u> | | | | | | | | | | | | | | | P |
| <u>58-59. Parking Lot (Principal Use)</u> | | | | | | C | P | P | P | P | | P | | P | P |
| <u>59-60. Parking Structure (Principal Use)</u> | | | | | | C | P | P | P | P | | P | | P | P |
| <u>60-61. Personal Services Establishment</u> | | | | | | P | P | P | P | P | | | | | |
| <u>61-62. Place of Worship</u> | P | P | P | P | | P | P | P | P | P | | | | | |
| <u>62-63. Private Club</u> | | | | | | P | P | P | P | P | | | | | |
| <u>63-64. Public Safety Facility</u> | | | | | | | | | | | | | | | P |
| <u>64-65. Public Works Facility</u> | | | | | | | | | | | | | | | P |
| <u>65-66. Research and Development</u> | | | | | | | | | | | P | P | | P | |
| <u>66-67. Residential Care Facility</u> | | | | P | | | P | P | P | P | | | | | |
| <u>67-68. Restaurant</u> | | | | | | P | P | P | P | P | | P | | P | P |
| <u>68-69. Retail Good Establishment</u> | | | | | | P | P | P | P | P | | P | | P | |

Table 168:06: Use Matrix
See Section 168.07 for Use Definitions and Use Standards

| Use | ID | RS | RD | RM | R-MH | C-1-A | C-1-B | C-2-A | C-2-B | C-3 | OR/P | I-1 | I-2 | I-P | P |
|---|-----------|-----------|-----------|-----------|-------------|--------------|--------------|--------------|--------------|------------|-------------|------------|------------|------------|----------|
| <u>69:70. Salvage Yard</u> | | | | | | | | | | | | | <u>C</u> | | |
| <u>70:71. Self-Storage – Enclosed</u> | | | | | | | | P | P | P | | P | | | |
| <u>71:72. Self-Storage – Outdoor</u> | | | | | | | | <u>C</u> | <u>C</u> | <u>C</u> | | P | | | |
| <u>72:73. Specialty Food Service</u> | | | | | | P | P | P | P | P | | P | | P | |
| <u>73:74. Storage – Outdoor (Principal Use)</u> | | | | | | | | | | | | <u>C</u> | P | | |
| <u>74:75. Truck Stop</u> | | | | | | | | | | | | <u>C</u> | P | | |
| <u>75:76. Utility (Sub) Stations</u> | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| <u>76:77. Vehicle Dealership, New and Used</u> | | | | | | | | P | P | P | | | | | |
| <u>77:78. Vehicle Dealership, Used</u> | | | | | | | | <u>C</u> | <u>C</u> | | | | | | |
| <u>78:79. Vehicle Operations Facility</u> | | | | | | | | | | | | P | | | P |
| <u>79:80. Vehicle Rental</u> | | | | | | | | | | | | P | | | |
| <u>80:81. Vehicle Repair – Major</u> | | | | | | | | <u>C</u> | <u>C</u> | | | P | | | |
| <u>81:82. Vehicle Repair – Minor</u> | | | | | | | | P | P | | | P | | | |
| <u>82:83. Warehouse</u> | | | | | | | | | | | | P | | | |
| <u>83:84. Wholesale Establishment</u> | | | | | | | | | | | | P | | | |
| <u>84:85. Winery, Micro</u> | | | | | | P | P | P | P | P | | | | P | |

SECTION 3. RENUMBERING OF ORDINANCE. Paragraphs 15 through 84 of Chapter 168.07 of the North Liberty Code of Ordinances, entitled Uses Defined and Use Standards, are renumbered as Paragraphs 16 through 85.

SECTION 4. AMENDMENT OF ORDINANCE. Chapter 168.07 of the North Liberty Code of Ordinances, entitled Uses Defined and Use Standards, is amended to insert the following new Paragraph 15 before renumbered Paragraph 16.

15. Building Trades and Services

A. Defined. Building Trades and Services means an establishment that undertakes activities related to building construction projects, as well as those that provide repair and maintenance services to buildings, including building systems, home appliances, and the like. These specialized trade contractors may work on subcontract from a general contractor, performing only part of the work covered by the general contract, or they may work directly for the owner of the building or project. Building and Trade Services uses primarily perform their work at the site of the structure being constructed or serviced, although they also may have shops where they perform work incidental to the job site. Examples of building trades and services include electrical, plumbing, heating, and air conditioning contractors, painting, masons, stone and tile setters, glass and glazing services.

B. Use Standards.

- (1) Building area shall be limited to 7,500 square feet in the C-2-A, C-2-B and C-3 Districts.
- (2) Vehicles such as cars, vans and pickup trucks shall be permitted in designated parking spaces in any location. Box trucks, and other similar vehicles, along with trailers which may be pulled by permitted vehicles, shall also be permitted in designated parking spaces, but shall not be located within a front or corner side yard. Smaller equipment such as skid loaders, forklifts, etc. may be permitted, provided they are stored indoors or inside enclosed trailers. Heavy vehicles and equipment such as tractor trailers, semi-trucks, construction equipment, and other large specialty vehicles as determined by Code Official shall be prohibited.
- (3) Outdoor storage shall only be permitted in the I-1 District.
 - (a) Outdoor storage or display areas shall be screened with landscaping consisting of shade trees and evergreen trees and shrubs. Such landscaped area shall be of sufficient width and density to provide an effective and aesthetically pleasing screen with trees and shrubs not less than five feet in height when planted. In lieu of planting strips, a six-foot tall solid vertical fence or masonry, heavy wood construction, or other similar material approved by the Code Official may be used as a screen.
 - (b) Outdoor storage or display shall be allowed only on hard-surface areas paved to parking lot specifications with asphalt or concrete.
- (4) See Section 169.05(B) for outdoor storage areas as an accessory use.

SECTION 5. AMENDMENT OF ORDINANCE. Paragraph 28 of Chapter 168.07 of the North Liberty Code of Ordinances, entitled Uses Defined and Use Standards, is amended to read as follows:

- 28 Dwelling - Single-Unit.
- A. Defined. Single-Unit Dwelling means a structure containing only one dwelling unit on a single lot.
- B. Use Standards.
- (1) The structure must contain 24 feet of width at its largest dimension.
 - (2) The structure must contain a minimum living area of 660 square feet.
 - (3) The structure must be located on a frost-protected perimeter foundation.
 - (4) Every room within a dwelling unit must be accessible from every other room within the dwelling via a completely internal route within the envelope of the dwelling structure.
 - (5) Minimum required masonry on front and corner side yard building elevations is 25%, with the following exceptions:
 - (a) No masonry is required in the RS-7 and RS-8 districts.
 - (b) In lieu of the required masonry on the façade facing the corner side yard, one of the two following options may be selected:
 - (i) Two, two-inch caliper trees planted in the corner side yard. Existing trees of adequate size in the corner side yard may satisfy this requirement.
 - (ii) Architectural relief on the façade facing the corner side yard, such that the wall contains more than two offsets, which may consist of wall corners, bay or bowed windows, or other means approved by the Code Official.
 - (6) The front entry must be an integral part of the structure, using features such as porches, raised steps and stoops with roof overhangs, or decorative railings to articulate the front facade.
 - (7) A 5% minimum transparency requirement applies to the front facade and is calculated on the basis of the area of the facade below the roofline.
 - (8) A dwelling with a front-facing attached three-car garage shall have one of the garages offset a minimum of one foot from the other garages.

- (9) Front-facing garages shall not exceed 16' or 60% the width of the front building line, whichever is greater. Garage width is measured between the edges of the garage door; in the case of garages designed with multiple garage doors, the distance is measured between the edges of the outermost doors.

SECTION 6. AMENDMENT OF ORDINANCE. Chapter 169.02 of the North Liberty Code of Ordinances, entitled Landscaping Requirements, is amended to read as follows:

169.02 LANDSCAPE REQUIREMENTS.

1. Landscape Plan Required. A landscaping plan is required for development within the multi-unit residence, residential manufactured home park commercial, industrial and public districts and for non-residential development in residential and interim development districts.
2. Selection, Installation and Maintenance.
 - A. Selection.
 - (1) All plant materials must be of good quality and meet American Horticulture Industry Association (AmericanHort) or its ANSI accredited successor's standards for minimum acceptable form, quality, and size for species selected.
 - (2) All species must be capable to withstand the seasonal temperature variations of USDA Hardiness Zone 5b (the plant zone for North Liberty). A hardiness zone is a geographically defined area in which a specific category of plant life is capable of growing, as defined by climatic conditions, including its ability to withstand the minimum temperatures of the zone.
 - (3) The use of species native or naturalized is required. Drought tolerant species are encouraged.
 - (4) Invasive species are prohibited.
 - B. Installation.
 - (1) All landscape materials must be installed in accordance with current nursery industry standards, and must be properly supported to ensure survival. Support devices such as guy wires or stakes must not interfere with pedestrian or vehicular movement.
 - (2) If landscape material is located within a utility easement and repair or replacement of the utility is needed, the City or utility is not responsible for the replacement of any landscape that may be damaged.
 - (3) All plant materials must be free of disease and installed so that soil of sufficient volume, composition, and nutrient balance are available to sustain healthy growth.

- (4) Landscaping materials shall be planted as each phase of a site is developed.
 - (5) If weather prohibits the installation of landscape materials, a security bond for 125% in favor of the City of the estimated amount of landscape materials and installation cost. The cost of landscape materials and installation must be determined by a landscape architect or other landscape business professional.
 - C. Maintenance.
 - (1) Landscape materials depicted on approved landscape plans are considered a required site element. As such, the owner of record or the business or homeowner's association is responsible for the maintenance, repair, and replacement of all landscape materials and elements
3. Minimum Planting Sizes. Minimum planting sizes are as follows. For the purposes of determining trunk size, the diameter/caliper is measured at six inches above ground level, unless otherwise specified in current ANSI accredited Horticultural Standards.
 - A. Evergreen trees must have a minimum height of six feet.
 - B. Shade trees must have a minimum clear trunk height of four feet above the ground with a two-inch caliper.
 - C. Single stem ornamental trees must have a minimum trunk size of two inches in caliper. Multiple stem ornamental trees must have a minimum height of eight feet.
 - D. Evergreen or deciduous shrubs must have a minimum height of 18 inches.
4. Berming. If berms are included on a landscape plan, they must comply with the following:
 - A. Berms must be stabilized to prevent erosion.
 - B. Berms must be a minimum of two feet in height.
 - C. Berms of two feet in height and up to six feet in height are limited to a maximum slope of 3:1, as measured from the lot line.
 - D. Berms of six feet in height or more are limited to a maximum slope of 4:1, as measured from the lot line.
 - E. Berms must undulate by height and/or width for visual interest.
5. Parking Lot Landscape. A perimeter landscape area is required for all parking lots adjacent to streets and public spaces such as a plaza, public seating area, or park. The landscape treatment must run the full length of the parking lot perimeter and must be located between the lot line and the edge of the parking lot, with the exception of pedestrian walkways. The landscaped area must be improved as follows:
 - ~~A. Berming shall be installed between the parking lot and a street and/or public space.~~

~~B.A.~~ Shrubs must be planted and spaced sufficiently to form a continuous linear hedgerow at plant maturity.

~~C.B.~~ A minimum of one shade tree must be provided for every 50 linear feet of perimeter landscape yard. Two ornamental trees may be substituted for one shade tree and must be spaced one ornamental tree every 25 feet. Trees may be spaced linearly on-center, or grouped to complement an overall design concept.

C. Trees within parking lot islands adjacent to parking lot landscaping areas may be included in the calculation for minimum number of required trees.

6. Parking Lot Interior Landscape. All parking lots consisting of 15 or more spaces require interior parking lot landscape as described in this section.
 - A. All rows of parking stalls must terminate in a parking lot island or landscape area.
 - B. Where more than 15 parking stalls are provided in a row, one parking lot island must be provided between every 15 parking spaces. As part of the landscape plan approval, parking lot island locations may be varied based on specific site requirements or design scheme, but the total number of islands must be no less than the amount required of one island for every 15 spaces.
 - C. Parking lot islands must be at least the same dimension as the parking stall. Double rows of parking must provide parking lot islands that are the same dimension as the double row.
 - D. A minimum of one shade tree must be provided in every parking lot island or landscape area. If a parking lot island extends the width of a double row, then two shade trees are required.
7. On-Site Trees. In addition to trees in required ~~perimeter areas~~buffer yards, on-site shade trees must be installed as follows:
 - A. Multi-Unit Residence District. One tree for each 750 square feet of building footprint.
 - B. Residential Manufactured Home Park District. One tree for every four acres.
 - C. Commercial, Industrial and Public Districts. One tree for every 2,000 square feet of building footprint.
 - D. Trees within parking lot landscape and parking lot islands adjacent to parking lot landscape may be included in the calculation for minimum number of required trees.
8. Buffer Yards.
 - A. Buffer yards are required for new construction along interior side and rear yards in the following cases:
 1. Where the lot line of a multi-unit residence development is adjacent to the lot line of a single-unit residence or two-family residence district.

2. Where a non-residential use is located within a residential or interim development district.
 3. Where the lot line of a non-residential district is adjacent to the lot line of a residential district. This does not include private or public parks.
- B. The required design for buffer yards is as follows:
1. A buffer yard must be a minimum of 10 feet in width.
 2. One shade or evergreen tree must be planted for every 30 linear feet of buffer yard length. As part of the landscape plan approval, trees may be spaced at various intervals based on specific site requirements, but the total number of trees planted must be no less than one per 30 linear feet of buffer yard length.
 3. Existing trees in the buffer yard may count toward the buffer yard tree requirement. This credit is a 1:1 ratio (one existing tree for one proposed tree) regardless of the size of the existing tree.
 4. Evergreen shrubs must be planted and spaced sufficiently to form a continuous linear hedgerow at plant maturity. As part of the landscape plan approval, shrubs may be spaced at various intervals based on specific site requirements, but the total number of shrubs planted must be no less than one per three linear feet of buffer yard length.
 5. A fence may be required at the discretion of City staff.
8. Site Landscape. Areas of any lot that are not covered by structures or pavement must be planted with live landscaping. Stone, mulch, or other permeable landscape materials may be used to satisfy this requirement, but must not cover more than 40% of such area and must be designed so such materials are placed so that they are no higher than the height of the curb to prevent spill.

SECTION 7. AMENDMENT OF ORDINANCE. Chapter 169.03 of the North Liberty Code of Ordinances, entitled Trash and Recycling Enclosures, amended to read as follows:

169.03 TRASH DUMPSTER, AND RECYCLING AND TRASH COMPACTOR ENCLOSURES.

~~Trash Dumpster 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 Code Official that the developer or owner has demonstrated the following: in multi-unit residence (except for townhouse developments), commercial, industrial and public districts and for non-residential development in residential and interim development districts.~~

1. Performance Standards.

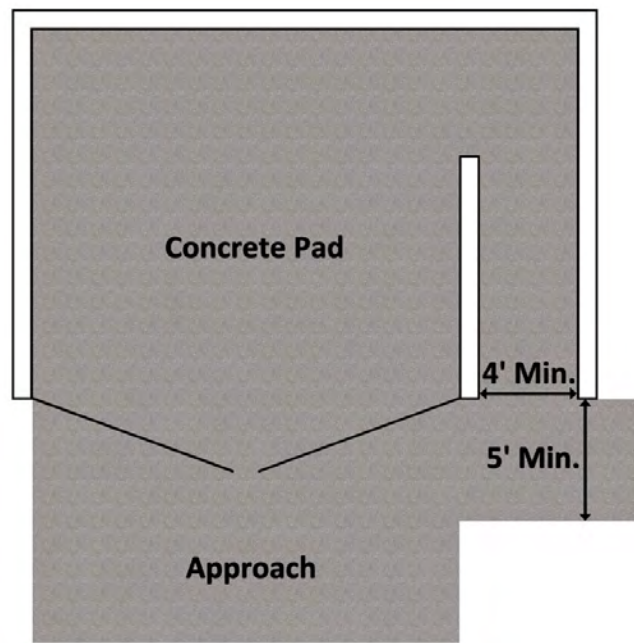
A. Dumpsters, trash compactors and/or other such solid waste containers shall be stored in the enclosure at all times.

- B. Enclosures, gates, doors, etc. shall be kept in good working condition at all times.
- C. The area within and around the enclosure shall be kept in a clean condition at all times.
- D. Gates shall remain closed at all times except when the dumpster, trash compactor and/or other such solid waste container is being serviced.

2. Design Standards.

- A. Enclosures shall not be located in the required front or corner side yard area and should be located out of public view to the greatest degree possible.
- B. Access to the enclosure shall remain unobstructed with a clear approach.
- C. The area within the enclosure and apron shall be improved with a hard surfaced, all-weather dustless material.
- D. Enclosure shall be a minimum of six feet in height but must be of sufficient height to effectively screen the view of dumpsters, trash compactors and/or other such solid waste containers.
- E. Enclosures shall be constructed of split faced block, decorative stone or brick to match the principle building to the maximum extent possible.
- F. For multiple-unit residence developments utilizing a dumpster, there shall be an accessible pedestrian entrance. See figure 169.03-A.
- G. Gates shall not open onto sidewalks, parking spaces or a right-of-way.
- H. The exterior face of gates shall be metal or wood. Non-solid gates shall be a minimum 90% opaque. Gate supports shall be metal with the appropriate diameter to support the gate(s). Hardware must be of sufficient strength to accommodate repetitive swinging.

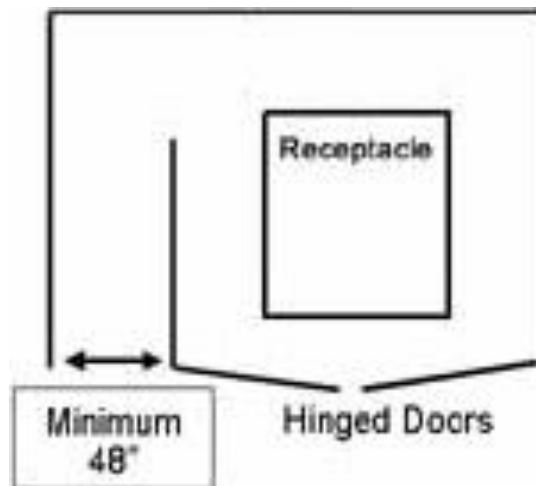
Figure 169.03



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 required front or corner side 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 169.03 for access requirements for multi-family uses:

Figure 169.03



SECTION 8. AMENDMENT OF ORDINANCE. Chapter 180.06 of the North Liberty Code of Ordinances is amended to read as follows:

180.06 BUILDING PERMITS ~~AND CERTIFICATES OF OCCUPANCY~~ RESTRICTED.

1. When a plat is required by provisions of this ~~Code of ordinance~~Ordinances, the City shall not issue any building permit for construction on any lot, parcel, or tract until a plat is approved and recorded.
2. ~~When construction of public improvements is required by the provisions of this Code of Ordinances, the City shall not issue any certificate of occupancy for any structure on any lot, parcel or tract until the public improvements for the plat on which such lot, parcel or tract is located are accepted by the City. Notwithstanding the above, a certificate of occupancy may be issued for structures where sidewalks and erosion control improvements have not yet been accepted, provided that the obligation to install sidewalks and erosion control improvements remains a lien upon the upon the property where the structure is situated until installed and accepted.~~

SECTION 9. AMENDMENT OF ORDINANCE. Paragraph 1(B) of Chapter 180.12 of the North Liberty Code of Ordinances, entitled General Requirements, is amended to read as follows:

- B. The subdivider of property shall be responsible for constructing all ~~public~~ improvements associated with the proposed subdivision according to ~~construction and~~ design standards established by ~~resolution of~~ the City Council, ~~except for special circumstances such as oversizing facilities, as determined by the City.~~

SECTION 10. REPEALER. All Ordinances and parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 11. SCRIVENER'S ERROR. The correction of typographical errors which do not affect the intent of the Ordinance may be authorized by the City Clerk or the Clerk's designee without further public hearing.

SECTION 12. 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 13. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law, except for that portion of Section 8, which amends Chapter 169.03, new Paragraph 1, entitled Performance Standards, takes effect upon enactment and applies retroactively to June 27, 2000.

First reading on _____, 2022.

Second reading on _____, 2022.

Third and final reading on _____, 2022.

CITY OF NORTH LIBERTY:

CHRIS HOFFMAN, 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 No. _____ in the Cedar Rapids Gazette on the ____ day of _____, 2022.

TRACEY MULCAHEY, CITY CLERK

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTERS 165, 168, 169 AND 180 OF THE NORTH LIBERTY CODE OF ORDINANCES REGARDING THE CONSTRUCTION PLAN APPROVAL PROCESS AND STANDARDS, SURFACE AND SUBSURFACE DRAINAGE REQUIREMENTS, RESTORING BUILDING TRADES AND SERVICES TO USE MATRIX AND ADDING AND RELOCATING CERTAIN USES WITHIN THE USE MATRIX, CLARIFYING LANDSCAPING PLAN REQUIREMENTS AND AMENDING DUMPSTER ENCLOSURE REQUIREMENTS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY, IOWA:

SECTION 1. AMENDMENT OF ORDINANCE. Paragraph 3 of Chapter 165.05 of the North Liberty Code of Ordinances, entitled Permit Requirements, is amended to read as follows:

3. Construction Site Plans Review. The construction site plan review process ensures consistency with the approved preliminary site plan, all applicable municipal regulations, and adopted construction standards.
 - A. Authority. The Code Official reviews and issues final approval of construction site plans. When a subdivision plat is required by any provision of this Code of Ordinances, and such plat creates the need for extension of streets, utilities or any other new public improvements, no construction plan approval shall be issued for any lot, parcel or tract within the proposed development until a final plat is approved and recorded.
 - B. Required Construction Site Plan Review. Construction site plan approval is required for any development requiring preliminary site plan approval, and development of any utility (sub)stations.
 - C. Construction Site Plan Submittal Requirements. All applications for construction site plan review shall include the following:
 - (1) The completed application form.
 - (2) A scaled and dimensioned site plan drawn to a scale not less than one inch to one hundred feet, prepared by a licensed engineer, landscape architect and/or architect. The site plan shall include the following:
 - (a) Date, north arrow and graphic scale.
 - (b) The property owner's name and description of proposed development.
 - (c) A vicinity sketch showing the location of the property and other properties within 1,000 feet of it.
 - (d) Property boundary lines, dimensions, and total area.
 - (e) Contour lines at intervals of not more than five feet, City datum. If substantial topographic change is proposed, the existing

topography shall be illustrated on a separate map and the proposed finished topography shown on the site plan.

- (f) The location of existing streets, sidewalks, easements, utilities, drainage courses.
- (g) The total square feet of building floor area, both individually and collectively.
- (h) Total number of dwelling units and the density of the development.
- (i) All structures and major features shall be fully dimensioned including distance between structures, distance between driveways, parking areas, property lines and building height.
- (j) Off-street parking areas, ingress and egress to the property, number of parking spaces proposed, number of parking spaces required by this code and type of surfacing.
- (k) Pedestrian walkways with special consideration given to pedestrian safety.
- (l) Recreation and open spaces, with special consideration given to the location, size and development of the areas in regard to adequacy, effect on privacy of adjacent living areas, and relationship to community wide open spaces and recreation facilities.
- (m) Walls, fences or other artificial features.
- (n) Trash and refuse enclosures.
- (o) Documentation demonstrating compliance with Chapter 155, entitled Construction Site Erosion and Sediment Control.
- (p) Documentation demonstrating compliance with Chapter 156, entitled Post-Construction Storm Water Runoff Control.
- (q) A lighting plan depicting the location, height, and type of lighting fixtures on the site and proposed buildings and a photometric plan depicting the lighting fixture locations and illumination levels.
- (r) The location, type and size of all plants, shrubs, trees, and ground cover.

- D. Extension of public utilities. The petitioner may, as a condition of the construction site plan approval, be required to install public utilities, including (but not limited to) water lines, storm sewer, sanitary sewer, street paving, fire hydrants, and such other utilities as applicable to properly serve the proposed development. Where required as a condition of a construction site plan approval, utilities shall be constructed in accordance with construction standards as established by resolution of the City Council for those portions within the public right-of-way and to be dedicated to the City, and may be required to be constructed to the same specifications for those undedicated portions where said utilities may have a direct effect on the future safety, proper functioning, and maintenance of those portions to be dedicated.

- E. Surface water drainage management. The petitioner may, as a condition of construction site plan approval, be required to perform such work as may be necessary to ensure the proper drainage of surface water over and across the property, in accordance with construction standards established by resolution of the City Council.
- F. Modifications. The development shall be substantially in conformance with the approved construction site plan. Amended construction site plans shall be submitted to the Code Official for determination if the amendment can be approved administratively or if the amendment requires review by the Planning Commission and approval by City Council in accordance with Section 165.05(2)(E).
- G. Once a site plan is approved, the petitioner has eighteen (18) months to commence the development of the property consistent with the approved site plan and any related conditions and agreements. The development of the property shall be substantially completed within thirty-six (36) months from the date of City approval of the site plan. In the event that the petitioner fails to either commence or complete the development of the property within these timeframes, authorization to proceed with the development shall cease, and the petitioner shall be required to seek reauthorization and approval of the construction site plan. The petitioner may, however, request an extension of time from the City. If an extension is granted, it may be conditioned upon updating any security posted by the petitioner or requiring the petitioner to provide security to reflect cost increases and extended completion date.

SECTION 2. AMENDMENT OF ORDINANCE. Table 168.06 of Chapter 168.06 of the North Liberty Code of Ordinances, entitled Use Matrix, is amended to read as follows:

| Table 168:06: Use Matrix | | | | | | | | | | | | | | | |
|--|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| See Section 168.07 for Use Definitions and Use Standards | | | | | | | | | | | | | | | |
| Use | ID | RS | RD | RM | R-MH | C-1-A | C-1-B | C-2-A | C-2-B | C-3 | OR/P | I-1 | I-2 | I-P | P |
| 1. Adult Entertainment | | | | | | | | | | | | | <u>C</u> | | |
| 2. Agricultural Experience | <u>C</u> | | | | | | | | | | | | | | |
| 3. Agriculture | <u>P</u> | | | | | | | | | | | | | | |
| 4. Amusement Facility – Indoor | | | | | | <u>C</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | | | | | |
| 5. Amusement Facility – Outdoor | | | | | | | | | | <u>C</u> | | | | | |
| 6. Animal Care Facility | | | | | | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | | | <u>P</u> | | | |
| 7. Animal Shelter | | | | | | | | | | | | <u>C</u> | | | <u>C</u> |
| 8. Art Gallery | | | | | | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | | | | | |
| 9. Arts and Fitness Studio | | | | | | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | | | | | |
| 10. Bar | | | | | | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | | <u>P</u> | | <u>P</u> | |
| 11. Bed and Breakfast Home | | <u>C</u> | | | | | | | | | | | | | |
| 12. Body Art Establishment | | | | | | | | <u>P</u> | <u>P</u> | | | | | | |
| 13. Brewery-Micro | | | | | | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | | | | <u>P</u> | |
| 14. Broadcasting Studio | | | | | | | | <u>P</u> | <u>P</u> | <u>P</u> | | | | <u>P</u> | <u>P</u> |
| 15. Building Trades and Services | | | | | | | | <u>P</u> | <u>P</u> | <u>P</u> | | <u>P</u> | | <u>P</u> | |
| 16. Car Wash | | | | | | | | <u>P</u> | <u>P</u> | | | | | | |
| 17. Child Care Center | | | | | | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | | | <u>P</u> | <u>P</u> |
| 18. Child Care Home | | <u>P</u> | | | <u>P</u> | | | | | | | | | | |
| 19. Child Development Home | | <u>P</u> | | | | | | | | | | | | | |
| 20. Community Center | | | | | | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | | | | <u>P</u> | <u>P</u> |
| 21. Community Pantry | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | | <u>C</u> | <u>P</u> | <u>P</u> | <u>P</u> | | | | | | |
| 22. Cultural Facility | | | | | | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | | | | | <u>P</u> |
| 23. Distillery, Micro | | | | | | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | | | | <u>P</u> | |
| 24. Drive-Through Facility | | | | | | <u>C</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | | | <u>P</u> | |

Table 168:06: Use Matrix
See Section 168.07 for Use Definitions and Use Standards

| Use | ID | RS | RD | RM | R-MH | C-1-A | C-1-B | C-2-A | C-2-B | C-3 | OR/P | I-1 | I-2 | I-P | P |
|---|-----------|-----------|-----------|-----------|-------------|--------------|--------------|--------------|--------------|------------|-------------|------------|------------|------------|----------|
| 25. Dwelling – Manufactured Home | | | | | P | | | | | | | | | | |
| 26. Dwelling – Mixed Use | | | | | | P | P | P | P | P | | | | | |
| 27. Dwelling – Multiple-Unit | | | | P | | | | | | P | | | | | |
| 28. Dwelling – Single-Unit | P | P | | | | | | | | | | | | | |
| 29. Dwelling – Single-Unit Zero Lot Line | | | P | | | | | | | | | | | | |
| 30. Dwelling – Townhouse | | | | P | | | | | | | | | | | |
| 31. Dwelling – Two Unit | | | P | P | | | | | | | | | | | |
| 32. Educational Facility – Primary | P | P | P | P | | P | P | P | P | P | | | | | P |
| 33. Educational Facility – Secondary | P | P | P | P | | P | P | P | P | P | | | | | P |
| 34. Educational Facility – University or College | | | | | | | | | | | P | | | P | P |
| 35. Educational Facility – Vocational | | | | | | C | P | P | P | P | | P | | P | |
| 36. Financial Institution | | | | | | P | P | P | P | P | | | | P | |
| 37. Fireworks, Retail Sales of | | | | | | | | | | | | P | | | |
| 38. Food Bank | | | | | | | | | | | | P | | | |
| 39. Fueling Station | | | | | | | P | P | P | | | P | | P | |
| 40. Fulfillment Center, Micro | | | | | | | | C | C | C | | P | | | |
| 41. Funeral Home | | | | | | | | P | P | | | | | | |
| 42. Golf Course/Driving Range | | | | | | | P | | | | | | | | P |
| 43. Greenhouse/Nursery - Retail | | | | | | | | | | | | P | | | |
| 44. Group Home | P | P | P | | P | | | | | | | | | | |
| 45. Healthcare Institution | | | | | | | | | | P | | | | P | P |
| 46. Heavy Rental and Service Establishment | | | | | | | | | | | | P | | | |
| 47. Heavy Retail Establishment | | | | | | | | | | P | | P | | | |
| 48. Hotel | | | | | | C | P | P | P | P | P | | | P | |

Table 168:06: Use Matrix
See Section 168.07 for Use Definitions and Use Standards

| Use | ID | RS | RD | RM | R-MH | C-1-A | C-1-B | C-2-A | C-2-B | C-3 | OR/P | I-1 | I-2 | I-P | P |
|--|-----------|-----------|-----------|-----------|-------------|--------------|--------------|--------------|--------------|------------|-------------|------------|------------|------------|----------|
| 49. Industrial - General | | | | | | | | | | | | P | P | | |
| 50. Industrial - Light | | | | | | | | | | | | P | P | P | |
| 51. Industrial Design | | | | | | | P | P | P | P | | P | | P | |
| 52. Live Performance Venue | | | | | | P | P | P | P | P | | | | P | |
| 53. Manufactured Home Park | | | | | P | | | | | | | | | | |
| 54. Medical/Dental Office | | | | | | P | P | P | P | P | | | | | |
| 55. Office | | | | | | P | P | P | P | P | P | P | | P | P |
| 56. Outdoor Seating | | | | | | P | P | P | P | P | | | | P | P |
| 57. Park, Private | P | P | P | P | P | P | P | P | P | P | P | | | P | |
| 58. Park, Public | | | | | | | | | | | | | | | P |
| 59. Parking Lot (Principal Use) | | | | | | C | P | P | P | P | | P | | P | P |
| 60. Parking Structure (Principal Use) | | | | | | C | P | P | P | P | | P | | P | P |
| 61. Personal Services Establishment | | | | | | P | P | P | P | P | | | | | |
| 62. Place of Worship | P | P | P | P | | P | P | P | P | P | | | | | |
| 63. Private Club | | | | | | P | P | P | P | P | | | | | |
| 64. Public Safety Facility | | | | | | | | | | | | | | | P |
| 65. Public Works Facility | | | | | | | | | | | | | | | P |
| 66. Research and Development | | | | | | | | | | | P | P | | P | |
| 67. Residential Care Facility | | | | P | | | P | P | P | P | | | | | |
| 68. Restaurant | | | | | | P | P | P | P | P | | P | | P | P |
| 69. Retail Good Establishment | | | | | | P | P | P | P | P | | P | | P | |
| 70. Salvage Yard | | | | | | | | | | | | | C | | |
| 71. Self-Storage - Enclosed | | | | | | | | P | P | P | | P | | | |
| 72. Self-Storage - Outdoor | | | | | | | | C | C | C | | P | | | |
| 73. Specialty Food Service | | | | | | P | P | P | P | P | | P | | P | |

Table 168:06: Use Matrix
See Section 168.07 for Use Definitions and Use Standards

| Use | ID | RS | RD | RM | R-MH | C-1-A | C-1-B | C-2-A | C-2-B | C-3 | OR/P | I-1 | I-2 | I-P | P |
|--|-----------|-----------|-----------|-----------|-------------|--------------|--------------|--------------|--------------|------------|-------------|------------|------------|------------|----------|
| 74. Storage – Outdoor (Principal Use) | | | | | | | | | | | | C | P | | |
| 75. Truck Stop | | | | | | | | | | | | C | P | | |
| 76. Utility (Sub)Stations | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| 77. Vehicle Dealership, New and Used | | | | | | | | P | P | P | | | | | |
| 78. Vehicle Dealership, Used | | | | | | | | C | C | | | | | | |
| 79. Vehicle Operations Facility | | | | | | | | | | | | P | | | P |
| 80. Vehicle Rental | | | | | | | | | | | | P | | | |
| 81. Vehicle Repair - Major | | | | | | | | C | C | | | P | | | |
| 82. Vehicle Repair - Minor | | | | | | | | P | P | | | P | | | |
| 83. Warehouse | | | | | | | | | | | | P | | | |
| 84. Wholesale Establishment | | | | | | | | | | | | P | | | |
| 85. Winery, Micro | | | | | | P | P | P | P | P | | | | P | |

SECTION 3. RENUMBERING OF ORDINANCE. Paragraphs 15 through 84 of Chapter 168.07 of the North Liberty Code of Ordinances, entitled Uses Defined and Use Standards, are renumbered as Paragraphs 16 through 85.

SECTION 4. AMENDMENT OF ORDINANCE. Chapter 168.07 of the North Liberty Code of Ordinances, entitled Uses Defined and Use Standards, is amended to insert the following new Paragraph 15 before renumbered Paragraph 16.

15. Building Trades and Services
- A. Defined. Building Trades and Services means an establishment that undertakes activities related to building construction projects, as well as those that provide repair and maintenance services to buildings, including building systems, home appliances, and the like. These specialized trade contractors may work on subcontract from a general contractor, performing only part of the work covered by the general contract, or they may work directly for the owner of the building or project. Building and Trade Services uses primarily perform their work at the site of the structure being constructed or serviced, although they also may have shops where they perform work incidental to the job site. Examples of building trades and services include electrical, plumbing, heating, and air conditioning contractors, painting, masons, stone and tile setters, glass and glazing services.
- B. Use Standards.
- (1) Building area shall be limited to 7,500 square feet in the C-2-A, C-2-B and C-3 Districts.
 - (2) Vehicles such as cars, vans and pickup trucks shall be permitted in designated parking spaces in any location. Box trucks, and other similar vehicles, along with trailers which may be pulled by permitted vehicles, shall also be permitted in designated parking spaces, but shall not be located within a front or corner side yard. Smaller equipment such as skid loaders, forklifts, etc. may be permitted, provided they are stored indoors or inside enclosed trailers. Heavy vehicles and equipment such as tractor trailers, semi-trucks, construction equipment, and other large specialty vehicles as determined by Code Official shall be prohibited.
 - (3) Outdoor storage shall only be permitted in the I-1 District.
 - (a) Outdoor storage or display areas shall be screened with landscaping consisting of shade trees and evergreen trees and shrubs. Such landscaped area shall be of sufficient width and density to provide an effective and aesthetically pleasing screen with trees and shrubs not less than five feet in height when planted. In lieu of planting strips, a six-foot tall solid vertical fence or masonry, heavy wood construction, or other similar material approved by the Code Official may be used as a screen.
 - (b) Outdoor storage or display shall be allowed only on hard-surface areas paved to parking lot specifications with asphalt or concrete.
 - (4) See Section 169.05(B) for outdoor storage areas as an accessory use.

SECTION 5. AMENDMENT OF ORDINANCE. Paragraph 28 of Chapter 168.07 of the North Liberty Code of Ordinances, entitled Uses Defined and Use Standards, is amended to read as follows:

- 28 Dwelling - Single-Unit.
 - A. Defined. Single-Unit Dwelling means a structure containing only one dwelling unit on a single lot.
 - B. Use Standards.
 - (1) The structure must contain 24 feet of width at its largest dimension.
 - (2) The structure must contain a minimum living area of 660 square feet.
 - (3) The structure must be located on a frost-protected perimeter foundation.
 - (4) Every room within a dwelling unit must be accessible from every other room within the dwelling via a completely internal route within the envelope of the dwelling structure.
 - (5) Minimum required masonry on front and corner side yard building elevations is 25%, with the following exceptions:
 - (a) No masonry is required in the RS-7 and RS-8 districts.
 - (b) In lieu of the required masonry on the façade facing the corner side yard, one of the two following options may be selected:
 - (i) Two, two-inch caliper trees planted in the corner side yard. Existing trees of adequate size in the corner side yard may satisfy this requirement.
 - (ii) Architectural relief on the façade facing the corner side yard, such that the wall contains more than two offsets, which may consist of wall corners, bay or bowed windows, or other means approved by the Code Official.
 - (6) The front entry must be an integral part of the structure, using features such as porches, raised steps and stoops with roof overhangs, or decorative railings to articulate the front facade.
 - (7) A 5% minimum transparency requirement applies to the front facade and is calculated on the basis of the area of the facade below the roofline.
 - (8) A dwelling with a front-facing attached three-car garage shall have one of the garages offset a minimum of one foot from the other garages.

- (9) Front-facing garages shall not exceed 16' or 60% the width of the front building line, whichever is greater. Garage width is measured between the edges of the garage door; in the case of garages designed with multiple garage doors, the distance is measured between the edges of the outermost doors.

SECTION 6. AMENDMENT OF ORDINANCE. Chapter 169.02 of the North Liberty Code of Ordinances, entitled Landscaping Requirements, is amended to read as follows:

169.02 LANDSCAPE REQUIREMENTS.

1. Landscape Plan Required. A landscaping plan is required for development within the multi-unit residence, residential manufactured home park commercial, industrial and public districts and for non-residential development in residential and interim development districts.
2. Selection, Installation and Maintenance.
 - A. Selection.
 - (1) All plant materials must be of good quality and meet American Horticulture Industry Association (AmericanHort) or its ANSI accredited successor's standards for minimum acceptable form, quality, and size for species selected.
 - (2) All species must be capable to withstand the seasonal temperature variations of USDA Hardiness Zone 5b (the plant zone for North Liberty). A hardiness zone is a geographically defined area in which a specific category of plant life is capable of growing, as defined by climatic conditions, including its ability to withstand the minimum temperatures of the zone.
 - (3) The use of species native or naturalized is required. Drought tolerant species are encouraged.
 - (4) Invasive species are prohibited.
 - B. Installation.
 - (1) All landscape materials must be installed in accordance with current nursery industry standards, and must be properly supported to ensure survival. Support devices such as guy wires or stakes must not interfere with pedestrian or vehicular movement.
 - (2) If landscape material is located within a utility easement and repair or replacement of the utility is needed, the City or utility is not responsible for the replacement of any landscape that may be damaged.
 - (3) All plant materials must be free of disease and installed so that soil of sufficient volume, composition, and nutrient balance are available to sustain healthy growth.

- (4) Landscaping materials shall be planted as each phase of a site is developed.
 - (5) If weather prohibits the installation of landscape materials, a security bond for 125% in favor of the City of the estimated amount of landscape materials and installation cost. The cost of landscape materials and installation must be determined by a landscape architect or other landscape business professional.
 - C. Maintenance.
 - (1) Landscape materials depicted on approved landscape plans are considered a required site element. As such, the owner of record or the business or homeowner's association is responsible for the maintenance, repair, and replacement of all landscape materials and elements
- 3. Minimum Planting Sizes. Minimum planting sizes are as follows. For the purposes of determining trunk size, the diameter/caliper is measured at six inches above ground level, unless otherwise specified in current ANSI accredited Horticultural Standards.
 - A. Evergreen trees must have a minimum height of six feet.
 - B. Shade trees must have a minimum clear trunk height of four feet above the ground with a two-inch caliper.
 - C. Single stem ornamental trees must have a minimum trunk size of two inches in caliper. Multiple stem ornamental trees must have a minimum height of eight feet.
 - D. Evergreen or deciduous shrubs must have a minimum height of 18 inches.
- 4. Berming. If berms are included on a landscape plan, they must comply with the following:
 - A. Berms must be stabilized to prevent erosion.
 - B. Berms must be a minimum of two feet in height.
 - C. Berms of two feet in height and up to six feet in height are limited to a maximum slope of 3:1, as measured from the lot line.
 - D. Berms of six feet in height or more are limited to a maximum slope of 4:1, as measured from the lot line.
 - E. Berms must undulate by height and/or width for visual interest.
- 5. Parking Lot Landscape. A perimeter landscape area is required for all parking lots adjacent to streets and public spaces such as a plaza, public seating area, or park. The landscape treatment must run the full length of the parking lot perimeter and must be located between the lot line and the edge of the parking lot, with the exception of pedestrian walkways. The landscaped area must be improved as follows:
 - A. Shrubs must be planted and spaced sufficiently to form a continuous linear hedgerow at plant maturity.

- B. A minimum of one shade tree must be provided for every 50 linear feet of perimeter landscape yard. Two ornamental trees may be substituted for one shade tree and must be spaced one ornamental tree every 25 feet. Trees may be spaced linearly on-center, or grouped to complement an overall design concept.
 - C. Trees within parking lot islands adjacent to parking lot landscaping areas may be included in the calculation for minimum number of required trees.
6. Parking Lot Interior Landscape. All parking lots consisting of 15 or more spaces require interior parking lot landscape as described in this section.
- A. All rows of parking stalls must terminate in a parking lot island or landscape area.
 - B. Where more than 15 parking stalls are provided in a row, one parking lot island must be provided between every 15 parking spaces. As part of the landscape plan approval, parking lot island locations may be varied based on specific site requirements or design scheme, but the total number of islands must be no less than the amount required of one island for every 15 spaces.
 - C. Parking lot islands must be at least the same dimension as the parking stall. Double rows of parking must provide parking lot islands that are the same dimension as the double row.
 - D. A minimum of one shade tree must be provided in every parking lot island or landscape area. If a parking lot island extends the width of a double row, then two shade trees are required.
7. On-Site Trees. In addition to trees in required buffer yards, on-site shade trees must be installed as follows:
- A. Multi-Unit Residence District. One tree for each 750 square feet of building footprint.
 - B. Residential Manufactured Home Park District. One tree for every four acres.
 - C. Commercial, Industrial and Public Districts. One tree for every 2,000 square feet of building footprint.
 - D. Trees within parking lot landscape and parking lot islands adjacent to parking lot landscape may be included in the calculation for minimum number of required trees.
8. Buffer Yards.
- A. Buffer yards are required for new construction along interior side and rear yards in the following cases:
 - 1. Where the lot line of a multi-unit residence development is adjacent to the lot line of a single-unit residence or two-family residence district.
 - 2. Where a non-residential use is located within a residential or interim development district.

3. Where the lot line of a non-residential district is adjacent to the lot line of a residential district. This does not include private or public parks.
- B. The required design for buffer yards is as follows:
 1. A buffer yard must be a minimum of 10 feet in width.
 2. One shade or evergreen tree must be planted for every 30 linear feet of buffer yard length. As part of the landscape plan approval, trees may be spaced at various intervals based on specific site requirements, but the total number of trees planted must be no less than one per 30 linear feet of buffer yard length.
 3. Existing trees in the buffer yard may count toward the buffer yard tree requirement. This credit is a 1:1 ratio (one existing tree for one proposed tree) regardless of the size of the existing tree.
 4. Evergreen shrubs must be planted and spaced sufficiently to form a continuous linear hedgerow at plant maturity. As part of the landscape plan approval, shrubs may be spaced at various intervals based on specific site requirements, but the total number of shrubs planted must be no less than one per three linear feet of buffer yard length.
 5. A fence may be required at the discretion of City staff.
8. Site Landscape. Areas of any lot that are not covered by structures or pavement must be planted with live landscaping. Stone, mulch, or other permeable landscape materials may be used to satisfy this requirement, but must not cover more than 40% of such area and must be designed so such materials are placed so that they are no higher than the height of the curb to prevent spill.

SECTION 7. AMENDMENT OF ORDINANCE. Chapter 169.03 of the North Liberty Code of Ordinances, entitled Trash and Recycling Enclosures, amended to read as follows:

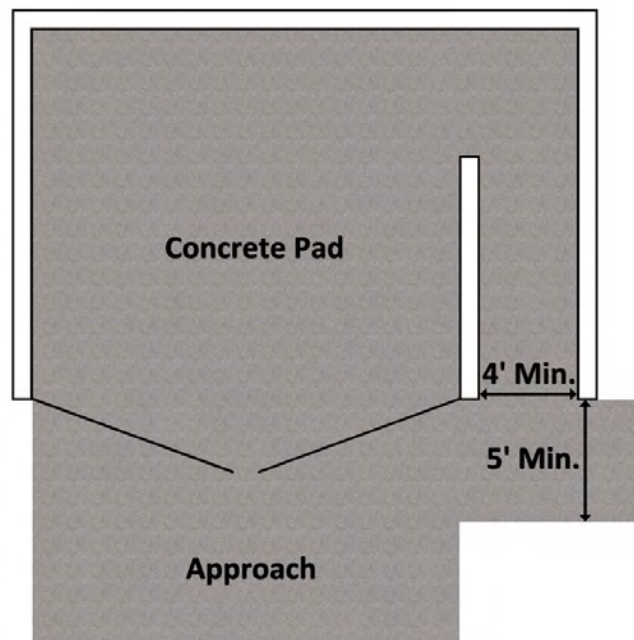
169.03 DUMPSTER, RECYCLING AND TRASH COMPACTOR ENCLOSURES. Dumpster and recycling enclosures are required in multi-unit residence (except for townhouse developments), commercial, industrial and public districts and for non-residential development in residential and interim development districts.

1. Performance Standards.
 - A. Dumpsters, trash compactors and/or other such solid waste containers shall be stored in the enclosure at all times.
 - B. Enclosures, gates, doors, etc. shall be kept in good working condition at all times.
 - C. The area within and around the enclosure shall be kept in a clean condition at all times.
 - D. Gates shall remain closed at all times except when the dumpster, trash compactor and/or other such solid waste container is being serviced.

2. Design Standards.

- A. Enclosures shall not be located in the required front or corner side yard area and should be located out of public view to the greatest degree possible.
- B. Access to the enclosure shall remain unobstructed with a clear approach.
- C. The area within the enclosure and apron shall be improved with a hard surfaced, all-weather dustless material.
- D. Enclosure shall be a minimum of six feet in height but must be of sufficient height to effectively screen the view of dumpsters, trash compactors and/or other such solid waste containers.
- E. Enclosures shall be constructed of split faced block, decorative stone or brick to match the principle building to the maximum extent possible.
- F. For multiple-unit residence developments utilizing a dumpster, there shall be an accessible pedestrian entrance. See figure 169.03-A.
- G. Gates shall not open onto sidewalks, parking spaces or a right-of-way.
- H. The exterior face of gates shall be metal or wood. Non-solid gates shall be a minimum 90% opaque. Gate supports shall be metal with the appropriate diameter to support the gate(s). Hardware must be of sufficient strength to accommodate repetitive swinging.

Figure 169.03



SECTION 8. AMENDMENT OF ORDINANCE. Chapter 180.06 of the North Liberty Code of Ordinances is amended to read as follows:

180.06 BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY RESTRICTED.

1. When a plat is required by provisions of this Code of Ordinances, the City shall not issue any building permit for construction on any lot, parcel, or tract until a plat is approved and recorded.
2. When construction of public improvements is required by the provisions of this Code of Ordinances, the City shall not issue any certificate of occupancy for any structure on any lot, parcel or tract until the public improvements for the plat on which such lot, parcel or tract is located are accepted by the City. Notwithstanding the above, a certificate of occupancy may be issued for structures where sidewalks and erosion control improvements have not yet been accepted, provided that the obligation to install sidewalks and erosion control improvements remains a lien upon the upon the property where the structure is situated until installed and accepted.

SECTION 9. AMENDMENT OF ORDINANCE. Paragraph 1(B) of Chapter 180.12 of the North Liberty Code of Ordinances, entitled General Requirements, is amended to read as follows:

- B. The subdivider of property shall be responsible for constructing all improvements associated with the proposed subdivision according to construction and design standards established by resolution of the City Council.

SECTION 10. REPEALER. All Ordinances and parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 11. SCRIVENER'S ERROR. The correction of typographical errors which do not affect the intent of the Ordinance may be authorized by the City Clerk or the Clerk's designee without further public hearing.

SECTION 12. 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 13. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law, except for that portion of Section 8, which amends Chapter 169.03, new Paragraph 1, entitled Performance Standards, takes effect upon enactment and applies retroactively to June 27, 2000.

First reading on _____, 2022.

Second reading on _____, 2022.

Third and final reading on _____, 2022.

CITY OF NORTH LIBERTY:

CHRIS HOFFMAN, 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 No. _____ in the Cedar Rapids *Gazette* on the ____ day of _____, 2022.

TRACEY MULCAHEY, CITY CLERK

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTERS 165, 168, 169 AND 180 OF THE NORTH LIBERTY CODE OF ORDINANCES REGARDING THE CONSTRUCTION PLAN APPROVAL PROCESS AND STANDARDS, SURFACE AND SUBSURFACE DRAINAGE REQUIREMENTS, RESTORING BUILDING TRADES AND SERVICES TO USE MATRIX AND ADDING AND RELOCATING CERTAIN USES WITHIN THE USE MATRIX, CLARIFYING LANDSCAPING PLAN REQUIREMENTS AND AMENDING DUMPSTER ENCLOSURE REQUIREMENTS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY, IOWA:

SECTION 1. AMENDMENT OF ORDINANCE. Paragraph 3 of Chapter 165.05 of the North Liberty Code of Ordinances, entitled Permit Requirements, is amended to read as follows:

3. Construction Site Plans Review. The construction site plan review process ensures consistency with the approved preliminary site plan, ~~and~~ all applicable municipal regulations, and adopted construction standards.
 - A. Authority. The Code Official reviews and issues final approval of construction site plans. When a subdivision plat is required by any provision of this Code of Ordinances, and such plat creates the need for extension of streets, utilities or any other new public improvements, no construction site plan approval shall be issued for any lot, parcel or tract within the proposed development until a final plat is approved and recorded.
 - B. Required Construction Site Plan Review. Construction site plan approval is required for any development requiring preliminary site plan approval, and development of any utility (sub)stations.
 - C. Construction Site Plan Submittal Requirements. All applications for construction site plan review shall include the following:
 - (1) The completed application form.
 - (2) A scaled and dimensioned site plan drawn to a scale not less than one inch to one hundred feet, prepared by a licensed engineer, landscape architect and/or architect. The site plan shall include the following:
 - (a) Date, north arrow and graphic scale.
 - (b) The property owner's name and description of proposed development.
 - (c) A vicinity sketch showing the location of the property and other properties within 1,000 feet of it.
 - (d) Property boundary lines, dimensions, and total area.
 - (e) Contour lines at intervals of not more than five feet, City datum. If substantial topographic change is proposed, the existing

topography shall be illustrated on a separate map and the proposed finished topography shown on the site plan.

- (f) The location of existing streets, sidewalks, easements, utilities, drainage courses.
- (g) The total square feet of building floor area, both individually and collectively.
- (h) Total number of dwelling units and the density of the development.
- (i) All structures and major features shall be fully dimensioned including distance between structures, distance between driveways, parking areas, property lines and building height.
- (j) Off-street parking areas, ingress and egress to the property, number of parking spaces proposed, number of parking spaces required by this code and type of surfacing.
- (k) Pedestrian walkways with special consideration given to pedestrian safety.
- (l) Recreation and open spaces, with special consideration given to the location, size and development of the areas in regard to adequacy, effect on privacy of adjacent living areas, and relationship to community wide open spaces and recreation facilities.
- (m) Walls, fences or other artificial features.
- (n) Trash and refuse enclosures.
- (o) Documentation demonstrating compliance with Chapter 155, entitled Construction Site Erosion and Sediment Control.
- (p) Documentation demonstrating compliance with Chapter 156, entitled Post-Construction Storm Water Runoff Control.
- (q) A lighting plan depicting the location, height, and type of lighting fixtures on the site and proposed buildings and a photometric plan depicting the lighting fixture locations and illumination levels.
- (r) The location, type and size of all plants, shrubs, trees, and ground cover.

- D. Extension of public utilities. The petitioner may, as ~~part~~ condition of the construction site plan approval, be required to install public utilities, including (but not limited to) water lines, storm sewer, sanitary sewer, street paving, fire hydrants, and such other utilities as applicable to properly serve the proposed development. Where required as ~~part~~ condition of a construction site plan approval, utilities shall be constructed in accordance with ~~City~~ construction standards as ~~referred to in the subdivisions ordinance established by resolution of the City Council~~ for those portions within the public right-of-way and to be dedicated to the City, and may be required to be constructed to the same specifications for those undedicated portions where said utilities may have a direct effect on the future safety, proper functioning, and maintenance of those portions to be dedicated.

E. Surface water drainage management. The petitioner may, as a condition of construction site plan approval, be required to perform such work as may be necessary to ensure the proper drainage of surface water over and across the property, in accordance with construction standards established by resolution of the City Council.

E.F. Modifications. The development shall be substantially in conformance with the approved construction site plan. Amended construction site plans shall be submitted to the Code Official for determination if the amendment can be approved administratively or if the amendment requires review by the Planning Commission and approval by City Council in accordance with Section 165.05(2)(E).

F.G Once a site plan is approved, the petitioner has eighteen (18) months to commence the development of the property consistent with the approved site plan and any related conditions and agreements. The development of the property shall be substantially completed within thirty-six (36) months from the date of City approval of the site plan. In the event that the petitioner fails to either commence or complete the development of the property within these timeframes, authorization to proceed with the development shall cease, and the petitioner shall be required to seek reauthorization and approval of the construction site plan. The petitioner may, however, request an extension of time from the City. If an extension is granted, it may be conditioned upon updating any security posted by the petitioner or requiring the petitioner to provide security to reflect cost increases and extended completion date.

SECTION 2. AMENDMENT OF ORDINANCE. Table 168.06 of Chapter 168.06 of the North Liberty Code of Ordinances, entitled Use Matrix, is amended to read as follows:

| Table 168:06: Use Matrix | | | | | | | | | | | | | | | |
|--|----------|----------|----------|----------|------|----------|-------|-------|-------|----------|------|----------|----------|-----|----------|
| See Section 168.07 for Use Definitions and Use Standards | | | | | | | | | | | | | | | |
| Use | ID | RS | RD | RM | R-MH | C-1-A | C-1-B | C-2-A | C-2-B | C-3 | OR/P | I-1 | I-2 | I-P | P |
| 1. <u>Adult Entertainment</u> | | | | | | | | | | | | | <u>C</u> | | |
| 2. <u>Agricultural Experience</u> | <u>C</u> | | | | | | | | | | | | | | |
| 3. <u>Agriculture</u> | P | | | | | | | | | | | | | | |
| 4. <u>Amusement Facility – Indoor</u> | | | | | | <u>C</u> | P | P | P | P | | | | | |
| 5. <u>Amusement Facility – Outdoor</u> | | | | | | | | | | <u>C</u> | | | | | |
| 6. <u>Animal Care Facility</u> | | | | | | P | P | P | P | | | P | | | |
| 7. <u>Animal Shelter</u> | | | | | | | | | | | | <u>C</u> | | | <u>C</u> |
| 8. <u>Art Gallery</u> | | | | | | P | P | P | P | P | | | | | |
| 9. <u>Arts and Fitness Studio</u> | | | | | | P | P | P | P | P | | | | | |
| 10. <u>Bar</u> | | | | | | P | P | P | P | P | | P | | P | |
| 11. <u>Bed and Breakfast Home</u> | | <u>C</u> | | | | | | | | | | | | | |
| 12. <u>Body Art Establishment</u> | | | | | | | | P | P | | | | | | |
| 13. <u>Brewery-Micro</u> | | | | | | P | P | P | P | P | | | | P | |
| 14. <u>Broadcasting Studio</u> | | | | | | | | P | P | P | | | | P | P |
| 15. <u>Building Trades and Services</u> | | | | | | | | P | P | P | | P | | P | |
| 15:16. <u>Car Wash</u> | | | | | | | | P | P | | | | | | |
| 16:17. <u>Child Care Center</u> | | | | | | P | P | P | P | P | P | | | P | P |
| 17:18. <u>Child Care Home</u> | | P | | | P | | | | | | | | | | |
| 18:19. <u>Child Development Home</u> | | P | | | | | | | | | | | | | |
| 19:20. <u>Community Center</u> | | | | | | P | P | P | P | P | | | | P | P |
| 20:21. <u>Community Pantry</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | | <u>C</u> | P | P | P | | | | | | |
| 21:22. <u>Cultural Facility</u> | | | | | | P | P | P | P | P | | | | | P |
| 22:23. <u>Distillery, Micro</u> | | | | | | P | P | P | P | P | | | | P | |
| 23:24. <u>Drive-Through Facility</u> | | | | | | <u>C</u> | P | P | P | P | P | | | P | |

Table 168:06: Use Matrix
See Section 168.07 for Use Definitions and Use Standards

| Use | ID | RS | RD | RM | R-MH | C-1-A | C-1-B | C-2-A | C-2-B | C-3 | OR/P | I-1 | I-2 | I-P | P |
|--|----|----|----|----|------|-------|-------|-------|-------|-----|------|-----|-----|-----|---|
| <u>24.25. Dwelling – Manufactured Home</u> | | | | | P | | | | | | | | | | |
| <u>25.26. Dwelling – Mixed Use</u> | | | | | | P | P | P | P | P | | | | | |
| <u>26.27. Dwelling – Multiple-Unit</u> | | | | P | | | | | | P | | | | | |
| <u>27.28. Dwelling – Single-Unit</u> | P | P | | | | | | | | | | | | | |
| <u>28.29. Dwelling – Single-Unit Zero Lot Line</u> | | | P | | | | | | | | | | | | |
| <u>29.30. Dwelling – Townhouse</u> | | | | P | | | | | | | | | | | |
| <u>30.31. Dwelling – Two Unit</u> | | | P | P | | | | | | | | | | | |
| <u>31.32. Educational Facility – Primary</u> | P | P | P | P | | P | P | P | P | P | | | | | P |
| <u>32.33. Educational Facility – Secondary</u> | P | P | P | P | | P | P | P | P | P | | | | | P |
| <u>33.34. Educational Facility – University or College</u> | | | | | | | | | | | P | | | P | P |
| <u>34.35. Educational Facility – Vocational</u> | | | | | | C | P | P | P | P | | P | | P | |
| <u>35.36. Financial Institution</u> | | | | | | P | P | P | P | P | | | | P | |
| <u>36.37. Fireworks, Retail Sales of</u> | | | | | | | | | | | | P | | | |
| <u>37.38. Food Bank</u> | | | | | | | | | | | | P | | | |
| <u>38.39. Fueling Station</u> | | | | | | | P | P | P | | | P | | P | |
| <u>39.40. _____ Fulfillment Center, Micro</u> | | | | | | | | C | C | C | | P | | | |
| <u>40.41. Funeral Home</u> | | | | | | | | P | P | | | | | | |
| <u>41.42. Golf Course/Driving Range</u> | | | | | | | P | | | | | | | | P |
| <u>42.43. Greenhouse/Nursery – Retail</u> | | | | | | | | | | | | P | | | |
| <u>43.44. _____ Group Home</u> | P | P | P | | P | | | | | | | | | | |
| <u>44.45. _____ Healthcare Institution</u> | | | | | | | | | | P | | | | P | P |

Table 168:06: Use Matrix
See Section 168.07 for Use Definitions and Use Standards

| Use | ID | RS | RD | RM | R-MH | C-1-A | C-1-B | C-2-A | C-2-B | C-3 | OR/P | I-1 | I-2 | I-P | P |
|--|----|----|----|----|------|-------|-------|-------|-------|-----|------|-----|-----|-----|---|
| <u>45-46. Heavy Rental and Service Establishment</u> | | | | | | | | | | | | P | | | |
| <u>46-47. Heavy Retail Establishment</u> | | | | | | | | | | P | | P | | | |
| <u>47-48. Hotel</u> | | | | | | C | P | P | P | P | P | | | P | |
| <u>48-49. Industrial - General</u> | | | | | | | | | | | | P | P | | |
| <u>49-50. Industrial - Light</u> | | | | | | | | | | | | P | P | P | |
| <u>50-51. Industrial Design</u> | | | | | | | P | P | P | P | | P | | P | |
| <u>51-52. Live Performance Venue</u> | | | | | | P | P | P | P | P | | | | P | |
| <u>52-53. Manufactured Home Park</u> | | | | | P | | | | | | | | | | |
| <u>53-54. Medical/Dental Office</u> | | | | | | P | P | P | P | P | | P | | | |
| <u>54-55. Office</u> | | | | | | P | P | P | P | P | P | P | | P | P |
| <u>55-56. Outdoor Seating</u> | | | | | | P | P | P | P | P | | | | P | P |
| <u>56-57. Park, Private</u> | P | P | P | P | P | P | P | P | P | P | P | | | P | |
| <u>57-58. Park, Public</u> | | | | | | | | | | | | | | | P |
| <u>58-59. Parking Lot (Principal Use)</u> | | | | | | C | P | P | P | P | | P | | P | P |
| <u>59-60. Parking Structure (Principal Use)</u> | | | | | | C | P | P | P | P | | P | | P | P |
| <u>60-61. Personal Services Establishment</u> | | | | | | P | P | P | P | P | | | | | |
| <u>61-62. Place of Worship</u> | P | P | P | P | | P | P | P | P | P | | | | | |
| <u>62-63. Private Club</u> | | | | | | P | P | P | P | P | | | | | |
| <u>63-64. Public Safety Facility</u> | | | | | | | | | | | | | | | P |
| <u>64-65. Public Works Facility</u> | | | | | | | | | | | | | | | P |
| <u>65-66. Research and Development</u> | | | | | | | | | | | P | P | | P | |
| <u>66-67. Residential Care Facility</u> | | | | P | | | P | P | P | P | | | | | |
| <u>67-68. Restaurant</u> | | | | | | P | P | P | P | P | | P | | P | P |
| <u>68-69. Retail Good Establishment</u> | | | | | | P | P | P | P | P | | P | | P | |

Table 168:06: Use Matrix
See Section 168.07 for Use Definitions and Use Standards

| Use | ID | RS | RD | RM | R-MH | C-1-A | C-1-B | C-2-A | C-2-B | C-3 | OR/P | I-1 | I-2 | I-P | P |
|---|-----------|-----------|-----------|-----------|-------------|--------------|--------------|--------------|--------------|------------|-------------|------------|------------|------------|----------|
| <u>69:70. Salvage Yard</u> | | | | | | | | | | | | | <u>C</u> | | |
| <u>70:71. Self-Storage – Enclosed</u> | | | | | | | | <u>P</u> | <u>P</u> | <u>P</u> | | <u>P</u> | | | |
| <u>71:72. Self-Storage – Outdoor</u> | | | | | | | | <u>C</u> | <u>C</u> | <u>C</u> | | <u>P</u> | | | |
| <u>72:73. Specialty Food Service</u> | | | | | | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | | <u>P</u> | | <u>P</u> | |
| <u>73:74. Storage – Outdoor (Principal Use)</u> | | | | | | | | | | | | <u>C</u> | <u>P</u> | | |
| <u>74:75. Truck Stop</u> | | | | | | | | | | | | <u>C</u> | <u>P</u> | | |
| <u>75:76. Utility (Sub)Stations</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> |
| <u>76:77. Vehicle Dealership, New and Used</u> | | | | | | | | <u>P</u> | <u>P</u> | <u>P</u> | | | | | |
| <u>77:78. Vehicle Dealership, Used</u> | | | | | | | | <u>C</u> | <u>C</u> | | | | | | |
| <u>78:79. Vehicle Operations Facility</u> | | | | | | | | | | | | <u>P</u> | | | <u>P</u> |
| <u>79:80. Vehicle Rental</u> | | | | | | | | | | | | <u>P</u> | | | |
| <u>80:81. Vehicle Repair – Major</u> | | | | | | | | <u>C</u> | <u>C</u> | | | <u>P</u> | | | |
| <u>81:82. Vehicle Repair – Minor</u> | | | | | | | | <u>P</u> | <u>P</u> | | | <u>P</u> | | | |
| <u>82:83. Warehouse</u> | | | | | | | | | | | | <u>P</u> | | | |
| <u>83:84. Wholesale Establishment</u> | | | | | | | | | | | | <u>P</u> | | | |
| <u>84:85. Winery, Micro</u> | | | | | | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | | | | <u>P</u> | |

SECTION 3. RENUMBERING OF ORDINANCE. Paragraphs 15 through 84 of Chapter 168.07 of the North Liberty Code of Ordinances, entitled Uses Defined and Use Standards, are renumbered as Paragraphs 16 through 85.

SECTION 4. AMENDMENT OF ORDINANCE. Chapter 168.07 of the North Liberty Code of Ordinances, entitled Uses Defined and Use Standards, is amended to insert the following new Paragraph 15 before renumbered Paragraph 16.

15. Building Trades and Services

A. Defined. Building Trades and Services means an establishment that undertakes activities related to building construction projects, as well as those that provide repair and maintenance services to buildings, including building systems, home appliances, and the like. These specialized trade contractors may work on subcontract from a general contractor, performing only part of the work covered by the general contract, or they may work directly for the owner of the building or project. Building and Trade Services uses primarily perform their work at the site of the structure being constructed or serviced, although they also may have shops where they perform work incidental to the job site. Examples of building trades and services include electrical, plumbing, heating, and air conditioning contractors, painting, masons, stone and tile setters, glass and glazing services.

B. Use Standards.

- (1) Building area shall be limited to 7,500 square feet in the C-2-A, C-2-B and C-3 Districts.
- (2) Vehicles such as cars, vans and pickup trucks shall be permitted in designated parking spaces in any location. Box trucks, and other similar vehicles, along with trailers which may be pulled by permitted vehicles, shall also be permitted in designated parking spaces, but shall not be located within a front or corner side yard. Smaller equipment such as skid loaders, forklifts, etc. may be permitted, provided they are stored indoors or inside enclosed trailers. Heavy vehicles and equipment such as tractor trailers, semi-trucks, construction equipment, and other large specialty vehicles as determined by Code Official shall be prohibited.
- (3) Outdoor storage shall only be permitted in the I-1 District.
 - (a) Outdoor storage or display areas shall be screened with landscaping consisting of shade trees and evergreen trees and shrubs. Such landscaped area shall be of sufficient width and density to provide an effective and aesthetically pleasing screen with trees and shrubs not less than five feet in height when planted. In lieu of planting strips, a six-foot tall solid vertical fence or masonry, heavy wood construction, or other similar material approved by the Code Official may be used as a screen.
 - (b) Outdoor storage or display shall be allowed only on hard-surface areas paved to parking lot specifications with asphalt or concrete.
- (4) See Section 169.05(B) for outdoor storage areas as an accessory use.

SECTION 5. AMENDMENT OF ORDINANCE. Paragraph 28 of Chapter 168.07 of the North Liberty Code of Ordinances, entitled Uses Defined and Use Standards, is amended to read as follows:

- 28 Dwelling - Single-Unit.
- A. Defined. Single-Unit Dwelling means a structure containing only one dwelling unit on a single lot.
- B. Use Standards.
- (1) The structure must contain 24 feet of width at its largest dimension.
 - (2) The structure must contain a minimum living area of 660 square feet.
 - (3) The structure must be located on a frost-protected perimeter foundation.
 - (4) Every room within a dwelling unit must be accessible from every other room within the dwelling via a completely internal route within the envelope of the dwelling structure.
 - (5) Minimum required masonry on front and corner side yard building elevations is 25%, with the following exceptions:
 - (a) No masonry is required in the RS-7 and RS-8 districts.
 - (b) In lieu of the required masonry on the façade facing the corner side yard, one of the two following options may be selected:
 - (i) Two, two-inch caliper trees planted in the corner side yard. Existing trees of adequate size in the corner side yard may satisfy this requirement.
 - (ii) Architectural relief on the façade facing the corner side yard, such that the wall contains more than two offsets, which may consist of wall corners, bay or bowed windows, or other means approved by the Code Official.
 - (6) The front entry must be an integral part of the structure, using features such as porches, raised steps and stoops with roof overhangs, or decorative railings to articulate the front facade.
 - (7) A 5% minimum transparency requirement applies to the front facade and is calculated on the basis of the area of the facade below the roofline.
 - (8) A dwelling with a front-facing attached three-car garage shall have one of the garages offset a minimum of one foot from the other garages.

- (9) Front-facing garages shall not exceed 16' or 60% the width of the front building line, whichever is greater. Garage width is measured between the edges of the garage door; in the case of garages designed with multiple garage doors, the distance is measured between the edges of the outermost doors.

SECTION 6. AMENDMENT OF ORDINANCE. Chapter 169.02 of the North Liberty Code of Ordinances, entitled Landscaping Requirements, is amended to read as follows:

169.02 LANDSCAPE REQUIREMENTS.

1. Landscape Plan Required. A landscaping plan is required for development within the multi-unit residence, residential manufactured home park commercial, industrial and public districts and for non-residential development in residential and interim development districts.
2. Selection, Installation and Maintenance.
 - A. Selection.
 - (1) All plant materials must be of good quality and meet American Horticulture Industry Association (AmericanHort) or its ANSI accredited successor's standards for minimum acceptable form, quality, and size for species selected.
 - (2) All species must be capable to withstand the seasonal temperature variations of USDA Hardiness Zone 5b (the plant zone for North Liberty). A hardiness zone is a geographically defined area in which a specific category of plant life is capable of growing, as defined by climatic conditions, including its ability to withstand the minimum temperatures of the zone.
 - (3) The use of species native or naturalized is required. Drought tolerant species are encouraged.
 - (4) Invasive species are prohibited.
 - B. Installation.
 - (1) All landscape materials must be installed in accordance with current nursery industry standards, and must be properly supported to ensure survival. Support devices such as guy wires or stakes must not interfere with pedestrian or vehicular movement.
 - (2) If landscape material is located within a utility easement and repair or replacement of the utility is needed, the City or utility is not responsible for the replacement of any landscape that may be damaged.
 - (3) All plant materials must be free of disease and installed so that soil of sufficient volume, composition, and nutrient balance are available to sustain healthy growth.

- (4) Landscaping materials shall be planted as each phase of a site is developed.
 - (5) If weather prohibits the installation of landscape materials, a security bond for 125% in favor of the City of the estimated amount of landscape materials and installation cost. The cost of landscape materials and installation must be determined by a landscape architect or other landscape business professional.
 - C. Maintenance.
 - (1) Landscape materials depicted on approved landscape plans are considered a required site element. As such, the owner of record or the business or homeowner's association is responsible for the maintenance, repair, and replacement of all landscape materials and elements
3. Minimum Planting Sizes. Minimum planting sizes are as follows. For the purposes of determining trunk size, the diameter/caliper is measured at six inches above ground level, unless otherwise specified in current ANSI accredited Horticultural Standards.
 - A. Evergreen trees must have a minimum height of six feet.
 - B. Shade trees must have a minimum clear trunk height of four feet above the ground with a two-inch caliper.
 - C. Single stem ornamental trees must have a minimum trunk size of two inches in caliper. Multiple stem ornamental trees must have a minimum height of eight feet.
 - D. Evergreen or deciduous shrubs must have a minimum height of 18 inches.
4. Berming. If berms are included on a landscape plan, they must comply with the following:
 - A. Berms must be stabilized to prevent erosion.
 - B. Berms must be a minimum of two feet in height.
 - C. Berms of two feet in height and up to six feet in height are limited to a maximum slope of 3:1, as measured from the lot line.
 - D. Berms of six feet in height or more are limited to a maximum slope of 4:1, as measured from the lot line.
 - E. Berms must undulate by height and/or width for visual interest.
5. Parking Lot Landscape. A perimeter landscape area is required for all parking lots adjacent to streets and public spaces such as a plaza, public seating area, or park. The landscape treatment must run the full length of the parking lot perimeter and must be located between the lot line and the edge of the parking lot, with the exception of pedestrian walkways. The landscaped area must be improved as follows:
 - ~~A. Berming shall be installed between the parking lot and a street and/or public space.~~

~~B.A.~~ Shrubs must be planted and spaced sufficiently to form a continuous linear hedgerow at plant maturity.

~~C.B.~~ A minimum of one shade tree must be provided for every 50 linear feet of perimeter landscape yard. Two ornamental trees may be substituted for one shade tree and must be spaced one ornamental tree every 25 feet. Trees may be spaced linearly on-center, or grouped to complement an overall design concept.

C. Trees within parking lot islands adjacent to parking lot landscaping areas may be included in the calculation for minimum number of required trees.

6. Parking Lot Interior Landscape. All parking lots consisting of 15 or more spaces require interior parking lot landscape as described in this section.
 - A. All rows of parking stalls must terminate in a parking lot island or landscape area.
 - B. Where more than 15 parking stalls are provided in a row, one parking lot island must be provided between every 15 parking spaces. As part of the landscape plan approval, parking lot island locations may be varied based on specific site requirements or design scheme, but the total number of islands must be no less than the amount required of one island for every 15 spaces.
 - C. Parking lot islands must be at least the same dimension as the parking stall. Double rows of parking must provide parking lot islands that are the same dimension as the double row.
 - D. A minimum of one shade tree must be provided in every parking lot island or landscape area. If a parking lot island extends the width of a double row, then two shade trees are required.
7. On-Site Trees. In addition to trees in required ~~perimeter areas~~buffer yards, on-site shade trees must be installed as follows:
 - A. Multi-Unit Residence District. One tree for each 750 square feet of building footprint.
 - B. Residential Manufactured Home Park District. One tree for every four acres.
 - C. Commercial, Industrial and Public Districts. One tree for every 2,000 square feet of building footprint.
 - D. Trees within parking lot landscape and parking lot islands adjacent to parking lot landscape may be included in the calculation for minimum number of required trees.
8. Buffer Yards.
 - A. Buffer yards are required for new construction along interior side and rear yards in the following cases:
 1. Where the lot line of a multi-unit residence development is adjacent to the lot line of a single-unit residence or two-family residence district.

2. Where a non-residential use is located within a residential or interim development district.
 3. Where the lot line of a non-residential district is adjacent to the lot line of a residential district. This does not include private or public parks.
- B. The required design for buffer yards is as follows:
1. A buffer yard must be a minimum of 10 feet in width.
 2. One shade or evergreen tree must be planted for every 30 linear feet of buffer yard length. As part of the landscape plan approval, trees may be spaced at various intervals based on specific site requirements, but the total number of trees planted must be no less than one per 30 linear feet of buffer yard length.
 3. Existing trees in the buffer yard may count toward the buffer yard tree requirement. This credit is a 1:1 ratio (one existing tree for one proposed tree) regardless of the size of the existing tree.
 4. Evergreen shrubs must be planted and spaced sufficiently to form a continuous linear hedgerow at plant maturity. As part of the landscape plan approval, shrubs may be spaced at various intervals based on specific site requirements, but the total number of shrubs planted must be no less than one per three linear feet of buffer yard length.
 5. A fence may be required at the discretion of City staff.
8. Site Landscape. Areas of any lot that are not covered by structures or pavement must be planted with live landscaping. Stone, mulch, or other permeable landscape materials may be used to satisfy this requirement, but must not cover more than 40% of such area and must be designed so such materials are placed so that they are no higher than the height of the curb to prevent spill.

SECTION 7. AMENDMENT OF ORDINANCE. Chapter 169.03 of the North Liberty Code of Ordinances, entitled Trash and Recycling Enclosures, amended to read as follows:

169.03 TRASH DUMPSTER, AND RECYCLING AND TRASH COMPACTOR ENCLOSURES.

~~Trash Dumpster 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 Code Official that the developer or owner has demonstrated the following: in multi-unit residence (except for townhouse developments), commercial, industrial and public districts and for non-residential development in residential and interim development districts.~~

1. Performance Standards.

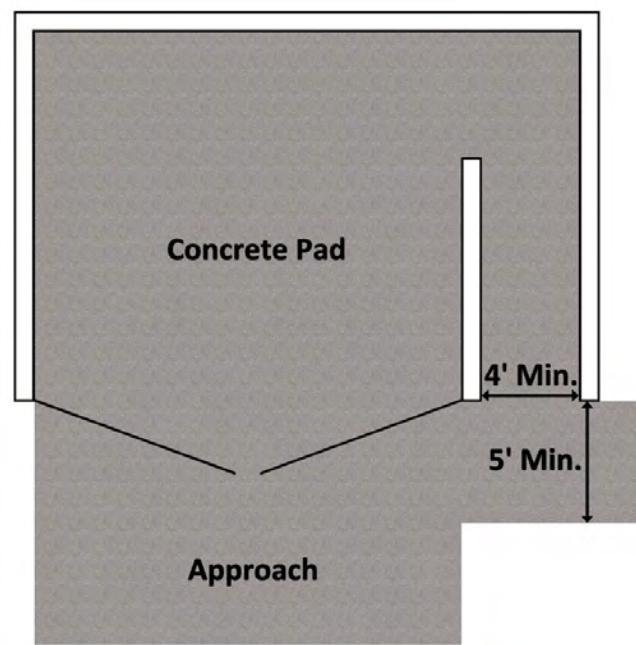
A. Dumpsters, trash compactors and/or other such solid waste containers shall be stored in the enclosure at all times.

- B. Enclosures, gates, doors, etc. shall be kept in good working condition at all times.
- C. The area within and around the enclosure shall be kept in a clean condition at all times.
- D. Gates shall remain closed at all times except when the dumpster, trash compactor and/or other such solid waste container is being serviced.

2. Design Standards.

- A. Enclosures shall not be located in the required front or corner side yard area and should be located out of public view to the greatest degree possible.
- B. Access to the enclosure shall remain unobstructed with a clear approach.
- C. The area within the enclosure and apron shall be improved with a hard surfaced, all-weather dustless material.
- D. Enclosure shall be a minimum of six feet in height but must be of sufficient height to effectively screen the view of dumpsters, trash compactors and/or other such solid waste containers.
- E. Enclosures shall be constructed of split faced block, decorative stone or brick to match the principle building to the maximum extent possible.
- F. For multiple-unit residence developments utilizing a dumpster, there shall be an accessible pedestrian entrance. See figure 169.03-A.
- G. Gates shall not open onto sidewalks, parking spaces or a right-of-way.
- H. The exterior face of gates shall be metal or wood. Non-solid gates shall be a minimum 90% opaque. Gate supports shall be metal with the appropriate diameter to support the gate(s). Hardware must be of sufficient strength to accommodate repetitive swinging.

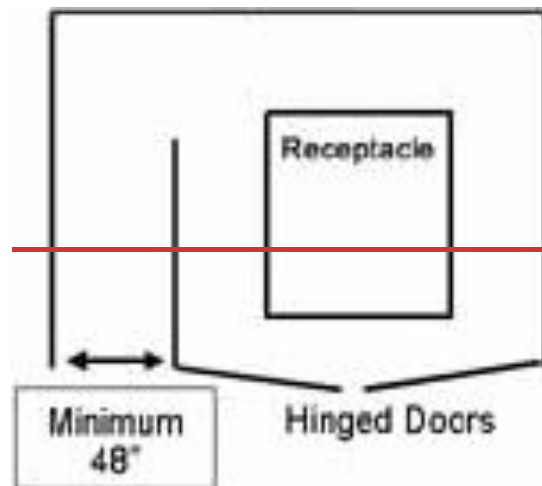
Figure 169.03



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 required front or corner side 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 169.03 for access requirements for multi-family uses:

Figure 169.03



SECTION 8. AMENDMENT OF ORDINANCE. Chapter 180.06 of the North Liberty Code of Ordinances is amended to read as follows:

180.06 BUILDING PERMITS ~~AND CERTIFICATES OF OCCUPANCY~~ RESTRICTED.

1. When a plat is required by provisions of this ~~Code of ordinance~~Ordinances, the City shall not issue any building permit for construction on any lot, parcel, or tract until a plat is approved and recorded.
2. ~~When construction of public improvements is required by the provisions of this Code of Ordinances, the City shall not issue any certificate of occupancy for any structure on any lot, parcel or tract until the public improvements for the plat on which such lot, parcel or tract is located are accepted by the City. Notwithstanding the above, a certificate of occupancy may be issued for structures where sidewalks and erosion control improvements have not yet been accepted, provided that the obligation to install sidewalks and erosion control improvements remains a lien upon the upon the property where the structure is situated until installed and accepted.~~

SECTION 9. AMENDMENT OF ORDINANCE. Paragraph 1(B) of Chapter 180.12 of the North Liberty Code of Ordinances, entitled General Requirements, is amended to read as follows:

- B. The subdivider of property shall be responsible for constructing all ~~public~~ improvements associated with the proposed subdivision according to ~~construction and~~ design standards established by ~~resolution of~~ the City Council; ~~except for special circumstances such as oversizing facilities, as determined by the City.~~

SECTION 10. REPEALER. All Ordinances and parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 11. SCRIVENER'S ERROR. The correction of typographical errors which do not affect the intent of the Ordinance may be authorized by the City Clerk or the Clerk's designee without further public hearing.

SECTION 12. 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 13. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law, except for that portion of Section 8, which amends Chapter 169.03, new Paragraph 1, entitled Performance Standards, takes effect upon enactment and applies retroactively to June 27, 2000.

First reading on _____, 2022.

Second reading on _____, 2022.

Third and final reading on _____, 2022.

CITY OF NORTH LIBERTY:

CHRIS HOFFMAN, 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 foregoing was published as Ordinance No. _____ in the Cedar Rapids Gazette on the ____ day of _____, 2022.

TRACEY MULCAHEY, CITY CLERK

Ordinance No. 2022-20

AN ORDINANCE AMENDING CHAPTERS 165, 168, 169 AND 180 OF THE NORTH LIBERTY CODE OF ORDINANCES REGARDING THE CONSTRUCTION PLAN APPROVAL PROCESS AND STANDARDS, SURFACE AND SUBSURFACE DRAINAGE REQUIREMENTS, RESTORING BUILDING TRADES AND SERVICES TO USE MATRIX AND ADDING AND RELOCATING CERTAIN USES WITHIN THE USE MATRIX, CLARIFYING LANDSCAPING PLAN REQUIREMENTS AND AMENDING DUMPSTER ENCLOSURE REQUIREMENTS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY, IOWA:

SECTION 1. AMENDMENT OF ORDINANCE. Paragraph 3 of Chapter 165.05 of the North Liberty Code of Ordinances, entitled Permit Requirements, is amended to read as follows:

3. Construction Site Plans Review. The construction site plan review process ensures consistency with the approved preliminary site plan, all applicable municipal regulations, and adopted construction standards.
 - A. Authority. The Code Official reviews and issues final approval of construction site plans. When a subdivision plat is required by any provision of this Code of Ordinances, and such plat creates the need for extension of streets, utilities or any other new public improvements, no construction site plan approval shall be issued for any lot, parcel or tract within the proposed development until a final plat is approved and recorded.
 - B. Required Construction Site Plan Review. Construction site plan approval is required for any development requiring preliminary site plan approval, and development of any utility (sub)stations.
 - C. Construction Site Plan Submittal Requirements. All applications for construction site plan review shall include the following:
 - (1) The completed application form.
 - (2) A scaled and dimensioned site plan drawn to a scale not less than one inch to one hundred feet, prepared by a licensed engineer, landscape architect and/or architect. The site plan shall include the following:
 - (a) Date, north arrow and graphic scale.
 - (b) The property owner's name and description of proposed development.
 - (c) A vicinity sketch showing the location of the property and other properties within 1,000 feet of it.
 - (d) Property boundary lines, dimensions, and total area.
 - (e) Contour lines at intervals of not more than five feet, City datum. If substantial topographic change is proposed, the existing

topography shall be illustrated on a separate map and the proposed finished topography shown on the site plan.

- (f) The location of existing streets, sidewalks, easements, utilities, drainage courses.
 - (g) The total square feet of building floor area, both individually and collectively.
 - (h) Total number of dwelling units and the density of the development.
 - (i) All structures and major features shall be fully dimensioned including distance between structures, distance between driveways, parking areas, property lines and building height.
 - (j) Off-street parking areas, ingress and egress to the property, number of parking spaces proposed, number of parking spaces required by this code and type of surfacing.
 - (k) Pedestrian walkways with special consideration given to pedestrian safety.
 - (l) Recreation and open spaces, with special consideration given to the location, size and development of the areas in regard to adequacy, effect on privacy of adjacent living areas, and relationship to community wide open spaces and recreation facilities.
 - (m) Walls, fences or other artificial features.
 - (n) Trash and refuse enclosures.
 - (o) Documentation demonstrating compliance with Chapter 155, entitled Construction Site Erosion and Sediment Control.
 - (p) Documentation demonstrating compliance with Chapter 156, entitled Post-Construction Storm Water Runoff Control.
 - (q) A lighting plan depicting the location, height, and type of lighting fixtures on the site and proposed buildings and a photometric plan depicting the lighting fixture locations and illumination levels.
 - (r) The location, type and size of all plants, shrubs, trees, and ground cover.
- D. Extension of public utilities. The petitioner may, as a condition of the construction site plan approval, be required to install public utilities, including (but not limited to) water lines, storm sewer, sanitary sewer, street paving, fire hydrants, and such other utilities as applicable to properly serve the proposed development. Where required as a condition of a construction site plan approval, utilities shall be constructed in accordance with construction standards as established by resolution of the City Council for those portions within the public right-of-way and to be dedicated to the City, and may be required to be constructed to the same specifications for those undedicated portions where said utilities may have a direct effect on the future safety, proper functioning, and maintenance of those portions to be dedicated.

- E. Surface water drainage management. The petitioner may, as a condition of construction site plan approval, be required to perform such work as may be necessary to ensure the proper drainage of surface water over and across the property, in accordance with construction standards established by resolution of the City Council.
- F. Modifications. The development shall be substantially in conformance with the approved construction site plan. Amended construction site plans shall be submitted to the Code Official for determination if the amendment can be approved administratively or if the amendment requires review by the Planning Commission and approval by City Council in accordance with Section 165.05(2)(E).
- G. Once a site plan is approved, the petitioner has eighteen (18) months to commence the development of the property consistent with the approved site plan and any related conditions and agreements. The development of the property shall be substantially completed within thirty-six (36) months from the date of City approval of the site plan. In the event that the petitioner fails to either commence or complete the development of the property within these timeframes, authorization to proceed with the development shall cease, and the petitioner shall be required to seek reauthorization and approval of the construction site plan. The petitioner may, however, request an extension of time from the City. If an extension is granted, it may be conditioned upon updating any security posted by the petitioner or requiring the petitioner to provide security to reflect cost increases and extended completion date.

SECTION 2. AMENDMENT OF ORDINANCE. Table 168.06 of Chapter 168.06 of the North Liberty Code of Ordinances, entitled Use Matrix, is amended to read as follows:

| Table 168:06: Use Matrix | | | | | | | | | | | | | | | |
|--|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| See Section 168.07 for Use Definitions and Use Standards | | | | | | | | | | | | | | | |
| Use | ID | RS | RD | RM | R-MH | C-1-A | C-1-B | C-2-A | C-2-B | C-3 | OR/P | I-1 | I-2 | I-P | P |
| 1. Adult Entertainment | | | | | | | | | | | | | <u>C</u> | | |
| 2. Agricultural Experience | <u>C</u> | | | | | | | | | | | | | | |
| 3. Agriculture | <u>P</u> | | | | | | | | | | | | | | |
| 4. Amusement Facility – Indoor | | | | | | <u>C</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | | | | | |
| 5. Amusement Facility – Outdoor | | | | | | | | | | <u>C</u> | | | | | |
| 6. Animal Care Facility | | | | | | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | | | <u>P</u> | | | |
| 7. Animal Shelter | | | | | | | | | | | | <u>C</u> | | | <u>C</u> |
| 8. Art Gallery | | | | | | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | | | | | |
| 9. Arts and Fitness Studio | | | | | | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | | | | | |
| 10. Bar | | | | | | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | | <u>P</u> | | <u>P</u> | |
| 11. Bed and Breakfast Home | | <u>C</u> | | | | | | | | | | | | | |
| 12. Body Art Establishment | | | | | | | | <u>P</u> | <u>P</u> | | | | | | |
| 13. Brewery-Micro | | | | | | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | | | | <u>P</u> | |
| 14. Broadcasting Studio | | | | | | | | <u>P</u> | <u>P</u> | <u>P</u> | | | | <u>P</u> | <u>P</u> |
| 15. Building Trades and Services | | | | | | | | <u>P</u> | <u>P</u> | <u>P</u> | | <u>P</u> | | <u>P</u> | |
| 16. Car Wash | | | | | | | | <u>P</u> | <u>P</u> | | | | | | |
| 17. Child Care Center | | | | | | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | | | <u>P</u> | <u>P</u> |
| 18. Child Care Home | | <u>P</u> | | | <u>P</u> | | | | | | | | | | |
| 19. Child Development Home | | <u>P</u> | | | | | | | | | | | | | |
| 20. Community Center | | | | | | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | | | | <u>P</u> | <u>P</u> |
| 21. Community Pantry | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | | <u>C</u> | <u>P</u> | <u>P</u> | <u>P</u> | | | | | | |
| 22. Cultural Facility | | | | | | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | | | | | <u>P</u> |
| 23. Distillery, Micro | | | | | | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | | | | <u>P</u> | |
| 24. Drive-Through Facility | | | | | | <u>C</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | | | <u>P</u> | |

Table 168:06: Use Matrix
See Section 168.07 for Use Definitions and Use Standards

| Use | ID | RS | RD | RM | R-MH | C-1-A | C-1-B | C-2-A | C-2-B | C-3 | OR/P | I-1 | I-2 | I-P | P |
|---|-----------|-----------|-----------|-----------|-------------|--------------|--------------|--------------|--------------|------------|-------------|------------|------------|------------|----------|
| 25. Dwelling – Manufactured Home | | | | | P | | | | | | | | | | |
| 26. Dwelling – Mixed Use | | | | | | P | P | P | P | P | | | | | |
| 27. Dwelling – Multiple-Unit | | | | P | | | | | | P | | | | | |
| 28. Dwelling – Single-Unit | P | P | | | | | | | | | | | | | |
| 29. Dwelling – Single-Unit Zero Lot Line | | | P | | | | | | | | | | | | |
| 30. Dwelling – Townhouse | | | | P | | | | | | | | | | | |
| 31. Dwelling – Two Unit | | | P | P | | | | | | | | | | | |
| 32. Educational Facility – Primary | P | P | P | P | | P | P | P | P | P | | | | | P |
| 33. Educational Facility – Secondary | P | P | P | P | | P | P | P | P | P | | | | | P |
| 34. Educational Facility – University or College | | | | | | | | | | | P | | | P | P |
| 35. Educational Facility – Vocational | | | | | | C | P | P | P | P | | P | | P | |
| 36. Financial Institution | | | | | | P | P | P | P | P | | | | P | |
| 37. Fireworks, Retail Sales of | | | | | | | | | | | | P | | | |
| 38. Food Bank | | | | | | | | | | | | P | | | |
| 39. Fueling Station | | | | | | | P | P | P | | | P | | P | |
| 40. Fulfillment Center, Micro | | | | | | | | C | C | C | | P | | | |
| 41. Funeral Home | | | | | | | | P | P | | | | | | |
| 42. Golf Course/Driving Range | | | | | | | P | | | | | | | | P |
| 43. Greenhouse/Nursery - Retail | | | | | | | | | | | | P | | | |
| 44. Group Home | P | P | P | | P | | | | | | | | | | |
| 45. Healthcare Institution | | | | | | | | | | P | | | | P | P |
| 46. Heavy Rental and Service Establishment | | | | | | | | | | | | P | | | |
| 47. Heavy Retail Establishment | | | | | | | | | | P | | P | | | |
| 48. Hotel | | | | | | C | P | P | P | P | P | | | P | |

Table 168:06: Use Matrix
See Section 168.07 for Use Definitions and Use Standards

| <u>Use</u> | <u>ID</u> | <u>RS</u> | <u>RD</u> | <u>RM</u> | <u>R-MH</u> | <u>C-1-A</u> | <u>C-1-B</u> | <u>C-2-A</u> | <u>C-2-B</u> | <u>C-3</u> | <u>OR/P</u> | <u>I-1</u> | <u>I-2</u> | <u>I-P</u> | <u>P</u> |
|--|-----------|-----------|-----------|-----------|-------------|--------------|--------------|--------------|--------------|------------|-------------|------------|------------|------------|----------|
| 49. Industrial - General | | | | | | | | | | | | P | P | | |
| 50. Industrial - Light | | | | | | | | | | | | P | P | P | |
| 51. Industrial Design | | | | | | | P | P | P | P | | P | | P | |
| 52. Live Performance Venue | | | | | | P | P | P | P | P | | | | P | |
| 53. Manufactured Home Park | | | | | P | | | | | | | | | | |
| 54. Medical/Dental Office | | | | | | P | P | P | P | P | | | | | |
| 55. Office | | | | | | P | P | P | P | P | P | P | | P | P |
| 56. Outdoor Seating | | | | | | P | P | P | P | P | | | | P | P |
| 57. Park, Private | P | P | P | P | P | P | P | P | P | P | P | | | P | |
| 58. Park, Public | | | | | | | | | | | | | | | P |
| 59. Parking Lot (Principal Use) | | | | | | C | P | P | P | P | | P | | P | P |
| 60. Parking Structure (Principal Use) | | | | | | C | P | P | P | P | | P | | P | P |
| 61. Personal Services Establishment | | | | | | P | P | P | P | P | | | | | |
| 62. Place of Worship | P | P | P | P | | P | P | P | P | P | | | | | |
| 63. Private Club | | | | | | P | P | P | P | P | | | | | |
| 64. Public Safety Facility | | | | | | | | | | | | | | | P |
| 65. Public Works Facility | | | | | | | | | | | | | | | P |
| 66. Research and Development | | | | | | | | | | | P | P | | P | |
| 67. Residential Care Facility | | | | P | | | P | P | P | P | | | | | |
| 68. Restaurant | | | | | | P | P | P | P | P | | P | | P | P |
| 69. Retail Good Establishment | | | | | | P | P | P | P | P | | P | | P | |
| 70. Salvage Yard | | | | | | | | | | | | | C | | |
| 71. Self-Storage - Enclosed | | | | | | | | P | P | P | | P | | | |
| 72. Self-Storage - Outdoor | | | | | | | | C | C | C | | P | | | |
| 73. Specialty Food Service | | | | | | P | P | P | P | P | | P | | P | |

Table 168:06: Use Matrix
See Section 168.07 for Use Definitions and Use Standards

| Use | ID | RS | RD | RM | R-MH | C-1-A | C-1-B | C-2-A | C-2-B | C-3 | OR/P | I-1 | I-2 | I-P | P |
|--|-----------|-----------|-----------|-----------|-------------|--------------|--------------|--------------|--------------|------------|-------------|------------|------------|------------|----------|
| 74. Storage – Outdoor (Principal Use) | | | | | | | | | | | | <u>C</u> | <u>P</u> | | |
| 75. Truck Stop | | | | | | | | | | | | <u>C</u> | <u>P</u> | | |
| 76. Utility (Sub)Stations | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> |
| 77. Vehicle Dealership, New and Used | | | | | | | | <u>P</u> | <u>P</u> | <u>P</u> | | | | | |
| 78. Vehicle Dealership, Used | | | | | | | | <u>C</u> | <u>C</u> | | | | | | |
| 79. Vehicle Operations Facility | | | | | | | | | | | | <u>P</u> | | | <u>P</u> |
| 80. Vehicle Rental | | | | | | | | | | | | <u>P</u> | | | |
| 81. Vehicle Repair - Major | | | | | | | | <u>C</u> | <u>C</u> | | | <u>P</u> | | | |
| 82. Vehicle Repair - Minor | | | | | | | | <u>P</u> | <u>P</u> | | | <u>P</u> | | | |
| 83. Warehouse | | | | | | | | | | | | <u>P</u> | | | |
| 84. Wholesale Establishment | | | | | | | | | | | | <u>P</u> | | | |
| 85. Winery, Micro | | | | | | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | | | | <u>P</u> | |

SECTION 3. RENUMBERING OF ORDINANCE. Paragraphs 15 through 84 of Chapter 168.07 of the North Liberty Code of Ordinances, entitled Uses Defined and Use Standards, are renumbered as Paragraphs 16 through 85.

SECTION 4. AMENDMENT OF ORDINANCE. Chapter 168.07 of the North Liberty Code of Ordinances, entitled Uses Defined and Use Standards, is amended to insert the following new Paragraph 15 before renumbered Paragraph 16.

15. Building Trades and Services
- A. Defined. Building Trades and Services means an establishment that undertakes activities related to building construction projects, as well as those that provide repair and maintenance services to buildings, including building systems, home appliances, and the like. These specialized trade contractors may work on subcontract from a general contractor, performing only part of the work covered by the general contract, or they may work directly for the owner of the building or project. Building and Trade Services uses primarily perform their work at the site of the structure being constructed or serviced, although they also may have shops where they perform work incidental to the job site. Examples of building trades and services include electrical, plumbing, heating, and air conditioning contractors, painting, masons, stone and tile setters, glass and glazing services.
- B. Use Standards.
- (1) Building area shall be limited to 7,500 square feet in the C-2-A, C-2-B and C-3 Districts.
 - (2) Vehicles such as cars, vans and pickup trucks shall be permitted in designated parking spaces in any location. Box trucks, and other similar vehicles, along with trailers which may be pulled by permitted vehicles, shall also be permitted in designated parking spaces, but shall not be located within a front or corner side yard. Smaller equipment such as skid loaders, forklifts, etc. may be permitted, provided they are stored indoors or inside enclosed trailers. Heavy vehicles and equipment such as tractor trailers, semi-trucks, construction equipment, and other large specialty vehicles as determined by Code Official shall be prohibited.
 - (3) Outdoor storage shall only be permitted in the I-1 District.
 - (a) Outdoor storage or display areas shall be screened with landscaping consisting of shade trees and evergreen trees and shrubs. Such landscaped area shall be of sufficient width and density to provide an effective and aesthetically pleasing screen with trees and shrubs not less than five feet in height when planted. In lieu of planting strips, a six-foot tall solid vertical fence or masonry, heavy wood construction, or other similar material approved by the Code Official may be used as a screen.
 - (b) Outdoor storage or display shall be allowed only on hard-surface areas paved to parking lot specifications with asphalt or concrete.
 - (4) See Section 169.05(B) for outdoor storage areas as an accessory use.

SECTION 5. AMENDMENT OF ORDINANCE. Paragraph 28 of Chapter 168.07 of the North Liberty Code of Ordinances, entitled Uses Defined and Use Standards, is amended to read as follows:

- 28 Dwelling - Single-Unit.
 - A. Defined. Single-Unit Dwelling means a structure containing only one dwelling unit on a single lot.
 - B. Use Standards.
 - (1) The structure must contain 24 feet of width at its largest dimension.
 - (2) The structure must contain a minimum living area of 660 square feet.
 - (3) The structure must be located on a frost-protected perimeter foundation.
 - (4) Every room within a dwelling unit must be accessible from every other room within the dwelling via a completely internal route within the envelope of the dwelling structure.
 - (5) Minimum required masonry on front and corner side yard building elevations is 25%, with the following exceptions:
 - (a) No masonry is required in the RS-7 and RS-8 districts.
 - (b) In lieu of the required masonry on the façade facing the corner side yard, one of the two following options may be selected:
 - (i) Two, two-inch caliper trees planted in the corner side yard. Existing trees of adequate size in the corner side yard may satisfy this requirement.
 - (ii) Architectural relief on the façade facing the corner side yard, such that the wall contains more than two offsets, which may consist of wall corners, bay or bowed windows, or other means approved by the Code Official.
 - (6) The front entry must be an integral part of the structure, using features such as porches, raised steps and stoops with roof overhangs, or decorative railings to articulate the front facade.
 - (7) A 5% minimum transparency requirement applies to the front facade and is calculated on the basis of the area of the facade below the roofline.
 - (8) A dwelling with a front-facing attached three-car garage shall have one of the garages offset a minimum of one foot from the other garages.

- (9) Front-facing garages shall not exceed 16' or 60% the width of the front building line, whichever is greater. Garage width is measured between the edges of the garage door; in the case of garages designed with multiple garage doors, the distance is measured between the edges of the outermost doors.

SECTION 6. AMENDMENT OF ORDINANCE. Chapter 169.02 of the North Liberty Code of Ordinances, entitled Landscaping Requirements, is amended to read as follows:

169.02 LANDSCAPE REQUIREMENTS.

1. Landscape Plan Required. A landscaping plan is required for development within the multi-unit residence, residential manufactured home park commercial, industrial and public districts and for non-residential development in residential and interim development districts.
2. Selection, Installation and Maintenance.
 - A. Selection.
 - (1) All plant materials must be of good quality and meet American Horticulture Industry Association (AmericanHort) or its ANSI accredited successor's standards for minimum acceptable form, quality, and size for species selected.
 - (2) All species must be capable to withstand the seasonal temperature variations of USDA Hardiness Zone 5b (the plant zone for North Liberty). A hardiness zone is a geographically defined area in which a specific category of plant life is capable of growing, as defined by climatic conditions, including its ability to withstand the minimum temperatures of the zone.
 - (3) The use of species native or naturalized is required. Drought tolerant species are encouraged.
 - (4) Invasive species are prohibited.
 - B. Installation.
 - (1) All landscape materials must be installed in accordance with current nursery industry standards, and must be properly supported to ensure survival. Support devices such as guy wires or stakes must not interfere with pedestrian or vehicular movement.
 - (2) If landscape material is located within a utility easement and repair or replacement of the utility is needed, the City or utility is not responsible for the replacement of any landscape that may be damaged.
 - (3) All plant materials must be free of disease and installed so that soil of sufficient volume, composition, and nutrient balance are available to sustain healthy growth.

- (4) Landscaping materials shall be planted as each phase of a site is developed.
 - (5) If weather prohibits the installation of landscape materials, a security bond for 125% in favor of the City of the estimated amount of landscape materials and installation cost. The cost of landscape materials and installation must be determined by a landscape architect or other landscape business professional.
 - C. Maintenance.
 - (1) Landscape materials depicted on approved landscape plans are considered a required site element. As such, the owner of record or the business or homeowner's association is responsible for the maintenance, repair, and replacement of all landscape materials and elements
- 3. Minimum Planting Sizes. Minimum planting sizes are as follows. For the purposes of determining trunk size, the diameter/caliper is measured at six inches above ground level, unless otherwise specified in current ANSI accredited Horticultural Standards.
 - A. Evergreen trees must have a minimum height of six feet.
 - B. Shade trees must have a minimum clear trunk height of four feet above the ground with a two-inch caliper.
 - C. Single stem ornamental trees must have a minimum trunk size of two inches in caliper. Multiple stem ornamental trees must have a minimum height of eight feet.
 - D. Evergreen or deciduous shrubs must have a minimum height of 18 inches.
- 4. Berming. If berms are included on a landscape plan, they must comply with the following:
 - A. Berms must be stabilized to prevent erosion.
 - B. Berms must be a minimum of two feet in height.
 - C. Berms of two feet in height and up to six feet in height are limited to a maximum slope of 3:1, as measured from the lot line.
 - D. Berms of six feet in height or more are limited to a maximum slope of 4:1, as measured from the lot line.
 - E. Berms must undulate by height and/or width for visual interest.
- 5. Parking Lot Landscape. A perimeter landscape area is required for all parking lots adjacent to streets and public spaces such as a plaza, public seating area, or park. The landscape treatment must run the full length of the parking lot perimeter and must be located between the lot line and the edge of the parking lot, with the exception of pedestrian walkways. The landscaped area must be improved as follows:
 - A. Shrubs must be planted and spaced sufficiently to form a continuous linear hedgerow at plant maturity.

- B. A minimum of one shade tree must be provided for every 50 linear feet of perimeter landscape yard. Two ornamental trees may be substituted for one shade tree and must be spaced one ornamental tree every 25 feet. Trees may be spaced linearly on-center, or grouped to complement an overall design concept.
 - C. Trees within parking lot islands adjacent to parking lot landscaping areas may be included in the calculation for minimum number of required trees.
6. Parking Lot Interior Landscape. All parking lots consisting of 15 or more spaces require interior parking lot landscape as described in this section.
- A. All rows of parking stalls must terminate in a parking lot island or landscape area.
 - B. Where more than 15 parking stalls are provided in a row, one parking lot island must be provided between every 15 parking spaces. As part of the landscape plan approval, parking lot island locations may be varied based on specific site requirements or design scheme, but the total number of islands must be no less than the amount required of one island for every 15 spaces.
 - C. Parking lot islands must be at least the same dimension as the parking stall. Double rows of parking must provide parking lot islands that are the same dimension as the double row.
 - D. A minimum of one shade tree must be provided in every parking lot island or landscape area. If a parking lot island extends the width of a double row, then two shade trees are required.
7. On-Site Trees. In addition to trees in required buffer yards, on-site shade trees must be installed as follows:
- A. Multi-Unit Residence District. One tree for each 750 square feet of building footprint.
 - B. Residential Manufactured Home Park District. One tree for every four acres.
 - C. Commercial, Industrial and Public Districts. One tree for every 2,000 square feet of building footprint.
 - D. Trees within parking lot landscape and parking lot islands adjacent to parking lot landscape may be included in the calculation for minimum number of required trees.
8. Buffer Yards.
- A. Buffer yards are required for new construction along interior side and rear yards in the following cases:
 - 1. Where the lot line of a multi-unit residence development is adjacent to the lot line of a single-unit residence or two-family residence district.
 - 2. Where a non-residential use is located within a residential or interim development district.

3. Where the lot line of a non-residential district is adjacent to the lot line of a residential district. This does not include private or public parks.
- B. The required design for buffer yards is as follows:
 1. A buffer yard must be a minimum of 10 feet in width.
 2. One shade or evergreen tree must be planted for every 30 linear feet of buffer yard length. As part of the landscape plan approval, trees may be spaced at various intervals based on specific site requirements, but the total number of trees planted must be no less than one per 30 linear feet of buffer yard length.
 3. Existing trees in the buffer yard may count toward the buffer yard tree requirement. This credit is a 1:1 ratio (one existing tree for one proposed tree) regardless of the size of the existing tree.
 4. Evergreen shrubs must be planted and spaced sufficiently to form a continuous linear hedgerow at plant maturity. As part of the landscape plan approval, shrubs may be spaced at various intervals based on specific site requirements, but the total number of shrubs planted must be no less than one per three linear feet of buffer yard length.
 5. A fence may be required at the discretion of City staff.
8. Site Landscape. Areas of any lot that are not covered by structures or pavement must be planted with live landscaping. Stone, mulch, or other permeable landscape materials may be used to satisfy this requirement, but must not cover more than 40% of such area and must be designed so such materials are placed so that they are no higher than the height of the curb to prevent spill.

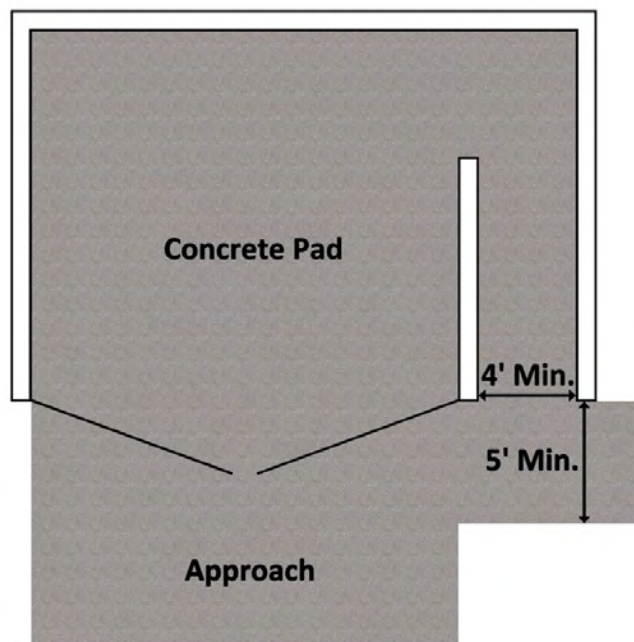
SECTION 7. AMENDMENT OF ORDINANCE. Chapter 169.03 of the North Liberty Code of Ordinances, entitled Trash and Recycling Enclosures, amended to read as follows:

169.03 DUMPSTER, RECYCLING AND TRASH COMPACTOR ENCLOSURES. Dumpster and recycling enclosures are required in multi-unit residence (except for townhouse developments), commercial, industrial and public districts and for non-residential development in residential and interim development districts.

1. Performance Standards.
 - A. Dumpsters, trash compactors and/or other such solid waste containers shall be stored in the enclosure at all times.
 - B. Enclosures, gates, doors, etc. shall be kept in good working condition at all times.
 - C. The area within and around the enclosure shall be kept in a clean condition at all times.
 - D. Gates shall remain closed at all times except when the dumpster, trash compactor and/or other such solid waste container is being serviced.

2. Design Standards.
- A. Enclosures shall not be located in the required front or corner side yard area and should be located out of public view to the greatest degree possible.
 - B. Access to the enclosure shall remain unobstructed with a clear approach.
 - C. The area within the enclosure and apron shall be improved with a hard surfaced, all-weather dustless material.
 - D. Enclosure shall be a minimum of six feet in height but must be of sufficient height to effectively screen the view of dumpsters, trash compactors and/or other such solid waste containers.
 - E. Enclosures shall be constructed of split faced block, decorative stone or brick to match the principle building to the maximum extent possible.
 - F. For multiple-unit residence developments utilizing a dumpster, there shall be an accessible pedestrian entrance. See figure 169.03-A.
 - G. Gates shall not open onto sidewalks, parking spaces or a right-of-way.
 - H. The exterior face of gates shall be metal or wood. Non-solid gates shall be a minimum 90% opaque. Gate supports shall be metal with the appropriate diameter to support the gate(s). Hardware must be of sufficient strength to accommodate repetitive swinging.

Figure 169.03



SECTION 8. AMENDMENT OF ORDINANCE. Chapter 180.06 of the North Liberty Code of Ordinances is amended to read as follows:

180.06 BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY RESTRICTED.

1. When a plat is required by provisions of this Code of Ordinances, the City shall not issue any building permit for construction on any lot, parcel, or tract until a plat is approved and recorded.
2. When construction of public improvements is required by the provisions of this Code of Ordinances, the City shall not issue any certificate of occupancy for any structure on any lot, parcel or tract until the public improvements for the plat on which such lot, parcel or tract is located are accepted by the City. Notwithstanding the above, a certificate of occupancy may be issued for structures where sidewalks and erosion control improvements have not yet been accepted, provided that the obligation to install sidewalks and erosion control improvements remains a lien upon the upon the property where the structure is situated until installed and accepted.

SECTION 9. AMENDMENT OF ORDINANCE. Paragraph 1(B) of Chapter 180.12 of the North Liberty Code of Ordinances, entitled General Requirements, is amended to read as follows:

- B. The subdivider of property shall be responsible for constructing all improvements associated with the proposed subdivision according to construction and design standards established by resolution of the City Council.

SECTION 10. REPEALER. All Ordinances and parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 11. SCRIVENER'S ERROR. The correction of typographical errors which do not affect the intent of the Ordinance may be authorized by the City Clerk or the Clerk's designee without further public hearing.

SECTION 12. 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 13. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law, except for that portion of Section 8, which amends Chapter 169.03, new Paragraph 1, entitled Performance Standards, takes effect upon enactment and applies retroactively to June 27, 2000.

First reading on _____, 2022.
Second reading on _____, 2022.
Third and final reading on _____, 2022.

CITY OF NORTH LIBERTY:

CHRIS HOFFMAN, 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 No. 2022-20 in the Cedar Rapids Gazette on the ____ day of _____, 2022.

TRACEY MULCAHEY, CITY CLERK



Park Speed Limits

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE TRAFFIC SPEED REGULATIONS
FOR PARKS, CEMETERIES AND PARKING LOTS**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY, IOWA:

SECTION 1. AMENDMENT OF ORDINANCE. Chapter 62.06 of the North Liberty Code of Ordinances is amended to read as follows:

62.06 PARKS, CEMETERIES, AND PARKING LOTS.

1. A speed in excess of ~~fifteen-ten~~ (1510) miles per hour in any public park, cemetery, or parking lot, unless specifically designated otherwise in this chapter, is unlawful.

SECTION 2. REPEALER. All Ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 3. SCRIVENER'S ERROR. The correction of typographical errors which do not affect the intent of the ordinance may be authorized by the City Clerk or the Clerk's designee without further public hearing.

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 _____, 2022.

Second reading on _____, 2022.

Third and final reading on _____, 2022.

CITY OF NORTH LIBERTY:

CHRIS HOFFMAN, 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 No. _____ in the North Liberty *Leader* on the ____ day of _____, 2022.

TRACEY MULCAHEY, CITY CLERK

ORDINANCE NO. 2022-13

AN ORDINANCE AMENDING THE TRAFFIC SPEED REGULATIONS FOR PARKS, CEMETERIES AND PARKING LOTS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY, IOWA:

SECTION 1. AMENDMENT OF ORDINANCE. Chapter 62.06 of the North Liberty Code of Ordinances is amended to read as follows:

62.06 PARKS, CEMETERIES, AND PARKING LOTS.

1. A speed in excess of ten (10) miles per hour in any public park, cemetery, or parking lot, unless specifically designated otherwise in this chapter, is unlawful.

SECTION 2. REPEALER. All Ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 3. SCRIVENER'S ERROR. The correction of typographical errors which do not affect the intent of the ordinance may be authorized by the City Clerk or the Clerk's designee without further public hearing.

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 June 28, 2022.

Second reading on July 12, 2022.

Third and final reading on _____, 2022.

CITY OF NORTH LIBERTY:

CHRIS HOFFMAN, 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 No. _____ in *The Gazette* on the _____ day of _____, 2022.

TRACEY MULCAHEY, CITY CLERK