



**North Liberty Planning Commission
Tuesday, July 5, 2022, 6:30 PM
North Liberty City Council Chambers
1 Quail Creek Circle, North Liberty, Iowa 52317**

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

Call to Order

- 1. Roll Call**
- 2. Approval of the Agenda**
- 3. Election of Chairperson**
- 4. Election of Vice-Chairperson**
- 5. The Preserve Part 3 Preliminary Subdivision Plat:** Request of Watts Development Group, Inc. to approve a Preliminary Subdivision Plat for a 39 lot subdivision on 9.79 acres, more or less, on property located on the south side of Denison Avenue approximately 450 feet east of Brook Ridge Avenue.
 - a. Staff Presentation
 - b. Applicant Presentation
 - c. Public Comments
 - d. Questions and Comments
 - e. Recommendation to the City Council
- 6. Public Hearing on Zoning Map Amendment:** 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.
 - a. Staff Presentation
 - b. Applicant Presentation
 - c. Public Comments
 - d. Questions and Comments
 - e. Recommendation to the City Council

- 7. Public Hearing on Zoning Map Amendment:** 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.

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

- 8. Public Hearing on Zoning Map Amendment:** 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.

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

- 9. North Ridge Parts 2 & 3 Preliminary Subdivision Plat:** Request of Scanlon Family, LLC. And The Trustees of Penn Township to approve a Preliminary Subdivision Plat for a 37 lot subdivision on approximately 36.32 acres. The property is located at the southeast corner of North Liberty Road and Oak Lane NE.

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

- 10. Liberty Villas Preliminary Subdivision Plat:** 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

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

11. Public Hearing on Ordinance: 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.

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

12. Approval of Previous Minutes

13. Old Business

14. New Business

15. Adjournment



To **City of North Liberty Planning Commission**
From **Ryan Rusnak, AICP**
Date **June 30, 2022**
Re **Request of Watts Development Group, Inc. to approve a Preliminary Subdivision Plat for a 39 lot subdivision on 9.79 acres, more or less, on property located on the south side of Denison Avenue approximately 450 feet east of Brook Ridge Avenue.**

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 plat amends a portion of The Preserve subdivision to account, in part, for the anticipated approval of the RS-9 zoning.

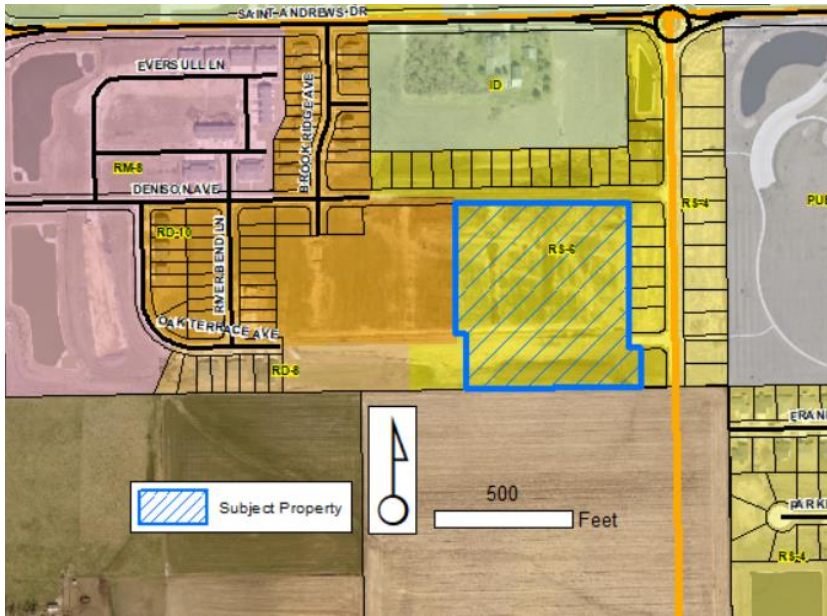
2. Current and Proposed Zoning:

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.

RS-9 Single-Unit Dwelling District.

RS-9 Single-Unit Residence 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.



3. Consistency with Comprehensive Plan:

Land Use Plan designation: Residential.



4. Public Input:

A good neighbor meeting was held on April 14, 2022. One person outside of City staff and the applicant attended and just had general questions about the housing type and market trends. To date, staff has not received any formal objection to the request.

4. 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.

5. 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 a 39 lot subdivision on 9.79 acres, more or less, on property located on the south side of Denison Avenue approximately 450 feet east of Brook Ridge Avenue.

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.



CIVIL ENGINEERS
LAND PLANNERS
LAND SURVEYORS
LANDSCAPE ARCHITECTS
ENVIRONMENTAL SPECIALISTS
1917 S. GILBERT ST.
IOWA CITY, IOWA 52243
(319) 251-8282
www.mmsconsultants.net

Date	Revision
05-24-2022	PER CITY REVIEW COMMENTS - JCM

PRELIMINARY PLAT

THE PRESERVE - PART THREE

NORTH LIBERTY COUNTY IOWA

MMS CONSULTANTS, INC.

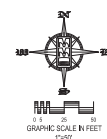
Date:	05-02-2022
Designed by:	KJB
Drawn by:	JCM
Checked by:	KJB
Project No:	1

1331-620

PRELIMINARY PLAT THE PRESERVE - PART THREE NORTH LIBERTY, IOWA



LEGAL DESCRIPTION - PRELIMINARY PLAT
BEGINNING AT THE SOUTHWEST CORNER OF THE PRESERVE - PART FOUR, NORTH LIBERTY, IOWA, IN ACCORDANCE WITH THE RECORDED PLAT THEREOF; THENCE S89°08'56"W, ALONG THE NORTH LINE OF AUDITOR'S PARCEL 2019013, NORTH LIBERTY, IOWA, IN ACCORDANCE WITH THE RECORDED PLAT THEREOF; 360.83 FEET; THENCE S89°03'38"W, ALONG SAID NORTH LINE, 216.50 FEET; THENCE S89°07'01"W, ALONG SAID NORTH LINE, 72.17 FEET; TO THE SOUTHEAST CORNER OF THE PRESERVE - PART TWO B, NORTH LIBERTY, IOWA, IN ACCORDANCE WITH THE RECORDED PLAT THEREOF; THENCE N00°51'41"W, ALONG THE EAST LINE OF SAID THE PRESERVE - PART TWO B, 197.06 FEET; THENCE S89°08'16"W, ALONG SAID EAST LINE, 31.33 FEET; THENCE N00°51'44"W, ALONG SAID EAST LINE, 470.65 FEET; TO THE NORTHEAST CORNER THEREOF; AND A POINT ON THE SOUTH LINE OF THE PRESERVE - PART TWO NORTH LIBERTY, IOWA, IN ACCORDANCE WITH THE RECORDED PLAT THEREOF; THENCE N89°08'16"W, ALONG SAID SOUTH LINE, 640.00 FEET; TO THE SOUTHEAST CORNER THEREOF; AND A POINT ON THE WEST LINE OF SAID THE PRESERVE - PART FOUR; THENCE S00°51'44"E, ALONG SAID WEST LINE, 550.65 FEET; THENCE N89°08'16"E, ALONG SAID WEST LINE, 40.83 FEET; THENCE S00°51'44"E, ALONG SAID WEST LINE, 126.64 FEET; TO THE SAID POINT OF BEGINNING. SAID TRACT OF LAND CONTAINS 9.79 ACRES, AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.



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

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

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

PLAT/PLAN APPROVED
by the
City of North Liberty

City Clerk _____ Date _____

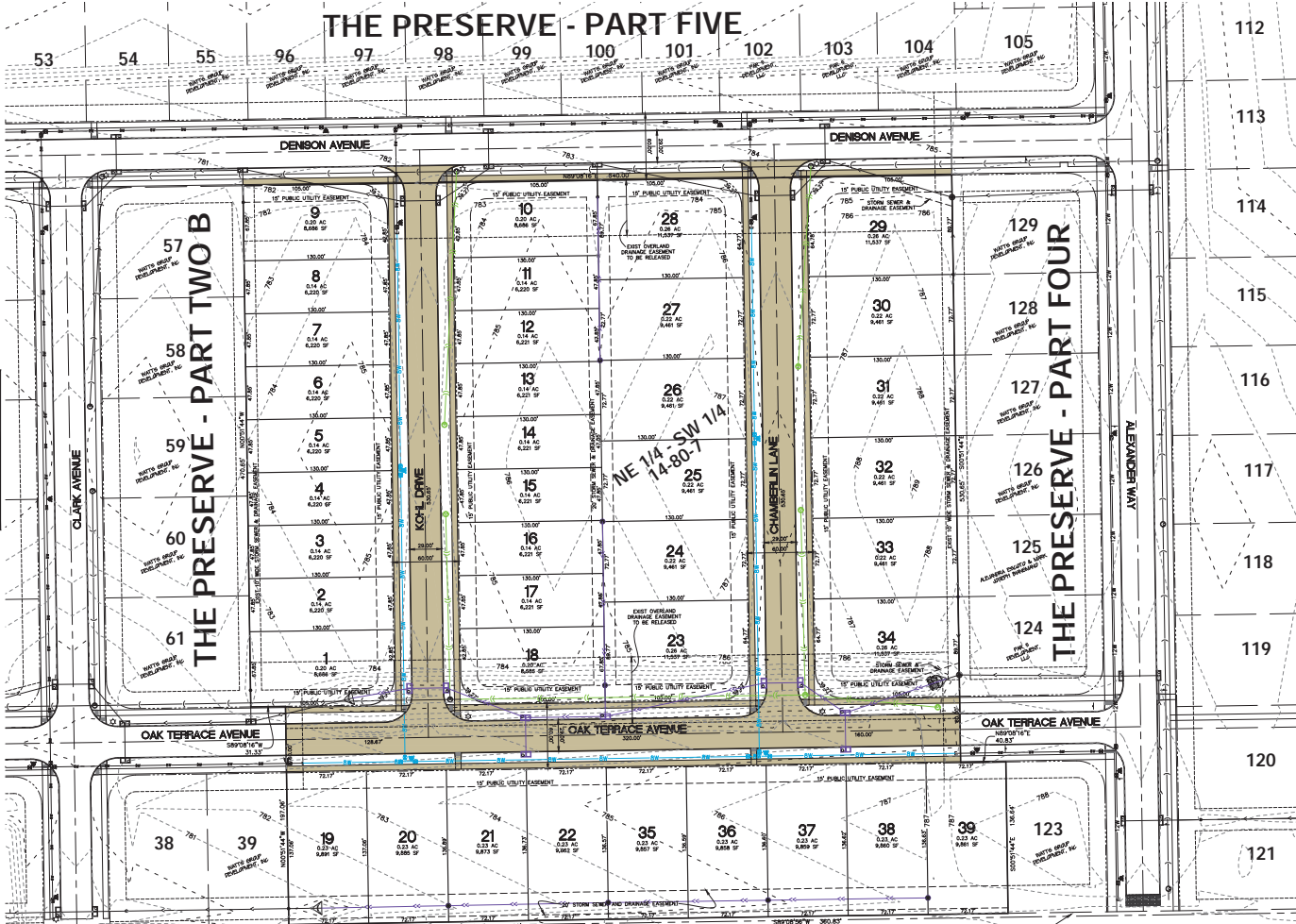
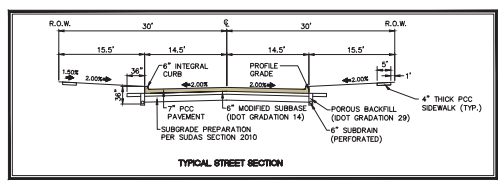
UTILITY EASEMENTS, AS SHOWN HEREON, MAY OR MAY NOT INCLUDE SANITARY SEWER LINES, AND/OR STORM SEWER LINES, AND/OR WATER LINES. SEE CONSTRUCTION PLANS FOR DETAILS.

STANDARD LEGEND AND NOTES

PROPERTY &/or BOUNDARY LINES	CONGRESSIONAL SECTION LINES	RIGHT-OF-WAY LINES	CENTER LINES	EXISTING CENTER LINES	LOT LINES, INTERNAL	LOT LINES, PLATTED OR BY DEED	PROPOSED EASEMENT LINES	EXISTING EASEMENT LINES
POWER POLE	POWER POLE W/DROP	POWER POLE W/TURNS	POWER POLE W/LIGHT	CELL TOWER	WATER MAIN	WATER VALVE	DRAINAGE MANHOLE	SEWER MANHOLE
SEWER MAIN	SEWER VALVE	STORM SEWER	STORM SEWER VALVE	EXISTING SANITARY SEWER	PROPOSED SANITARY SEWER	EXISTING STORM SEWER	PROPOSED STORM SEWER	WATER LINES
ELECTRICAL LINES	TELEPHONE LINES	GAS LINES	CONTOUR LINES (1' INTERVAL)	EXISTING TREE LINE	EXISTING DECIDUOUS TREE & SHRUB	EXISTING EVERGREEN TREES & SHRUBS		

NOTES:
1. ALL EASEMENTS ARE 15 FOOT PUBLIC UTILITY EASEMENTS UNLESS NOTED OTHERWISE.
2. NO PARKING SIGNAGE SHALL BE PROVIDED AS REQUIRED BY CITY OF NORTH LIBERTY.

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



1331-620

of 1



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).

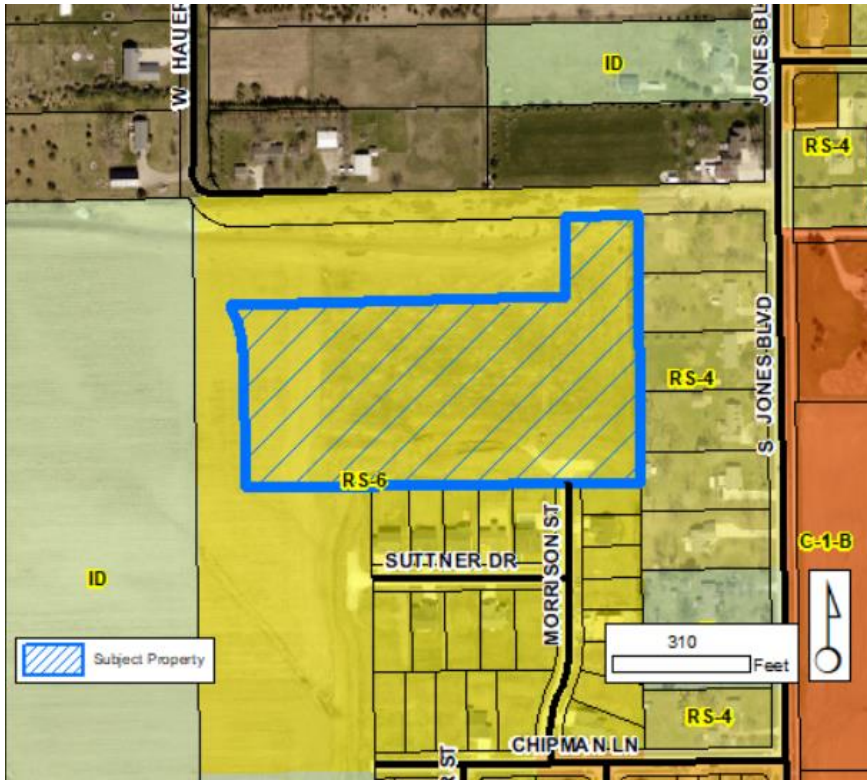
2. Proposed Zoning:

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:

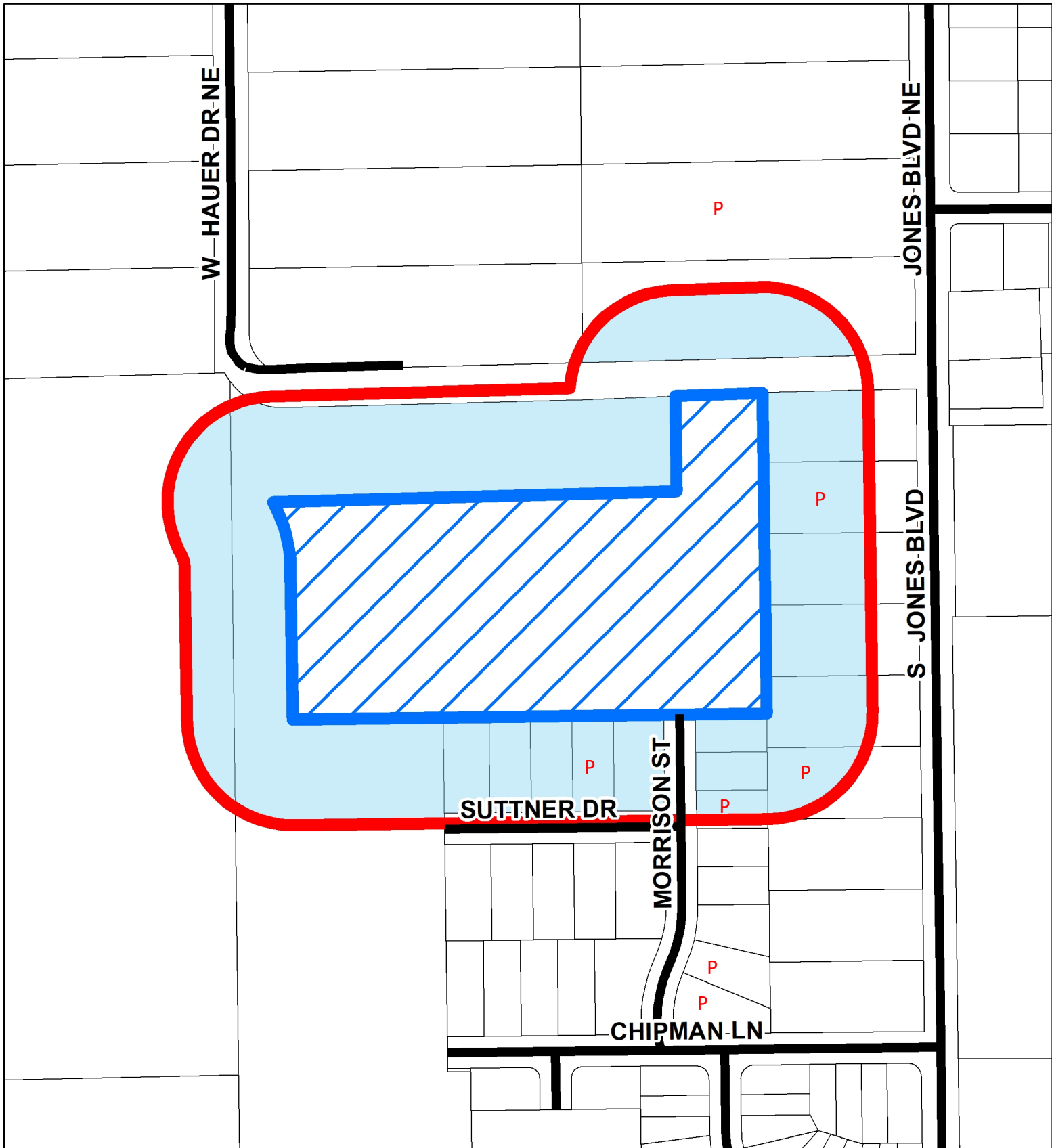
1. The rezoning request from RS-4 Single-Unit Residence District to RS-9 Single-Unit Residence District and RD-10 Two-Unit Residence District achieves consistency with the approval standards enumerated in Section 165.09 of the Zoning Code.


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.

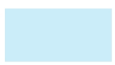
Suggested motion:

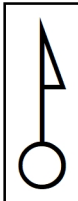
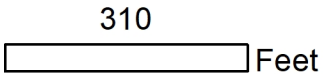
I move that the Planning Commission accept the listed findings and forward the zoning map amendment to the City Council with a recommendation for approval.



 Subject Property

 200' Radius

 Parcel Intersect



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

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



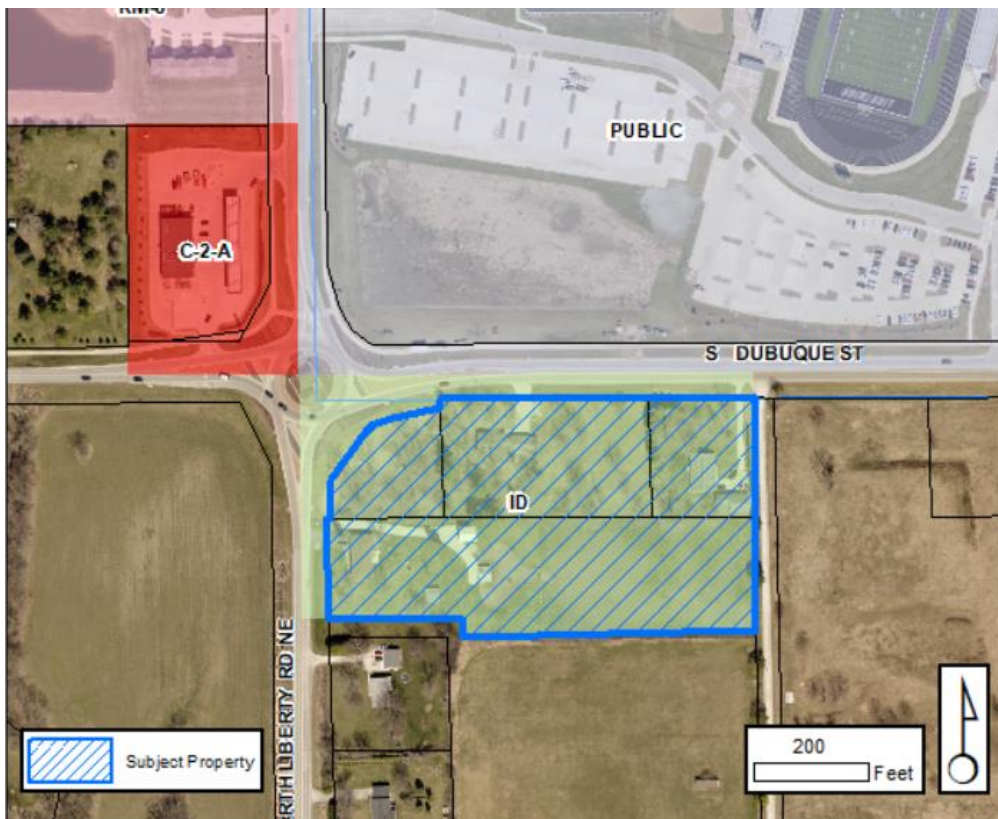
To **City of North Liberty Planning Commission**
 From **Ryan Rusnak, AICP**
 Date **June 30, 2022**
 Re **Request of CMW Properties, LLC. for a zoning map amendment (rezoning) from ID Interim Development District to C-3 Higher-Intensity Commercial District on approximately 6.76 acres. The properties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



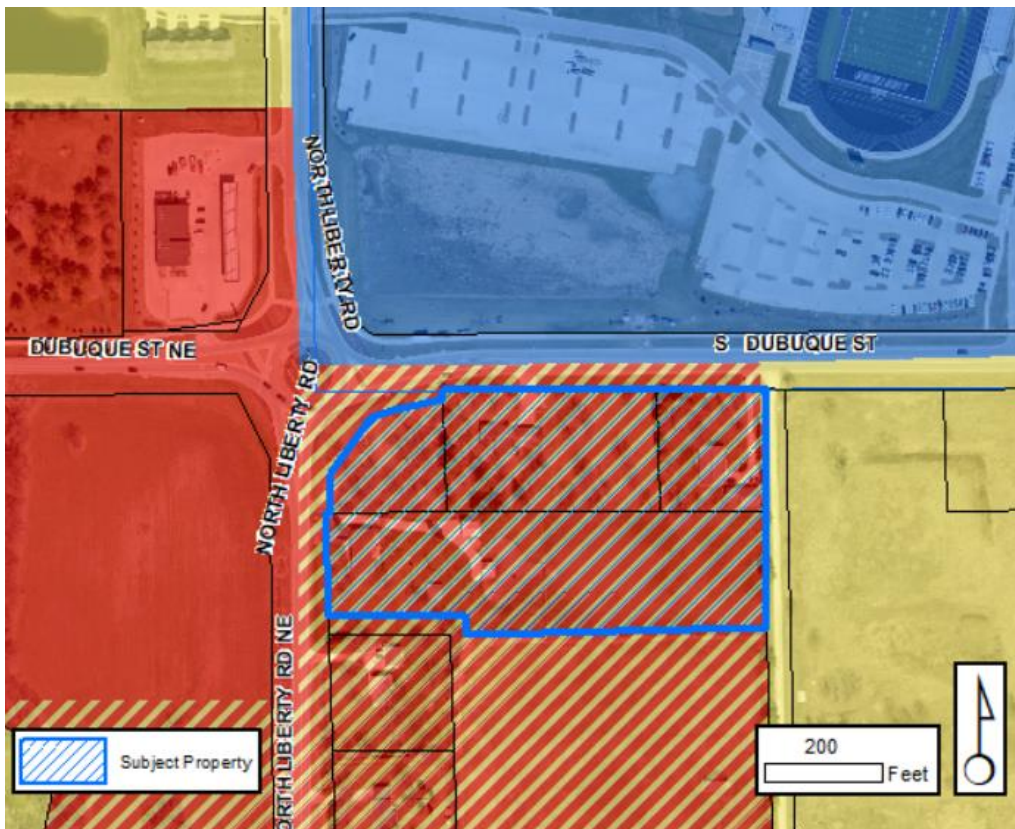
2. Proposed Zoning:

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.



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.**

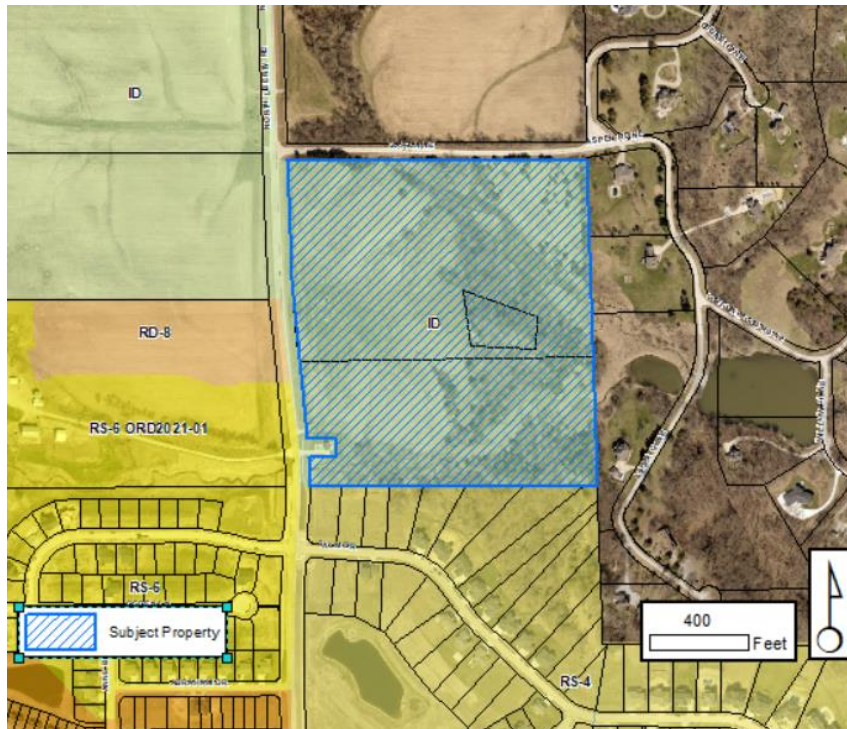
North Liberty City staff has reviewed the subject submission, and offer comments presented in this memo. The staff review team includes the following personnel:

- 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:

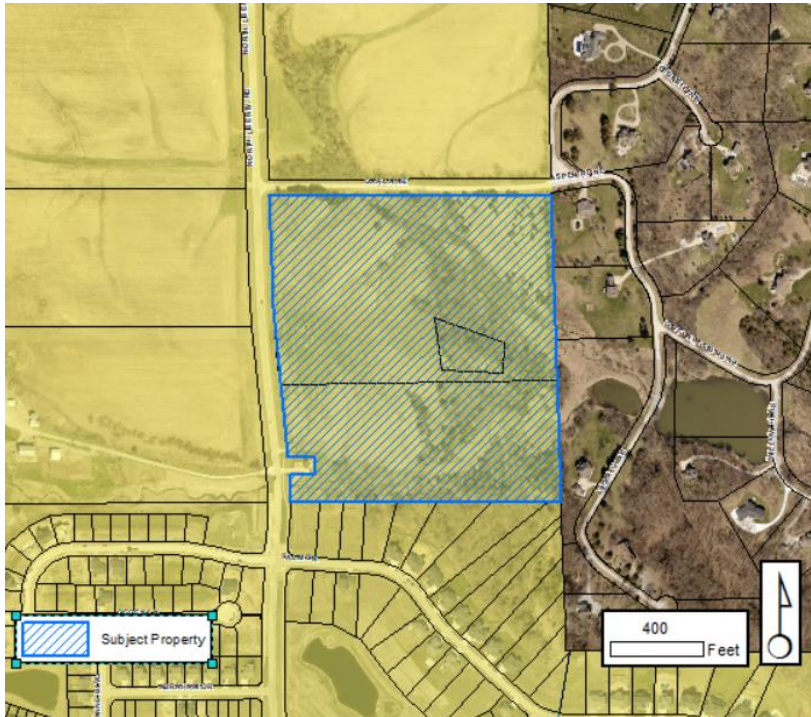
RS-4 Single-Unit Dwelling District.

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.



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 to approve a Preliminary Subdivision Plat for a 37 lot subdivision 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

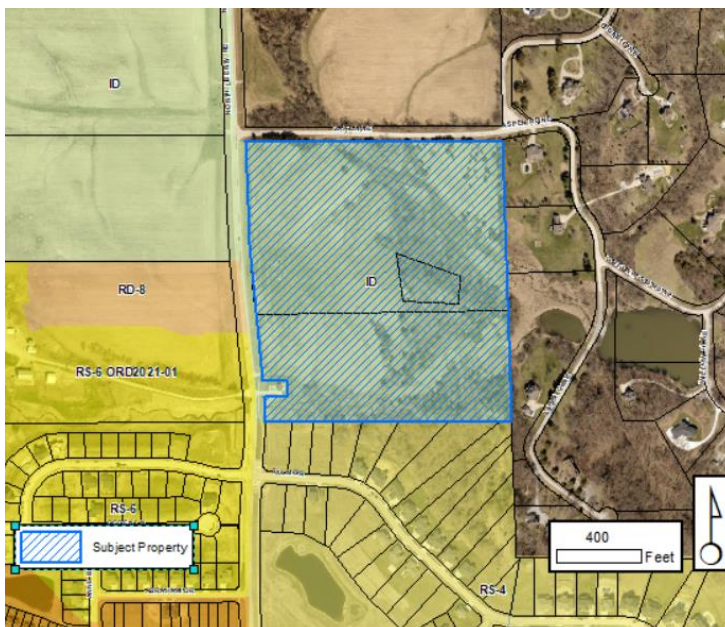
1. Request Summary:

This Preliminary Subdivision Plat proposes 37 single-unit residence lots, related infrastructure and would accommodate the existing Alt/Wein Cemetery.

2. Proposed Zoning:

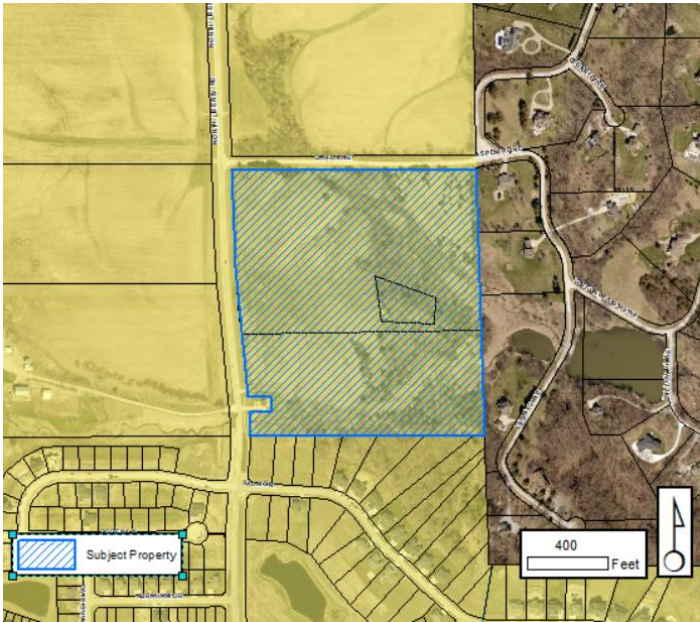
RS-4 Single-Unit Dwelling District.

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.



3. Consistency with Comprehensive Plan:

Land Use Plan designation: Residential.



4. 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.

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.

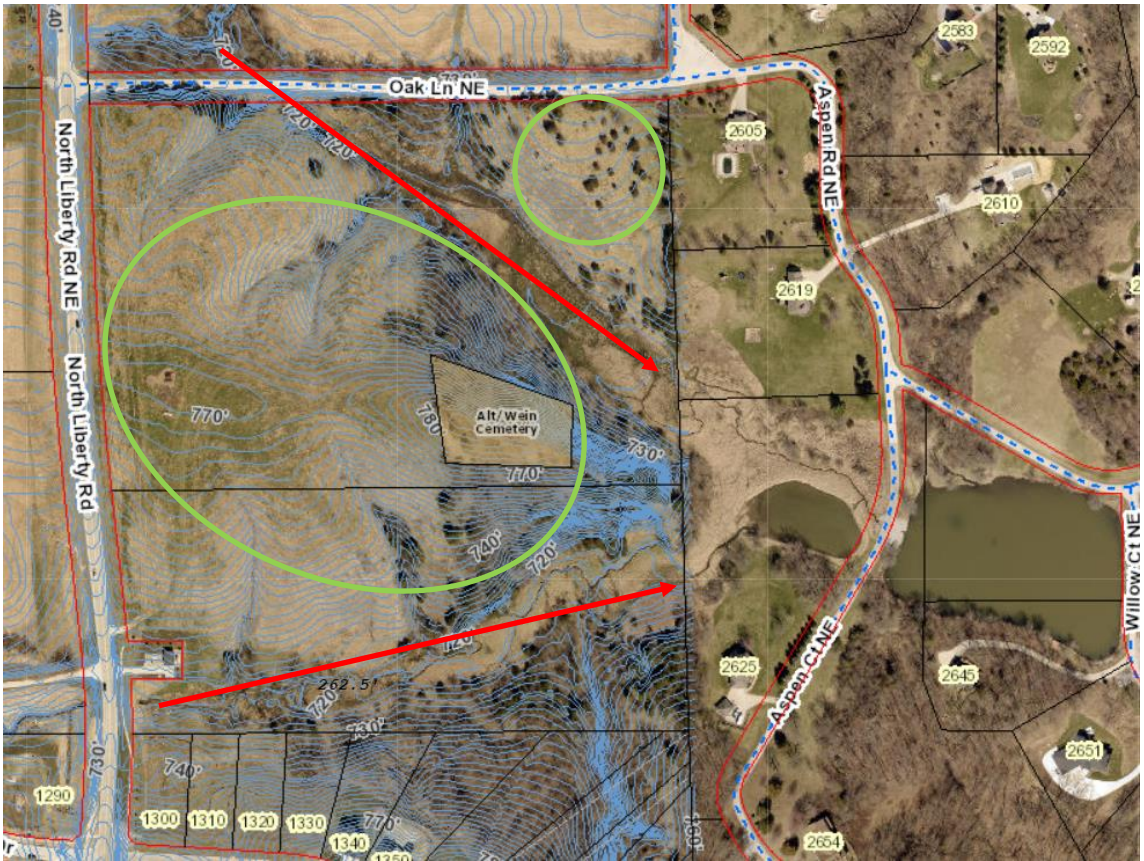
6. Additional Considerations:

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. Scanlon Family, LLC owns the land in the location Oak Lane NE with an easement granted for access to the Fjords Subdivision. Scanlon Family, LLC retains the right to access their property. Three of the lots in the proposed subdivision would have access to Oak Lane NE only. This necessitates a variation of the Subdivision Ordinance.

In early discussions, City staff had indicated that perhaps these properties could remain in unincorporated Johnson County. However, County staff correctly noted that the adopted Fringe Area Agreement between the City and the County showed this property as being part of the City of North Liberty.

Section 180.12(3)(A)

A. Streets and Driveways. When a drive provides the frontage for one or more lots as required in the Zoning Ordinance, that drive shall be designated as a street and shall meet all design and construction regulations for streets contained in this ordinance and in the City's construction design standards.

Section 180(8)(A)

A. Private streets in single family residential areas are not allowed.

This is a rare circumstance where staff agrees that a variation from the design standards is warranted.

Section 180.08 of the North Liberty Code of Ordinances sets forth the criteria for approving variations (Ordinance language in *italics* and staff analysis in **bold**).

1. *Upon recommendation of the Planning Commission or on its own motion, the City Council may vary, modify or waive requirements of this ordinance; however, no such action shall be taken by the Council unless affirmative findings are made for each of the applicable following criteria:*
 - A. *Unique Circumstances. The subject property is unique or exceptional as compared to other properties subject to the same provisions by reason of irregularity, narrowness, shallowness, substandard or marginal size, exceptional topographical features, or other extraordinary conditions peculiar to and inherent in the subject property that relate to or arise out of the property rather than the personal situation of the current owner of the property, and that amount to more than a mere inconvenience to the owner.*

It is staff's opinion that the property is irregular with an existing private roadway on the north and drainage courses running through the property.

- B. *Not Exclusively for Financial Gain. The purpose of the variation is not based exclusively upon a desire to increase financial gain from the property. Proof that the property cannot be used for its highest or best use under the regulations applicable to it, or that it could be used more profitably if not subject to such regulations, should not in itself justify granting a variation.*

It is staff's opinion that the variation is not exclusively for financial gain. In theory, a bridge could be constructed, but that would be cost prohibitive. The other option is to completely reconstruct Oak Lane NE to City standards for the benefit of three properties in the City and several properties in unincorporated Johnson County. If a public street, the City would be responsible for maintenance and snow removal.



C. *Unique Circumstances Not Self-Created.* The unique or special condition referenced above either existed at the time of the enactment of the provisions of this ordinance that affect it, or was the result of government action, other than adoption of this ordinance, for which no compensation was paid, and which has not been created by any persons presently having an interest in the property.

This is a natural feature of the property was not self-created.

D. *Substantial Rights Denied.* Carrying out the strict letter of the provisions of this ordinance would deprive the property owner of substantial rights commonly enjoyed by other property owners subject to the same provisions.

It is staff's opinion that requiring these three lots to have access on a public street would render this portion of the property unbuildable.

E. *Not Special Privilege.* The hardship affecting the property is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other property subject to the same provisions.

It is staff's opinion that no special privilege would be granted by this variation.

F. *Not Detrimental.* Granting the variation will not be detrimental to the public welfare or materially injurious to the enjoyment, use, or development of property in the vicinity; nor will it materially impair an adequate supply of light and air to adjacent properties; substantially increase congestion in the public streets; increase the danger of flood or fire; endanger the public safety; or substantially diminish or impair property values in the vicinity.

It is staff's opinion that granting the variation would not be detrimental to the area.

G. No Other Remedy. There are no means other than the requested variation by which the hardship can be avoided or remedied to a degree sufficient to permit a reasonable use of the property.

It is staff's opinion that any alternative is cost prohibitive. Therefore, it is staff's opinion that there is no other remedy.

2. City Council Action. The City Council shall note approval of any variation as provided in this section in the resolution approving the final subdivision plat.

7. Staff Recommendation:

Findings:

1. The preliminary plat would consistency with the Comprehensive Plan Future Land Map designation;
2. The request warrants approval of the variation pursuant to Section 180.08 of the North Liberty Code of Ordinances; and
3. The preliminary plat, with recommended condition, 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 three listed findings and forward the request to approve a Preliminary Subdivision Plat for a 37 lot subdivision on approximately 36.32 acres to the City Council with a recommendation for approval subject to the following conditions:

1. That Developer shall cause the owner of the real estate on which Oak Lane, NE is located to grant to the owners of all lots within the subdivision having frontage on Oak Lane, NE (the "Lots"), and their successors and assigns, the right to use Oak Lane for access to the Lots, subject to the owners of the Lots bearing a just and proportionate share of the expense of maintaining Oak Lane, whose current maintenance is the sole responsibility of Fjords North Homeowners Association, Inc. comprised of 56 lots.

Suggested motion:

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

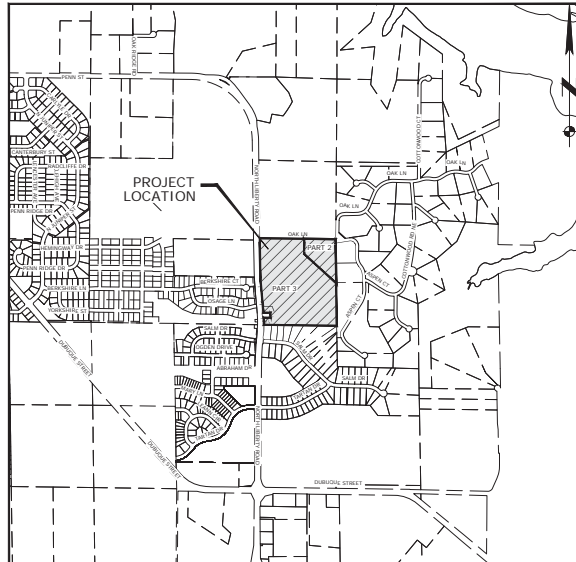
PRELIMINARY PLAT FOR NORTH RIDGE - PART 2 & 3

IN THE CITY OF NORTH LIBERTY, JOHNSON COUNTY, IOWA

UTILITY AND EMERGENCY TELEPHONE NUMBERS

CITY OF NORTH LIBERTY, IOWA	
PLANNING DEPARTMENT	(319)-626-5747
POLICE DEPARTMENT	(319)-356-6800
EMERGENCY	911
FIRE DEPARTMENT	(319)-356-6800
EMERGENCY	911
WATER DEPARTMENT	(319)-626-5719
STREETS DEPARTMENT	(319)-626-5718
PARKS AND RECREATION	(319)-626-5720
IOWA ONE CALL (UTILITIES)	(800)-292-8989
MID-AMERICAN ENERGY	(800)-329-6261
ALLIANT ENERGY (ELECTRIC)	
INFORMATION	(800)-255-4268
MEDIACOM (CABLE TV)	(800)-883-0145
SOUTHSLOPE (TELEPHONE / CABLE TV)	(319)-626-2211
LINN COUNTY REC	(800) 332-5420
WINDSTREAM	(800) 289-1901
CEDAR RAPIDS AND IOWA CITY RAILWAY COMPANY	(800)-283-1540
IOWA DEPARTMENT OF TRANSPORTATION	
DISTRICT ENGINEER	(319)-364-0235
MAINTENANCE GARAGES	(319)-364-8189
JOHNSON COUNTY ENGINEER	(319)-356-6046

LOCATION MAP (1"=1000')



SHEET INDEX

NO.	DESCRIPTION
01	COVER
02	PRELIMINARY PLAT GRADING PLAN

LEGAL DESCRIPTION:

GREENBELT TRAIL, LLC
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
THE SOUTH 500 FEET OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 80 NORTH, RANGE 6 WEST OF THE 5TH PRINCIPAL MERIDIAN, NORTH LIBERTY, JOHNSON COUNTY, IOWA
THE TRUSTEES OF PRINCE TOWNSHIP (ALT WILSON CEMETERY)
COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 80 NORTH, RANGE 6 WEST, THENCE SOUTH 27 1/4 DEGREES WEST 48 RODS AND 16 LINKS TO A STONE, THENCE SOUTH 10 DEGREES EAST 14 RODS TO A STONE, THENCE EAST 16 RODS TO A STONE, THENCE NORTH 8 RODS TO A STONE, THENCE NORTHWESTERLY TO THE PLACE OF BEGINNING, COUNTING 176 RODS TOGETHER WITH THE RIGHT-OF-WAY FOR WAGONS AND CARRIAGES FROM THE BANE ROAD TO THE NORTHWEST CORNER OF SAID LOT. THE SAID LAND TO BE USED FOR CEMETERY PURPOSES AND TO BE MAINTAINED AS SUCH.

PLAT PREPARED BY:

HALL & HALL ENGINEERS, INC.
1860 BOYSON ROAD
HIAWATHA, IA 52233
(319) 362-9548
OWNER/APPLICANT:
GREENBELT TRAIL, L.L.C.
PO BOX 323
OKMORILL, IA 51355
(617) 734-0446
scanlonfarms@gmail.com

APPLICANT'S ATTORNEY:

ROBERT N. DOWNER
122 S LINN STREET
IOWA CITY, IA 52240

ZONING/LAND USE:

EXISTING ZONING: ID
PROPOSED ZONING: RS-4

PROPERTY AREA:

36.32 ACRES

PRELIMINARY PLAT NOTES:

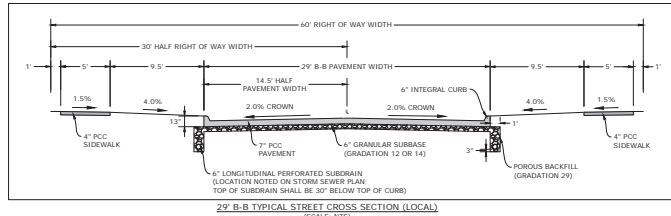
- LOT ACCESS OFF OF NORTH LIBERTY ROAD IS PROHIBITED.
- ALL EXISTING FIELD TILES SHALL BE EXPOSED, AND RE-ROUTED INTO PROPOSED STORM WATER MANAGEMENT SYSTEM.
- OAK LANE NE SIDEWALK AND STREET IMPROVEMENTS ARE NOT REQUIRED. OAK LANE TO REMAIN AS AN EASEMENT.

DIMENSIONAL STANDARDS:

MINIMUM LOT SIZE REQUIREMENTS
FRONTAGE: 40 FT
WIDTH: 80 FT
AREA: 10,000 FT²
FRONT YARD REQUIREMENTS
FRONT YARD DEPTH: 25 FT
SIDE YARD DEPTH: 10 FT
REAR YARD DEPTH: 30 FT
MAXIMUM BUILDING PARAMETERS
MAX HEIGHT: 35 FT

LANDSCAPING:

A DETAILED LANDSCAPING PLAN WILL BE PROVIDED WITH THE PLAN OF IMPROVEMENTS. LANDSCAPE BUFFER WILL BE PROVIDED ON WEST SIDE OF LOTS 15, 16, 24, 25, AND 36 TO PROVIDE BUFFER FROM NORTH LIBERTY ROAD.



UTILITY LEGEND		UTILITY LEGEND (CONTINUED)	
EXISTING	PROPOSED	EXISTING	PROPOSED
(SSS)	SANITARY SEWER W/SIZE	(SSS)	HORSESHOE CATCH BASIN W/O FLUME
(STIS)	STORM SEWER W/SIZE	(STIS)	HORSESHOE CATCH BASIN W/FLUME
(RMS)	FORCE MAIN W/SIZE	(RMS)	GAS VALVE
(WMS)	WATER MAIN W/SIZE	(WMS)	FLAGED END SECTION
(G)	GAS	(G)	CLEANOUT, STORM OR SANITARY
(OHE)	ELECTRIC OVERHEAD	(B)	BENCHMARK
(EUG)	ELECTRIC UNDERGROUND	(S)	STREET SIGN
(CUG)	CABLE TV UNDERGROUND	(W)	WELL
(OHC)	CABLE TV OVERHEAD	(FHS)	FIRE HYDRANT
(OHT)	TELEPHONE OVERHEAD	(FV)	FIBER VALVE
(FUG)	FIBER OPTIC UNDERGROUND	(FS)	FIBER SHUTOFF
(OHF)	FIBER OPTIC OVERHEAD	(WB)	WATER BLOWOFF
(TUG)	TELEPHONE UNDERGROUND	(SCM)	SURVEY CONTROL MONUMENT AS NOTED
(T)	FENCE LINE		
(CORP)	CITY CORPORATION LIMITS		
(EASE)	EASEMENT		
(CORP)	CITY CORPORATION LIMITS		
(900)	CONTOUR LINE		
(LPM)	LIGHT POLE W/O MAST		
(LPM)	LIGHT POLE W/ MAST		
(TP)	TELEPHONE PEDESTAL		
(PP)	POWER POLE		
(GA)	GUY ANCHOR		
(GP)	GUY POLE		
(TP)	TELEPHONE PEDESTAL		
(TM)	TELEPHONE MANHOLE		
(CTM)	CABLE TV PEDESTAL		
(UC)	UTILITY CONTROL CABINET		
(SM)	SANITARY MANHOLE		
(SM)	STORM MANHOLE		
(GI)	GUY ANCHOR		
(I)	RA-3 INTAKE		
(I)	RA-5 INTAKE		
(I)	RA-6 INTAKE		
(I)	RA-8 INTAKE		

NOTE: THIS IS A STANDARD LEGEND. SOME ITEMS MAY NOT APPEAR ON DRAWINGS.



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Leaders in Land Development Since 1953

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PHONE: (319) 362-9548 FAX: (319) 362-7595

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STREET	CLASS	DESIGN SPEED	ROW WIDTH	PAVEMENT WIDTH	PAVEMENT THICKNESS
OSAGE LANE	LOCAL	30 MPH	60'	29'	7"
RIVER BIRCH LANE	LOCAL	30 MPH	60'	29'	7"

PLAT APPROVED BY THE CITY OF NORTH LIBERTY

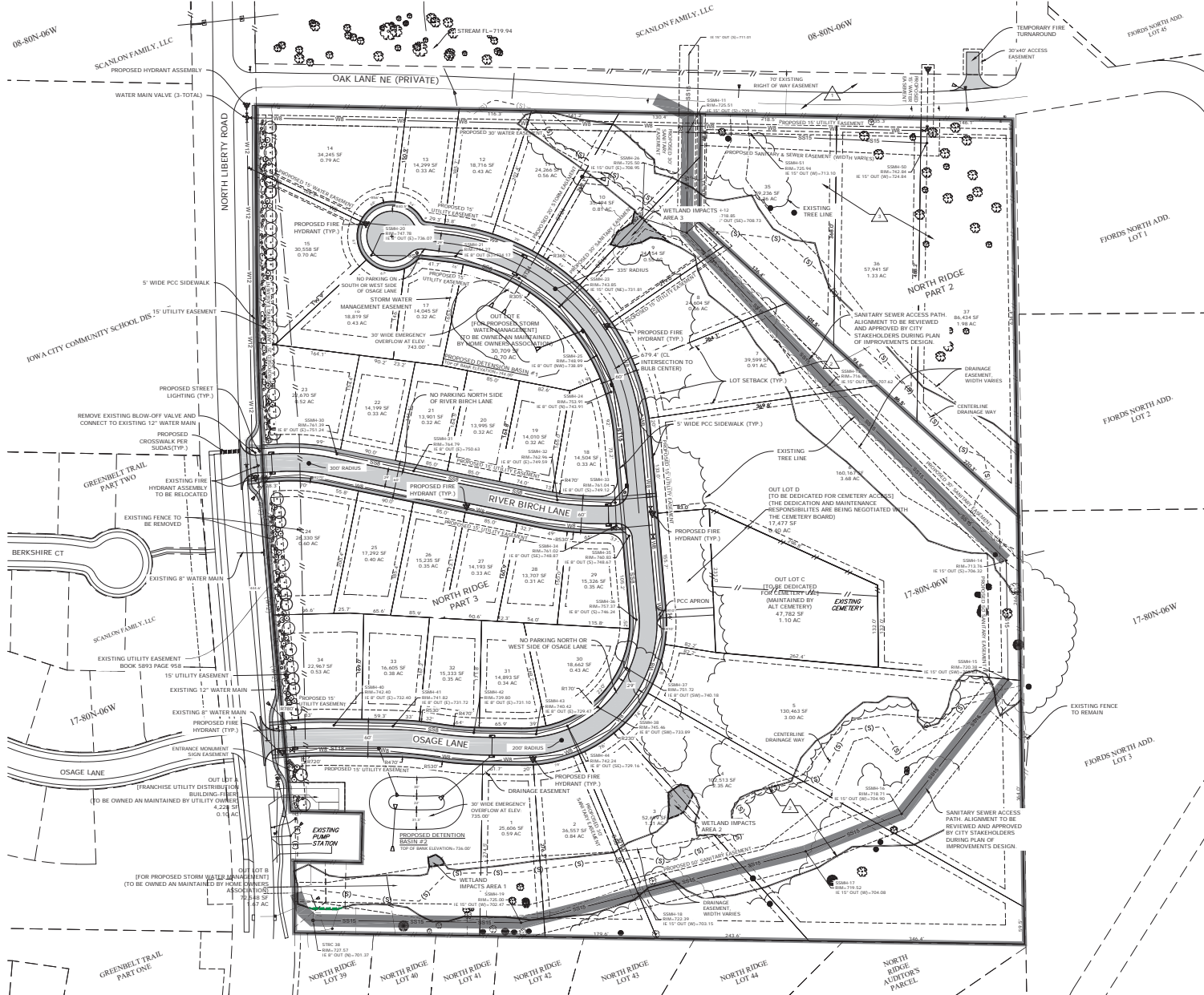
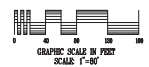
CITY CLERK	DATE

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

CITY FILE NUMBER:
HALL & HALL ENGINEERS PROJECT NUMBER: 9749-NR2



Contact Person	JASON SANTEE, P.E.
Telephone Number	(319) 362-9548
Fax Number	(319) 362-7595
Mailing Address	1860 BOYSON ROAD HIAWATHA, IA 52233
E-Mail Address	jason@halleng.com
Date Submitted	05-02-2022
Date Re-submitted	06-24-2022
Date Re-submitted	---



- KEY NOTES:**
- ▲ OAK LANE NE SIDEWALK AND STREET IMPROVEMENTS ARE NOT REQUIRED BY THE CITY. OAK LANE TO REMAIN AS AN EASEMENT. DEVELOPERS SHALL BE RESPONSIBLE FOR NEGOTIATING AND PROVIDING FOR ACCESS TO OAK LANE WITH PRIVATE OWNER(S).
 - ▲ WETLAND AREA.
 - ▲ STORM WATER MANAGEMENT FOR LOTS 35-37 WILL COMPLY WITH THE POST CONSTRUCTION RUNOFF ORDINANCE. INDIVIDUAL LOT OWNERS SHALL BE RESPONSIBLE FOR DESIGN, PERMITTING, CONSTRUCTION, BMP MAINTENANCE AGREEMENTS AND MAINTENANCE.

DRAWN BY:	KLH				
CHECKED BY:	JAS				
APPROVED BY:	LMH				
DATE:	06/24/2022				
FIELD BOOK:	OT 109	NO	REVISION DESCRIPTION	APPROVED	DATE

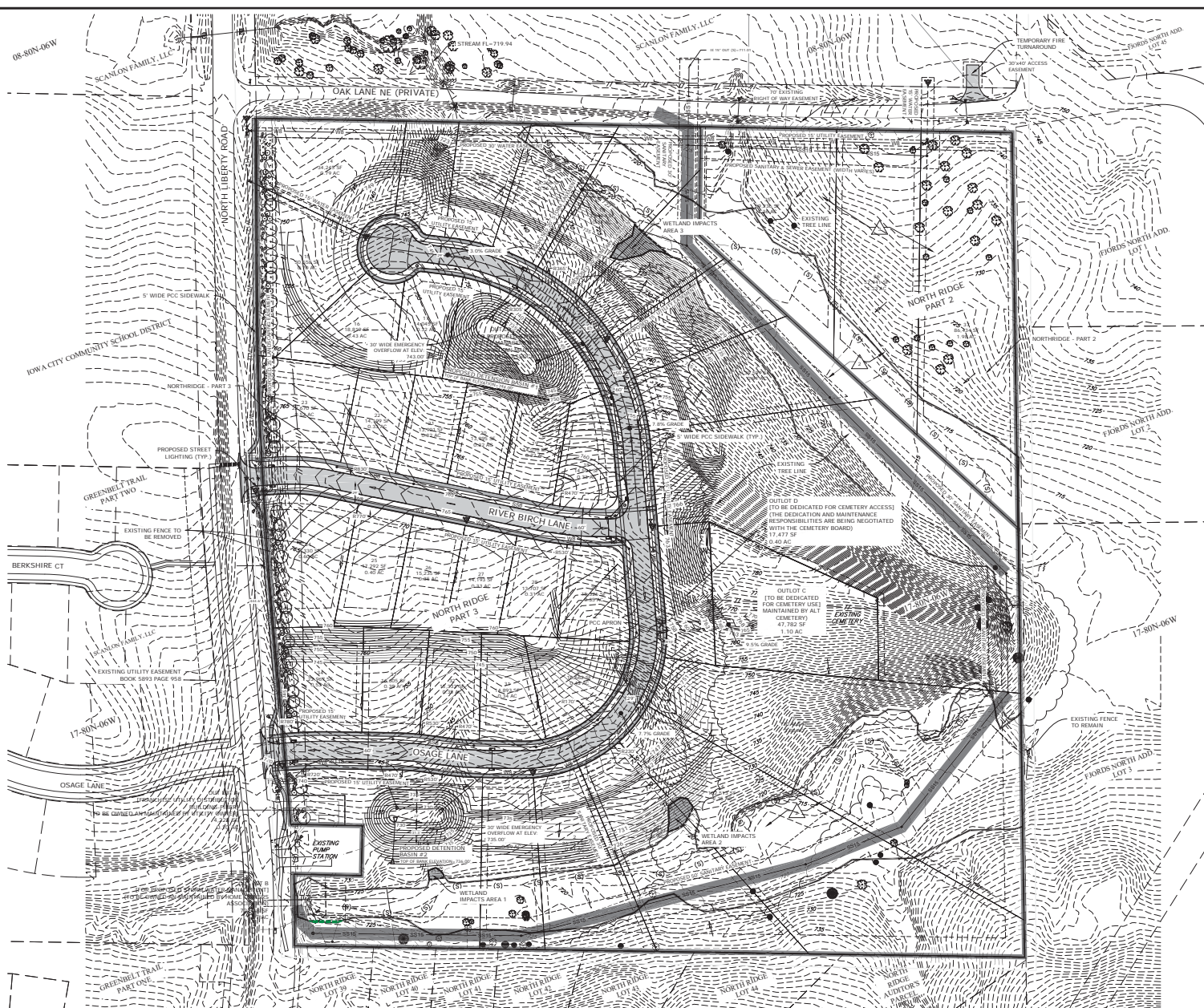
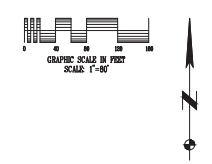


HALL & HALL ENGINEERS, INC.
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NORTH RIDGE - PART 2 & 3
 IN THE CITY OF NORTH LIBERTY, JOHNSON COUNTY, IOWA

SCALE:	1"=80'	PROJECT NO.:	9749-NR2
PRELIMINARY PLAN		SHEET	
		01	

CAD File: I:\Projects\9749-NR\NorthRidge_Cemetary\Design Services\9749-NR2.dwg (17-Aug-2022 09:29 AM) Plotted By: Jason Surine



- KEY NOTES:**
- ▲ OAK LANE NE SIDEWALK AND STREET IMPROVEMENTS ARE NOT REQUIRED BY THE CITY. OAK LANE TO REMAIN AS AN EASEMENT. DEVELOPER SHALL BE RESPONSIBLE FOR NEGOTIATING AND PROVIDING FOR ACCESS TO OAK LANE WITH PRIVATE OWNER(S).
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DRAWN BY:	KLH				
CHECKED BY:	JAS				
APPROVED BY:	LMH				
DATE:	06/24/2022				
FIELD BOOK:	OT 109	NO	REVISION DESCRIPTION	APPROVED	DATE



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NORTH RIDGE - PART 2 & 3

GRADING PLAN

SHEET
02

IN THE CITY OF NORTH LIBERTY, JOHNSON COUNTY, IOWA SCALE: 1"=80' PROJECT NO. 9749-NR2

CAD File: I:\Projects\9749-NR2\NorthRidge_Cement\Design_Services\9749-NR2_P01 (1)_DWG.dwg; Date: Tuesday, June 24, 2022 9:21:12 AM; Plotted By: Jason S. Starnes

MEARDON, SUEPPEL & DOWNER P.L.C.
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WILLIAM F. SUEPPEL
(1929-2020)

MARGARET T. LAINSON
(1939-2019)

OF COUNSEL:
JAMES D. MCCARRAGHER
CRAIG N. WILLIS

RETIRED:
THOMAS D. HOBART
NANCY B. WILLIS

January 14, 2022

Mr. Ryan Rusnak, AICP
Planning Director
City of North Liberty
3 Quail Creek Circle
North Liberty, IA 52317

Re: Scanlon Family, L.L.C. - Oak Lane

Dear Mr. Rusnak:

The following is my review of the Easement Agreement dated October 9, 1979 (the "Easement"), wherein the then-owners of various Scanlon family interests granted a right-of-way easement in favor of Alan K. Fedge and Sally J. Fedge and Fjords North, Inc. for access to the Fedges' property which was all subdivided as a part of the Fjords North Subdivision. A copy of that recorded Easement is enclosed. By way of background, the roadway in question was, at that time, a county road, although there appear to have been questions about the status of that road which existed when the Easement was executed. Subsequently, on February 28, 2002, the Johnson County Board of Supervisors adopted Resolution No. 02-28-02-02 relinquishing any interest which the county had in this road. This resolution is recorded in the Johnson County Recorder's office in Book 3245, Page 251. This vacation by the county, however, would have no effect on the Easement.

In your email to Loren Hoffman of January 13, 2022, you raised the question of access by the City of North Liberty for purposes of maintenance. It is my opinion that, under the Easement, Scanlon Family, L.L.C., as successor to the various Scanlon interests who were grantors of the Easement, would have the authority to grant access rights for purposes of maintenance and for other purposes. Nothing in the Easement, in my opinion, limits the rights of the Scanlons to further use the area covered by the Easement

Mr. Ryan Rusnak, AICP
City of North Liberty
January 14, 2022
Page 2

except for the provisions of paragraph 3, which prohibits any party from obstructing or blocking the driveway or from causing or permitting to exist thereon any nuisance or other offensive or extra hazardous activity. The other portion of paragraph 3 would appear to be for the benefit of the Scanlon interests in that interference with the natural flow of the drainage from Scanlons' property abutting the roadway is prohibited.

Paragraph 2 provides that the Scanlon interests would not be required to contribute in any manner to the maintenance, operation or repair of said roadway unless and until the real estate owned by any or all of the Scanlons is subdivided or otherwise developed for other than agricultural purpose. This paragraph contemplates that the real estate would, at some point, be subdivided or otherwise developed and, at that point, each party benefited would bear a just and proportionate share of such maintenance expense.

Because of the reservations in the Easement, and the fact that, with the exception of the provisions in paragraph 3, Scanlons were relinquishing no rights which they had in the property, it is my opinion that Scanlon Family, L.L.C. could execute agreements placing this roadway in the street system of the City of North Liberty upon such terms and conditions as might be mutually agreed, provided, however, that any such transfer or agreement would not negate, or otherwise modify, the provisions of the Easement. Any modifications in the Easement would require the agreement of the parties. *See Halsrud v. Brodale*, 72 N.W.2d 94 (Iowa 1955).

It is my understanding that the question has also been raised as to whether garbage trucks of the City of North Liberty could use this roadway if lots were developed on the Scanlon property south of Oak Lane and adjacent to Fjords North Subdivision. It is my opinion that, because the Easement clearly contemplates that the Scanlons might further develop the property adjacent to Oak Lane, use by garbage trucks would be anticipated as a part of use of the property once it was developed.

I have also done a limited amount of research into the questions raised in this letter as to how the courts might interpret the Easement if called upon to do so. The Iowa Court of Appeals, in *Riverton Farms, Inc. v. Castle*, 441 N.W.2d 405 (Iowa App. 1989) stated that "[I]n construing an express grant or reservation of an easement, as in the construction of written contracts, the cardinal principle is that the intention of the parties must control." Citing *Wiegmann v. Baier*, 203 N.W.2d 204, 208 (Iowa 1972). In *Wiegmann*, at page 208, the Iowa Supreme Court had stated that "[A]nd it is the general rule that where a right-of-way is granted it may be used for any purpose to which the land accommodated thereby may

Mr. Ryan Rusnak, AICP
City of North Liberty
January 14, 2022
Page 3

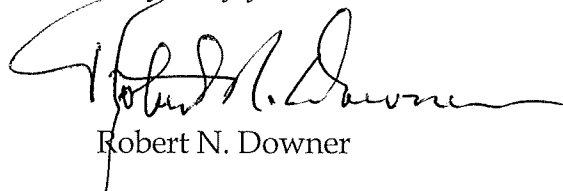
reasonably be devoted, unless the grant contains specific limitations and the grantee can avail himself of modern inventions, if by doing so he can more fully exercise and enjoy or carry out the object for which the easement was granted."

As cited above, the Iowa Supreme Court, in *Halsrud v. Brodale*, 72 N.W.2d 94 (Iowa 1955) the court stated, at page 97, that "[N]or can an easement, whether created by written grant, implication, or prescription, be increased or extended without the consent of the owner of the servient tenement."

My interpretation of the above-cited authorities is that, if an easement agreement provides that an expansion of the use of the easement area beyond what was existing when the easement was granted was contemplated by the parties, such an expansion could occur within the scope of the easement. I believe that that was clearly the case here, as to all parties. The Easement was granted in connection with the platting of Fjords North Subdivision, which might not have been approved by Johnson County in light of the questions regarding the status of the roadway covered by the Easement as a county road. It was also clearly contemplated by the Easement that the Scanlon property on both sides of the roadway would be developed at some point, and that this roadway could be used as a part of any development or subdivision process by the benefitted property owners paying their proportionate share of the cost of maintaining the roadway.

If you have any questions after having reviewed this letter, please feel free to contact me. I am forwarding a copy of this letter to Grant Lientz as City Attorney of the City of North Liberty.

Very truly yours,



Robert N. Downer

RND:snw
Enclosure
cc: Grant Lientz
Pat Scanlon

MEARDON, SUEPPEL & DOWNER P.L.C.
LAWYERS

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OF COUNSEL:
JAMES D. MCCARRAGHER
CRAIG N. WILLIS

RETIRED:
THOMAS D. HOBART
NANCY B. WILLIS

July 1, 2022

Mr. William H. Roemerma
Read & Roemerma PLC
P.O. Box 1968
Cedar Rapids, IA 52406-1968
wroemerma@readroemerma.com

Re: Scanlon Family, L.L.C. - Fjords North Homeowners Association

Dear Bill:

I am in receipt of your letter of June 29, 2022, addressed to the North Liberty Planning and Zoning Commission. Without in any sense trying to focus on minutiae, I believe that there are some significant factual errors in your letter, including the following:

1. The annexation of the property in the proposed North Ridge Part Two and Three Subdivision is not "proposed." It has been approved by both the city council and the City Development Board and, accordingly, is now a part of the City of North Liberty.

2. Only three lots are proposed which would use Oak Lane NE as access to those lots. The other lots in the proposed subdivision which back up to Oak Lane will, as a part of restrictive covenants and agreements with the City of North Liberty, not have access to Oak Lane.

3. All proposed utility locations are under Oak Lane, and no above ground utilities are proposed.

4. The land on which Oak Lane is located is owned by Scanlon Family, L.L.C. whose predecessors in title more than 40 years ago granted access by an easement which enabled Fjords North to be platted. To be sure, the easement specifically provides that in the event that the Scanlon property is used for other than agricultural purposes, the owners of that property must pay a "just and proportionate share of such maintenance expense," but the ownership of this roadway has been in members of the Scanlon family or entities owned by them for some 75 years.

5. I would take issue with your statement that the additional lots would "significantly burden" the roadway. According to my understanding, there are 56 lots presently in Fjords North, all of which utilize Oak Lane for access. This would increase the number of potential residences by three, or 5.36%.

6. Since the planning of this subdivision was commenced, it has always been planned that the sewer and water lines would be bored under Oak Lane so as not to disturb the surface or the utilization of Oak Lane by the Fjords North owners. Our engineers have advised us that they have provided for the use of "restrained joints" in the sewer and water lines which would allow any pipe requiring replacement to be pulled out rather than having the surface excavated to replace the pipe.

7. It is my understanding that the same fire department, in North Liberty, provides fire protection for North Liberty and all of Penn and Madison Townships. There would not be additional fire departments utilizing Oak Lane unless a major fire caused the involvement of other departments.

8. The subdivision and the Oak Lane right-of-way have been planned in such a way that a minimal amount of tree cover and other vegetation would be disturbed. Reconstructing Oak Lane to city street standards would involve the removal of much of this vegetation, which also provides screening to Fjords North, and would likely invite additional vehicular traffic into Fjords North.

The owners of Scanlon Family, L.L.C. have never had an intention of burdening the Fjords North Owners Association or its residents with additional costs. The only three lots which would utilize Oak Lane for access are being planned in such a way as the lot sizes would be generally comparable to and compatible with lots in Fjords North. Because of the size of these lots, we would not anticipate that homes would be constructed on these

Mr. William H. Roemer
Read & Roemer PLC
wroemer@readroemer.com
July 1, 2022
Page 3

lots which would be substantially different from those in Fjords North, and we would be happy to work with Fjords North Owners Association in designing protective covenants for those lots.

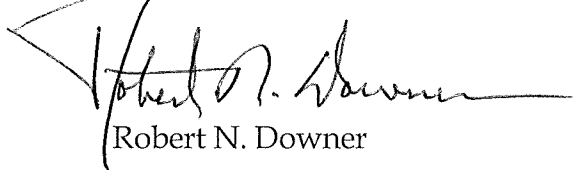
Insofar as meeting the "just and proportionate share" language in the easement agreement, our client would propose the following:

1. Each of the three lots would pay the same amount for snow removal cost for Oak Lane and the entire road system within Fjords North as is paid by the present Fjords North owners. Because the owners of the three lots proposed would for the most part only utilize the roadway between those lots and North Liberty Road, these owners would be paying a portion of the cost of snow removal on roads which they seldom, if ever, use.

2. In exchange for this proposal, Scanlons would request the right to use the turnaround on the west side of Fjords North for that purpose by emergency and public service vehicles and also to place the three mail boxes for three lots with the mail box cluster presently serving the residences in Fjords North.

I would be happy to discuss this with you if you wish to do so, Bill. We will look forward to hearing from you as soon as possible.

Very truly yours,



Robert N. Downer

RND:snw

cc: Pat Scanlon
Grant Lientz
Tracey Mulcahey
Ryan Rusnak
Tim Conklin

Ryan Rusnak

From: Erin Payne-Christiansen <payneerin@yahoo.com>
Sent: Sunday, June 26, 2022 3:31 PM
To: Ryan Rusnak; Ryan Heiar; Tracey Mulcahey
Cc: Tim Conklin
Subject: [EXTERNAL] letter to P&Z committee re North Ridge Development
Attachments: Water shed map.pdf; Fjords06182015 (1).pdf; Gmail - Fwd_ [Non-DoD Source] Scanlon Family, LLC proposed Subdivision in North Liberty.pdf

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 Members of the North Liberty Planning and Zoning Committee;
Ryan Heiar, City Administrator;
Tracey Mulcahey, Assistant City Administrator & City Clerk; and
Ryan Rusnak, Planning Director

I am writing on behalf of the board of the Fjords North Homeowners Association. Fjords North is located to the east of North Liberty Road and is accessed from Oak Lane. We would like to express concern over the impact of local development, most recently that of the North Ridge development, parts 2 & 3.

Our concerns are many, but the two major issues are that of (1) the use of Oak Lane to access lots not in our homeowner association and (2) the watershed management of said area, specifically its impact on both the environment and our roads.

(1) Oak Lane:

Oak Lane has a confusing history of ownership. While our homeowners association does not own it, we have paid to maintain the road since Fjords North was developed. This includes mowing, snow removal, surface maintenance and repair, tree and brush removal, and erosion control. We do not understand why lots in the city would be accessed via a private road that is not in the city. The city has no guarantee that the road will continued to be maintained to a standard that would allow the city to provide city services to those three lots. Here is a list of concerns related to our connector road.

- The sewer is supposed to cross under our connector road and connect to the land to the north of it. If there is ever a sewer problem there and they have to dig it up, it may block our access. Is the area wide enough to support a temporary access path?
- Where will the mailboxes for the three lots be?
- The parking on these lots is likely to be limited due to the wetland area that these lots will be built on. If one of the owners of one of these lots were to have a party, their guests are likely to park along Oak Lane where there is no space to pull over. That leaves only one narrow lane for access in and out of Fjords. In addition to the inconvenience to our residents, this creates a public safety issue, as the remaining lane would not be wide enough to accommodate a fire truck or ambulance. In addition, if we were to call the police for assistance in such a matter, we would not get it because the road is not a city road.

2) Watershed Management:

Flooding events have increased with development; this impacts everyone downstream of the developments. In 2015, board members of our association reached out to a number of individuals regarding watershed management in this area, including a water conservation specialist, HBK engineer, the local developer, North Liberty's city engineer, North Liberty's planning director, and North Liberty's roads department. The result was that, because development was done to code, no action was taken. We continue to have concerns and on-going issues.

- In this link (<https://www.youtube.com/watch?>) you can view video footage of flooding examples in the association, specifically showing the water flow coming through the creek that flows into our association from the area to be developed. This area has flooded 1-4 times per year over the past ten years. If you are interested in seeing more videos, photographs, or drone footage, we would happily provide it.
- The private pond to the west of Aspen has decreased in depth from approximately 4 foot to 1 foot or less due to silting, which has then decreased pond capacity and increased flooding since 2010. The larger, association-owned pond to the east of Aspen has also been silting in over time; this has increased with recent developments. You can view these changes in the attached images taken from Google Earth; the first was taken in 2012, while the second was taken in 2022.
- While North Ridge Parts 2 & 3 may meet code, what additional measures can be put in place to insure our ponds do not silt in further and cause additional flooding?
- If the sewer line going under the wetlands were to flood, how would the city prevent sewage from contaminating our pond and flooding into the reservoir? There are approximately 600 acres that drain into these ponds; please see the attached watershed map. Johnson County Soil and Water Conservation District has expressed its concerns in the attached 2015 letter from Kate Giannini, Soil and Water Conservation Specialist. The Army Corps of Engineers is also interested in the impact of this development; please see the attached email exchange between a homeowner and Jonathan Wuebeker.

We ask you to please consider these issues, as the impacts will be long-term.

Sincerely,

Current FNHA Board Members & Concerned Neighbors

Erin Payne-Christiansen
2592 Cedar Court NE

Tim Conklin
3767 Oak Lane NE

Joanna Hall
2665 Aspen Court NE

Rob Maher
2663 Willow Court NE

Brad Snell
2583 Cedar Court NE

Rebecca Davis
3705 Oak Lane NE

1st image: 2012 aerial photo, Google Earth



2nd image: 2022 aerial photo, Google Earth



watershed map

letter from Soil & Water Conservation Specialist

email exchange with Army Corps of Engineers





Johnson County Soil & Water Conservation District

51 Escort Lane
Iowa City, IA 52240-8612

Telephone (319) 337-2322
Fax 855-233-1294
Website www.jcswcd.org
Email jcswcd@yahoo.com

6/18/2015

Per the request of a few homeowners of the Fjords Subdivision, Johnson County Soil and Water Conservation District has provided technical assistance in regards to flooding concerns within their subdivision watershed. An in office watershed assessment was completed in the fall of 2014, and that assessment is available upon request. Note, a field assessment has not been completed.

The residents are concerned about future development that may occur within their watershed as they already are experiencing frequent flood damage during rain events. I have been further asked to provide information and technical assistance on how a future development to the south of the Fjords (which is owned by Scanlon Family Farm LC) may impact and further heightened their flooding issues. Below is how I would review the project for Sensitive Areas, Sediment and Erosion Control, Stormwater, although since this project is not zoned within the County not all of the items are enforceable. Please consult your local, State and Federal agencies on their specific guidelines on the below topics. Some agencies may not be able to provide assistance unless the landowner is requesting the consultation.

Sensitive Areas:

1. Critical Wildlife Habitat

- a. **There is possibility of critical wildlife habitat for threatened and endangered species. Determined after looking at Johnson County PIV (Property Information Viewer)**
- b. Request and review documents provided by Iowa DNR and/or USFWS or a local contractor to determine if any critical habitat exists in the area planned for development.
- c. If critical wildlife habitat is found either preserve the area or develop a mitigation plan in consultation with DNR and/or USFWS prior to any disturbance.

2. Floodplain and Floodway

- a. The proposed development is not within a floodplain or floodway. Determined after looking at Johnson County PIV.

3. Prairies and Prairie Remnants

MISSION: To clear our water by treating every acre with respect

All USDA programs and services are offered on a non-discriminatory basis, without regard to race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status.



Johnson County Soil & Water Conservation District

51 Escort Lane
Iowa City, IA 52240-8612

Telephone (319) 337-2322
Fax 855-233-1294
Website www.jcswcd.org
Email jcswcd@yahoo.com

- a. **I have examined historic air photos, and a large portion of the area looks like it has never been cropped. The existence of a prairie or prairie remnant cannot be ruled out. Determined after looking at Johnson County PIV.**
 - b. A consultant (either private or DNR) is requested to evaluate the presence, quality and diversity of native species.
 - c. If area is identified as a sensitive area it should be left undisturbed except for management activities for restoration and maintenance. A buffer zone of at least 50' should be established.
 - d. If site cannot be left undisturbed a mitigation plan shall be developed prior to any disturbance
- 4. Savanna and Savanna Remnant**
- a. **I have examined historic air photos and there is a possibility of possible savanna on site. Determined after looking at Johnson County PIV.**
 - b. Request a consultation by DNR District Forester
- 5. Wetlands**
- a. Consult a Wetland Specialist for consultation
- 6. Woodlands**
- a. **Potential to effect. Determined after looking at Johnson County PIV.**
 - b. Request a consultation by DNR District Forester
- 7. Stream Corridors**
- a. **No blue-line streams identified but assessment of existing drainage ways and their health and potential erodibility should be examined. Determined after looking at Johnson County PIV and USGS maps**
- 8. Unstable Landforms**
- a. **Potential to effect, unstable landforms are found on site. Determined after looking at web soil survey and topographic maps.**
 - b. **Avoid and protect areas that are unstable when possible.**
- 9. Historic Properties/ Cultural Resources**

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Johnson County Soil & Water Conservation District

51 Escort Lane
Iowa City, IA 52240-8612

Telephone (319) 337-2322
Fax 855-233-1294
Website www.jcswcd.org
Email jcswcd@yahoo.com

- a. **Potential to effect, after quick iSites public search on web**
- b. Consult a contractor (private and/or State Historic Preservation Office) to conduct a archaeology survey prior to disturbance

Stormwater:

Continued development within the watershed will likely cause further flooding and more damaging effects if stormwater runoff is not treated and controlled. It is recommended that stormwater be addressed to meet the Unified Sizing Criteria of the Iowa Stormwater Management Manual. A suite of best management practices (BMPs) and their specifications can also be found in that manual. It is recommended that a treatment train of BMPs are installed to infiltrate the water quality volume and also control larger rainfall events.

Sediment and Erosion Control:

A Sediment and Erosion Control Plan or also known as a Stormwater Pollution Prevention Plan (SWPPP) shall be developed before any land disturbance on 1 acre or more per [DNR regulations](#). Individual lot SWPPP's may or may not be required depending on local regulations.

My contact information is listed below for further questions or follow-up.

Sincerely,

Kate Giannini
Soil and Water Conservation Specialist
Johnson County Soil and Water Conservation District
51 Escort Lane
Iowa City, IA 52240
Kate.giannini@ia.nacdnet.net
319-337-2322 x.305
www.jcswcd.org

MISSION: To clear our water by treating every acre with respect

All USDA programs and services are offered on a non-discriminatory basis, without regard to race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status.



Tim Conklin <timconk@gmail.com>

Fwd: [Non-DoD Source] Scanlon Family, LLC proposed Subdivision in North Liberty

Tim Conklin <tim@allstarmgmt.com>
To: Tim Conklin <timconk@gmail.com>

Fri, Jun 17, 2022 at 10:22 AM

----- Forwarded message -----

From: **Julie Conklin** <julieconklin95@gmail.com>
Date: Fri, Jun 17, 2022 at 10:11 AM
Subject: Fwd: [Non-DoD Source] Scanlon Family, LLC proposed Subdivision in North Liberty
To: Tim Conklin <tim@allstarmgmt.com>

Fyi

----- Forwarded message -----

From: **Wuebker, Jonathan D CIV USARMY CEMVR (USA)** <Jonathan.D.Wuebker@usace.army.mil>
Date: Fri, Jun 17, 2022, 7:52 AM
Subject: RE: [Non-DoD Source] Scanlon Family, LLC proposed Subdivision in North Liberty
To: julieconklin95@gmail.com <julieconklin95@gmail.com>

Julie,

Thank you for your inquiry and information on the proposed work site. As of date I am not aware of USACE Coralville Lake Project being contacted of the construction. Any construction project however is regulated by the state of Iowa and County which the project is being worked in. The project is responsible to mitigate and control construction run-off. At quick glance, USACE does have flowage easements throughout your HOA and including one of your ponds so there is most certainly interest in anything that could fill in these areas as it can impact ability to fill with water during flood events.

Any concerns can be addressed with the county first accordingly to ensure silt control measures are planned and in place for any construction projects. All projects must first receive the county approvals prior to start including mitigation planning. Should silt runoff the site and affect USACE lands, our office would most certainly be interested in any information and photographs regarding the projects progression to ensure lands are returned to pre-construction condition and any silt/runoff removed for use accordingly. The burden of proof however can be difficult to quantify material specific to a site if no pre-construction information is available for what it worth.

If you have any other questions or I may be of further assistance please let me know.

Jonathan D. Wuebker

Assistant Operations Manager

CISM Peer Supporter

Coralville Lake Reservoir

[2850 Prairie du Chien Road NE](#)[Iowa City, IA 52240-7820](#)

(319) 338-3543 ext. 6302

Coralville Lake

<http://www.mvr.usace.army.mil/Missions/Recreation/Coralville-Lake/>

CISM KM Portal

<https://usace.dps.mil/sites/KMP/SitePages/CISM.aspx>

Free Confidential Employee Assistance Program help: [800-638-3327](tel:800-638-3327)

<https://myassistanceprogram.com/fei/>

From: Julie Conklin <julieconklin95@gmail.com>
Sent: Thursday, June 16, 2022 1:16 PM
To: Coralville.Lake <Coralville.Lake@usace.army.mil>
Subject: [Non-DoD Source] Scanlon Family, LLC proposed Subdivision in North Liberty

Hello,

I have some questions regarding a new subdivision being proposed by Scanlon Family, LLC of roughly 36 acres next to our neighborhood on Oak Lane NE in North Liberty. Our subdivision, Fjords North, has a majority of its homeowners who own land connecting to Army Corps of Engineering land around Coralville Lake.

The proposed subdivision's infrastructure is causing some concerns for our neighborhood. We are currently experiencing silt issues with a HOA owned pond, as well as a neighbor who is experiencing the same issues with his privately owned pond as well as property flooding from current runoff/drainage issues from other neighborhoods. Our Good Neighborhood Meeting was held last night, where these questions were asked of the builder/developer/owner of the land being developed with little to no solutions given. When asked what type of impact we should expect from the development, no one could answer this question. The developer discussed mitigation techniques that they might try but they didn't have a full understanding of their impact on our neighborhood. This is obviously a concern for us because of the 2 ponds affected and potential wash out of 2 roads.

The Corps land will also be impacted by the development and infrastructure needed. Is Scanlon Family, LLC working with the Corps to help mitigate the runoff/drainage issues? Does the Army Corps of Engineering have general guidelines that developers have to follow to mitigate runoff/drainage issues that will affect their land?

I greatly appreciate any information that you can give.

Thank you!

--

Julie Conklin

Ryan Rusnak

From: Tim Conklin <timconk@gmail.com>
Sent: Friday, July 01, 2022 10:29 AM
To: Ryan Rusnak; Ryan Heiar; Tracey Mulcahey
Cc: Joanna Hall; William Roemerman
Subject: [EXTERNAL] Attn: P&Z for July 5 meeting - Oak Ln NE current width
Attachments: IMG_7802.jpg; IMG_7803.jpg; IMG_7804.jpg; IMG_7805.jpg; IMG_7806.jpg

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.

Please confirm receipt and forward to P&Z as public correspondence for the July 5 meeting related to Northridge parts 2 & 3:

North Liberty P&Z:

Attached please find pictures of two cars on Oak LN, the connector road for the Fjords North subdivision. As you can see this road is extremely narrow with barely enough width for two cars. It is important to also note that there is no space to pull off as the shoulders are sloping steep uneven surfaces with vegetation. The three house lots proposed along Oak Ln (in the city but on our private road) will have limited parking because they are mostly wetlands. In the event one of these properties has a party there will not be enough parking on the lots and if they were to park along Oak LN that would restrict our in/out egress to one lane. Even at that, it is a public safety issue as a fire truck would not fit down the remaining width.

Our neighborhood is also seeking a proposal for a gated entrance into our development at the end of Oak LN. My guess is without the gate and with or without an easement from us, most commercial vehicles will try to turn around in our development by our mailboxes. I actually have a class B commercial driver's license. As I see it, the road is not wide enough for a fire truck, school bus, garbage truck, etc.. to turn around with the proposed turnaround. If we move forward with the gate illegally, using our road to turn around will not be an option. Again this creates another public safety issue as commercial vehicles will mostly likely need to back all the way down Oak and into North Liberty Rd NE.

I request that you please take these points into consideration and force the developer to make reasonable accommodations.

I would be more than happy to meet any of you out here to walk around and show you what I'm talking about.

Sincerely,
Tim Conklin
3767 Oak Ln NE
North Liberty, IA 52317
319-329-7745











Ryan Rusnak

From: Tim Conklin <timconk@gmail.com>
Sent: Friday, July 01, 2022 12:40 PM
To: Bob Downer
Cc: wroemerman@readroemerman.com; jpatscanlon@gmail.com; Grant Lientz; Tracey Mulcahey; Ryan Rusnak; Ryan Heiar
Subject: [EXTERNAL] Re: Scanlon Family, L.L.C. – Fjords North Homeowners Association
Attachments: image001.jpg

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.

Mr. Downer,

We take umbrage at the tone of your correspondence and are not comprehending why your client is unable to address the concerns of the Fjords owners. It is absurd for the party standing to profit to declare that the road will not be an issue. It appears your clients intent is to sell the lots and high tail it out, leaving us with the mess.

We reject your offer. It is premature and quite frankly pompous to assume our association would accept an offer that has little to no value to us. (Your offer saves each home owner a laughable \$26 per year). Furthermore, our association is currently seeking proposals for a gate at the end of Oak LN. Granting an easement will undermine our goal of keeping non Fjord owners off our our property, including the eventual homeowners of those three lots.

We need you to actually listen to our concerns (instead of arguing them) and make changes and concessions accordingly.

Tim Conklin
3767 Oak Ln NE,
North Liberty, IA 52317
319-329-7745

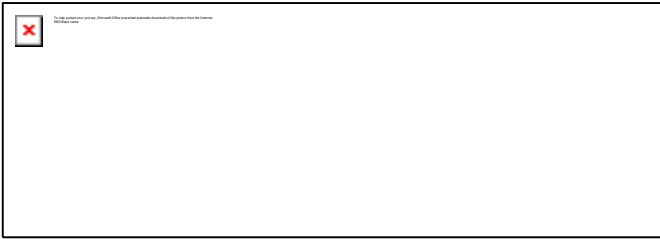
On Fri, Jul 1, 2022 at 9:05 AM Bob Downer <bobd@meardonlaw.com> wrote:

Attached please find copy of correspondence from Mr. Downer, with hard copy to follow by ordinary U.S. mail. Please contact Mr. Downer with any questions.

Thank you,

Sacha Wyckoff

Legal Assistant to Robert N. Downer



122 SOUTH LINN STREET

IOWA CITY, IA 52240

Telephone: (319) 338-9222

Facsimile: (319) 338-7250

[MeardonLaw.com](#) • [Bio](#)

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Thank you.

Ryan Rusnak

From: Craig Reischauer <craig@reischauerlandservices.com>
Sent: Saturday, July 02, 2022 4:49 PM
To: Ryan Rusnak
Cc: Erin Payne-Christiansen; Tim Conklin; Joanna.c.hall@gmail.com; Brad Snell; Rebecca Davis; Rob Maher
Subject: [EXTERNAL] Scanlon Family, LLC. North Ridge Parts 2 & 3

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.

Ryan,

I am writing to share my opposition to the above proposed development as currently designed. My family and I reside in the Fjords North neighborhood of which the sole access will be impacted by this development. I share the many concerns outlined in previous correspondences by our FNHA Board Members and neighbors but as those are already of record, I will try to limit this email to my most specific concerns.

The City staff makes a recommendation that the City provide a variance to Section 180(8)(A) which provides that "private streets in single family residential areas are not allowed." The City states that it is "the staff's opinion that granting the variation would not be detrimental to the area." I respectfully disagree with that opinion based on the very narrow nature of the road. There is no place to put mailboxes on Oak Lane NE in a manner that the residents of the three lots proposed in "Part 2" can safely pull over and get their mail without blocking a lane of traffic and there is no place for large vehicles to turn around without encroaching onto the private property of Fjords North. If these two concerns are not addressed, I feel there is a negative impact on the residents of our neighborhood. To me, the issue is not that the road is "private", it is that the road is not safe if something is not included in the development to accommodate these concerns.

The preliminary plat for the development shows a "temporary fire turnaround" on the north side of Oak Lane NE that might help with some of the above concerns during construction, but what is the permanent solution? If neither the City nor the developer are willing to improve the road to accommodate the additional lots and driveways, it would seem reasonable that at a minimum the developer should provide a safe area for their mailboxes and an area for large vehicles to turn around without encroaching on our private development.

I propose that this is not merely a concern for the developer and the future residents of the three lots in "Part 2" but also a concern for the City. Assuming that the three new City lots on the south side of Oak Lane NE are served by City garbage and recycling, how will these City vehicles turn around when they get to the end of the easement area? How will other City maintenance vehicles turn around?

Until there is some assurance that there will be a safe area for mailboxes and a safe area to accommodate turning large trucks around, the assumption would be that the road will be periodically blocked and/or there will be encroachment on private property to accommodate this development. I would suggest that the developer has plenty of property on both the north and south side of the road. They should be required to provide a sufficient area for their mailboxes and a sufficient area for their residents and for City maintenance and garbage trucks to turn around on this narrow road. To do so would not be a hardship on the developer, but to not do so creates a hardship for residents of our neighborhood.

In closing, I would like to be clear that I am not in any way opposed to development, I am only concerned that it be done with safety in mind and with respect for private property. I would greatly appreciate it if you would confirm receipt of this email and also share my concerns with the Planning and Zoning Committee prior to or at the July 5th meeting.

Please do not hesitate to reach out to me with any questions or to further discuss.

Thank you for your consideration of my concerns.

Craig Reischuaer
2518 Cottonwood Court, NE
North Liberty, Iowa 52317
319-350-9922

Ryan Rusnak

From: Joanna Hall <joanna.c.hall@gmail.com>
Sent: Sunday, July 03, 2022 9:26 AM
To: Ryan Rusnak
Cc: Hall M
Subject: [EXTERNAL] Re oak Lane and North liberty Scanlan development

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Mr Rusnak

My husband may follow up with a more detailed email later, but I would like you to please add Joanna and Mederic Hall of 2665 Aspen Court NE. in North liberty Iowa to the list of individuals formally rejecting the plat as it is currently designed for the Scanlon farms development.

We reject this for many of the reasons already mentioned by multiple Fjords North and surrounding homeowners.

Thank you so much for your time. Hope you have a great Fourth of July

Joanna Hall
Sent from my iPhone

Ryan Rusnak

From: Sarah Jorgensen <skjorgensen@yahoo.com>
Sent: Monday, July 04, 2022 9:24 AM
To: Ryan Rusnak
Subject: [EXTERNAL] Opposition to Scanlon Farms LLC request

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.

Good morning,

As a homeowner in Fjords North, I am writing in opposition of the request of Scanlon Farms LLC. As it currently stands, the proposal utilizes Oak Lane NE for access of three lots. As you are aware, Oak Lane NE is a private road in which the homeowners of Fjords North currently are responsible for the maintenance. Additionally, it is the only access in and out of the neighborhood. If Oak Lane NE is used for development of homes on the three lots, it will incur significant wear and tear from construction vehicles. There is also the potential for the road to be obstructed, making access for the homeowners of Fjords North, and any emergency vehicles, impaired and/or impossible. Furthermore, the construction process will lead to runoff into the waterways of the neighborhood. These waterways ultimately lead to Coralville Lake. Thus, having long term consequences on the lake.

Please consider these issues when making your final decision.

Sincerely,
Sarah Jorgensen
2542 Cottonwood Court NE

Ryan Rusnak

From: Sherri Bergstrom <sherrib2490@gmail.com>
Sent: Monday, July 04, 2022 6:53 PM
To: Ryan Rusnak
Subject: [EXTERNAL] North Ridge Development

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 Mr. Rusnak and members of the North Liberty Planning and Zoning Commission:

I am a 20 year resident at 2490 Cottonwood Ct. in the Fjords North subdivision. I am writing to express my concern over the impact the North Ridge development has had and will have on our beautiful, established neighborhood. At issue is the assumption of the Scanlon development group that they are able to use our private county road to access three lots they would like to sell across a small waterway from their larger development. The development of these three lots (a drop in the bucket for the Scanlon group), will have a serious impact on life in our neighborhood for the residents.

Granting access on Oak Lane is contrary to our understanding of a long standing agreement since the development of Fjords North over 30 years ago. We as residents have invested our own money and time to maintain and resurface the road over the years. We reject the idea of adding access to new lots that would add another roadway connecting into Oak Lane and the resulting issues of more traffic, mailboxes, emergency vehicle access, erosion into our waterways and aesthetics. We, as residents, have protected and value our country lane and desire it to remain as is. It is very disturbing to all the long time residents to have our entrance be impacted at the whim of a large developer wanting an extra three lots that they do not need.

Our hope is that you will appreciate and value the fact that we have been here a long time and put our efforts and money into preserving Oak Lane as it is. Please consider not granting a developer access from our private road that will change everything.

Thank you for your thoughtful consideration of this important issue.

Sincerely,

Sherri Bergstrom
2490 Cottonwood Ct. NE
North Liberty, Iowa. 52317

Sent from my iPhone



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:

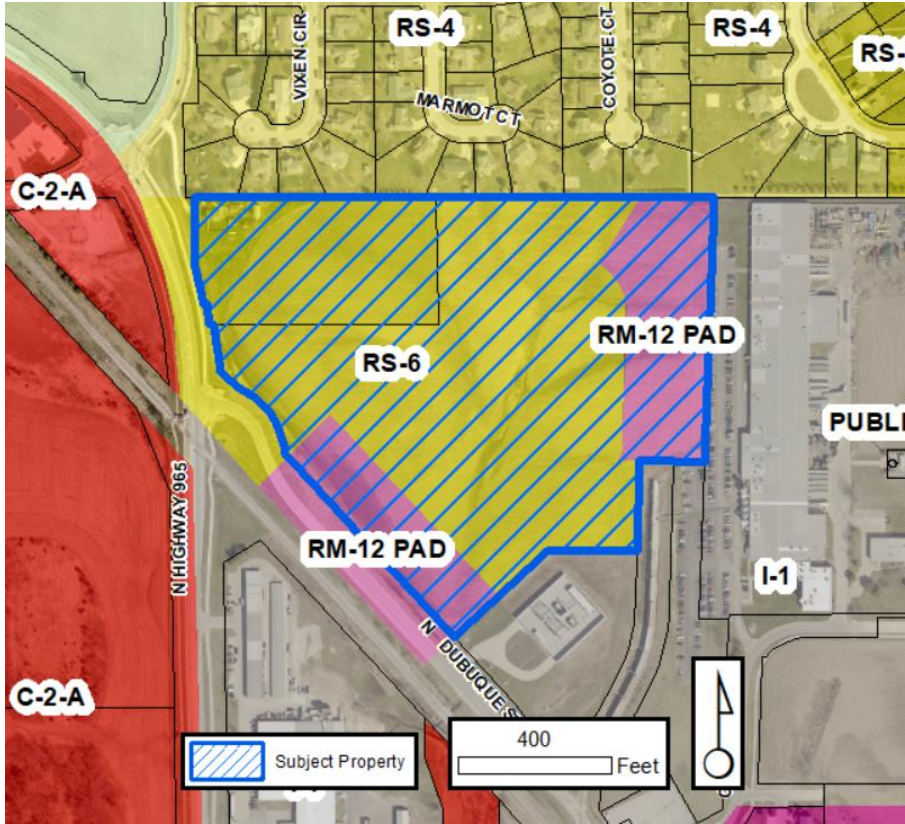
RS-6 Single-Unit Dwelling District.

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:

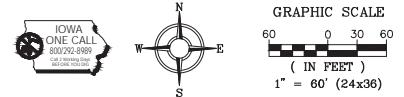
Staff recommends the Planning Commission accept the two listed findings and forward the request to approve a Preliminary Subdivision Plat for 61 single-unit residence lots, 7 townhouse lots and related infrastructure. on approximately 36.32 acres to the City Council with a recommendation for approval.

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.

PRELIMINARY PLAT

BUCK MOON VILLAS
TO THE CITY OF NORTH LIBERTY, IA



SITE LOCATION MAP



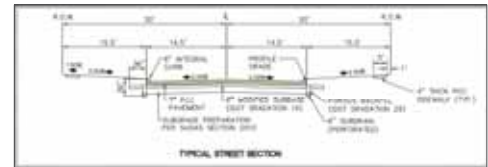
APPROXIMATE SITE LOCATION

Lot #	Area (Ac.)	Area (Sq. Ft.)
1-61	24.18	1,660,000
62-68	3.90	267,000
A-C	1.71	118,000
Total	29.79	2,045,000

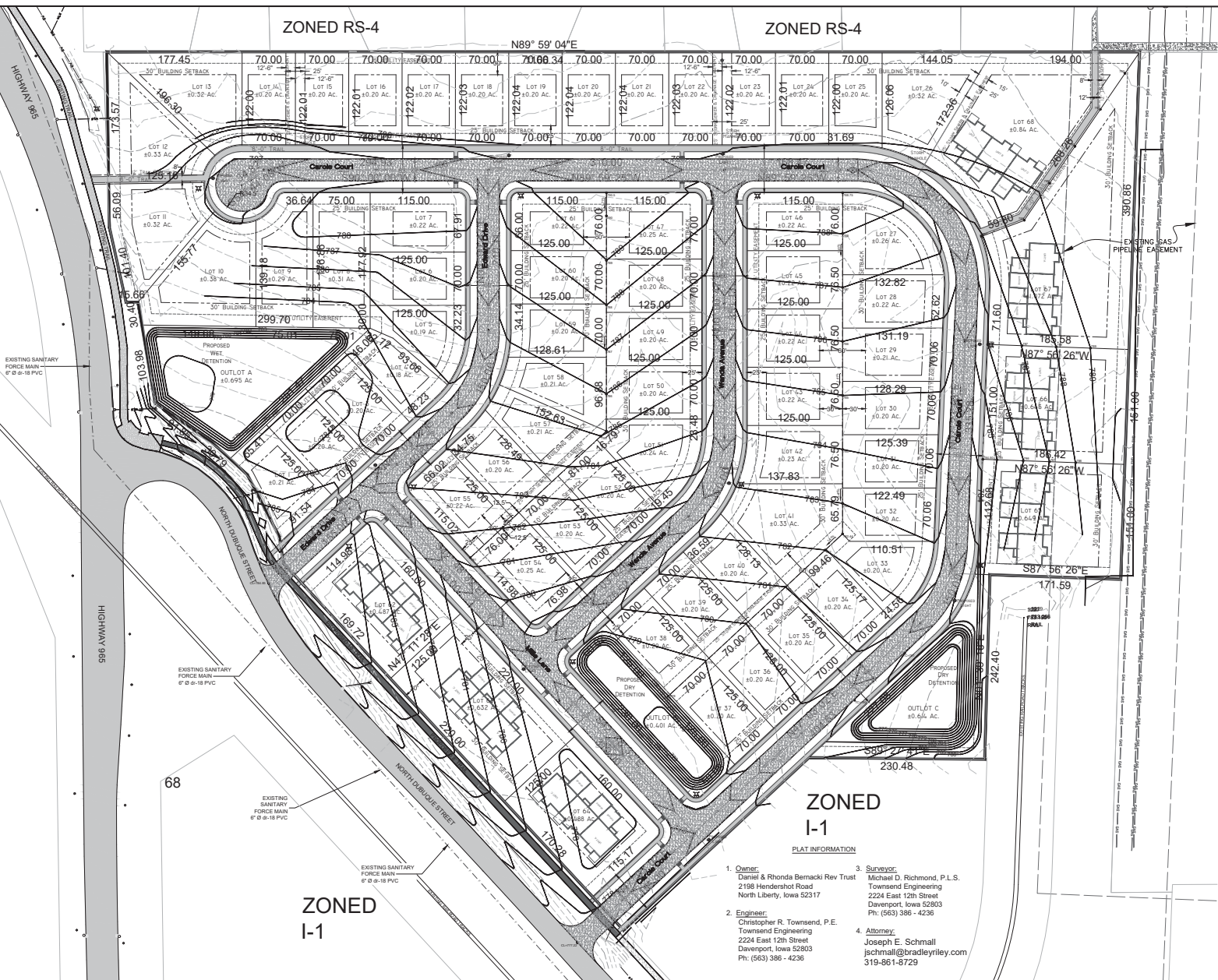
Total Lots:
Single Family Lots: 1-61 Zoned RS-6
3-Plex Lots: 62-68 (21 Units) Zoned RM-12

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

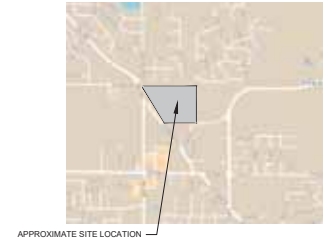
	DATE: 6/27/2022	DRAWN BY: CV	CHECKED BY: MDR	NO.	REVISIONS: DESCRIPTION	DATE	PROJECT	OWNER	SHEET NO.
		DRAWING LOCATION S:\CUMMINS\LIBERTY VILLAS.DWG					PRELIMINARY PLAT BUCK MOON VILLAS DUBUQUE STREET NORTH LIBERTY, IOWA	DANIEL & RHONDA BERNACKI REV TRUST 2198 HENDERSHOT RD NORTH LIBERTY, IA 52317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

PRELIMINARY PLAT
UTILITY DESIGN

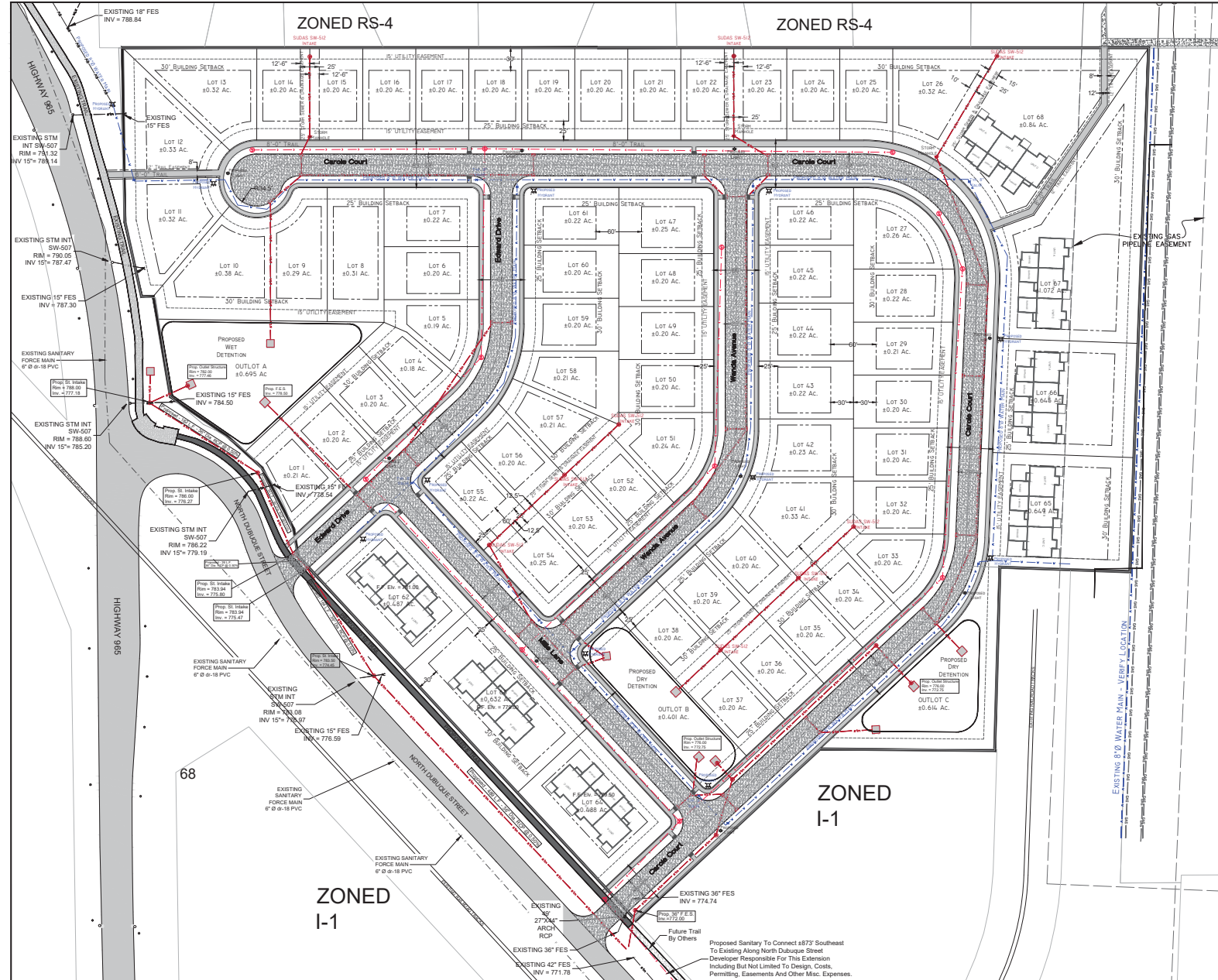
BUCK MOON VILLAS

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 CONTOUR LINE
	PROPOSED WATER		PROPOSED CONTOUR LINE
	EXISTING GAS LINE		SPOT ELEVATION 5' OR GREATER
	EXISTING ELECTRIC		SPOT ELEVATION 10' OR GREATER
	CONTOUR POINT		PROPOSED FLOOR ELEVATION



DATE: 6/27/2022
 563 386.4236 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

PRELIMINARY PLAT

BUCK MOON VILLAS

TO THE CITY OF NORTH LIBERTY, IA

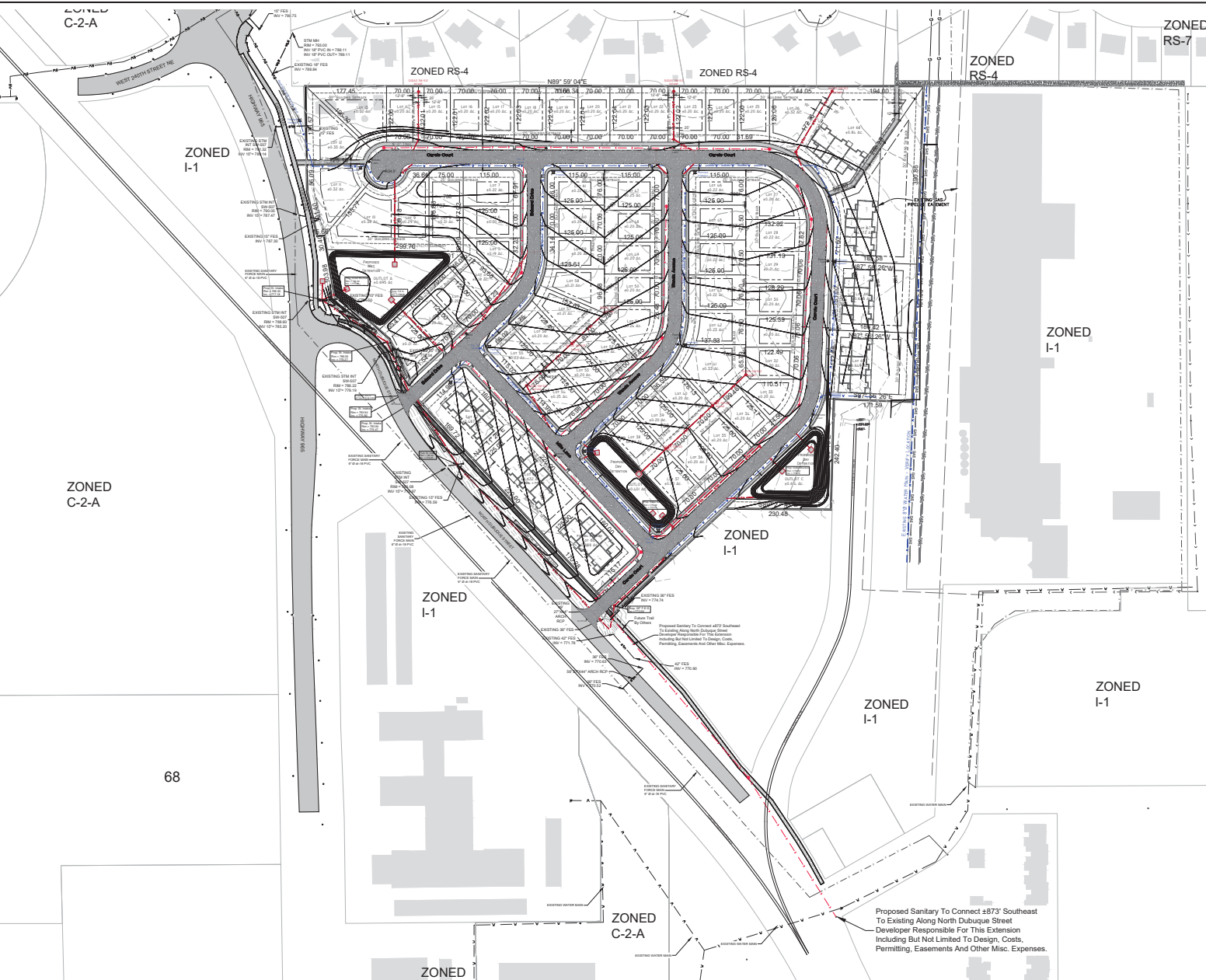



GRAPHIC SCALE
100 0 50 100
(IN FEET)
1" = 100' (24x36)

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:			
	EASEMENT		EXISTING GAS VALVE
	SEWER LINE		EXISTING WATER VALVE
	PROPERTY ROADWAY		EXISTING UTILITY POLE
	EXISTING FENCE		EXISTING LIGHT POLE
	EXISTING BOUNDARY		EXISTING TREE
	PROPOSED SANITARY		EXISTING BUSH
	EXISTING STORM SEWER		EXISTING MANHOLE
	PROPOSED STORM SEWER		EXISTING FIRE HYDRANT
	EXISTING WATER		FOUND PROPERTY PIN
	PROPOSED WATER		CONTROL POINT
	EXISTING GAS LINE		EXISTING CONTOUR LINE
	EXISTING ELECTRIC		PROPOSED CONTOUR LINE
			SPOT ELEVATION TOP OF CURVE
			SPOT ELEVATION 2' W/ CENTER
			SPOT ELEVATION 10' W/ CENTER
			SPOT ELEVATION 15' W/ CENTER



DATE: 6/27/2022
583 386.4236 386.4231
2224 East 12th Street, Des Moines, IA 50320

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



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.

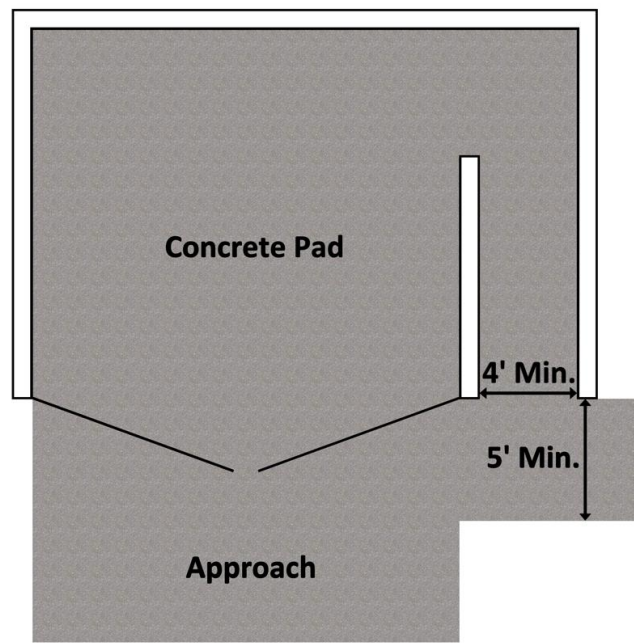
A. Dumpsters, trash compactors and/or other such solid waste containers shall be stored in the enclosure at all times.

- 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.

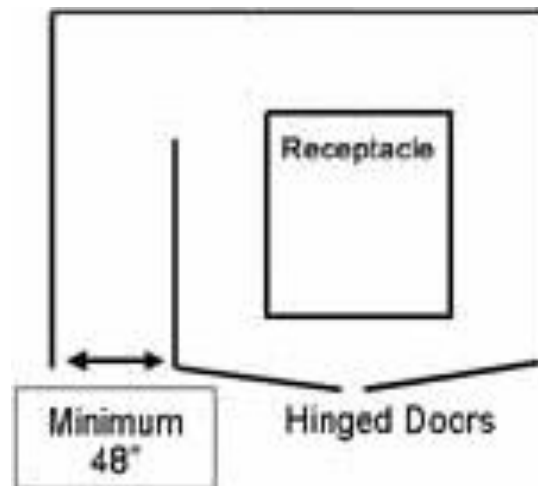
Figure 169.03



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 foregoing 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. <u>Adult Entertainment</u>													<u>C</u>		
2. <u>Agricultural Experience</u>	<u>C</u>														
3. <u>Agriculture</u>	<u>P</u>														
4. <u>Amusement Facility – Indoor</u>						<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>					
5. <u>Amusement Facility – Outdoor</u>										<u>C</u>					
6. <u>Animal Care Facility</u>						<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			<u>P</u>			
7. <u>Animal Shelter</u>												<u>C</u>			<u>C</u>
8. <u>Art Gallery</u>						<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>					
9. <u>Arts and Fitness Studio</u>						<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>					
10. <u>Bar</u>						<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>		<u>P</u>	
11. <u>Bed and Breakfast Home</u>		<u>C</u>													
12. <u>Body Art Establishment</u>								<u>P</u>	<u>P</u>						
13. <u>Brewery-Micro</u>						<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>				<u>P</u>	
14. <u>Broadcasting Studio</u>								<u>P</u>	<u>P</u>	<u>P</u>				<u>P</u>	<u>P</u>
15. <u>Building Trades and Services</u>								<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>		<u>P</u>	
16. <u>Car Wash</u>								<u>P</u>	<u>P</u>						
17. <u>Child Care Center</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>
18. <u>Child Care Home</u>		<u>P</u>			<u>P</u>										
19. <u>Child Development Home</u>		<u>P</u>													
20. <u>Community Center</u>						<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>				<u>P</u>	<u>P</u>
21. <u>Community Pantry</u>	<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. <u>Cultural Facility</u>						<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>					<u>P</u>
23. <u>Distillery, Micro</u>						<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>				<u>P</u>	
24. <u>Drive-Through Facility</u>						<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:

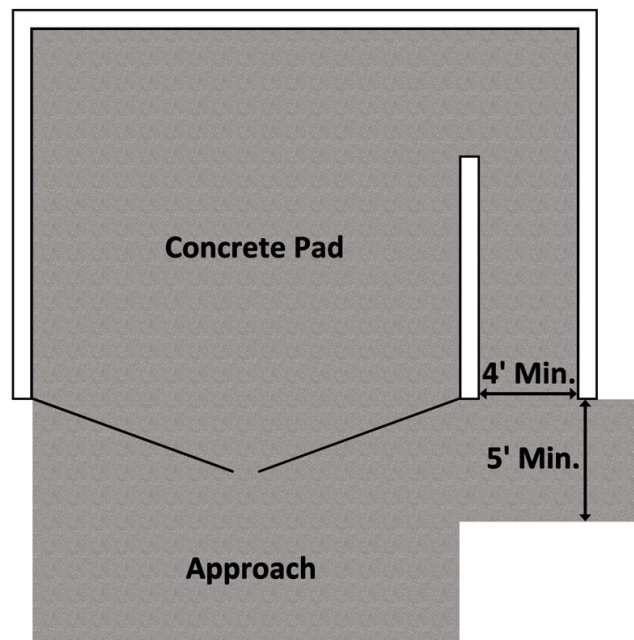
169.03 DUMPSTER, RECYCLING AND TRASH COMPACTOR ENCLOSURES. Dumpster and recycling enclosures are required in multi-unit residence (except for townhouse developments), commercial, industrial and public districts and for non-residential development in residential and interim development districts.

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



Planning Commission
May 3, 2022

Call to Order

Vice Chair Josey Bathke called the May 3, 2022 Planning Commission to order at 6:30 p.m. in the Council Chambers at 1 Quail Creek Circle. Commission members present: Barry A'Hearn, Josey Bathke, Jason Heisler, , Brian Vincent, Dave Willer; absent: Becky Keogh and Patrick Staber.

Others present: Ryan Heiar, Tracey Mulcahey, Grant Lientz, Kevin Trom, Carter Kurdire, Jon Marner and other interested parties.

Approval of the Agenda

Heisler moved, Willer seconded to approve the agenda. The vote was all ayes. Agenda approved.

Lot 1, Front Street Place Site Plan

Staff Presentation

Heiar presented the request of Matnic, LLC to approve a Site Plan for two 12-unit multi-family buildings and related site improvements on approximately 1.48 acres of property located at 10 Jaro Way. Staff recommends acceptance of two findings, 1. The residential use of the property is consistent with the RM -21 District and the Comprehensive Plan Future Land Use Map designation of Residential; and 2. The site plan would achieve consistency with North Liberty Code of Ordinances Section 165.05(2) entitled, "Preliminary Site Plan Review", Section 168.07 entitled "Uses Defined and Use Standards ", and Section 169.10 entitled "Design Standards" and other Code of Ordinance requirements; and forward the request to approve a site plan for two 12-unit multi-family buildings and related site plan improvements on approximately 1.48 acres of property located at 10 Jaro Way to the City Council with a recommendation for approval.

Applicant Presentation

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

Public Comments

No public comments were offered.

Questions and Comments

The Commission discussed the application including the inclusion of green space, access to the multi-use path, and the use of stone on the building.

Recommendation to the City Council

Heisler moved, A'Hearn seconded that the Planning Commission accept the two revised findings and forward the site plan to the City Council with a recommendation for approval. The vote was: ayes – A'Hearn, Bathke, Willer, Vincent, Heisler, nays – none; absent – Keogh, Staber. Motion carried.

Public Hearing on Zoning Map Amendment

Staff Presentation

Heiar presented the request of Watts Development for a zoning map amendment (rezoning) from RS-6 Single-Unit Residence District to RS-9 Single-Unit Residence District on approximately 3.90 acres on property located on the south side of Denison Avenue approximately 450 feet east of Brook Ridge Avenue. Staff recommends that the Planning Commission accept the two listed findings, 1. The zoning map amendment would be consistent with the North Liberty Comprehensive Plan Future Land Use Map; and 2. The RS-9 Single-Unit Dwelling District zoning would be compatible with the area; and forward the request for the zoning map amendment from RS-6 – Single -Unit Dwelling District to RS-9 – Single – Unit Dwelling District to the City Council with a recommendation for approval.

Applicant Presentation

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

Public Comments

No public comments were offered.

Questions and Comments

The Commission discussed the application including the size of the houses proportionate to the lot size.

Recommendation to the City Council

Willer moved, A'Hearn seconded that the Planning Commission accept the two listed findings and forward the zoning map amendment to the City Council with a recommendation for approval. The vote was: ayes – Willer, Vincent, A'Hearn, Bathke, Heisler; nays – none; absent – Keogh, Staber. Motion carried.

Presentation Regarding New City Hall

Heiar presented information on several City projects. Those projects included St. Andrews Drive, Ranshaw Way Project, Dubuque Street Project, and the City Hall project. The Commission discussed the projects.

Approval of Previous Minutes

A'Hearn moved, Heisler seconded to approve the minutes of the April 5, 2022 meeting. The vote was all ayes. Minutes approved.

Old Business

No old business was presented.

New Business

Heiar reported on Becky Keogh's resignation. At least one item will be on the agenda next month.

Adjournment

At 6:57 p.m., Heisler moved, Willer seconded to adjourn. The vote was all ayes. Meeting adjourned.

Signed:

Tracey Mulcahey, City Clerk