

**North Liberty Planning Commission
Tuesday, October 4, 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. 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

This item was tabled from the September 6, 2022 Planning Commission meeting.

4. Kwik Star Preliminary Site Plan: Request of Kwik Trip, Inc approve a Preliminary Site Plan for a fueling station, retail store and related site improvements on 3.86 acres. The property is located at northeast corner of West Forevergreen Road and Jasper Avenue.

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

- 5. A2Z Plumbing Preliminary Site Plan:** Request of Galaga Enterprises, LC to approve a Preliminary Site Plan for a building trade and services building and related site improvements on 1.72 acres. The property is located at 625 240th Street.
- 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 Kevin Paul Watts for a zoning map amendment (rezoning) from ID Interim Development to RS-4 Single-Unit Residence District on 2.53 acres. The property is located at property located at 3123 West Hauer Drive NE.
- 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 Dahnovan Holdings, LLC for a zoning map amendment (rezoning) from O-RP Office and Research Park District to RM-12 Multi-Unit Residence District on 23.36 acres and to C-3 Higher-Intensity Commercial District on 18.12 acres. The property is located at the west side of North Kansas Avenue approximately 150 feet south of West Lake 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 GRD Burleson, LLC for a zoning map amendment (rezoning) from ID Interim Development to C-3 Higher-Intensity Commercial District on 7.64 acres. The property is located on the east side of North Liberty Road approximately 375 feet south of South Dubuque Street.
- a. Staff Presentation
 - b. Applicant Presentation
 - c. Public Comments
 - d. Questions and Comments
 - e. Recommendation to the City Council

9. Public Hearing on Ordinance: Request of the City of North Liberty for an Ordinance amending Chapter 165 of the North Liberty Code of Ordinances (Zoning Code – Administrative) to establish a six and a half month moratorium on submittal and review of preliminary site plan applications for which the current zoning district designation or use is incompatible or inconsistent with the North Liberty Comprehensive Plan 2014 Land Use Map and the proposed future land use map.

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

10. Approval of Previous Minutes

11. Old Business

12. New Business

13. Adjournment



To **City of North Liberty Planning Commission**
From **Ryan Rusnak, AICP**
Date **September 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:

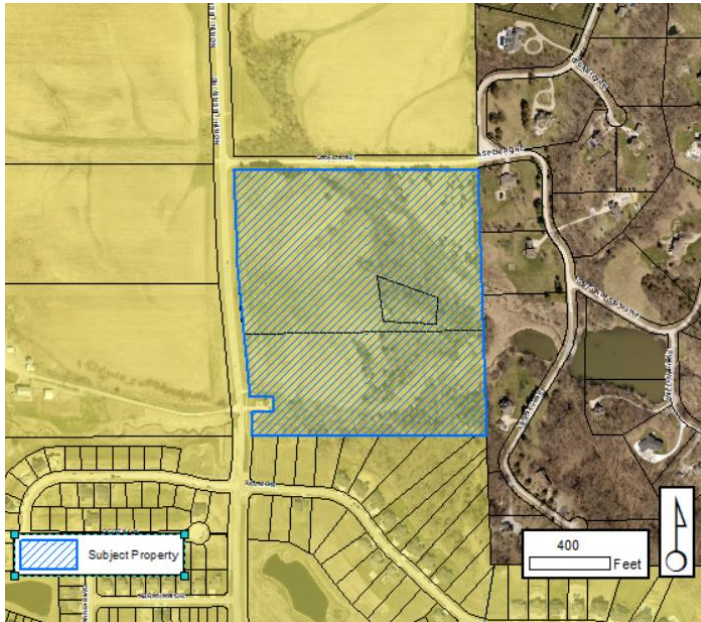
RS-4 Single-Unit Dwelling District.

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.

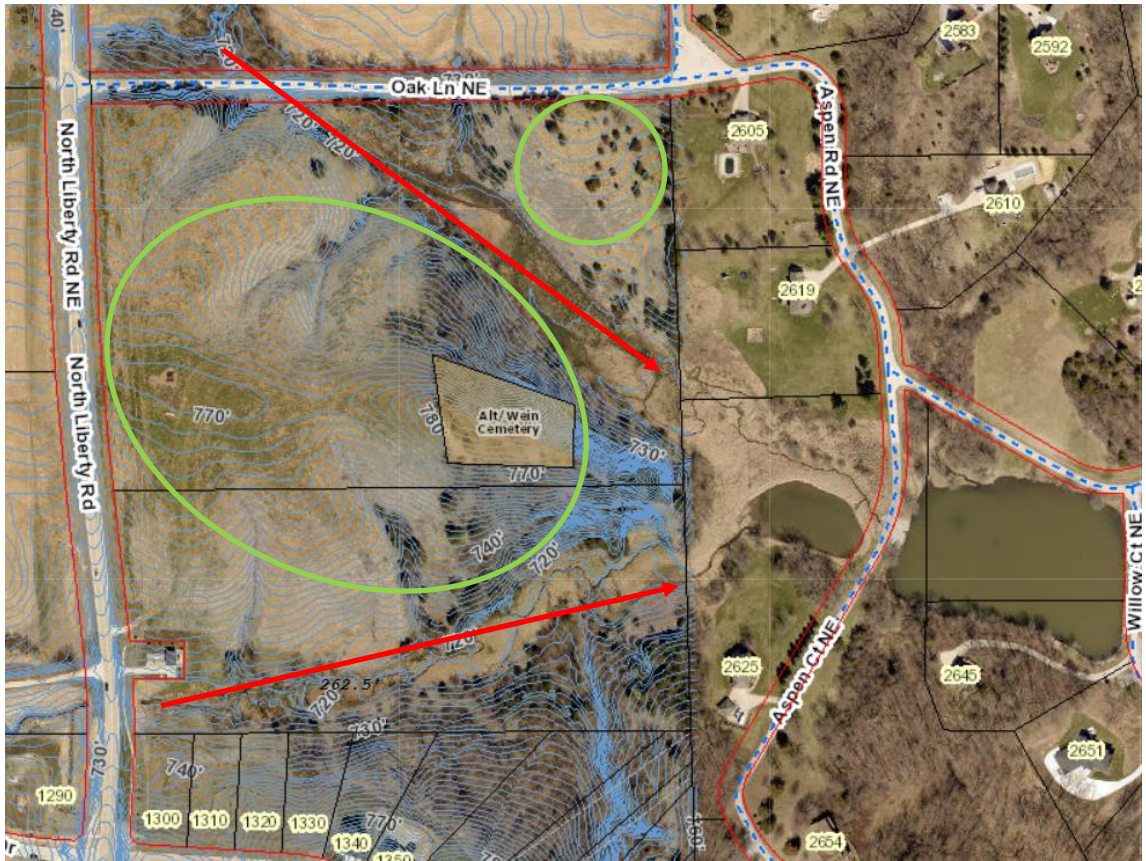
6. Additional Considerations:

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. Other Considerations

City staff has advocated that Scanlon Family, LLC and the Fjords Homeowners' Association work together in good faith with respect to the issues raised by the Fjords HOA. From the City's perspective, this primarily is the manner in which the three lots would contribute to the maintenance of Oak Lan NE.

Staff has heard from both parties that progress has been made, but that they would not be ready by the October 4, 2022 meeting.

Staff expects this item to be tabled to the November 1, 2022 meeting.

8. Staff Recommendation:

Recommendation:

Staff recommends the Planning Commission table this item to the November 1, 2022 Planning Commission meeting.

Suggested motion:

I move that the Planning Commission table this item to the November 1, 2022 Planning Commission meeting.

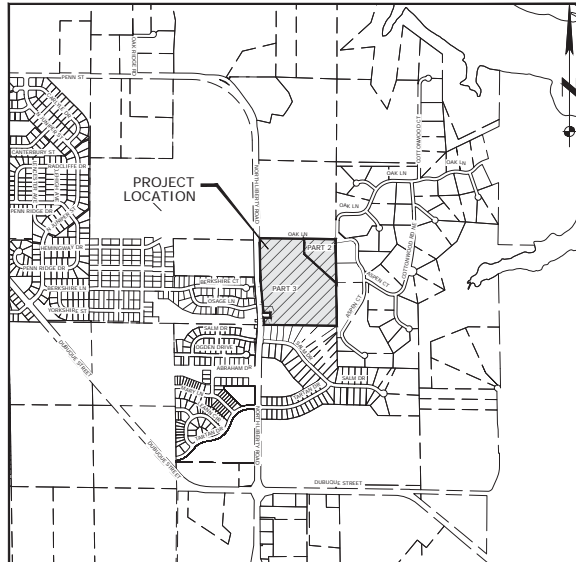
PRELIMINARY PLAT
FOR
NORTH RIDGE - PART 2 & 3

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
WINSTREEM	(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

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 TRIBUTES OF PEARL TOWNSHIP (ALT WELN 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
OKOBOJI, 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:

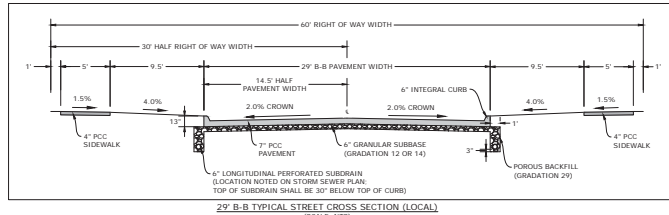
- LOT ACCESS OFF OF NORTH LIBERTY ROAD IS PROHIBITED.
- ALL EXISTING FIELD TILES SHALL BE EXPOSED, AND RE-ROUTED INTO PROPOSED STORM WATER MANAGEMENT SYSTEM.
- OAK LANE NE SIDEWALK AND STREET IMPROVEMENTS ARE NOT REQUIRED. OAK LANE TO REMAIN AS AN EASEMENT.

DIMENSIONAL STANDARDS:

MINIMUM LOT SIZE REQUIREMENTS
FRONTAGE: 40 FT
WIDTH: 80 FT
AREA: 10,000 FT²
MINIMUM 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
---(SSB)---	SANITARY SEWER W/SIZE	---(SSB)---	HORSESHOE CATCH BASIN W/O FLUME
---(STS)---	STORM SEWER W/SIZE	---(STS)---	HORSESHOE CATCH BASIN W/FLUME
---	SUBDRAIN	---	GAS VALVE
---(FMS)---	FORCE MAIN W/SIZE	---	FLARED END SECTION
---(W)---	WATER MAIN W/SIZE	---	CLEANOUT, STORM OR SANITARY
---(O)---	ELECTRIC OVERHEAD	---	BENCHMARK
---(C)---	ELECTRIC UNDERGROUND	---	STREET SIGN
---(OHC)---	CABLE TV OVERHEAD	---	WELL
---(OHT)---	TELEPHONE OVERHEAD	---	FIRE HYDRANT
---(F)---	FIBER OPTIC UNDERGROUND	---	WATER VALVE
---(OHT)---	FIBER OPTIC OVERHEAD	---	WATER SHUTOFF
---(T)---	TELEPHONE UNDERGROUND	---	WATER BLOWOFF
---	FENCE LINE	---	SURVEY CONTROL MONUMENT AS NOTED
---	CITY CORPORATION LIMITS	---	
---	PRIORITY LINE	---	
---	EASEMENT	---	
---	CITY CORPORATION LIMITS	---	
---	CONTOUR LINE	---	
---	LIGHT POLE W/O MAST	---	
---	LIGHT POLE W/MAST	---	
---	TELEPHONE POLE	---	
---	POWER POLE	---	
---	GUY ANCHOR	---	
---	GUY POLE	---	
---	TELEPHONE PEDESTAL	---	
---	TELEPHONE MANHOLE	---	
---	CABLE TV PEDESTAL	---	
---	UTILITY/CONTROL CABINET	---	
---	SANITARY MANHOLE	---	
---	STORM MANHOLE	---	
---	GRATE INTAKE	---	
---	RA-3 INTAKE	---	
---	RA-5 INTAKE	---	
---	RA-6 INTAKE	---	
---	RA-8 INTAKE	---	

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



HALL & HALL ENGINEERS, INC.
Leaders in Land Development Since 1953
1860 BOYSON ROAD, HIAWATHA, IOWA 52233
PHONE: (319) 362-9548 FAX: (319) 362-7595
CIVIL ENGINEERING • LANDSCAPE ARCHITECTURE
LAND SURVEYING • LAND DEVELOPMENT PLANNING
www.halleng.com

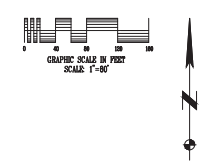
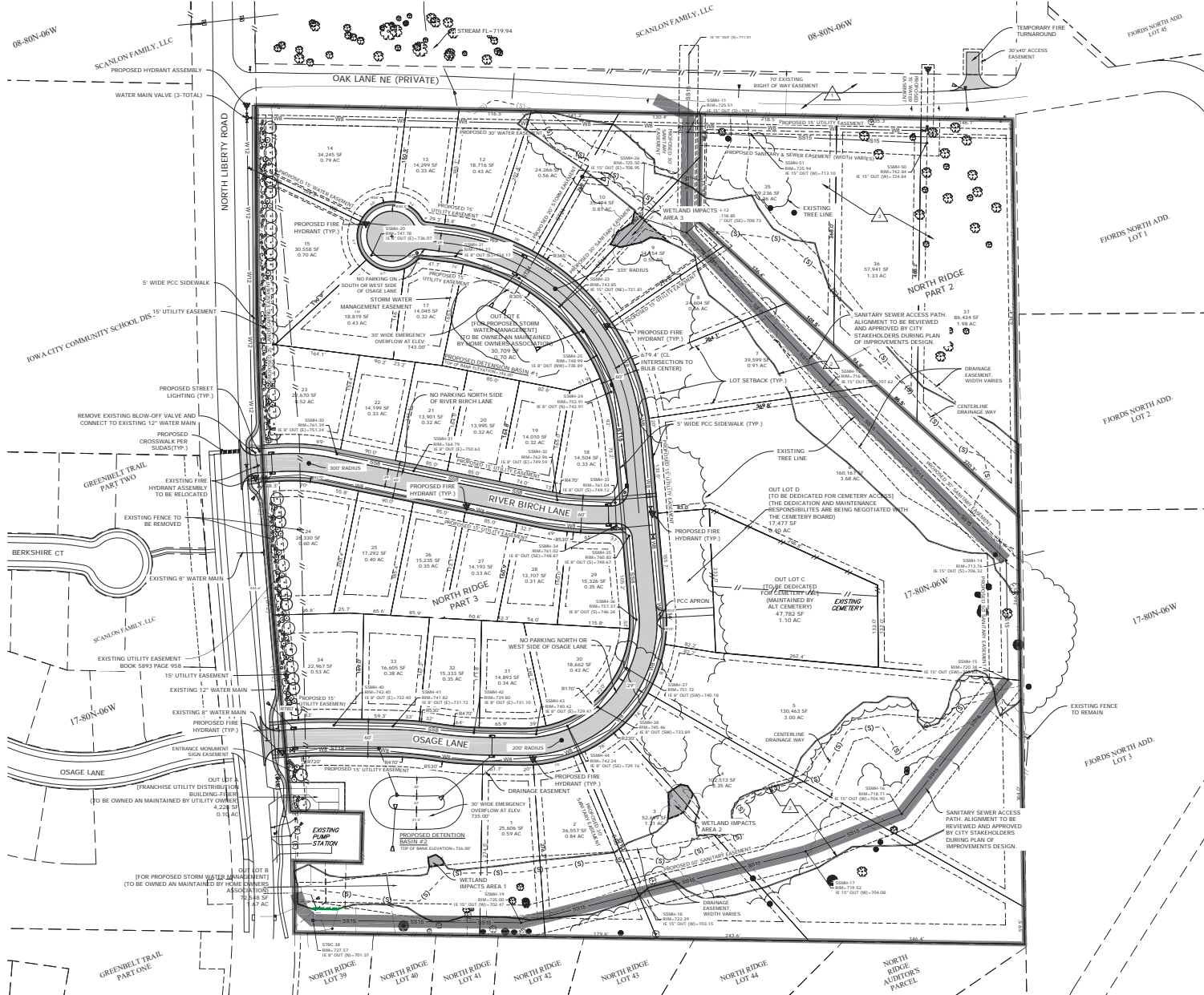
PLAT APPROVED BY THE CITY OF NORTH LIBERTY

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:**
- 1. 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).
 - 2. WETLAND AREA.
 - 3. 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.			

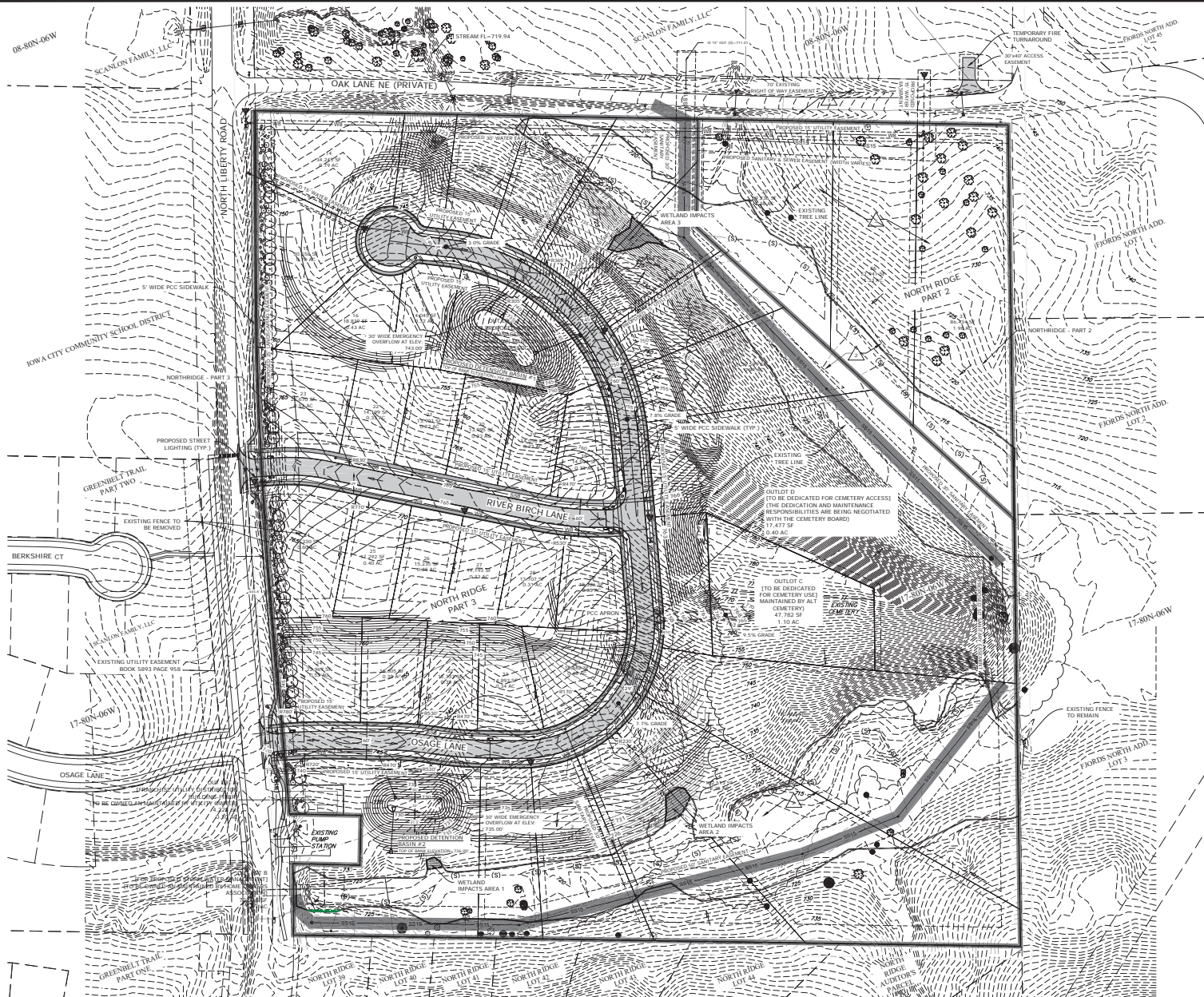
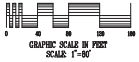


North Liberty
ENGINEERS, INC.
1800 BOYSON ROAD, SUITE 100, NORTH LIBERTY, IOWA 52551
PHONE: (319) 390-0808 FAX: (319) 390-7000
CIVIL ENGINEERING • LANDSCAPE ARCHITECTURE
AND SURVEYING • AND DEVELOPMENT PLANNING



HALL & HALL ENGINEERS, INC.
Members of Land Development Since 1922
1800 BOYSON ROAD, SUITE 100, NORTH LIBERTY, IOWA 52551
PHONE: (319) 390-0808 FAX: (319) 390-7000
CIVIL ENGINEERING • LANDSCAPE ARCHITECTURE
AND SURVEYING • AND DEVELOPMENT PLANNING

NORTH RIDGE - PART 2 & 3		PRELIMINARY PLAT		SHEET 01
IN THE CITY OF NORTH LIBERTY, JOHNSON COUNTY, IOWA		SCALE: 1"=80'	PROJECT NO: 9749-NR2	



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).
- △ 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:	LHM				
DATE:	06/24/2022				
FIELD BOOK:	OT 109	NO.	REVISION DESCRIPTION	APPROVED	DATE



HALL & HALL ENGINEERS, INC.
Founded in Land Development Since 1922
4800 EYSON ROAD, AMARITA, IOWA 52533
PHONE: (319) 398-0800 FAX: (319) 398-0700
CIVIL ENGINEERS • LANDSCAPE ARCHITECTURE
AND SURVEYING • AND DEVELOPMENT PLANNING

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

SCALE: 1"=80'

GRADING PLAN

PROJECT NO: 9749-NR2

SHEET
02

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

ROBERT N. DOWNER
DOUGLAS D. RUPPERT
TIMOTHY J. KRUMM
WILLIAM J. SUEPPEL
CHARLES A. MEARDON
PETER J. GARDNER
SEAN W. WANDRO
STEPHANIE A. WORRELL
DANICA L. BIRD

122 SOUTH LINN STREET
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TELEPHONE: (319) 338-9222
FAX: (319) 338-7250
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WILLIAM L. MEARDON
(1919-1997)

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

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

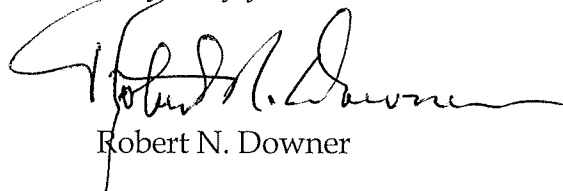
reasonably be devoted, unless the grant contains specific limitations and the grantee can avail himself of modern inventions, if by doing so he can more fully exercise and enjoy or carry out the object for which the easement was granted."

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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TIMOTHY J. KRUMM
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(1929-2020)

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(1939-2019)

OF COUNSEL:
JAMES D. MCCARRAGHER
CRAIG N. WILLIS

RETIRED:
THOMAS D. HOBART
NANCY B. WILLIS

July 1, 2022

Mr. William H. Roemerman
Read & Roemerman PLC
P.O. Box 1968
Cedar Rapids, IA 52406-1968
wroemerman@readroemerman.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. Roerman
Read & Roerman PLC
wroerman@readroerman.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.

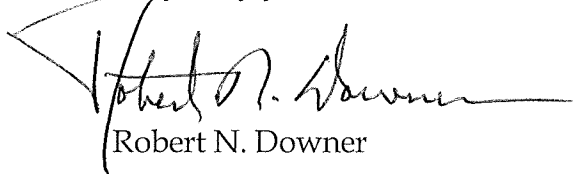
Insofar as meeting the "just and proportionate share" language in the easement agreement, our client would propose the following:

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

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July 1, 2022
Page 3

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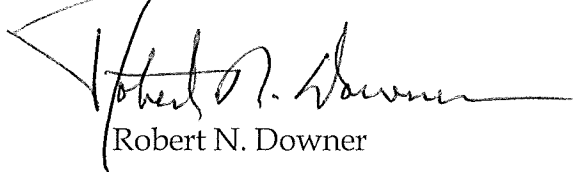
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Very truly yours,



Robert N. Downer

RND:snw

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



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: 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.

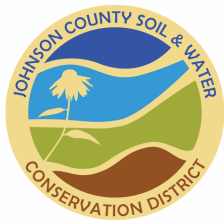
2. Floodplain and Floodway

- 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**

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. **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

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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: Brian Dennis <brianddennis92@gmail.com>
Sent: Wednesday, June 29, 2022 3:08 PM
To: Ryan Rusnak; Ryan Heiar; Tracey Mulcahey
Cc: Erin & Cory Payne-Christiansen
Subject: [EXTERNAL] Planned City Annex and Development - 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 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

This letter is in support of the letter you received from Erin Payne-Christiansen on behalf of the Fjords FNHA Board Members and concerned neighbors expressing concerns over the impact of the proposed annex and local development, most recently that of the North Ridge development, parts 2 & 3.

Attached are public links to pictures and video footage which supports many of the concerns we have for item (2) which is Watershed Management and silt/sediment containment. These pictures and videos were taken by me personally after a rain event in 2012 and 2016 which commonly happens 1-4 times a year. Some of the pictures show failure of watershed and silt containment measures in the development and the result being large amounts of silt/sediment and other debris flowing down the main waterway by the pumphouse which is adjacent to the current development being proposed and one of the main waterways that travel through the proposed development. This debris ultimately ends up in my private pond, the community pond, and also runs into the Coralville Reservoir. We hope that you will take time to review this information when taking our concerns into consideration on watershed and sediment containment measures with the new development and future development to come.

Video footage of 2014 rain events.

<https://youtu.be/eZEgXv4-d9c>

<https://youtu.be/GYTv8-a-HpA>

Drone Footage of a 2016 flooding and silting from the new development West and South of Fjords.

<https://www.dropbox.com/sh/jj837gwz6ghes4l/AAAtcLty0ouWFXyktskflmrSa?dl=0>

Pics from walking the drainage and waterways from same flooding in 2016

<https://www.dropbox.com/sh/1r3iky5nonbfc7/AABhTfGwTtgixRSIfMevaJfBa?dl=0>

We look forward to discussing further in the future and please do not hesitate to ask any questions about the information provided. If for some reason the links are not viewable on your end, please let me know.

If you could kindly reply confirming receipt of this information, that would be greatly appreciated.

Thank you for your time and consideration.

Best,

Brian Dennis
2625 Aspen CT NE
North Liberty, IA 52317

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 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

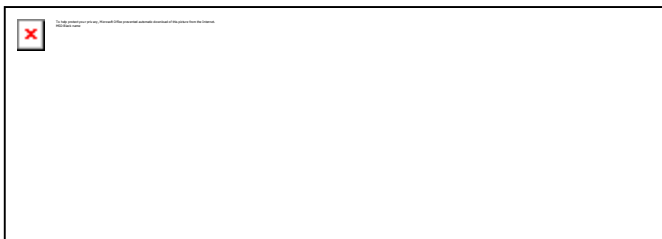
On Fri, Jul 1, 2022 at 9:05 AM Bob Downer <bobd@meardonlaw.com> wrote:

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

Ryan Rusnak

From: Noel Carver <noelcarver@hotmail.com>
Sent: Tuesday, July 05, 2022 11:08 AM
To: Ryan Rusnak; Ryan Heiar; Tracey Mulcahey
Subject: [EXTERNAL] about development around fjords, re P&Z meeting

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Hi all,

Could you please ensure this email is shared with the entirety of the P&Z committee?

I'm Noel Carver, a resident of the fjords neighborhood for the last 5 years. My family is concerned about the new development, specifically with safety and water issues as well as potential liability issues for us and the city.

With cars parked on Oak, we fear that an accident may be likely. It is not terribly wide as it is, and families and large Amazon/ FedEx/ UPS trucks make use of that road throughout the day.

We are also worried about drainage and water issues impacting our own neighborhood, our homes and properties, and our neighborhood's water catchment areas.

We also have worries regarding environmental impact and falling afoul of federal stipulations regarding the watershed and environs here as it feeds into federal territory managed by the Army Corps of Engineers (who, as you know, also have certain rights regarding the water runs and catchment areas within our HOA).

Whether legal and financial liability for safety issues, environmental damage, falling afoul of accepted conservation practices and/or federal rules governing the usages of water in the area would fall upon us or the city, either way we are very concerned about negative outcomes here. In weighing the costs and benefits to the community and to the city, we believe this development is not a good idea.

We hope you had a great holiday weekend, and thank you so much for your time!

all best,

Noel Carver



To **City of North Liberty Planning Commission**
From **Ryan Rusnak, AICP**
Date **September 30, 2022**
Re **Request of Kwik Trip, Inc approve a Preliminary Site Plan for a fueling station, retail store and related site improvements on 3.86 acres. The property is located at northeast corner of West Forevergreen Road and Jasper 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:

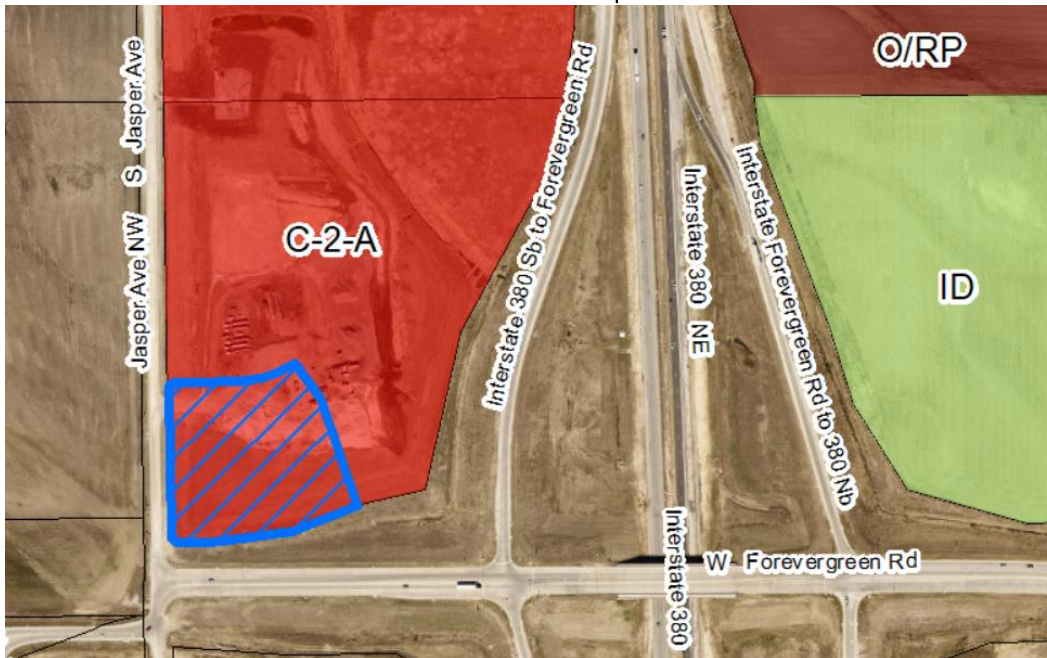
Ryan Heiar, City Administrator
Tracey Mulcahey, Assistant City Administrator
Grant Lientz, City Attorney
Tom Palmer, City Building Official
Kevin Trom, City Engineer
Ryan Rusnak, Planning Director

1. Request Summary:

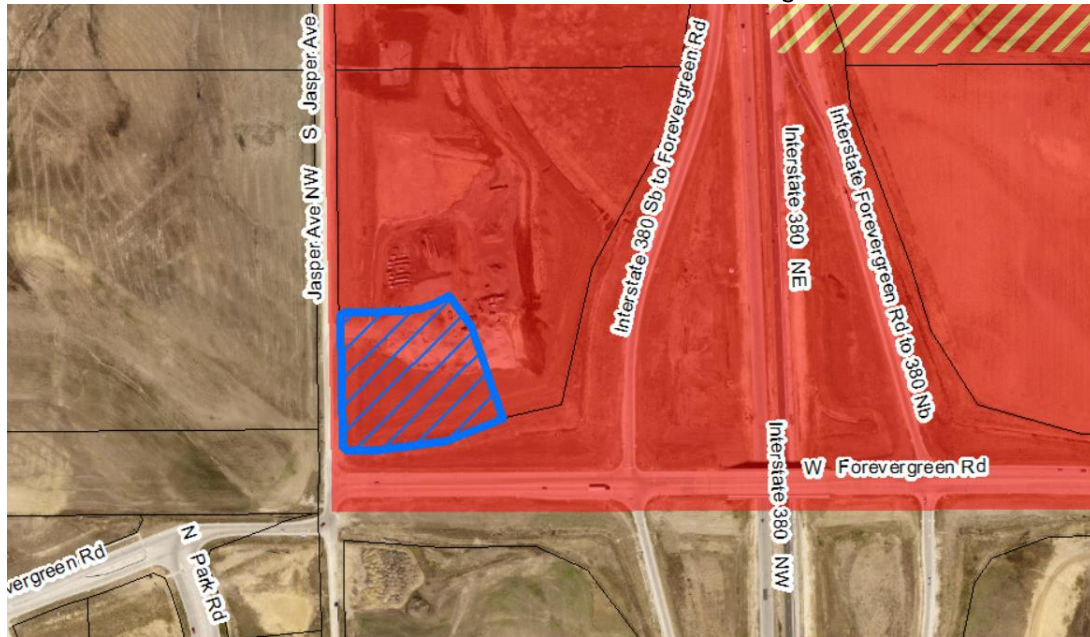
The preliminary site plan proposes a fueling station, retail store and related site improvements on proposed Lot 1 of The Evermore, Part 2 subdivision.

2. Existing Zoning:

The property is currently zoned C-2-A Highway Commercial District. "Fueling Station" and Retail Goods Establishment" are listed as a permitted uses in the C-2-A District.



3. **Comprehensive Plan Future Land Use Map Designation:** Commercial. The C-2-A District is consistent with the Commercial Land Use Designation.



4. **Public Input:**

No public comments have been received.

Section 165.05(2) of the North Liberty Code of Ordinances entitled, "Preliminary Site Review" sets forth the approval standards (Ordinance language in *italics* and staff analysis in **bold**).

- *Date, north arrow and graphic scale.* **Provided.**
- *The property owner's name and description of proposed development.* **Provided.**
- *A vicinity sketch showing the location of the property and other properties within 1,000 feet of it.* **Provided.**
- *Property boundary lines, dimensions, and total area.* **Provided.**
- *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.* **Provided.**
- *The location of existing streets, sidewalks, easements, utilities, drainage courses.* **Provided.**
- *The total square feet of building floor area, both individually and collectively.* **Provided.**
- *All structures and major features shall be fully dimensioned including distance between structures, distance between driveways, parking areas, property lines and building height.* **Provided.**
- *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.* **Provided.**
- *Pedestrian walkways with special consideration given to pedestrian safety.* **Provided.**
- *Trash and refuse enclosures.* **Provided.**

- *The general drainage pattern and location of storm water detention features.* **Provided.**
- *The general location, type and size of landscaping and ground cover illustrated in color perspective.* **Provided.**
- *A rendering, elevation or photo of the proposed development.* **Provided.**

North Liberty Code of Ordinances Section 169.10 entitled, "Design Standards" sets forth certain design standards (applicable Ordinance language in italics and staff analysis in bold).

Requirements for All Districts.

- Building design shall be visually harmonious and compatible with the neighborhood character.
- Buildings located on property with double frontages shall have similar wall design facing both streets.
- Except for RS RD, R-MH and ID districts, color schemes shall be primarily based on earth tones. Earth tone colors include colors from the palette of browns, tans, greys, greens, and red. Earth tone colors shall be flat or muted. Building trim and accent areas may feature non-earth tone and brighter colors. In any district, the use of high intensity colors, neon or fluorescent color and neon tubing is prohibited.
- Except in the R-MH district, a minimum roof pitch of 5:12 shall apply to gable, hip, or shed roofs and there shall be a minimum roof overhang at the eaves of 12 inches. This does not apply to portions of a roof that are separate from the structure's primary roof. Metal roofs shall not be corrugated or similar appearance. The color of the roof shall be visually harmonious and compatible with the building color scheme.

It is staff's opinion that the site plan achieves consistence with the aforementioned design standards.

Requirements for Non-Residential and Commercial Districts

Requirements for Non-Residential (including mixed-use) Development in Residential Districts. The following requirements shall be observed for all non-residential development in the RS, RD, RM and ID districts:

- Minimum required masonry on front and corner side yard building elevations is 60%. Required masonry does not apply to accessory structures.
- For exterior walls not composed of masonry products, wall coverings shall be wood and/or vertical or horizontal grooved siding or lapped siding, or materials of similar appearance.

Requirements for Development in Commercial Districts.

Commercial zoning districts are intended to enhance public welfare by providing for safe, convenient, high quality pedestrian-oriented commercial centers that contribute to community identity as energetic and attractive focus points. Through development and redevelopment within these districts, the city recognizes the importance of creating high quality development areas to the quality of life for residents of the city, the impact quality development has on the image of the community, and the need to provide restrictions

and guidelines to enhance visual appearance and functionality. The objectives addressed through these regulations include the following:

- Design. To achieve appealing aesthetic design through high quality architecture and construction, with attention to placement, relationship, and orientation of structures and amenities to provide both internal cohesiveness and compatibility with surrounding uses.
- Walkability. To achieve overall development patterns that encourage walking and reduce dependence on the automobile to travel from one business to another, and so reduces the dominance of the automobile within the development.
- Human-scale Activity. To achieve a sense of place by emphasizing pedestrian interaction with commercial uses rather than sprawling automobile-dominated designs, both in building architecture and public or private outdoor areas.
- Compatible Uses. To achieve the right blend of uses, compact and well-designed, that complement each other and provide cohesive overall developments.

It is staff's opinion that the site plan achieves consistence with the aforementioned design standards.

6. Staff Recommendation:

Findings:

1. The commercial use of the property would be consistent with the current C-2-A District and the Comprehensive Plan Future Land Use Map designation of Commercial; and
2. The site plan would achieve consistency with North Liberty Code of Ordinances Section 165.05(2) entitled, "Preliminary Site Plan Review", and Section 169.10 entitled "Design Standards" and other Code of Ordinance requirements.

Recommendation:

Staff recommends the Planning Commission accept the two listed findings and forward the request to approve a preliminary site plan for a fueling station, retail store and related site improvements on proposed Lot 1 of The Evermore, Part 2 subdivision 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 site plan to the City Council with a recommendation for approval.



1 FRONT ELEVATION



2 LEFT ELEVATION



3 REAR ELEVATION



4 RIGHT ELEVATION



**Kwik
Trip**

**Kwik
Star**

KWIK TRIP, INC.
P.O. BOX 1707
1004 S.W. 8TH STREET
LA CROSSE, WI 54601-2707
TEL: 608/785-0000
FAX: 608/785-0000



FRONT RIGHT VIEW



REAR RIGHT VIEW



FRONT LEFT VIEW



REAR LEFT VIEW



FRONT ELEVATION



KWIK TRIP, Inc.
P.O. BOX 1107
NEW CANA STREET
LA CROSSE, WI 54601-0107
TEL: (608) 781-8888
FAX: (608) 781-8888

EXTERIOR ELEVATIONS
GEN 3 RIGHT HAND with 1 Bay Carwash

1 FRONT ELEVATION



2 SIDE ELEVATION



3 REAR ELEVATION



**Kwik
Trip**

**Kwik
Star**

KWIK TRIP, Inc.
P.O. BOX 2107
1626 OAK STREET
LA CROSSE, WI 54602-2107
PH. (608) 781-0988
FAX (608) 781-0960

2 LANE DIESEL



1 FRONT ELEVATION



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10 MPD



2 SIDE ELEVATION



FOREVERGREEN ROAD
W Forevergreen Rd

**Kwik
TRIP**

**Kwik
STAR**

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LACROSSE, WI 54602-2107
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FAX (608) 781-8960

INSITES



LANDSCAPE PLAN

CONVENIENCE STORE 1213

NORTH LIBERTY, IOWA

NO. DATE DESCRIPTION
21-1213 SUBMITTAL
(DRAWN OPEN BOARD)

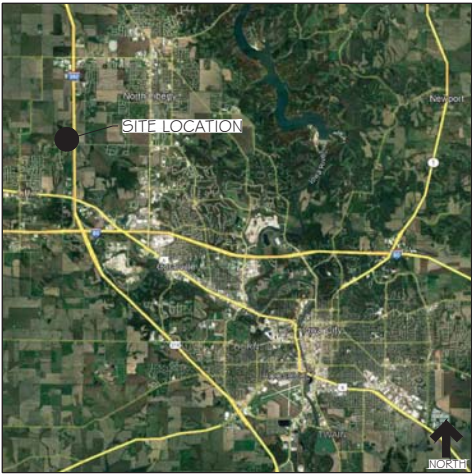
DRAWN BY	DATE	BY	DATE
NO. 1213	21-1213	DATE	21-1213
DATE	21-1213	DATE	21-1213
DATE	21-1213	DATE	21-1213

21-1213-1

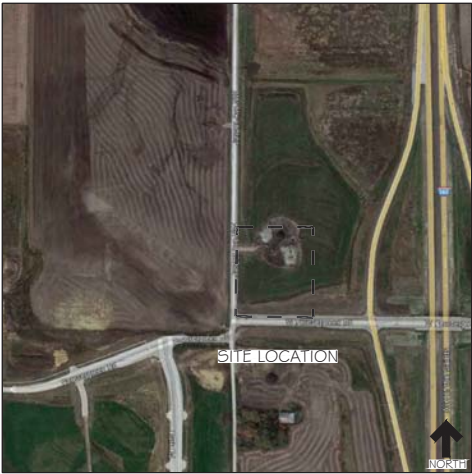
SITE IMPROVEMENT PLANS FOR:

KWIK TRIP #1213
NORTH LIBERTY, IA

SITE LOCATION MAP:



SITE AERIAL MAP:



DRAWING INDEX	
T1	TITLE SHEET
ALTA	ALTA SURVEY
SPO	SITE CIRCULATION PLAN
SP1	SITE DIMENSION PLAN
SP1.1	SITE KEYNOTE PLAN
SP2	GRADE PLAN
SP2.1	GRADE PLAN ENLARGED
SP3	STORM SEWER PLAN
SP4	UTILITY PLAN
SP4.1	UTILITY NOTES & DETAILS
SP4.2	UTILITY DETAILS
SP5	SITE PLAN DETAILS
SP6	SITE PLAN DETAILS
SP7	SUDAS SITE PLAN DETAILS
SWP1	EROSION CONTROL PLAN
SWP2	EROSION CONTROL NOTES
SWP3	EROSION CONTROL DETAILS
SWP4	EROSION CONTROL DETAILS
L1	LANDSCAPE PLAN
E1	PHOTOMETRIC SITE PLAN

**Kwik
TRIP**

**Kwik
STAR**

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LACROSSE, WI 54602-2107
PH. (608) 781-8988
FAX (608) 781-8960

TITLE SHEET

CONVENIENCE STORE 1213

NORTH LIBERTY, IOWA

OWNER:
KWIK TRIP INC.
1626 OAK STREET
LA CROSSE, WI 54602
ETHAN LENERTZ
Elenertz@kwiktrip.com
608-791-4419

SITE PLANNER:
INSITES SITE PLANNING
3131 FERNBROOK LN N, SUITE 260
PLYMOUTH, MN 55447
BOB MUELLER
763-383-8400
Bob@insitesinc.net

CIVIL ENGINEER:
SUNDE ENGINEERING
10830 NESBITT AVE SOUTH
BLOOMINGTON, MN 55437
952-881-3344

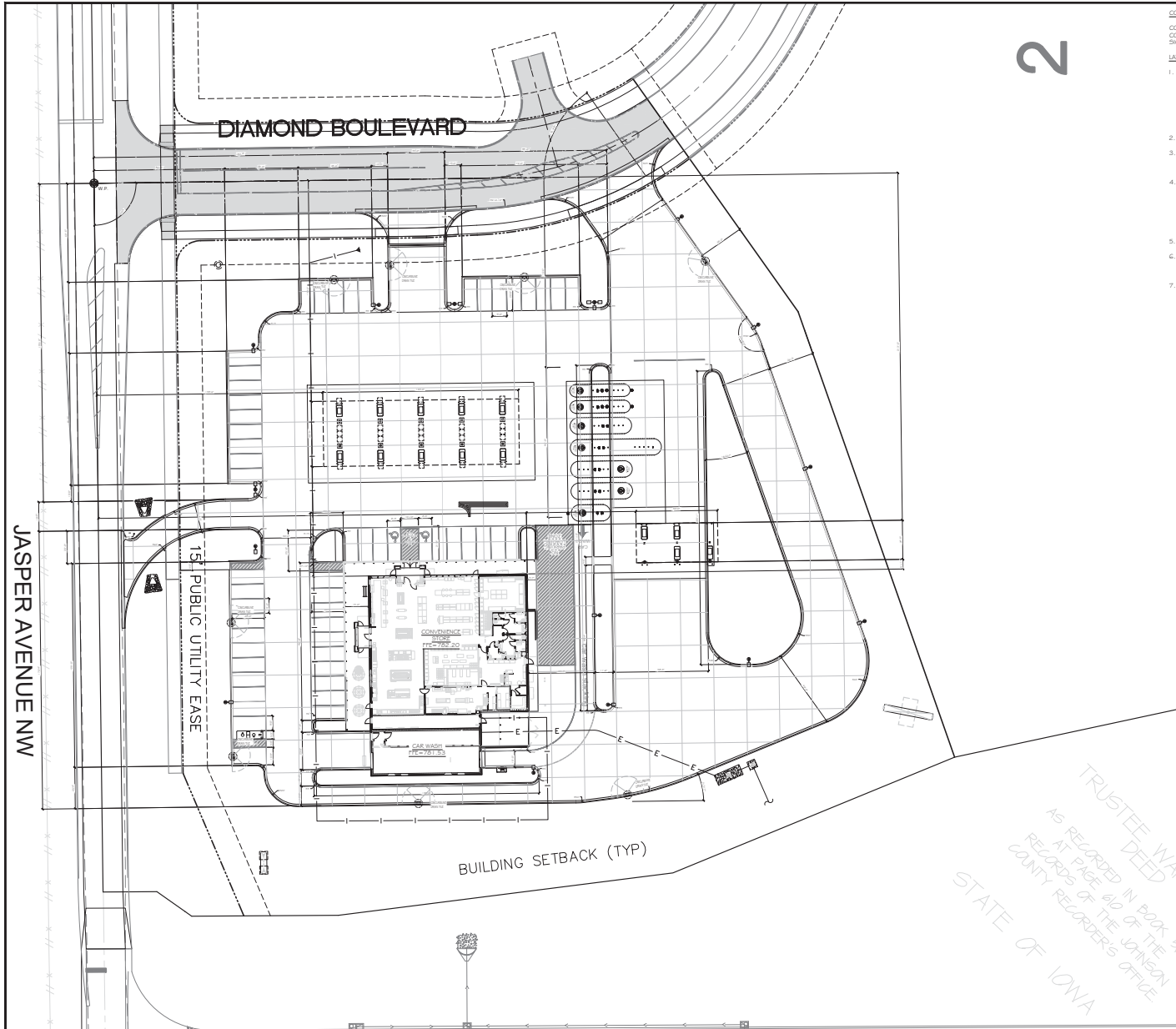
ARCHITECT:
VANTAGE ARCHITECTS
750 3RD ST N, SUITE F
LA CROSSE, WI 54601
608-784-2729

SURVEYOR:
MMS CONSULTANTS INC.
1917 S. GILBERT STREET
IOWA CITY, IA 52240
319-351-8282

NO.	DATE	DESCRIPTION
1	21 JAN 22	SUBMITTAL
2	10 MAR 22	GREEN ISLAND
3	23 SEP 22	CITY COMMENTS
DESIGN BY: _____		
SCALE: _____		GRAPHIC: _____
PROJ. NO.: 21-1213		
DATE: 20 DEC 2021		
SHEET: _____		

T1

NOTED 21 OCT 2022 P&L

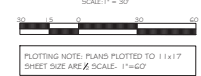


2

- CONSTRUCTION NOTE:**
CONSTRUCTION FENCING TO BE INSTALLED AROUND ENTIRE CONSTRUCTION SITE. COORDINATE WITH OWNER FOR FENCING AND GATE LOCATIONS AND APPROPRIATE SIGNAGE INSTALLATION.
- LAYOUT NOTES:**
1. PLAN PREPARED FROM AN ALTA/ACSM LAND TITLE SURVEY BY: MMS CONSULTANTS INC. 1917 S. GILBERT STREET IOWA CITY, IA 52240 319-351-6262
 2. CURBS ARE DIMENSIONED TO FACE OF CURB.
 3. CONVENIENCE STORE AND ISLAND COMPLEXES ARE LOCATED FROM THE NORTHWEST PROPERTY CORNER AND ALIGNED PARALLEL PERPENDICULAR TO THE WEST PROPERTY LINE UNLESS OTHERWISE INDICATED ON THIS PLAN.
 4. UNLESS SHOWN OTHERWISE ON THIS DRAWING, CONTRACTOR SHALL PROVIDE: CONTROL JOINTS, CONSTRUCTION JOINTS, AND EXPANSION JOINTS IN SLAB ON GRADE, SIDEWALKS AND DRIVES. CONTROL JOINT MAXIMUM DISTANCE: WALKS: 8' O.C., ALL OTHERS: 10' O.C. SAW CUT CONTROL JOINTS MINIMUM ONE-QUARTER CONCRETE THICKNESS. EXPANSION JOINT MAXIMUM DISTANCE: WALKS: 24' O.C., ALL OTHERS: 40' O.C. DOWEL ALL EXPANSION JOINTS: MAXIMUM 24' O.C.
 5. CONCRETE IN ISLAND COMPLEX SHALL BE SMOOTH BROOM FINISHED.
 6. EXTERIOR CONCRETE SURFACES TO BE SEALED. CONCRETE SEALER: APR 15: OCT 31 USE: TX-26UV NOV 1: DEC 31 USE: TX-290
 7. EXPANSION JOINTS SHALL BE DECK-O-FOAMED AND CAULKED WITH SIL

SITE DATA:

ZONING DISTRICT:	C2 - COMMERCIAL
TOTAL SITE AREA:	167,960 SF
EX. IMPERVIOUS:	0 SF
EX. PERVIOUS:	167,960 SF
PARKING REQUIREMENTS	1/300M = 37
PARKING PROVIDED	1 stall per employee = 10
	STALLS + VACUUM
	20 SRV. PNTS + DIESEL
BUILDING HEIGHTS	24.5'
CONVENIENCE STORE	20.0'
CANOPY	
BUILDING SETBACKS	
FRONT	25'
REAR	20'
SIDE	10'
PROPOSED GREEN AREA:	62,644 SF 37%
PROPOSED HARD COVER:	105,480 SF 63%
PAVED AREA:	94,264 SF 56%
BUILDING AREA:	11,056 SF 7%



PLOTTING NOTE: PLANS PLOTTED TO 11x17 SHEET SIZE AREA, SCALE: 1"=60'

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LACROSSE, WI 54602-2107
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FAX (608) 781-8960

INSITES
STEPHAN LANDSCAPE ARCHITECTURE
3111 PLYMOUTH LANE NORTH, SUITE 300
PLYMOUTH MINNESOTA 55442
TEL: 763.945.8400
FAX: 763.945.8400

SITE DIMENSION PLAN

CONVENIENCE STORE 1213

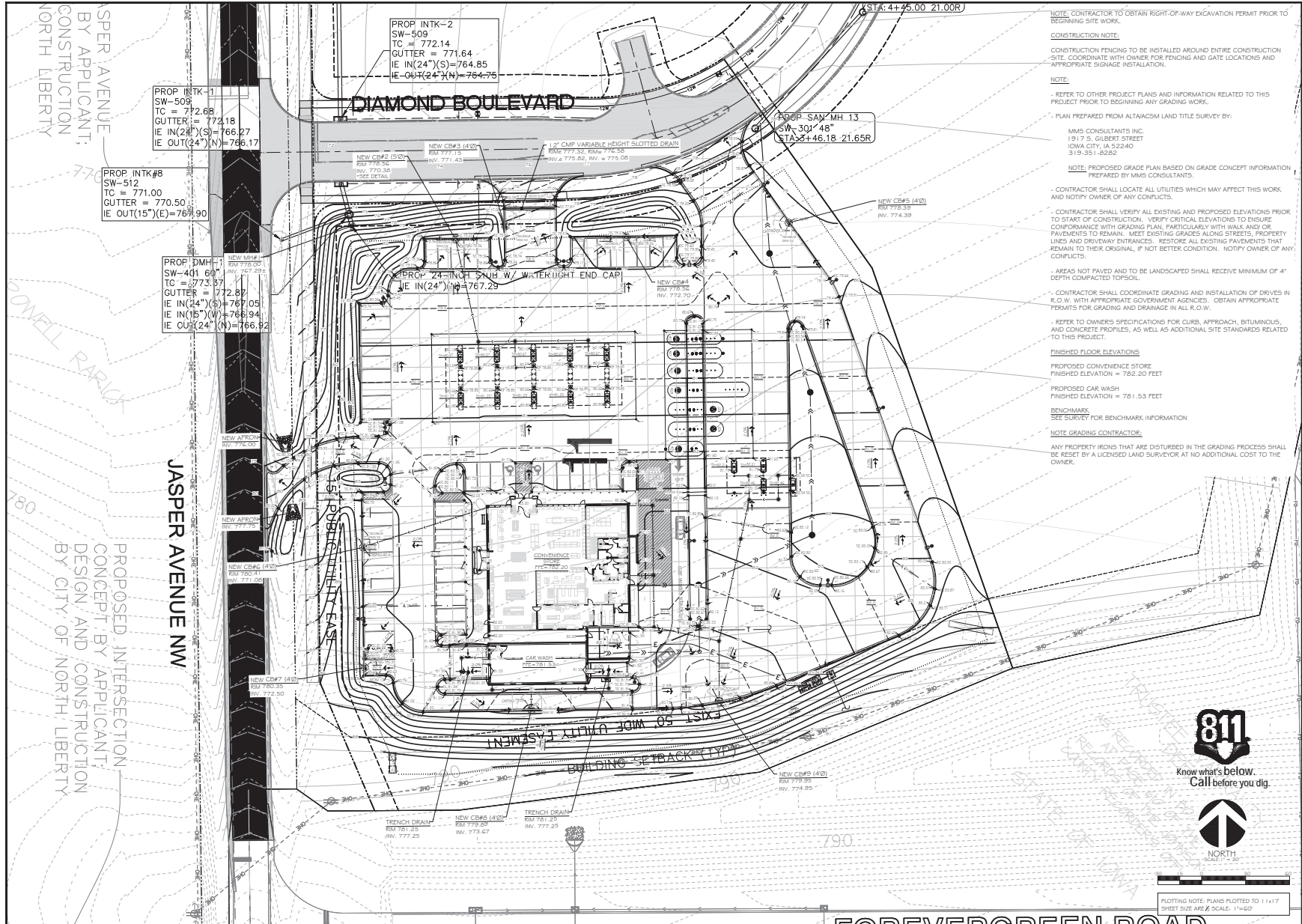
NORTH LIBERTY, IOWA

NO.	DATE	DESCRIPTION
1	21 JAN 22	SUBMITTAL
2	10 MAR 22	GREEN ISLAND
3	23 SEP 22	CITY COMMENTS

DESIGN BY: SCALE: GRAPHIC
PROJ. NO. 21-1213
DATE 20DEC2021
SHEET **SP1**

TRUSTEE WARREN DEED
AS RECORDED IN BOOK 942
AT PAGE 60 OF THE
RECORDS OF THE JOHNSON
COUNTY RECORDER'S OFFICE
STATE OF IOWA

POSTED 21 JAN 2022



NOTE: CONTRACTOR TO OBTAIN RIGHT-OF-WAY EXCAVATION PERMIT PRIOR TO BEGINNING SITE WORK.

CONSTRUCTION NOTE:

CONSTRUCTION FENCING TO BE INSTALLED AROUND ENTIRE CONSTRUCTION SITE. COORDINATE WITH OWNER FOR FENCING AND GATE LOCATIONS AND APPROPRIATE SIGNAGE INSTALLATION.

NOTE:

- REFER TO OTHER PROJECT PLANS AND INFORMATION RELATED TO THIS PROJECT PRIOR TO BEGINNING ANY GRADING WORK.
- PLAN PREPARED FROM ALTA/ACSM LAND TITLE SURVEY BY:

MMS CONSULTANTS INC.
1917 S. GILBERT STREET
IOWA CITY, IA 52240
319.351-8282

NOTE: PROPOSED GRADE PLAN BASED ON GRADE CONCEPT INFORMATION PREPARED BY MMS CONSULTANTS.

- CONTRACTOR SHALL LOCATE ALL UTILITIES WHICH MAY AFFECT THIS WORK AND NOTIFY OWNER OF ANY CONFLICTS.
- CONTRACTOR SHALL VERIFY ALL EXISTING AND PROPOSED ELEVATIONS PRIOR TO START OF CONSTRUCTION. VERIFY CRITICAL ELEVATIONS TO ENSURE CONFORMANCE WITH GRADING PLAN, PARTICULARLY WITH WALK AND/OR PAVEMENTS TO REMAIN. MEET EXISTING GRADES ALONG STREETS, PROPERTY LINES AND DRIVEWAY ENTRANCES. RESTORE ALL EXISTING PAVEMENTS THAT REMAIN TO THEIR ORIGINAL, IF NOT BETTER, CONDITION. NOTIFY OWNER OF ANY CONFLICTS.
- AREAS NOT PAVED AND TO BE LANDSCAPED SHALL RECEIVE MINIMUM OF 4" DEPTH COMPACTED TOPSOIL.
- CONTRACTOR SHALL COORDINATE GRADING AND INSTALLATION OF DRIVES IN R.O.W. WITH APPROPRIATE GOVERNMENT AGENCIES. OBTAIN APPROPRIATE PERMITS FOR GRADING AND DRAINAGE IN ALL R.O.W.
- REFER TO OWNER'S SPECIFICATIONS FOR CURB, APPROACH, BITUMINOUS, AND CONCRETE PROFILES, AS WELL AS ADDITIONAL SITE STANDARDS RELATED TO THIS PROJECT.

FINISHED FLOOR ELEVATIONS

PROPOSED CONVENIENCE STORE
FINISHED ELEVATION = 782.20 FEET

PROPOSED CAR WASH
FINISHED ELEVATION = 781.53 FEET

BENCHMARK
SEE SURVEY FOR BENCHMARK INFORMATION

NOTE GRADING CONTRACTOR:

ANY PROPERTY IRONS THAT ARE DISTURBED IN THE GRADING PROCESS SHALL BE RESET BY A LICENSED LAND SURVEYOR AT NO ADDITIONAL COST TO THE OWNER.

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LACROSSE, WI 54602-2107
PH. (608) 781-8988
FAX (608) 781-8960

INSITES
INTERPLANING LANDMARK ARCHITECTURE
3111 FORT MONROE LANE NORTH, SUITE 200
PLYMOUTH MINNESOTA 55447
TEL 763.945.8400
FAX 763.945.8400

GRADE PLAN

CONVENIENCE STORE 1213

NORTH LIBERTY, IOWA

NO.	DATE	DESCRIPTION
1	21 JAN 22	SUBMITTAL
2	04 MAR 22	GREEN ISLAND
3	23 SEP 22	CITY COMMENTS

DESIGN BY: _____

SCALE: _____ GRAPHIC: _____

PROJ. NO.: 21-1213

DATE: 20DEC2021

SHEET: **SP2**

NOTED & LOAN FILED

STORM DRAINAGE:

- Unless otherwise indicated, use reinforced, precast, concrete maintenance holes and catchbasins conforming to ASTM C478, furnished with water stop rubber gaskets and precast bases. Joints for all precast maintenance hole sections shall have confined, rubber "O"-ring gaskets in accordance with ASTM C443. These joints are normally used in sewers to hold infiltration to a practical minimum and are designed up to 30". The inside barrel diameter shall not be less than 48 inches. See SUDAS Std. SW-401 for circular storm sewer manholes and SUDAS Std. SW-502 for circular single grate inlet catchbasins.
- Install catchbasin castings with specified top elevation at the front rim.
- All joints and connections in the storm sewer system shall be gastight or watertight. Joints between concrete structures and piping shall be made with mechanical joints. Use approved resilient rubber seals or waterstop gaskets in order to make watertight connections to manholes, catchbasins, and other structures in conformance with ASTM C933 or as otherwise permitted by the local authority. Cement mortar joints are permitted only for repairs or connections to existing lines having such joints, or unless otherwise permitted by the administrative authority.
- The building sewer starts 2 feet outside of the building. See Uniform Plumbing Code (UPC) part 715.1. Material installed within 2 feet of the building must be of materials approved for use inside of or within the building.
- PVC Pipe (Outside of the Building):** Use solid-core, SDR-35, ASTM D3034 Polyvinyl Chloride (PVC) Pipe for designated PVC storm sewer services 4 to 15-inches in diameter outside of the building. Use solid-core, SDR-35, ASTM F879 Polyvinyl Chloride (PVC) pipe for designated PVC storm sewer services 18 to 27-inches in diameter outside of the building. Joints for all storm sewer shall have push-on joints with elastomeric gaskets. Use of solvent cement joints is allowed for building services. Solvent cement joints in PVC pipe must include use of a primer which is of contrasting color to the pipe and cement in accordance with Uniform Plumbing Code (UPC), part 605.13.2. Pipe with solvent cement joints shall be joined with PVC cement conforming to ASTM D2564. Lay all PVC pipe on a continuous granular bed. Installation must comply with ASTM D2321.
- Cleanouts:** Install cleanouts on all roof drains. Cleanouts shall be installed at every rise, sweep, and bend. Install cleanouts on all storm sewer services in accordance with UPC part 719.0 and 1101.12. The distance between cleanouts in horizontal piping shall not exceed 100 feet for pipes 10-inches and under in size. Cleanouts shall be of the same nominal size as the pipes they serve. Install a meter box frame and solid lid (Neanah R-1914-A, or approved equal) over all cleanouts. Provide cleanouts at the base of the roof leader connections at the gas island pump stations.
- Fittings:** Provide directional fittings for the storm piping serving the gas island pump stations. All changes in direction of flow in storm piping shall be made by the appropriate 45 degree wye, long or short sweep quarter bends, sixth, eighth, or sixteenth bends, or by a combination of these or other equivalent fittings.
- RCF:** Reinforced concrete pipe (RCP) and fittings shall conform to ASTM C76, Design C, with circular reinforcing for the class of pipe specified. Use Class IV RCP for pipes 21" and larger. Use Class V RCP for pipes 18" and smaller. Joints shall be made up of concrete surfaces with a grommet for an O-ring rubber gasket (also referred to as a confined O-ring type joint) in accordance with ASTM C361. These joints are normally used in gravity sewers where exceptional tightness is required. This type of joint provides excellent inherent water tightness in both the straight and deflected position and meets all the joint requirements of ASTM C443.
- RC Access:** Install a reinforced concrete apron on the free end of all daylighted RCP storm sewer pipes. Tie the last three sections (daylight apron) of all daylighted RCP storm sewer with a minimum of two tie bolts (fasteners per joint). This requirement applies to both upstream and downstream pipe inlets and outlets. For concrete culverts, tie all joints. Tie to be used only to hold the pipe sections together, not for pulling the sections tight. Nuts and washers are not required on inside of 675 mm (27 inch) or less diameter pipes.
- Grates on horizontal pipes:** Install safety-trap grates on all horizontal inlets/outlets greater than 6 inches in diameter. The grates shall be placed so that the rods or bars are not more than 3 inches downstream of the inlet/outlet. Rods or bars shall be spaced so that the openings do not permit the passage of a 6-inch sphere.
- Testing:** Test all portions of storm sewer that are within 10 feet of buildings, within 10 feet of buried water lines, within 50 feet of water wells, or that pass through soil or water identified as being contaminated in accordance with UPC part 1102.0. Test all flexible storm sewer lines for deflection after the sewer line has been installed and backfill has been in place for at least 30 days. No pipe shall exceed a deflection of 5%. If the test fails, make necessary repairs and retest.
- Drainage:** Perforated under-drains shall be sloped single wall corrugated HDPE. Install drainage with high permeability circular knit polymeric filament filter sock per ASTM D6707-01.
- Use SUDAS Std. SW-603 Type R casting with curb inlet grate, or approved equal, on CB#2, CB#3, CB#4, CB#5, CB#6, CB#7, CB#8, and CB #9. Casting shall include the "NO DUMPING, DRAINS TO RIVER," environmental notice.
- Use SUDAS Std. SW-602 casting with self-sealing, solid, Type E lid, or approved equal, on all storm sewer maintenance holes. Covers shall bear the "Storm Sewer" label.
- Trace Wire:** Install locating wires on all conductive and non-conductive storm sewer, sanitary sewer, and water lines in accordance with the MRWA Trace Wire Specification Guide and Details (www.mrwa.com/CSF/TraceWireSpecGuide%20new%2001.pdf). Use #12 HDPE-insulated copper-clad steel wire rated for underground service. The color of the insulating jacket shall be as follows: groundred, storm sewer-green, sanitary sewer-green, and water line-blue. Install the wire on the bottom side of the pipe below the spring line. Fasten the wire to the pipe with tape or plastic ties at 5' intervals. Do not wrap the trace wire around the corresponding utility. Do not connect the trace wire to existing conducting utilities. Use Copperhead Dycon 3-Way or Locking Snake Bille connectors rated for underground direct bury applications or approved equal of all crossings or service connections. Test on connectors are not allowed. Trace wire must be properly grounded at all dead ends and services. Install grade-level/in-ground trace wire access boxes and drive-in magnesium grounding anodes at all dead ends, services, and the hydrants. Trace wire access boxes shall be color coded as follows: storm sewer-green, sanitary sewer-green, and water line-blue.
- Detectable Warning Tape:** Install detectable underground warning tape directly above all underground utilities at a depth of 457 mm (18 inches) below finished grade, unless otherwise indicated. Underground warning tape shall be 6-inches wide with a minimum 5.0 mil overall thickness. Tape shall be manufactured using a 0.8 mil clear virgin polypropylene film, reverse printed and laminated to a 0.35 mil solid aluminum foil core, and then laminated to a 3.75 mil clear virgin polyethylene film. The aluminum backing makes underground assets easy to find using a non-ferrous locator. Tape shall be printed using a diagonally striped design for maximum visibility and meet the ASTM Color-Code standard for identification of buried utilities. Use Pro-Line Safety Products (www.prolinesafety.com) detectable marking tape or approved equal.
- The minimum depth of cover for building and canopy roof drain leaders without insulation is 5 feet. Insulate roof drain leaders at locations where the depth of cover is less than 5 feet. Provide a minimum insulation thickness of 2 inches. The insulation must be at least 4 feet wide and centered on the pipe. Install the insulation boards 6 inches above the tops of the pipes on mechanically compacted and leveled pipe bedding material. Use high density, closed cell, rigid board material equivalent to DOW Styrofoam HI-40 plastic foam insulation.
- Install all pipe with the ASTM identification numbers on the top for inspection. Commence pipe laying at the lowest point in the proposed sewer line. Field verify that there is positive drainage at the outfall location. Lay the pipe with the bell end or receiving groove end of the pipe pointing upgrade. When connecting to an existing pipe, uncover the existing pipe in order to allow any adjustments in the proposed line and grade before laying any pipe. Do not lay pipes in water or when the trench conditions are unsuitable for such work.
- Clean sediment and debris from sewers, sumps and stormwater basins prior to final owner acceptance.
- Telesize all existing lines prior to connection.
- Provide a final storm water management report that will serve to verify that the intent of the approved storm water management design has been met. The report shall include record drawings, measurements, and photographic evidence of the as-built storm water management system. The report shall substantiate that all aspects of the original design have been adequately provided for by the construction of the project.
- Install finger drains at each and every proposed catchbasin (see detail). Finger drains around catch basin inlets shall not be installed below the crown of the storm drain piping.

HDPE REQUIREMENTS:

- Install dual-wall, smooth interior, corrugated high-density polyethylene (HDPE) pipe at locations indicated on the plan. High-density polyethylene (HDPE) storm sewers must meet ASTM F714.
- Dual-wall, smooth interior, corrugated high-density polyethylene (HDPE) pipe shall conform to the requirements of ASTM M252 for pipe sizes 4-inch to 10-inch diameter. Dual-wall, smooth interior, corrugated high-density polyethylene (HDPE) pipe shall conform to the requirements of ASTM F2306 (virgin PE material) for pipe sizes 12-inch to 60-inch diameter.
- All fittings must comply with ASTM Standard D3212.
- Water-tight joints must be used at all connections including structures in conformance with ASTM D2312.
- HDPE pipes must be listed and labeled.
- HDPE pipes must be installed with a minimum 10-foot separation from water piping and may not cross above water service lines (see UPC Section 720.1).
- HDPE pipes must not be installed within 10 feet of building. The connection between HDPE and a different pipe material must be made by means of an approved transition coupling for the specific application.
- HDPE pipe connections into all concrete structures must be made with water tight materials utilizing Nyplast Adaptors along with Press-Seal or Kor-N-Seal "Watertight Connector", Coat-A-Seal "Precast Watertight Connector", or approved equals. Where the alignment precludes the use of the above approved watertight methods, Corseal 231 WaterStop sealant, or approved equal will only be allowed as approved by the Administrative Authority.
- HDPE pipe installation must be open-trench on a continuous granular bed per ASTM D2321 and manufacturer's installation instructions. All sections of the corrugated HDPE pipe shall be coupled in order to provide water tight joints.
- Perform deflection tests on all HDPE pipe after the sewer lines have been installed and backfill has been in place for at least 30 days. No pipe shall exceed a deflection of 5%. If the test fails, make necessary repairs and perform the test again until acceptable. Supply the necessary for deflection testing. If the deflection test is to be run using a rigid ball or mandrel, it shall have a diameter equal to 90% of the inside diameter of the pipe. The ball or mandrel shall be clearly stamped with the diameter. Perform the tests without mechanical pulling devices.

Kwik Trip

Kwik Star

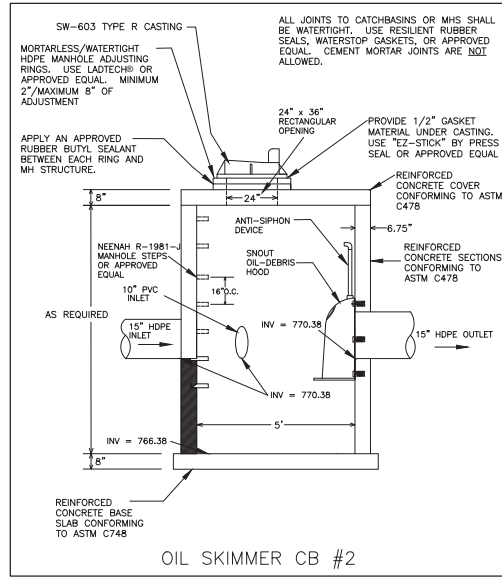
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PH. (608) 781-8988
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STORM NOTES AND DETAILS

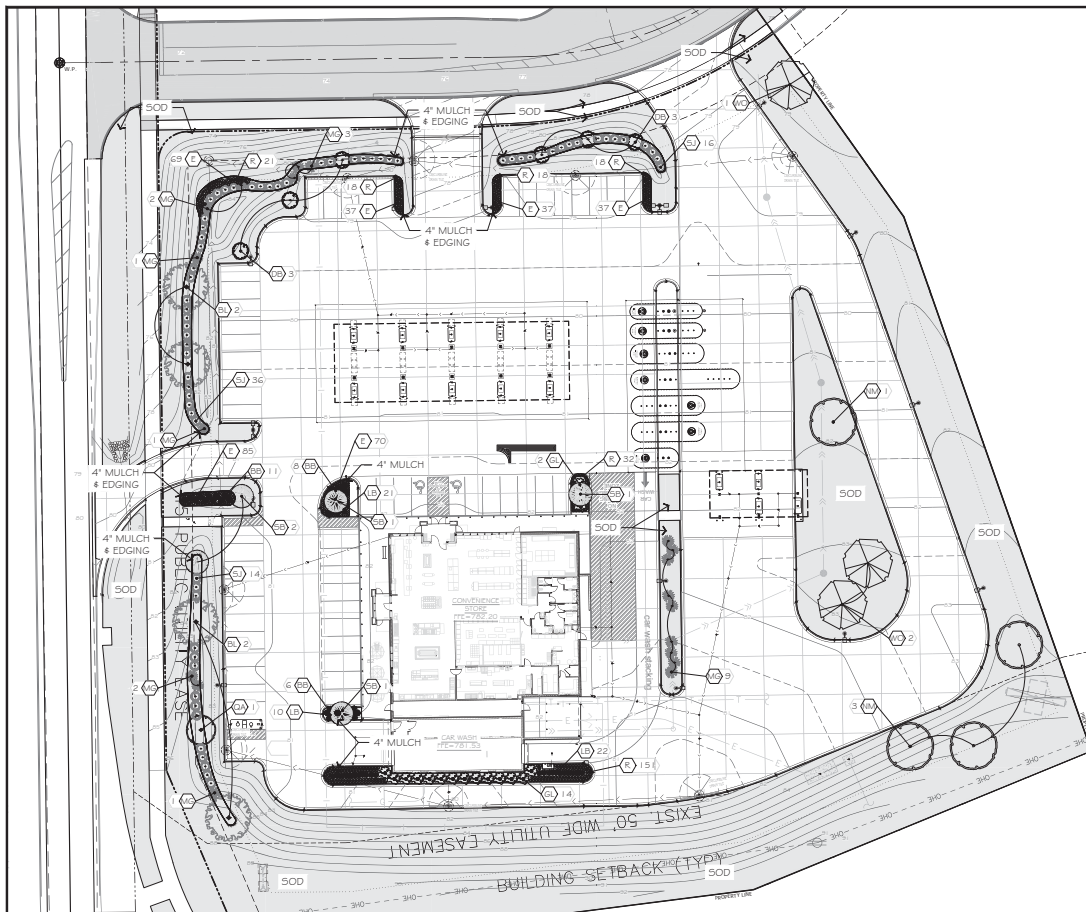
CONVENIENCE STORE #213

NORTH LIBERTY, IOWA



NO.	DATE	DESCRIPTION
-	2/1/2022	SUBMITTAL
-	1/04/2022	GREEN ISLAND
-	1/04/2022	NO. 2
-	2/25/2022	CITY COMMENTS

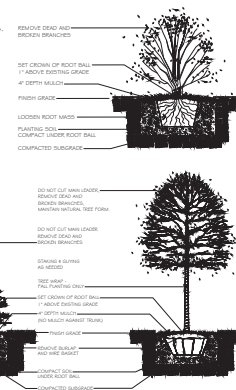
DRAWN BY: SCALE: GRAPHIC
PROJ. NO.: 21-1213
DATE: 2/06/2021
SHEET: SP3.1



LANDSCAPE REQUIREMENTS:

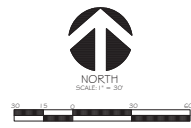
- Parking lots less than 49,000 square feet shall retain 3% of their interior for landscaping islands.
- PARKING LOT SIZE: 46,823 sf
- INTERIOR LANDSCAPE REQUIRED: 1,405 sf
- INTERIOR LANDSCAPE PROVIDED: 2,745 sf
- 1 tree for every 2,000 square feet of building.
- BUILDING SIZE: 10,909 sf
- TREES REQUIRED: 6 trees min.
- TREES PROVIDED: 18 overstory trees

*All parking lots shall be screened from public streets utilizing plantings and berms to help maintain visually attractive corridors.



PLANT MATERIAL					HEIGHT x WIDTH
QUANTITY	SIZE	ROOT TYPE	COMMON NAME	BOTANICAL NAME	
OVERSTORY TREES					
BL	4	2.5" CAL	BOULEVARD LINDEN	<i>Tilia americana 'Boulevard'</i>	50' x 30'
WD	3	2.5" CAL	WHITE OAK	<i>Quercus alba</i>	50' x 30'
MA	4	2.5" CAL	NORTHERN MAPLE	<i>Acer rubrum 'Northern'</i>	50' x 30'
GA	1	10" HT	QUAKING ASPEN	<i>Picea canadensis</i>	50' x 25'
DB	1	1.5" CAL	DAKOTA PINNACLE BIRCH	<i>Betula platyphylla 'Tanger'</i>	30' x 0'
UNDERSTORY TREES					
SB	5	1.5" CAL	ALUMINUM BRILLIANCE SERVICEBERRY	<i>Amelanchier x grandiflora 'Autumn Brilliance'</i>	20' x 15'
PERENNIAL TREES					
MT	19	30" HT	MUGO TANNENBÄUM	<i>Thymus praecox 'Tangerine'</i>	12' x 6"
SL	66	#2 CONT	SEA GREEN JUMPER	<i>Juniperus chinensis 'Sea Green'</i>	9' x 9'
SHRUBS					
GL	16	#3 CONT	GRD-LW FRAGRANT SUMAC	<i>Rhus aromatica 'Gro-Low'</i>	2' x 7'
PERENNIALS					
R	256	#1 CONT	GOLDSTRUM RUDEBODIA	<i>Rudbeckia 'Goldstrum'</i>	30" x 18"
E	208	#1 CONT	PATIA ATTRACTION COMPTONIA	<i>Comptonia purpurea 'Patia Attraction'</i>	20" x 12"
GRASSES					
BB	29	#1 CONT	BIG BLUESTEM	<i>Andropogon gerardii</i>	5' x 3'
LB	83	#1 CONT	LITTLE BLUE STEM	<i>Schizanthus scoparium</i>	4' x 2'
EDGING - 1,200 LT					
MULCH - 92 CY					
500 - CA,330 SF					

- NOTES:**
- CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS FOR PLANTING IN ALL R.O.W.
 - LANDSCAPE CONTRACTOR SHALL VERIFY ALL UTILITIES WHICH MAY AFFECT HIS WORK.
 - LANDSCAPE CONTRACTOR SHALL COORDINATE HIS WORK WITH OTHERS AT SITE AND COMPLETE HIS WORK PER OWNERS CONSTRUCTION SCHEDULE.
 - ALL PLANT MATERIALS SHALL BE GUARANTEED ONE (1) FULL YEAR UPON TOTAL COMPLETION AND ACCEPTANCE BY OWNER, WITH ONE TIME REPLACEMENT AT APPROPRIATE TIME OR UPON REQUEST OF OWNER.
 - REPLACEMENT TOPSOIL SHALL BE CLEAN, FREE OF STONES, WEEDS, AND OTHER UNDESIRABLE DEBRIS.
 - PLANTING SOIL MIX (INCIDENTAL COST ITEM)
 - 1. MIX 1 LB. 5-20-20 COMMERCIAL FERTILIZER PER CU. YD. TOPSOIL
 - 2. THOROUGHLY MIX 1-PART SAND AND 1-PART FERT WITH 5-PARTS FERTILIZER AND TOP SOIL.
 - USE PLANTING SOIL AT ALL LOCATIONS PER DETAILS THIS SHEET.
 - LANDSCAPE CONTRACTOR SHALL VERIFY TOPSOIL DEPTH AND NOTIFY OWNER OF ANY DEFICIENCY.
 - 500 SHALL BE CULTURED WITH PREDOMINANTLY KENTUCKY BLUEGRASS SEED OF RECENT DISEASE RESISTANT INTRODUCTIONS. NO GUARANTEE ON 500 EXCEPT ANY 500 NOT SATISFACTORY AT TIME OF COMPLETION INSPECTION SHALL BE PROMPTLY REPLACED PRIOR TO COMPLETION OF JOB. STAKE 500 ON SLOPES 3:1 AND GRATE.
 - WHERE EXISTING CONCRETE/ASPHALT AREAS ARE TO BE REPLACED WITH LANDSCAPING, PROVISIONS SHOULD BE TAKEN TO COORDINATE EXCAVATION OF SUBSOIL TO A DEPTH OF 2' WITH GRADING CONTRACTOR. REPLACE WITH COMPACTED TOPSOIL. ALL AREAS TO BE LANDSCAPED AND SODDED SHALL BE GRADED SMOOTH AND EVEN.
 - LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR SODDING ALL AREAS WHICH ARE DISTURBED BY CONSTRUCTION INCLUDING ALL R.O.W. AND ADJACENT PROPERTIES.
 - LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR PROVIDING BLANKET ON ALL SEED AREAS THAT ARE SLOPED. MULCH APPLICATION FOR ALL OTHER SEED AREAS SHALL BE EITHER HYDROMULCH OR DISKED STRAW DEPENDING ON SEED TYPE, APPLICATION, AND OWNER REQUEST.
 - LANDSCAPE CONTRACTOR TO INSTALL VALLEY VIEW "BLACK DIAMOND" EDGING AROUND ALL PLANTING BEDS AS SHOWN ON THIS PLAN.
 - ALL MULCH TO BE FINELY SHREDED HARDWOOD ORGANIC DARK MULCH, NO DIED MULCHES. INSTALL 4" DEPTH. NO FILTER FABRIC BENEATH ORGANIC MULCHES. NO EDGING AROUND ALL TREES OUTSIDE SHRUB BEDS.
 - IF SPECIFIED, ALL GRAVEL MULCH SHALL BE 1" DIA. WASHED "RIVER ROCK". INSTALL 4" DEPTH WITH APPROVED WEED FABRIC BARRIER IF INDICATED PLAN.
 - LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR IRRIGATION SYSTEM INSTALLATION PER IRRIGATION PLAN. DESIGN SHALL BE APPROVED BY OWNER PRIOR TO INSTALLATION. IRRIGATION DESIGN SHOULD ENCOMPASS ALL LANDSCAPE AREAS WITH 500 AND/OR PLANTINGS, FROM CURB TO CURB. R.O.W. SHOULD BE IRRIGATED FROM SPRINKLER HEADS LOCATED WITHIN PROPERTY BOUNDARY. CARE SHOULD BE TAKEN IN VICINITY OF ALL WALKS AND DRIVES TO MINIMIZE OVER SPRAY. COORDINATE INSTALLATION OF ALL PVC SLEEVE UNDER DRIVE AREAS WITH GENERAL CONTRACTOR.
 - LANDSCAPE CONTRACTOR SHALL CLEAN ALL PAVEMENT AREAS AFTER ALL LANDSCAPE INSTALLATION IS COMPLETE AND ACCEPTED BY OWNER AND DAILY AS DEEMED NECESSARY BY THE CITY.
 - GENERAL CONTRACTOR TO SWEEP PAVEMENT AREAS PRIOR TO TURN OVER TO OWNER.



PLOTTING NOTE: PLANS PLOTTED TO 11x17
SHEET SIZE AND SCALE: 1"=60'

**Kwik
TRIP**

**Kwik
STAR**

KWIK TRIP, Inc.
P.O. BOX 2107
1625 OAK STREET
LACROSSE, WI 54602-2107
PH. (608) 781-8988
FAX (608) 781-8960

INSITES
3131 Fernbrook Lane North, STE 200
Plymouth, Minnesota 55447
763.381.8400
563.463.0000



LANDSCAPE PLAN

CONVENIENCE STORE 1213

NORTH LIBERTY, IOWA

NO.	DATE	DESCRIPTION
1	21 JAN 22	SUBMITTAL
2	10 MAR 22	GREEN ISLAND
3	23 SEP 22	CITY COMMENTS
DRAWN BY		
SCALE		
PROJ. NO.		
DATE		
SHEET		

L1



To **City of North Liberty Planning Commission**
From **Ryan Rusnak, AICP**
Date **September 30, 2022**
Re **Request of Galaga Enterprises, LC to approve a Preliminary Site Plan for a building trade and services building and related site improvements on 1.72 acres. The property is located at 625 240th Street.**

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

Ryan Heiar, City Administrator

Tracey Mulcahey, Assistant City Administrator

Grant Lientz, City Attorney

Tom Palmer, City Building Official

Kevin Trom, City Engineer

Ryan Rusnak, Planning Director

1. Request Summary:

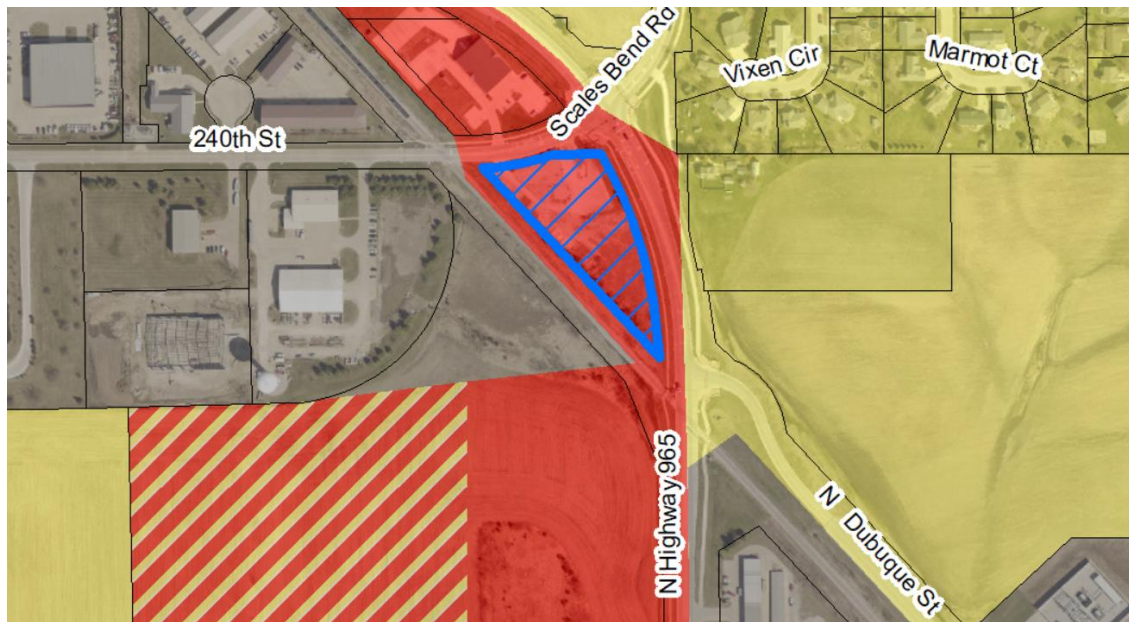
The site plan proposes a building and services building and related site improvements on 1.72 acres.

2. Existing Zoning:

The property is currently zoned C-2-A Highway Commercial District. "Building Trades and Services" is listed as a permitted uses in the C-2-A District.



3. **Comprehensive Plan Future Land Use Map Designation:** Commercial. The C-2-A District is consistent with the Commercial Land Use Designation.



4. **Public Input:**

No public comments have been received.

Section 165.05(2) of the North Liberty Code of Ordinances entitled, "Preliminary Site Review" sets forth the approval standards (Ordinance language in *italics* and staff analysis in **bold**).

- *Date, north arrow and graphic scale.* **Provided.**
- *The property owner's name and description of proposed development.* **Provided.**
- *A vicinity sketch showing the location of the property and other properties within 1,000 feet of it.* **Provided.**
- *Property boundary lines, dimensions, and total area.* **Provided.**
- *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.* **Provided.**
- *The location of existing streets, sidewalks, easements, utilities, drainage courses.* **Provided.**
- *The total square feet of building floor area, both individually and collectively.* **Provided.**
- *All structures and major features shall be fully dimensioned including distance between structures, distance between driveways, parking areas, property lines and building height.* **Provided.**
- *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.* **Provided.**
- *Pedestrian walkways with special consideration given to pedestrian safety.* **Provided.**
- *Trash and refuse enclosures.* **Trash and refuse located within the building.**

- *The general drainage pattern and location of storm water detention features.* **Provided.**
- *The general location, type and size of landscaping and ground cover illustrated in color perspective.* **Provided.**
- *A rendering, elevation or photo of the proposed development.* **Provided.**

North Liberty Code of Ordinances Section 168.07 entitled, "Uses Defined and Use Standards" sets forth certain design standards (applicable Ordinance language in italics and staff analysis in bold).

Section 168.07(15)

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.

It is staff's opinion that the site plan achieves consistence with the aforementioned design standards.

North Liberty Code of Ordinances Section 169.10 entitled, "Design Standards" sets forth certain design standards (applicable Ordinance language in italics and staff analysis in bold).

Requirements for All Districts.

- Building design shall be visually harmonious and compatible with the neighborhood character.
- Buildings located on property with double frontages shall have similar wall design facing both streets.
- Except for RS RD,R-MH and ID districts, color schemes shall be primarily based on earth tones. Earth tone colors include colors from the palette of browns, tans, greys, greens, and red. Earth tone colors shall be flat or muted. Building trim and accent areas may feature non-earth tone and brighter colors. In any district, the use of high intensity colors, neon or fluorescent color and neon tubing is prohibited.
- Except in the R-MH district, a minimum roof pitch of 5:12 shall apply to gable, hip, or shed roofs and there shall be a minimum roof overhang at the eaves of 12 inches. This does not apply to portions of a roof that are separate from the structure's primary roof. Metal roofs shall not be corrugated or similar appearance. The color of the roof shall be visually harmonious and compatible with the building color scheme.

It is staff's opinion that the site plan achieves consistence with the aforementioned design standards.

Requirements for Non-Residential and Commercial Districts

Requirements for Non-Residential (including mixed-use) Development in Residential Districts. The following requirements shall be observed for all non-residential development in the RS, RD, RM and ID districts:

- Minimum required masonry on front and corner side yard building elevations is 60%. Required masonry does not apply to accessory structures.
- For exterior walls not composed of masonry products, wall coverings shall be wood and/or vertical or horizontal grooved siding or lapped siding, or materials of similar appearance.

Requirements for Development in Commercial Districts.

Commercial zoning districts are intended to enhance public welfare by providing for safe, convenient, high quality pedestrian-oriented commercial centers that contribute to

community identity as energetic and attractive focus points. Through development and redevelopment within these districts, the city recognizes the importance of creating high quality development areas to the quality of life for residents of the city, the impact quality development has on the image of the community, and the need to provide restrictions and guidelines to enhance visual appearance and functionality. The objectives addressed through these regulations include the following:

- Design. To achieve appealing aesthetic design through high quality architecture and construction, with attention to placement, relationship, and orientation of structures and amenities to provide both internal cohesiveness and compatibility with surrounding uses.
- Walkability. To achieve overall development patterns that encourage walking and reduce dependence on the automobile to travel from one business to another, and so reduces the dominance of the automobile within the development.
- Human-scale Activity. To achieve a sense of place by emphasizing pedestrian interaction with commercial uses rather than sprawling automobile-dominated designs, both in building architecture and public or private outdoor areas.
- Compatible Uses. To achieve the right blend of uses, compact and well-designed, that complement each other and provide cohesive overall developments.

It is staff's opinion that the site plan achieves consistence with the aforementioned design standards.

6. Staff Recommendation:

Findings:

1. The commercial use of the property would be consistent with the current C-2-A District and the Comprehensive Plan Future Land Use Map designation of Commercial; 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.

Recommendation:

Staff recommends the Planning Commission accept the two listed findings and forward the request to approve a preliminary site plan for a building trade and services building and related site improvements on 1.72 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 site plan to the City Council with a recommendation for approval.

PRELIMINARY SITE PLAN A2Z HEATING AND PLUMBING

625 240th STREET
CITY OF NORTH LIBERTY, IOWA

UTILITY AND EMERGENCY TELEPHONE NUMBERS	
AGENCY	CONTACT NUMBER
CITY OF NORTH LIBERTY, IOWA	
WATER AND WASTE WATER	(319)626-5700
POLICE DEPARTMENT	
BUSINESS	(319)626-5724
EMERGENCY	911
FIRE DEPARTMENT	
BUSINESS	(319)626-5717
EMERGENCY	911
IOWA ONE CALL (UTILITIES)	(319)292-8989
MIDAMERICAN ENERGY (NAT. GAS)	
BUSINESS	(800)329-6261
EMERGENCY	(800)595-5325
ALLIANT ENERGY (ELECTRIC)	
BUSINESS	(800)255-4268
LINN COUNTY R.E.C. (ELECTRIC)	
BUSINESS	(800)332-5400
SOUTH SLOPE (TELEPHONE, CABLE TV)	
BUSINESS	(319)626-2211
LOCATES	(800)292-8989
MEDIACOM (CABLE TV)	
BUSINESS	(800)332-0245
LOCATES	(800)292-8989

LOCATION MAP



(SCALE: APPROX. 1" = 500')

INDEX OF SHEETS	
NO.	DESCRIPTION
C1	TITLE SHEET
C2	OVERALL SITE PLAN
C3	BUILDING AREA SITE PLAN

LEGAL DESCRIPTION

ALL THAT PART OF THE NW 1/4 OF SECTION 12, TOWNSHIP 80 NORTH, RANGE 7 WEST OF THE 5TH P.M. LYING NORTH AND EAST OF THE SOUTH-OF-WEST OF THE CEDAR RAPIDS AND IOWA CITY RAILWAY COMPANY, EXCEPTING AND SUBJECT TO THE RIGHTS OF THE STATE OF IOWA AND THE PUBLIC IN AND TO U.S. HIGHWAY NO. 218, AS THE SAME IS NOW LOCATED AND AS SHOWN OF RECORD, ALL IN NORTH LIBERTY, JOHNSON COUNTY, IOWA.

OWNER/APPLICANT:
GALAXIA ENTERPRISES LLC
C/O SCOTT JONES AND DARLINE HORTON
PO BOX 530
165 HWY 865
NORTH LIBERTY, IOWA 52317
PH: 319-351-2743
sjones@zheatingandplumbing.com
D Horton@zheatingandplumbing.com

ENGINEER/CONTACT:
BRAIN ENGINEERING, INC.
1540 MIDLAND COURT NE
CEDAR RAPIDS, IOWA 52402
PH: 294-9424
FAX: 294-1056
EMAIL: dora@brain-eng.com

REQUEST: PRELIMINARY SITE PLAN APPROVAL
SITE ADDRESS: 625 240th STREET

FUTURE LAND USE DESIGNATION

COMMERCIAL

EXISTING ZONING & USE

EXISTING ZONING: C-2-A, HIGHWAY COMMERCIAL DISTRICT
PROPOSED ZONING: NO CHANGE
PROPOSED USE: HEATING AND PLUMBING CONTRACTOR

C-2-A SETBACK REQUIREMENTS

BUILDING SETBACKS:
FRONT YARD - 25 FEET
CORNER SIDE YARD - 25 FEET
REAR YARD - 20 FEET
SIDE YARD - 10 FEET

PARKING SETBACKS:
RIGHT-OF-WAY LINE - 10 FEET
REAR LOT LINE - 5 FEET
SIDE LOT LINE - 5 FEET

SITE AREA CALCULATION

TOTAL SITE AREA: 74,808 SQ. FEET = 1.72 ACRES
EXISTING HARD SURFACING = 30,307 SQ. FEET = 40.5%
EXISTING OPEN SPACE = 44,501 SQ. FEET = 59.5%

PROPOSED BUILDING AREA (INCL. PORCH OVERHANG) = 6,266 SQ. FEET = 8.4%
PROPOSED PAVING AREA = 18,624 SQ. FEET = 24.9%
PROPOSED HARD SURFACING = 24,920 SQ. FEET = 33.3%
PROPOSED OPEN SPACE = 49,888 SQ. FEET = 66.7%

BUILDING INFORMATION:

HEATING AND PLUMBING CONTRACTOR: A2Z HEATING & PLUMBING
SINGLE STORY
BUILDING AREA = 6,086 SQ. FT.

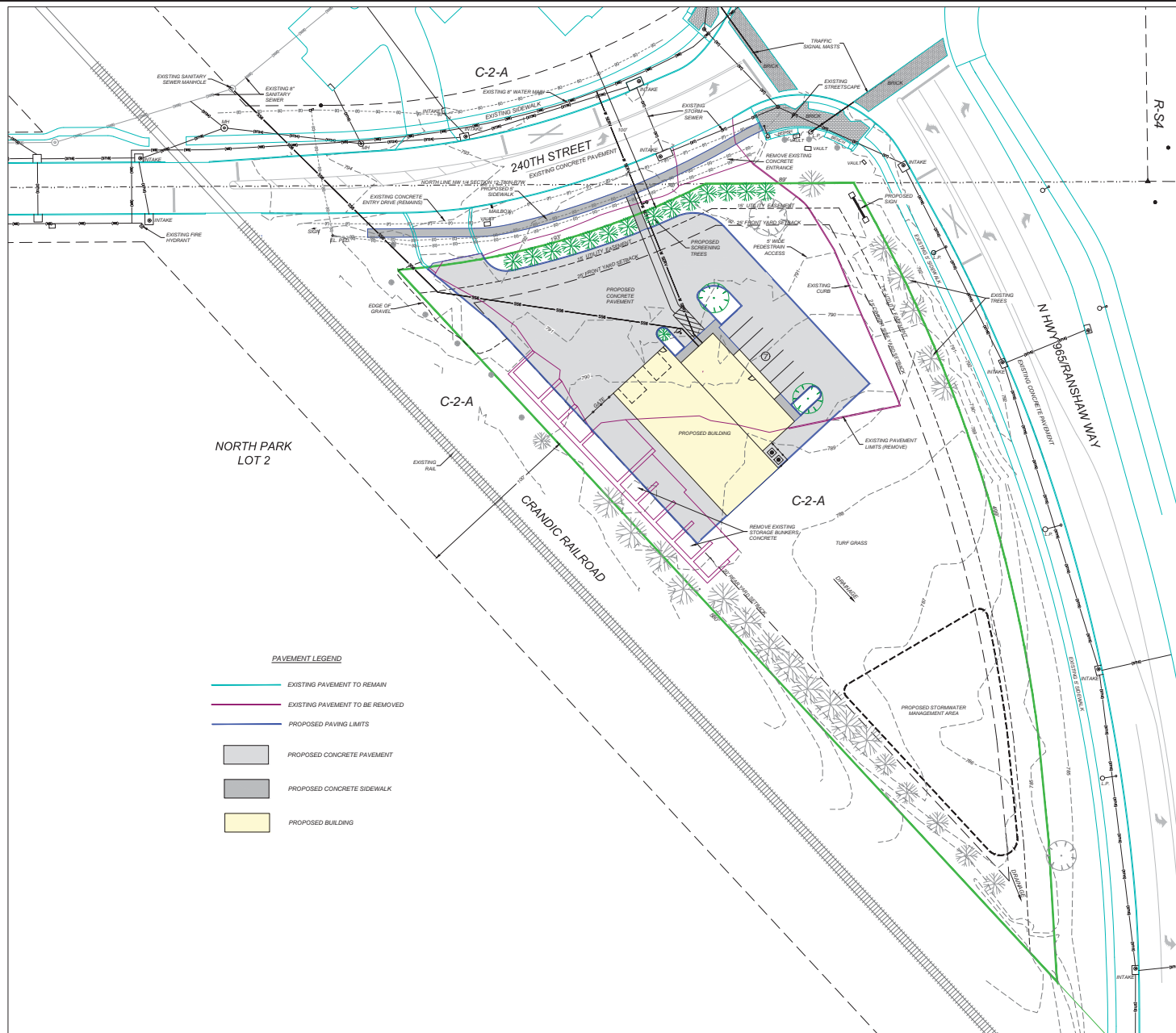
PARKING REQUIREMENTS

TOTAL PARKING SPACES REQUIRED:
INDUSTRY: 1 PER 1,000 S.F. GFA = 7 SPACES (6,086 SQ. FT.)
TOTAL PARKING PROVIDED: 9 SPACES
ADA SPACES REQUIRED: 1 INCL. 1 VAN ACCESSIBLE
ADA SPACES PROVIDED: 1 INCL. 1 VAN ACCESSIBLE

CONTACT PERSON

Contact Person	Daniel L. Schmitt
Telephone Number	(319) 294-9424
Fax Number	(319) 294-1056
Mailing Address	1540 Midland Court NE
Date Submitted	8/26/2022
Date Revised	9/23/2022

BRAIN ENGINEERING, INC. CIVIL - LAND DEVELOPMENT - SURVEYING - TRANSPORTATION	CHECK BY:	REVISION DATE
	DATE:	CITY FILE NO:
	REVIEWED BY:	Project No:
	DATE:	591522-10

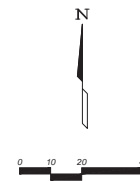
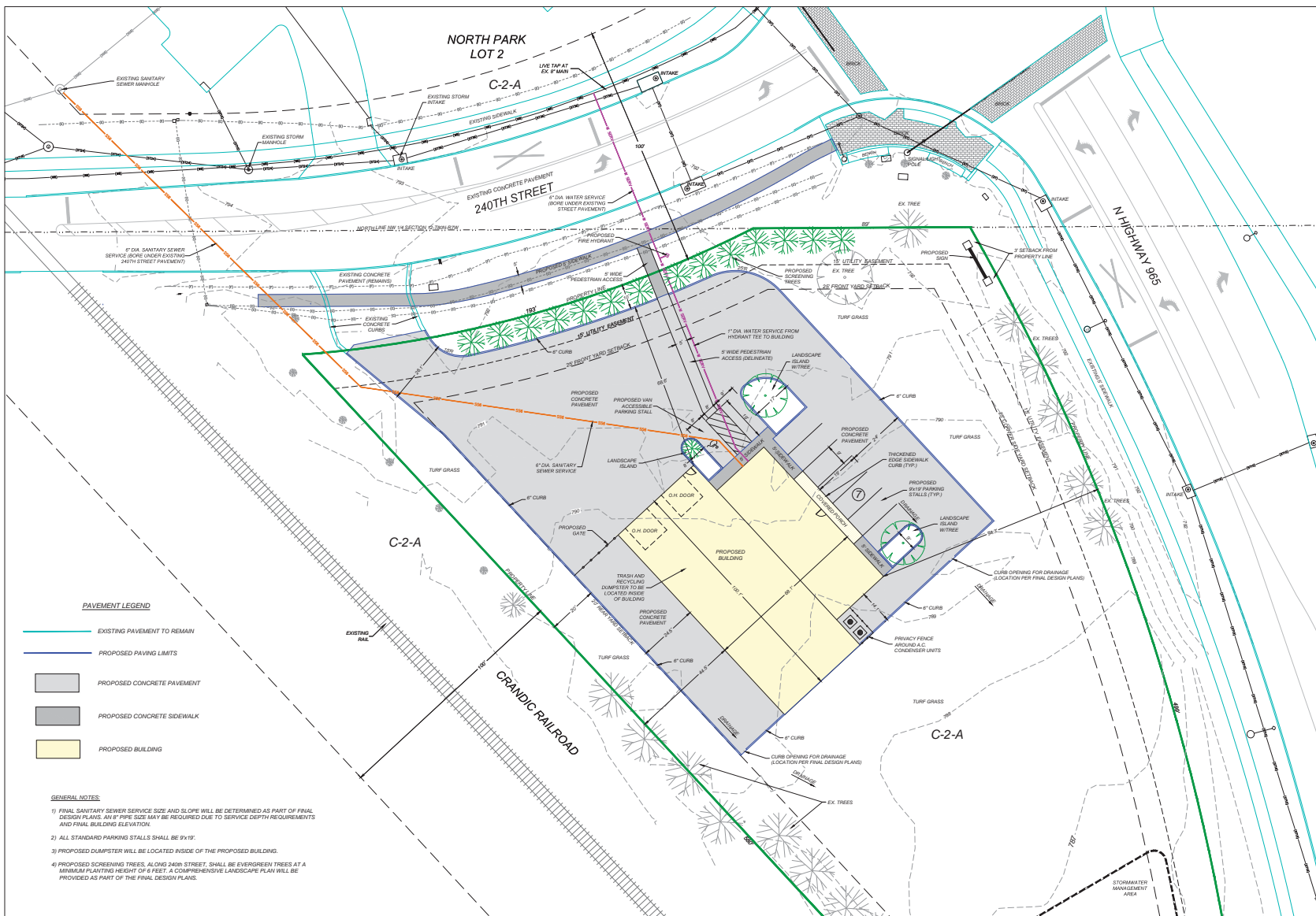


NORTH PARK
LOT 2

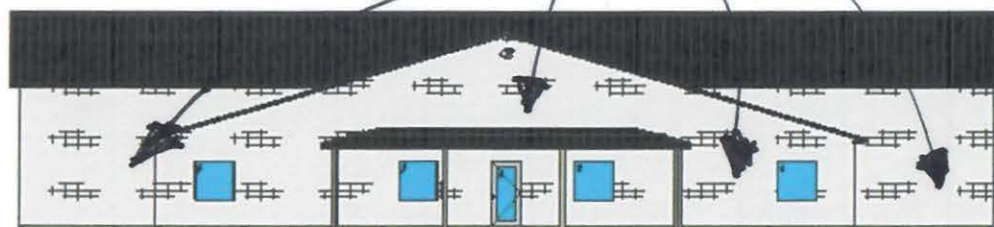
PAVEMENT LEGEND

- EXISTING PAVEMENT TO REMAIN
- EXISTING PAVEMENT TO BE REMOVED
- PROPOSED PAVING LIMITS
- PROPOSED CONCRETE PAVEMENT
- PROPOSED CONCRETE SIDEWALK
- PROPOSED BUILDING

- GENERAL NOTES:
- 1) REMOVALS INCLUDE THE FOLLOWING:
 A) ALL ON-SITE CONCRETE, ASPHALT, AND GRAVEL SURFACING INCLUDING
 B) EXISTING EASTERN Y SITE ENTRANCE
 C) EXISTING STORAGE BLANKET CONCRETE
 D) WESTERN SITE ENTRANCE TO REMAIN.
 - 2) SEE SHEET C3 FOR SEWER AND WATER SERVICE INFORMATION AND DIMENSIONS FOR THE PROPOSED IMPROVEMENTS.
 - 3) 15' UTILITY EASEMENT ADJACENT TO 240th STREET AND HWY 965 RECORDED IN BK: 4213, PD: 482-455 IN THE JOHNSON COUNTY RECORDER'S OFFICE.

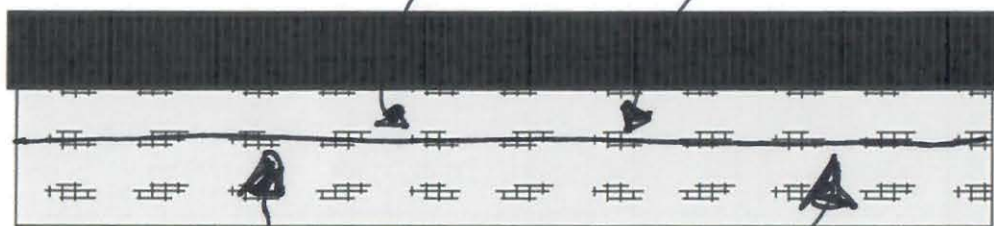


STONE VENEER 100%



(A2) ENDWALL 1 ELEVATION

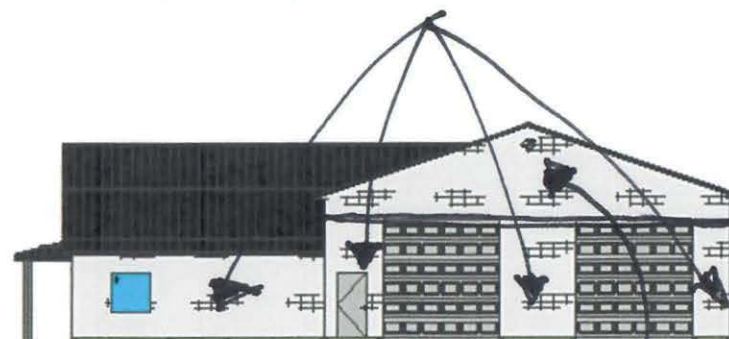
DOUBLE 5" VINYL SIDING 40%



(C2) ENDWALL 2 ELEVATION

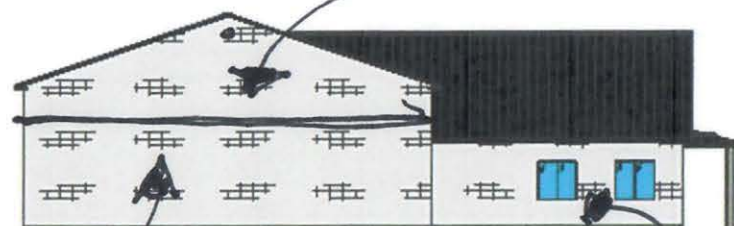
STONE VENEER 60%

STONE VENEER 60%



(B2) SIDEWALL 1 ELEVATION

DOUBLE 5" VINYL SIDING 40%



(D2) SIDEWALL 2 ELEVATION

STONE VENEER 60%



DEALER INFO.

Eastern Iowa Building Inc.
104 Williams Blvd
Fairfax, IA 52228-9514

CUSTOMER INFO.

A2Z Heating & Plumbing
1111 2nd Ave Sess
North Liberty, IA 52317

COMPLEX BUILDINGS

P21C-15499-00-00
P21C-15498-00-00

Cplx Direction



©2013 Lester

GPI X: P21C-15500-00-00
PROPOSAL DRAWINGS ONLY

Not intended for Construction Purposes
The information herein is for informational purposes only and is not intended to be used as a basis for construction. It is not intended to be used as a basis for construction. It is not intended to be used as a basis for construction.



To **City of North Liberty Planning Commission**
From **Ryan Rusnak, AICP**
Date **September 30, 2022**
Re **Request of Kevin Paul Watts for a zoning map amendment (rezoning) from ID Interim Development to RS-4 Single-Unit Residence District on 2.53 acres. The property is located at property located at 3123 West Hauer Drive 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

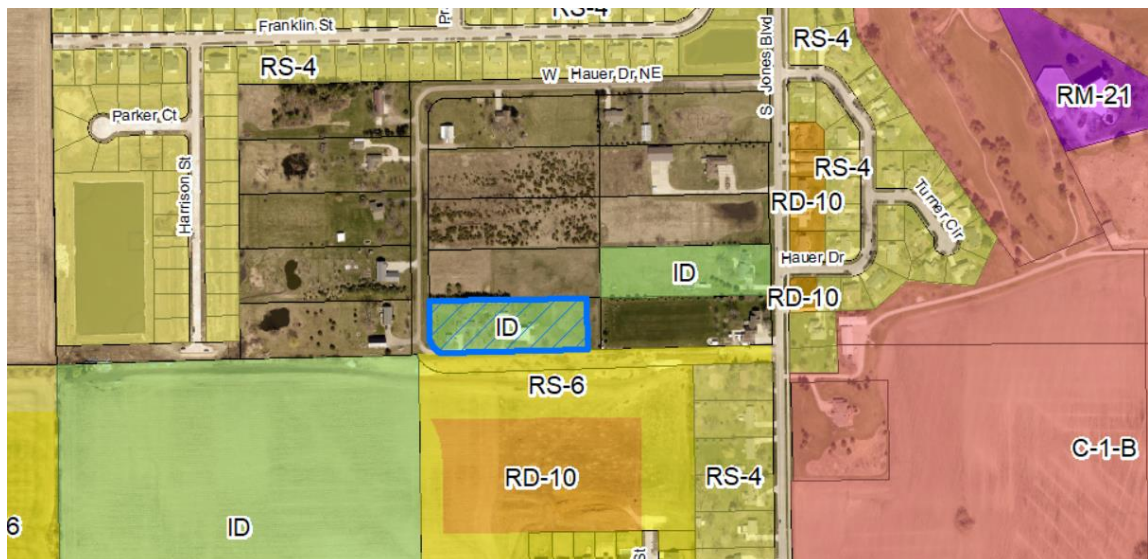
1. Request Summary:

The property was recently annexed into the corporate limits of North Liberty. The rezoning request is to facilitate subdivision of the property when Remley Street gets installed in conjunction with the Mickelson development to the south.

2. Proposed Zoning:

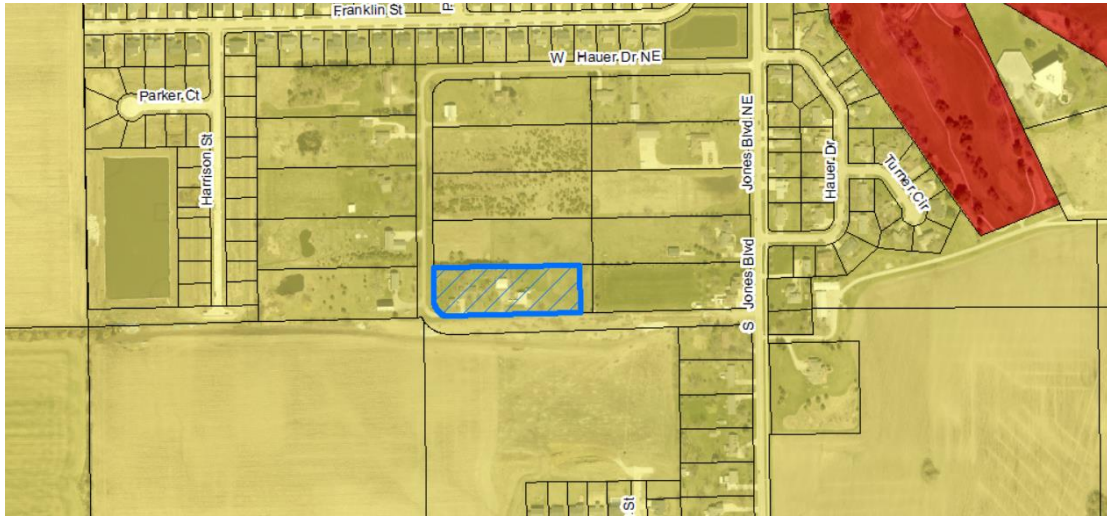
RS-4 Single-Unit Dwelling District

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.



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 September 19, 2022. One person outside of City staff and the applicant attended the virtual meeting. There were no objections expressed at the meeting.

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.

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

It is staff's opinion that the proposed zonings would be compatible with adjacent 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.

(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 rezoning is necessary in order to be able to subdivide the property.

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

This is not applicable.

6. 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 findings 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 **September 30, 2022**
Re **Request of Dahnovan Holdings, LLC for a zoning map amendment (rezoning) from O-RP Office and Research Park District to RM-12 Multi-Unit Residence District on 23.36 acres and to C-3 Higher-Intensity Commercial District on 18.12 acres. The property is located at the west side of North Kansas Avenue approximately 150 feet south of West Lake 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 would facilitate development of the property with multi-unit residences and higher-intensity commercial/residential uses.

2. Proposed Zoning:

RM-12 Multi-Unit Residence District and C-3 Higher-Intensity Commercial District.
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 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.

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 September 19, 2022. A few people outside of City staff and the applicant attended the meeting and just had general questions about the type of development proposed. 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.

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

It is staff's opinion that the proposed zonings would be compatible with the area.

(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.

Office research parks have been a declining trend, which has been exasperated by Covid-19. Staff envisions the O-RP zoning being deleted as a zoning district and being replaced with other relevant zoning districts.

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

This is not applicable.

- (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 along North Kansas Avenue, which is a minor arterial road. 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 168.02-B Dimensional Standards SF = Square Feet, DU= Dwelling Unit, ' = Feet	
	RM-12
Bulk	
Minimum Lot Area	21,780 SF 3,500 SF/DU
Minimum Frontage	50'
Minimum Lot Width	80'
Maximum Building Height	40'
Setbacks	
Minimum Required Front Yard	25'
Minimum Required Corner Side Yard	25'
Minimum Required Side Yard	15'
Minimum Required Rear Yard	30'

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:

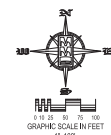
Staff recommends the Planning Commission accept the listed finding and forward the request for zoning map amendment from O-RP Office and Research Park District to RM-12 Multi-Unit Residence District on 23.36 acres and to C-3 Higher-Intensity Commercial District on 18.12 acres to the City Council with 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.

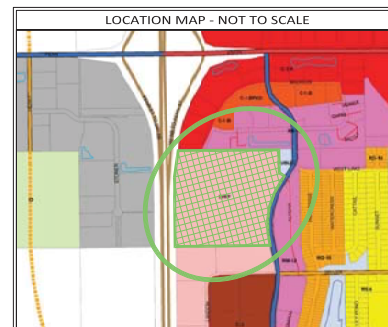
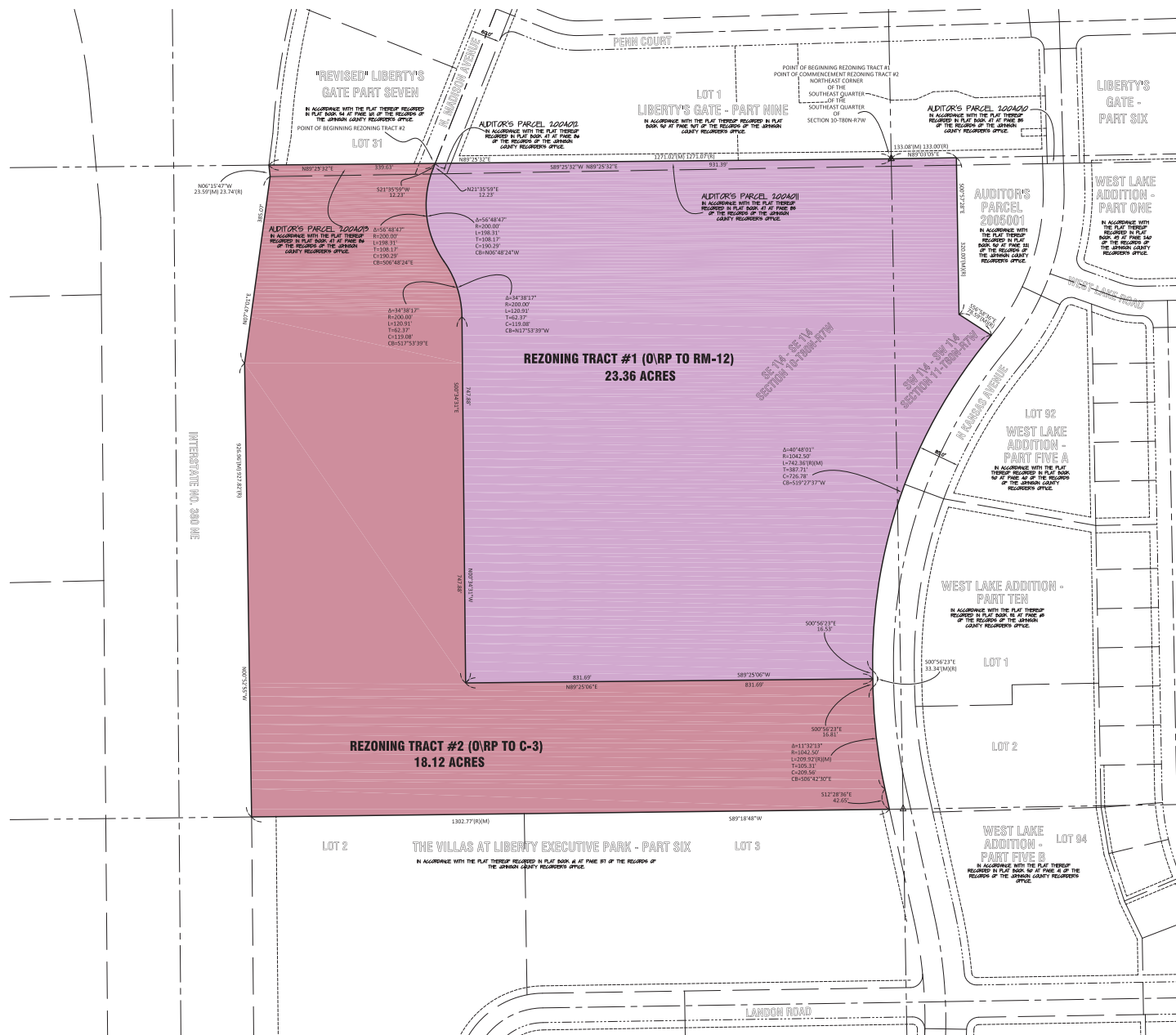
A PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 10, AND
A PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 11, ALL
OF TOWNSHIP 80 NORTH RANGE 7 WEST OF THE FIFTH PRINCIPAL MERIDIAN

PLAT PREPARED BY:	OWNER:	APPLICANT:
MMS CONSULTANTS INC.	MAJ PROPERTIES II LLC	DAHNOVAN HOLDINGS
1917 S. GILBERT STREET	901 N KANSAS AVENUE	1650 LINDEN LANE
IOWA CITY, IA 52240	NORTH LIBERTY, IOWA 52317	NORTH LIBERTY, IOWA 52317



▲	- CONGRESSIONAL CORNER, FOUND
▲	- CONGRESSIONAL CORNER, REESTABLISHED
▲	- CONGRESSIONAL CORNER, RELOCATED LOCATED
○	- PROPERTY CORNERS, FIELD MEASURED
○	- PROPERTY CORNERS SET
○	- (5/8" iron pin w/ rubber, plastic LS Cap embossed with "M&S")
○	- "P"
○	- PROPERTY &/or BOUNDARY LINES
○	- CONGRESSIONAL SECTION LINES
○	- RIGHT-OF-WAY LINES
○	- CENTER LINES
○	- LOT LINES, INTERNAL
○	- LOT LINES, PLATTED OR BY DEED
○	- LOT LINES, WIDTH & PURPOSE NOTED
○	- EXISTING EASEMENT LINES, PURPOSE NOTED
○	- RECORDED DIMENSIONS
○	- MEASURED DIMENSIONS
○	- CURVE SEGMENT NUMBER

UNLESS NOTED OTHERWISE, ALL DIMENSIONS ARE IN FEET AND HUNDREDS

[illegible][illegible]



To **City of North Liberty Planning Commission**
From **Ryan Rusnak, AICP**
Date **September 30, 2022**
Re **Request of GRD Bursleson, LLC for a zoning map amendment (rezoning) from ID Interim Development to C-3 Higher-Intensity Commercial District on 7.64 acres. The property is located on the east side of North Liberty Road approximately 375 feet south of South Dubuque 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

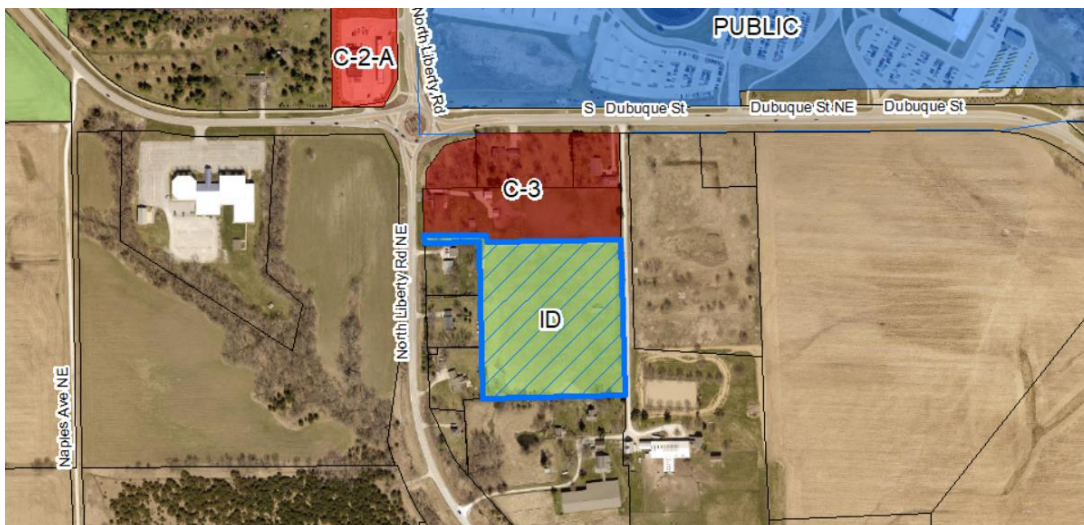
1. Request Summary:

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

2. Proposed Zoning:

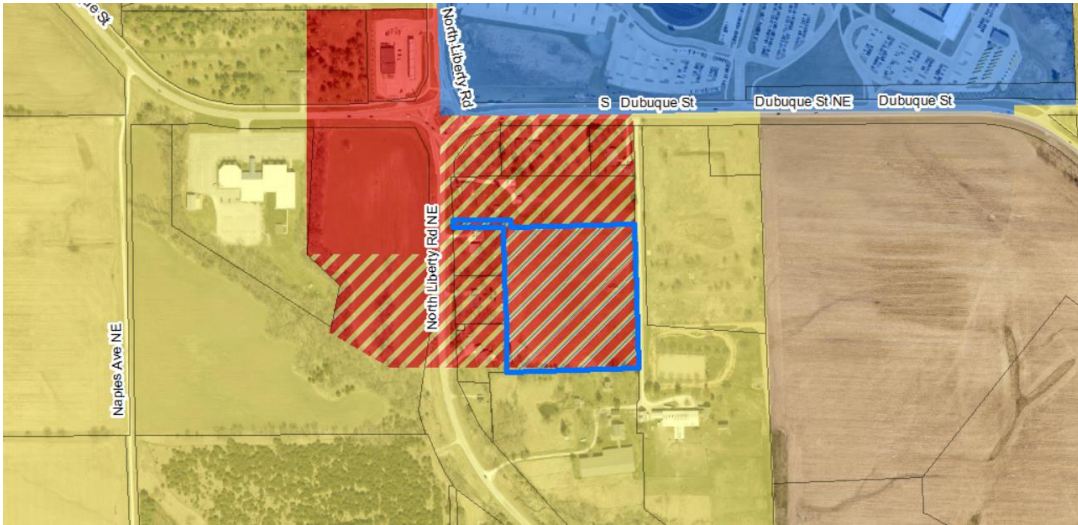
C-3 Higher-Intensity Commercial District.

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 September 20, 2022. Three people (representing two properties) outside of City staff and the applicant attended the meeting and just had general questions about the type of development proposed. A letter of objection is included in the background material.

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.

The objection received is from the property owners located at the southwest corner of the subject property. Why the C-3 district allows for higher-intensity uses, there a couple of natural and code requirements that help mitigate some potential impacts. A 20' side yard setback is required when abutting residential zoning. Also, the topography of the site lends this area to being a drainage feature.

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'

Staff disagrees that the zoning should be “stepped down” to a less intense zoning district. It is staff’s opinion that this and the adjacent property to the north and east should develop in a coordinated manner.



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 ID Interim Development to C-3 Higher-Intensity Commercial District on 7.64 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.

Sep 26, 2022

This letter is to be submitted as written remarks regarding our stance against approval of application to rezone parcel 0717376006 to C3 high intensity commercial designation.

We submit these thoughts as homeowners at 2786 North Liberty Road and Johnson County residents and request the zoning commission, city council, and city staff consider the following items regarding this rezoning request and the role each group has with the development of this land.

1. Type of zoning being sought

C3 is the highest zoning allowed in city code and we feel it should not be permitted due to the close proximity to homes in this area, the fact that the land in question is landlocked and not main frontage where you would normally see this type of zoning, and because the rezoning comes with no plan that has been shared with the public and there's a potential the land could be sold off.

C3 is also a new classification, and we feel that there should be a better hold on what will happen to C3 areas before it's passed as such – with public disclosure especially when the area is not frontage and neighbors' homes – and consideration for the fact that land can be sold after it's rezoned to other developers.

From our observations, this current plot only has 30' of frontage and 35' of frontage is required currently for C3 zoning. During the Good Neighbor Meeting on 9/20/22 information was made public that there is a potential plan to sell a portion of parcel to the parcels owned by CMW Properties, LLC directly to the north of this property. There is concern that this would further reduce the frontage required to support development of a commercial property.

2. Lack of plan from development group

The lack of plan for this area creates more questions instead of a firm understanding of the intended use by developers. Because this land is adjacent to single-family residential homes, we'd like to request the city to require a Planned Area Development plan before moving forward with this zoning request change to show the intended use, answer questions around the frontage requirements, and show the density planned. A PAD would also answer questions about potential solutions and mitigation efforts to provide the most livable solution to the adjacent homeowners by laying out the buffer zones, distance to residential zoning, and infer where rain gardens, water retention ponds and basins, and other efforts will be made to maintain the livability adjacent to the homes along North Liberty Road. At a minimum we'd prefer to see a C2 zoning plan that has existing height restrictions that reduce maximum allowed buildings and accounts for reduced noise, traffic, and light pollution especially if a PAD site plan will not be required by city staff.

3. Livability for adjacent homes

Our primary concern as adjacent homeowners is the livability in a post-C3 zoned area which could allow for building heights up to 75', high density buildings like apartment buildings or

heavy retail use in this landlocked area that is not on main road frontage. It's important to note that despite what a developer says will likely not happen, the city has the responsibility to be considering the best interest of all impacted parties not just the individuals with the resources of being able to develop land and using existing policy and code as parameters for developers.

We have additional concerns with this type of commercial rezoning due to the likelihood of light pollution due to signage and vehicles, noise pollution due to engagement in retail space, traffic, and drive through areas, and lack of access to natural sunlight in our green spaces due to building heights and overcast.

If the developers wish to divide off some of this land to add it into the C3 zoning near the roundabout on Dubuque Street, they should partition this off and resubmit it for zoning consideration. Allowing this entire parcel to be rezoned to the highest allowed type of rezoning does not follow traditional urban planning that slowly stair-steps commercial areas into a progression of mixed use, multi-family, and then single-family homes. Long range planning would assume this type of change would happen over decades as single-family homes become old and new development comes in, not all at once which in turn forces out home owners and homes before their natural lifespan.

In closing, we encourage the city to ask for plans for this project prior to approving a rezoning and only consider a C2 plan due the unique attributes of this parcel of land and the details mentioned in this letter.

As future North Liberty residents we welcome commercial development and the need for North Liberty to establish growth along some of the busiest roads in North Liberty. We hope to see the elected officials and city staff work to find a rezoning plan that honors the economic needs of North Liberty, the financial desires of the developers, and the livability and rights of adjacent homeowners who have picked North Liberty to be their home.

Kate Connell | connellkatherinee@gmail.com
Matt Potts | pottsmatthewa@gmail.com
2786 North Liberty Rd NE
North Liberty, IA 52317



To **City of North Liberty Planning Commission**
From **Ryan Rusnak, AICP**
Date **September 30, 2022**
Re **Request of the City of North Liberty for an Ordinance amending Chapter 165 of the North Liberty Code of Ordinances (Zoning Code – Administrative) to establish a six and a half month moratorium on submittal and review of preliminary site plan applications for which the current zoning district designation or use is incompatible or inconsistent with the North Liberty Comprehensive Plan 2014 Land Use Map and the proposed future land use map.**

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 would temporarily prohibit the submission and review of preliminary site plan applications for which the current zoning district or use is incompatible or inconsistent with the both the North Liberty Comprehensive Plan 2014 Land Use Map and the proposed future land use map.

- A. Required Preliminary Site Plan Review. Preliminary site plan approval is required for the following developments:
- (1) New townhouse, multi-unit residence, manufactured home park, nonresidential, and mixed-use development, including construction of additional principal buildings on a developed site.
 - (2) Additions to townhouse, multi-unit residence, nonresidential, and mixed-use development that increase the gross floor area by 3,000 square feet or more.
 - (3) Parking lots of 15 or more spaces.

The City expects that the final Plan submission from RDG will be presented and considered prior to the end of the calendar year 2022, and that the final proposed Plan is likely to substantially conform to RDG's preliminary findings and recommendations. Included in the background material is the proposed Future Land Use Map.

There are properties which have zoning districts that are inconsistent with both maps. The additional time will allow for the adoption of the new Comprehensive Plan and allow

staff to initiate administrative rezonings to achieve consistency with the new Future Land Use Map.

Inaction would allow a property owner to submit for a preliminary site plan for use consistent with the current zoning district.

Public Input:

No public input has been received.

Staff Recommendation:

Finding:

1. The City expects that the final comprehensive plan submission from RDG will be presented and considered prior to the end of the calendar year 2022, and that the final proposed Plan is likely to substantially conform to RDG's preliminary findings and recommendations; and
2. The City anticipates the prompt review and implementation of all or substantially all of the recommendations contemplated in the proposed final Plan, including modification of the City's future land use map, shortly after its final submission and consideration by the Planning and Zoning Commission; and
3. Approval of preliminary site plans which are in conflict with the modified future land use map prior to its pending implementation would undermine the effectiveness of the comprehensive plan.

Recommendation:

Staff recommends the Planning Commission accept the three 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 three listed finding and forward the Ordinance amendment to the City Council with a recommendation for approval.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 165 OF THE NORTH LIBERTY CODE OF ORDINANCES (ZONING CODE – ADMINISTRATIVE) TO ESTABLISH A SIX AND A HALF MONTH MORATORIUM ON SUBMITTAL AND REVIEW OF PRELIMINARY SITE PLAN APPLICATIONS FOR WHICH THE CURRENT ZONING DISTRICT DESIGNATION OR USE IS INCOMPATIBLE OR INCONSISTENT WITH THE NORTH LIBERTY COMPREHENSIVE PLAN 2014 LAND USE MAP AND THE PROPOSED FUTURE LAND USE MAP.

WHEREAS, in Resolution 2021-91, the City of North Liberty entered into an Agreement with RDG Planning & Design (“RDG”) to assist with the development and implementation of a new comprehensive plan (“the Plan”); and

WHEREAS, RDG has submitted preliminary findings and recommendations to the City of North Liberty in accordance with the agreement, said findings incorporating input from North Liberty’s residents and elected officials through a series of public meetings; and

WHEREAS, the City expects that the final Plan submission from RDG will be presented and considered prior to the end of the calendar year 2022, and that the final proposed Plan is likely to substantially conform to RDG’s preliminary findings and recommendations; and

WHEREAS, the City anticipates the prompt review and implementation of all or substantially all of the recommendations contemplated in the proposed final Plan, including modification of the City’s future land use map, shortly after its final submission and consideration by the Planning and Zoning Commission; and

WHEREAS, approval of preliminary site plans which are in conflict with the modified future land use map prior to its pending implementation would undermine the effectiveness of the Plan; and

WHEREAS, to promote fairness to potential applicants for preliminary site plan review and to preserve the integrity and effectiveness of the anticipated Plan, the City wishes to implement a temporary moratorium on the acceptance and review of preliminary site plans for such properties where the current zoning district designation or proposed use does not conform to both the current future land use map established in 2014 and the proposed future land use map to be incorporated in said Plan.

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

SECTION 1. AMENDMENT OF SUBDIVISION ORDINANCE. Chapter 165 of the North Liberty Code of Ordinances, is amended to include the following new section:

165.10 MORATORIUM. No preliminary site plan application shall be accepted or reviewed for properties for which the current zoning designation or proposed use does not conform with both the existing North Liberty Comprehensive Plan 2014 Land Use Map and proposed future land use map. Copies of the North Liberty Comprehensive Plan 2014 Land Use Map and proposed future land use map are available for inspection at City Hall.

1. The Code Official shall utilize the following for determination of current zoning designation conformity.

A. North Liberty Comprehensive Plan 2014 Land Use Map.

Land Use	Zoning District
Residential	ID, RS-3, RS-4, RS-6, RS-7, RS-8, RS-9, RD-8, RD-10, RM-8, RM-12, RM-21, R-MH
Commercial	C-1-A, C-1-B, C-2-A, C-2-B, C-3, O-RP
Commercial with Residential	RM-8, RM-12, RM-21, C-1-A, C-1-B, C-2-A, C-2-B, C-3, O-RP
Industrial	I-1, I-2, I-P
Public	P
Parks and Recreation	P

B. Proposed Future Land Use Map

Land Use	Zoning District
Urban Low Intensity	RS-3, RS-4, RS-6
Urban Medium Intensity	RS-6, RS-7, RS-8, RS-9, RD-8, RD-10, RM-8, RM-12, RM-21, R-MH, C-1-A
Urban High Intensity	RD-10, RM-12, RM-21, C-1-B, C-2-A, C-2-B, C-3, O-RP
Commercial/Industrial/Flex	I-1, I-P
Public and Semi-Public	P
Parks and Open Space	P

2. Consultation. Potential applicants shall contact the Code Official to verify zoning conformation with the proposed land use map prior to submitting an application or paying an application fee for preliminary site plan review.

3. Termination. This Section 165.10 shall be automatically repealed and be of no further force or effect on May 1, 2023.

SECTION 2. REPEALER. All Ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 3. SCRIVENER'S ERROR. The correction of typographical errors which do not affect the intent of the ordinance may be authorized by the City Clerk or the Clerk's designee without further public hearing.

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

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

Two meetings prior to final consideration waived on _____, 2022.

First and final consideration on _____, 2022.

CITY OF NORTH LIBERTY:

CHRIS HOFFMAN, MAYOR

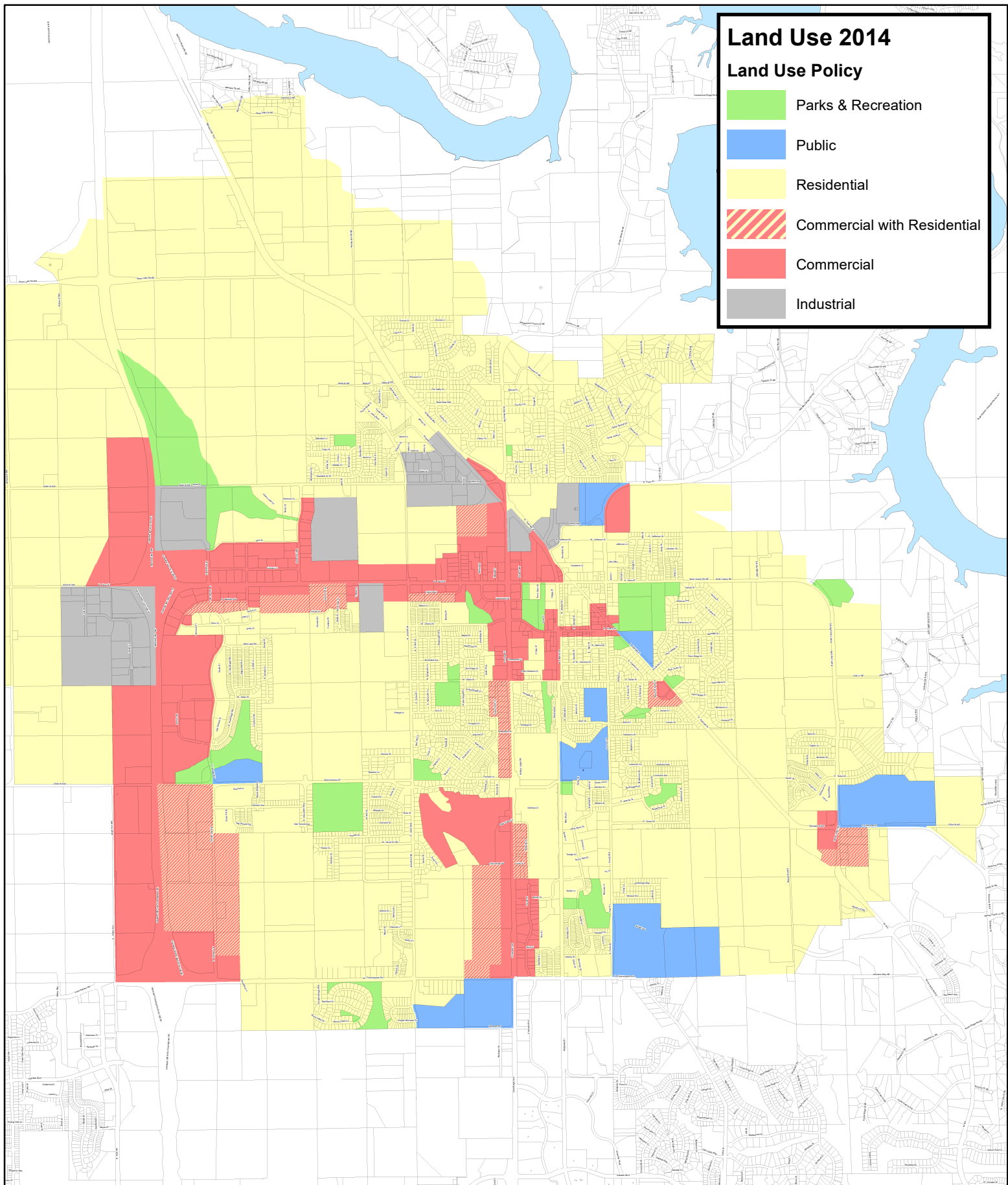
ATTEST:

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

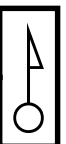
I certify that the forgoing was published as Ordinance No. _____ in the Cedar Rapids Gazette on the ____ day of _____, 2022.

TRACEY MULCAHEY, CITY CLERK

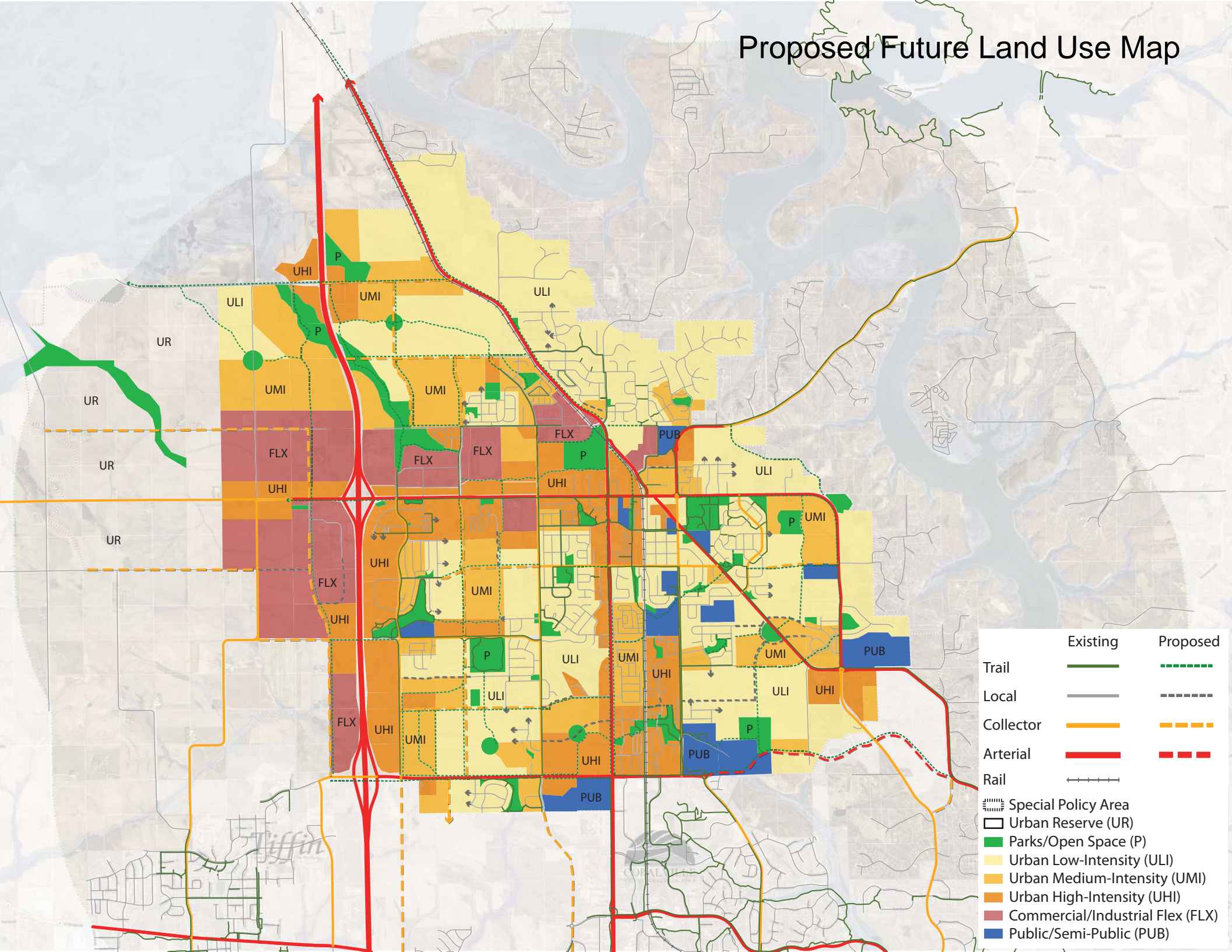


North Liberty Comprehensive Plan 2014 Land Use Map

0 0.25 0.5 1 Miles



Proposed Future Land Use Map



**Planning Commission**

September 2, 2022

City Council Chambers, 1 Quail Creek Circle, North Liberty, Iowa

Call to Order

Josey Bathke called the September 2, 2022, Planning Commission meeting to order at 6:30 p.m. in the Council Chambers at 1 Quail Creek Circle. Commission members present: Barry A'Hearn, Sheila Geneser, Jason Heisler, Brian Vincent, Patrick Staber; Absent— Dave Willer.

Others present: Other interested parties.

Approval of the Agenda

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

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.

Applicant Presentation

Bob Donner was present on behalf of the application to answer questions, and table the meeting.

Public Comments

No public comments were offered.

Questions and Comments

No public comments were offered.

Heisler moved, seconded by Stabber, to table this item per the request of the applicant until the October 4, 2022, Planning Commission meeting. The vote was all ayes. Motion carried.

Approval of Previous Minutes

A'Hearn moved, seconded by Geneser, to approve the minutes of August 2, 2022, meeting. The vote was all ayes. Minutes approved.

Old Business

No old business was presented.

New Business

No new business

Adjournment

At 6:35 p.m. Staber moved, Heisler seconded to adjourn the meeting. The vote was all ayes. Meeting adjourned.

Signed:

Stacey House, Deputy City Clerk