



Planning Commission
April 5, 2022

Call to Order

Josey Bathke called the April 5, 2022 Planning Commission to order at 6:30 p.m. in the Council Chambers at 1 Quail Creek Circle. Commission members present: Barry A'Hearn, Josey Bathke, Jason Heisler, Patrick Staber, Brian Vincent, Dave Willer; absent: Becky Keogh.

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

Approval of the Agenda

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

Comprehensive Plan Future Land Use Amendment

Staff Presentation

Rusnak presented the request of the City of North Liberty to amend the Future Land Use Map on 25.64 acres, more or less, on property located on the east side of North Dubuque Street approximately 185' south of Scales Bend Road from Commercial and Industrial to Residential. One objection was received during the good neighbor process. Staff had two findings, 1. The Residential Land Use and residential development in this location would be more compatible with the surrounding area; and 2. The Residential Land Use in this location would achieve consistency with adopted Comprehensive Land Use Policies.

Public Comments

No public comments were offered.

Questions and Comments

The Commission discussed the application including the Comprehensive Plan Advisory Committee's direction.

Recommendation to the City Council

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

Daniel and Rhonda Bernacki Revocable Trust Public Hearing on Zoning Map Amendment

Staff Presentation

Rusnak presented the request of Daniel & Rhonda Bernacki Revocable Trust for a zoning map amendment (rezoning) on 25.64 acres, more or less, on property located on the east side of North Dubuque Street approximately 185' south of Scales Bend Road from C-2-A Highway Commercial District and I-1 Light Industrial District to RS-6 Single-Unit Residence District (19.73 acres) and RM-

12 PAD Multi-Unit Residence District Planned Area Development (5.91 acres). Two good neighbor meetings were held. Twenty-five to thirty people attended. Rusnak summarized the concerns presented. One objection was received. Staff has one finding, the proposed zonings would achieve consistency with Section 165.09 of the Zoning Ordinance if the Comprehensive Plan Future Land Use Plan Map is amended to Residential.

Applicant Presentation

Brad Cummins & Dan Bernacki were present on behalf of the applicant and offered additional information on the application.

Public Comments

No public comments were offered.

Questions and Comments

The Commission discussed the application including the distance of the separation of the drives on Dubuque Street, preliminary application, two access requirement, traffic studies, intersection of Penn Street and Dubuque Street, pedestrian traffic increase, industrial traffic versus residential traffic, appreciation for walk through concerns, and a trail on the north side.

Recommendation to the City Council

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

Archie's Brake and Lube Site Plan

Staff Presentation

Rusnak presented the request of Archie's Rent A Ride, LLC to approve a Site Plan for a minor vehicle repair facility and related site improvements on approximately 1.5 acres of property located at 1040 Liberty Way. Staff findings include:

1. The minor vehicle repair 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 the 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.

Applicant Presentation

Adrienne Bricker, Axiom Consultants, was present on behalf of the applicant and offered to answer questions.

Public Comments

No public comments were offered.

Questions and Comments

The Commission had no questions or comments on the application.

Recommendation to the City Council

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

Forevergreen Estates Preliminary Subdivision Plat

Staff Presentation

Rusnak presented the request of Bowman Property, LLC to approve a Preliminary Subdivision Plat for a 129-lot subdivision on 109.46 acres, more or less, on property located at the northeast corner of West Forevergreen Road and South Kansas Avenue. Neighborhood meeting was attended by immediate neighbors. Staff recommends approval with two findings:

1. The preliminary plat, which proposes residential and commercial development, would achieve consistency with the Future Land Use designations, which are Residential, Commercial and Residential with Commercial. If approved, staff will initiate a Land Use amendment for the portion of the property designated Commercial with Residential so that the Land Use Map reflects entirely residential development.
2. The preliminary plat, with conditions recommended by City staff, would achieve consistency with Section 180.11(3)(A) and 180.12 of the North Liberty Code of Ordinances, which sets forth the preliminary subdivision plat submittal requirements and design standards, respectively;

and the following conditions:

1. That the 10' landscape easement and the sanitary sewer force main easement be left unobstructed by fences (other than the fence along the north perimeter property line) and that the homeowners' association be responsible for maintenance of the area within the landscape easement and the south side of the north perimeter fence and that said maintenance responsibilities be articulated in a recorded landscape easement at the time of final plat; and
2. That the preliminary plat be revised to include the restriction that Lot 124 shall have no direct access to South Kansas Avenue.

Applicant Presentation

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

Public Comments

Bev Seelman offered comments on the application and provided information on their family farm. She expressed concerns on the buffer, the fence, tile lines, Outlot A, water drainage, proposed open space, density along fence line, Ruth Avenue connection to their property, grade along fence line being raised, streetlights on Remley, potential of a traffic light at Remley, visibility with rise in street on Remley, the corner of their property which still has issues from the Kansas Avenue project, vacation of the existing access easement, vacation of the permanent drainage easement, plans for Outlot B & Outlot C, view of rooftops and yards, maintenance of Outlot A, hydrants on Rarick property, cookie cutter subdivision, setback from fence for sheds, and water being pushed on their property.

Questions and Comments

The Commission discussed the application including requesting that staff respond to Seelman's concerns. Staff reported on Council's change to the zoning, the area along north property line with the sanitary sewer force main and at least 10 foot landscape easement, that many of the concerns will be addressed at the construction plan evaluations, that easements have to be left unobstructed, the fence line will be maintained by HOA, sheds will not be allowed in the easement

adjacent to the fence, streetlights are a code requirement, stormwater updates, the stub street, roundabout vs. traffic signal, vacated easements, and how maintenance will be managed. Adjacent property owners will be able to express concerns at upcoming City Council meeting. Staff will share construction plans with neighbors for help with water, easement and outlot concerns. The Commission discussed how the HOA will function, phasing of the subdivision, and the functionality of storm water ponds.

Recommendation to the City Council

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

Solomon Landings Preliminary Subdivision Plat

Staff Presentation

Rusnak presented the request of Solomon Holdings, LLC to approve a Preliminary Subdivision Plat for a 118-lot subdivision on 76.97 acres, more or less, on property located on the north side of West Penn Street west of the North Jones Boulevard as extended northerly from West Penn Street to 240th Street. Good neighbor meeting was well attended, but mostly was curiosity. Staff recommends approval with acceptance of the two following findings:

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

and subject to the following conditions:

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

Applicant Presentation

Brandon Pratt, the applicant, was present and offered additional information on the application.

Public Comments

No public comments were offered.

Questions and Comments

The Commission discussed the application including the site plan application next on the agenda, the location of the proposed road connection to 240th, whether lot 115 should that be included in recommendations, and the phasing of the development.

Recommendation to the City Council

Willer moved, A'Hearn seconded that the Planning Commission accept the two listed conditions and forward the Preliminary Plat to the City Council with a recommendation for approval subject to the conditions recommended by City staff. The vote was: ayes – Willer, Staber, Vincent, A'Hearn, Bathke, Heisler; nays – none; absent – Keogh. Motion carried.

The Emory at North Liberty Site Plan

Staff Presentation

Rusnak presented the request of Insite Construction to approve a Site Plan for 352 multi-unit residences in eight buildings and related recreational amenities and site improvements on approximately 25.11 acres of property located on the west side of North Jones Boulevard as extended northerly from West Penn Street to 240th Street. Staff recommends acceptance of the following findings:

1. The multi-unit residence use of the property would be consistent with the current RM-21 District and the Comprehensive Plan Future Land Use Map designation of Residential; and
2. The site plan would achieve consistency with North Liberty Code of Ordinances Section 165.05(2) entitled, "Preliminary Site Plan Review," Section 168.07(26)(B) and Section 169.10 entitled "Design Standards" and other Code of Ordinance requirements;

and the following condition,

1. The conflict with the northernmost driveway entrance in conflict and the North Jones Boulevard storm intake be addressed during design on the construction site plan approval.

Applicant Presentation

Brent Haverkamp, developer/owner/manager of the site, was present and offered additional information.

Public Comments

No public comments were offered.

Questions and Comments

The Commission discussed the application including the parking garage locations, that this is the first development of this kind in North Liberty, central location to community amenities, areas of character with connections, higher end development, aging population concerns, samples of other properties in the state of Iowa, ratio of parking spaces per apartment, apartment v. condo, adequacy of parking spaces, central maintenance shop, single trash enclosure, and walkways between the buildings and connections to public streets.

Recommendation to the City Council

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

Public Hearing for Zoning Code Amendment

Staff Presentation

Rusnak presented the request of the City of North Liberty for an Ordinance for an Ordinance amending Section 167.01 regarding the definition of "Masonry, Required" and Section 168.07 regarding use standards for garages attached to dwellings and scrivener errors in use standards for vehicle dealerships. Staff recommends approval with one listed finding:

1. The proposed Ordinance would revise oversights in the recently adopted Zoning Ordinance Amendment.

Public Comments

No public comments were offered.

Questions and Comments

The Commission had no questions or comments on the application.

Recommendation to the City Council

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

Approval of Previous Minutes

Staber moved, Willer seconded to approve the minutes of the March 1, 2022 meeting. The vote was all ayes. Minutes approved.

Old Business

No old business was presented.

New Business

No new business was presented.

Adjournment

At 8:05 p.m., A'Hearn moved, Staber seconded to adjourn. The vote was all ayes. Meeting adjourned.

Signed:

Tracey Mulcahey, City Clerk