

MEMORANDUM

TO: Mayor and Council,
City of University Heights

FROM: Steve Ballard

Date: February 19, 2014

Re: Outline of PUD Application Process

I. Introduction

- a. City expects to receive a PUD application from Maxwell Construction concerning the St. Andrew Presbyterian Property
- b. This memorandum outlines procedures for considering such an application

II. Background

- a. City Zoning Ordinance (No. 79) permits development of the property as a “Multiple-Family Commercial PUD”
- b. “PUD” means “planned-unit development”
 - i. A PUD permits development within certain parameters but allows City review and approval as to many aspects of the development
 - ii. Specific architectural design and site layout of individual buildings and elements are subject to approval by City
 - iii. Example
 1. A Zoning Ordinance might say that a building can only be 35’ high and must be setback 30’ from the street
 2. A PUD regulation might include those same restrictions but also say that City has a say in reviewing and approving construction materials, design features, and types of businesses permitted to operate
- c. The amendment creating the PUD at the St. Andrew property is Ordinance No. 180, found here: <http://www.university-heights.org/ord/ord180.pdf>
- d. The entire Zoning Ordinance, as amended, is found here: <http://www.university-heights.org/ord/ord079amend.pdf>

III. PUD Procedure

- a. General
 - i. City must approve a PUD Plan Application submitted by developer
 - ii. City and developer must enter into Development Agreement

- b. Specific
 - i. Develop submits 15 copies of PUD Plan Application
 - ii. City Council holds public hearing
 - iii. City Council may approve, deny, or approve on condition
 - 1. One vote is required for approval
 - 2. Simple majority vote is required
 - iv. Process may take as long as needed for discussion, negotiation, and completion of City's consideration of Plan Application and Development Agreement

IV. Specific Zoning Provisions

- a. The St. Andrew property (including the ravine to the east) makes up City's Multiple-Family Commercial Zone
- b. Development may occur here subject to certain restrictions
 - i. No more than 2 buildings may be constructed
 - 1. The combined footprints of the building may not exceed 45,000 square feet
 - 2. No more than 80 dwelling units are permitted
 - 3. Commercial space may not exceed 20,000 square feet
 - ii. Height restrictions
 - 1. The front building (closer to Melrose Avenue) cannot be higher than 38 feet
 - 2. The back building cannot be higher than 76 feet
 - iii. Setbacks
 - 1. At least 33 feet from Melrose Avenue front lot line
 - 2. At least 20 feet from any other lot line
 - 3.
 - iv. Parking
 - 1. At least 185 off-street parking spaces are required
 - 2. No more than 55 may be above ground
 - v. Commercial uses that are permitted
 - 1. Professional offices
 - 2. Bakeries
 - 3. Drug Stores
 - 4. Grocery Stores
 - 5. Barber shops or beauty shops
 - 6. Catering Businesses
 - 7. Restaurants, tea rooms, cafés, coffee shops, or similar establishments but not including bars, saloons, taverns, or drinking establishments
 - 8. Retail shops but not including liquor stores
 - 9. Art galleries
 - 10. Personal fitness centers
 - 11. Other uses listed in the Development Agreement between City and the developer

- vi. City may impose additional reasonable conditions “necessary to ensure that the development is compatible with adjacent land uses, will not overburden public services and facilities, and will not be detrimental to public health, safety, and welfare”

V. Development Agreement

- a. City and the developer will negotiate and enter into a “Development Agreement” with these particular provisions
 - i. Design standards
 - ii. Development covenants, easements, and restrictions
 - 1. May also include the types of businesses and hours of operation
 - 2. May specify whether and on what conditions some or all dwelling units may be leased
 - iii. Site improvements, including sidewalks, that will be constructed
 - iv. Specifying when construction will start and be completed
- b. The developer is required to reimburse City for the costs and fees, including engineering, legal, administrative, publication and recording fees, incurred in considering the PUD Plan

VI. Contents of PUD Plan Application

- a. Detailed site plan showing development details
 - i. Proposed uses (e.g., commercial, residential, etc.)
 - ii. Front, side, and rear yard setbacks
 - iii. Location and size of buildings
 - iv. Existing topography at two-foot interval
 - v. Grading plan at one-foot contours
 - vi. Landscaping and major site features such as streetscaping, including trees
 - vii. Location of existing and proposed utilities, sanitary sewers, storm water facilities, and water, gas, and electrical distribution system
- b. Erosion control plan (provisions of Ordinance 128, which regulates development of sensitive areas, will be considered)
- c. Design elevations showing all sides of every building, roofline, and perimeter fences
 - i. Description of materials for all exterior building surfaces and perimeter fences
 - ii. Vertical and horizontal dimensions of the exterior of all buildings and perimeter fences
 - iii. Maximum height of proposed structures and perimeter fences
 - iv. Floor plans showing square footage of each commercial and each dwelling unit

- d. Deed restrictions, covenants, and agreements controlling the use of the property by future residents

VII. Suggested PUD Review Procedure (this portion of memo borrows heavily from prior memo from MPOJC and City Attorney March 4, 2011)

- a. PUD Application is Submitted
 - i. Copies transmitted to Mayor, Council, and Staff
 - ii. Application posted on City website
 - iii. Copies of application available for review at City Office and MPOJC
- b. Public Comment Invited
- c. Staff Review of PUD Application
 - i. Application is submitted to the following City Staff for review and report
 - 1. MPOJC – John Yapp and Kent Ralston
 - 2. City Engineer - Josiah Bilskemper
 - 3. City Attorney – Steve Ballard
 - 4. University Heights Police Department – Chief Ron Fort
 - 5. Coralville Volunteer Fire Department – Chief Dave Stannard
 - 6. Housing Inspector – Norm Cate
 - 7. Building Official – Terry Goerd
 - 8. Public Utilities
 - a. MidAmerican Energy
 - b. City of Iowa City (sewer and water)
 - ii. Review estimated to take at least 2 weeks
 - iii. Obtain reports from City Staff before Council consideration of application
- d. Schedule Public Hearing on PUD Application
 - i. Zoning Ordinance requires public hearing (which may occur at regular or special meeting)
 - ii. Hearing scheduled out far enough to permit City Staff review and reports to be completed
 - iii. Council may wish to have filing of application automatically trigger scheduling of public hearing (for example, “public hearing will be held 3 weeks from date of filing”)
- e. Public Hearing
- f. Council Action after Public Hearing
 - i. Zoning Ordinance permits Council to approve, deny, or approve on condition

- ii. Council schedules further meeting based upon public hearing and Council and City Staff review of application – Council directs staff on issues to consider/address
- iii. Developer will work with City Staff concerning technical issues raised at public hearing at Council’s direction
- iv. Depending upon what issues are being addressed, further consideration of PUD Application may take one or more of these forms:
 - 1. City Staff meetings with developer, with reports from those meetings to Council
 - 2. Review/discussion by Council Committee or Council/Citizen Committee, with minutes kept of any meetings
 - 3. Council meetings (regular or special)
 - 4. Council work sessions
- v. Throughout the meeting process, Council will direct staff concerning remaining items Council wishes to address regarding any part of the application
- vi. Process of discussions with developer, reports to Council from City Staff, etc., will continue until Council is ready to vote on PUD Application
 - 1. Multiple iterations of application could occur based upon Council direction
 - 2. Zoning Ordinance establishes no time limit for Council’s consideration
- vii. Council votes on PUD Application; Zoning Ordinance requires only one vote

g. Financing

- i. Assuming developer asks City to be involved in financing, consideration of that request will be integrated into this review process
- ii. Review and discussion of PUD Application and financing may occur simultaneously, but at times more focus of particular meetings and Staff Review may be on one or the other, depending upon Council direction
- iii. The timeline for considering certain financing vehicles is subject to Iowa Code restrictions