

From: "Wilson, Larry T" <larry-wilson@uiowa.edu> Subject: FW: Comments on Submitted One University Place PUD Plans Dated May 27, 2011 and LTW Comments to Council May 10, 2011 Date: Tue, June 14, 2011 4:34 pm To: "louise-from@university-heights.org" <louise-from@university-heights.org>,"mike-haverkamp@university-heights.org" <mike-haverkamp@university-heights.org>,"rosanne-hopson@university-heights.org" <rosanne-hopson@university-heights.org>,"stan-laverman@university-heights.org" <stan-laverman@university-heights.org>,"brennan-mcgrath@university-heights.org" <brennan-mcgrath@university-heights.org>,"pat-yeggy@university-heights.org" <pat-yeggy@university-heights.org> Cc: "jbilskemper@shive-hattery.com" <jbilskemper@shive-hattery.com>,"steve-ballard@university-heights.org" <steve-ballard@university-heights.org>,"christine-anderson@university-heights.org" <christine-anderson@university-heights.org>,"Pat Bauer" <pbb338koser@aol.com>

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Dear Council Members and Staff--

I have reviewed the revised One University Place PUD submission package as posted on the University Heights website. so that I might have a better understanding of whether the project is being developed as promised and expected. My review covered how well, from my perspective, the plans met the PUD submittal requirements of Ordinance 180 Section D and whether development issues and concerns were fully addressed. My intent is to raise questions and concerns in my review to assure they are answered by the developer and his architect.

I would be happy to discuss my findings with you if you would like.

Larry

## MEMORANDUM

DATE: June 13, 2011

TO: University Heights City Councilors

FROM: Larry Wilson

RE: Comments on Submitted One University Place PUD Plans Dated May 27, 2011

I have read the City Engineer's Report #1 review of One University Place May 27, 2011 PUD submission posted on the University Heights website. I agree with all of the analysis and recommendations presented in the report except for one item. General Site Statement 2 suggests shifting the south sidewalk of Melrose to the Melrose south right-of-way line, also our property line. Screening trees/vegetation, which would provide screening of the Maxwell development, planted long ago would have to be removed to place the sidewalk in this location. The removal of the trees would be greater than the increased difficulty of the snow removal. The large evergreen Spruce trees to the west on our neighbor's property would also have to be removed and the streetscape of Melrose would be degraded as well. The City Engineer's report comments and recommendations should be implemented except for general Site statement 2.

I also reviewed the latest PUD plan submittal dated May 27, 2011 again in the same manner that I have reviewed plans for many years as campus planner for the UI's Planning Design and Construction department and also when employed by the Louisville & Jefferson County Planning commission as Director of Urban Design (which included Planning and Zoning, Board of Adjustments, etc.). My review was based upon the requirements of Ordinance 180 Section D with the intent of raising questions and concerns to assure they are answered by the developer and his architect.

### **GENERAL COMPLIANCE WITH ORDINANCE SECTION "D" APPLICATION REQUIREMENTS**

Sec. 13.D.3. Detailed Site Plan--showing all existing or proposed easements.

***The submitted plans show an easement for access to the University property to the north along the access drive from Melrose and a parallel easement a waterline that could provide water access to the University property if the capacity would be sufficient. There are no easements for sanitary sewer, electric and other utilities provided to the University property. These easements need to be provided in the developer's agreement to assure that the neighboring University property is not landlocked and undevelopable. Additional easements are provided for waterlines and a sanitary sewer that serve only the Maxwell development. There is no need for these easements unless Maxwell expects UH to install and maintain the lines, but instead these sanitary sewer and waterlines should be installed and maintained by the developer.***

Sec. 13.D.13. Vertical and horizontal dimensions of the exterior of all buildings . . .

***The heights of the buildings as indicated in the City Engineer's Report #1, item 6 should be provided as well as samples of the building material should be submitted.***

Sec. 13.D.16. Location of existing and proposed utilities . . .

***See comments about easement in item Sec. 13.D.3 above.***

Sec. 13.D.20. All other information reasonably required by the University Heights City Council or its designees to explain or illustrate the Plan Application.

***A planting plan (including turf areas, plant names and planting details) needs to be submitted (proposed planting is shown in a conceptual way only on Plan A-2, application page 10). Proposed street/site furniture (lighting poles and fixtures, benches, waste receptacles, bus stop shelter and other furniture) that will serve the public need to be shown as suggested in the MPO report (proposed street/site furniture is shown in a conceptual way only on Plan A-2, p. 10). The application materials also do not include exterior lighting planimetric lighting impact map (lighting photometric plan) also recommended by the MPO report to determine light pollution.***

#### **REVIEW OF SPECIFIC DETAILS OF SUBMITTED PLANS**

Sheet C-101: LAYOUT PLAN (Application p. 2)

#### **SETBACKS**

1. Front Yard (including Sunset street side yard--a corner lot)
  - R-3: 25ft required, 33ft listed in plan notes, 204ft dimensioned in plan view
  - C: 30ft required, 33ft listed in plan notes, 109ft dimensioned in plan view

***It is presumed that the 33ft setback listed for the front yard was intended also to apply to the street side yard (required to be the same as a front yard) along north sunset. Setbacks listed in plan notes should more closely match dimensioned setbacks to prevent buildings from being moved closer to the property line than currently shown at some later date.***

2. Side Yard Setback
  - R-3: 10ft required, 20ft listed in plan notes, 64ft front Building 1/69ft back Building 2 dimensioned in plan view
  - C: 15ft required, 20ft listed in plan notes, 69ft front Building 1/NA back Building 2 dimensioned in plan view

**Setbacks listed in plan notes should more closely match dimensioned setbacks to prevent buildings from being moved closer to the property line than currently shown at some later date.**

3. Rear Yard  
R-3: 30ft required, 20ft listed in plan notes, 20ft dimensioned in plan  
C: N/A

**The setback listed in plan notes and shown in plan view do not conform to the R-3 setback requirement and there is a 10ft deficit. Also the rear plaza of the rear building is about 4ft above ground and located within the required rear yard (refer to Ord. 79, Sec 8D).**

#### PARKING

1. Front Building 1

##### Residential

21 residential units @1.5 spaces per unit = 32 required spaces  
55 underground private spaces provided (23 excess private spaces)

##### Commercial (total 49 surface public spaces provided)

###### Restaurant:

4,238sf @1 space each 150sf = 29 spaces required spaces  
29 surface public spaces provided

###### Other commercial spaces:

12,770 (as shown on application page 14) @1 space each 200sf = 64 required spaces  
20 spaces surface public spaces provided

**There is no indication of using underground parking for the commercial spaces so 44 more spaces are needed to meet requirements Ord. 79, Sec. 10A. Amount of commercial space needs to be reduced or developer needs to limit types of businesses to those that will not have a greater parking requirement than the 20 spaces available; parking needs of these business would need to be verified before allowing. Note: providing UH community space would reduce parking need due to walking and off-hours use of space.**

2. Rear Building 2

##### Residential

58 residential units @1.5 spaces per unit = 87 required  
112 underground private spaces provided, plus 3 surface visitor parking spaces

=115 Spaces provided (28 excess private spaces which are too far and too remote to serve the front building 1 commercial spaces)

#### GENERAL

- 1. Exit drive onto N. Sunset is 15ft wide -- will not prevent right-turning traffic from Melrose onto N. Sunset from entering exit drive (two cars could pass). Signing seems inadequate. There is room to provide a 4ft to 6ft median on north sunset from Melrose to just north of the development entrance drive without causing significant additional environmental damage to the ravine. A median should be provided to eliminate possibility of left-turns off north sunset into the development.**
- 2. Part of the retaining wall at intersection of the exit drive and N. Sunset will be within proposed right of way and needs to be constructed to UH standards. Detailed construction plans are needed including guard rail on top of retaining wall to protect pedestrians (retaining wall about 7-8ft. high on property side). Plans need to be reviewed by the City Engineer.**
- 3. The sidewalk on the north side of Melrose is partially within the right of way and partially on the building site. Apparently there is an easement shown on C-101?**
- 4. Who will be responsible for paying for and maintaining the on-site bus shelter which is partially within the right-of-way and walk within the right of way leading to it? Who will be responsible for walks in the right of way providing access to the front building? Where does the developer's responsibility begin and the City's end for constructing and maintaining the front building and Chautauqua plazas?**

Sheet C-102: EXISTING CONDITIONS PLAN (Application p. 3)

**Existing tree varieties need to be named and diameter of trunks provided so development impact can be understood.**

Sheet C-103: GRADING & EROSION CONTROL PLAN (Application p. 4)

- 1. Nearly all of the area NW of the rear building 2 and along the west side of the west access drive will involve disturbance of steep and critical slopes listed in the UH Sensitive Slopes ordinance. A protective chain link construction fence should be provided around small area that apparently could be left undisturbed.**
- 2. Construction of the retaining wall at end of drive to the rear building 2, grading in the area, and perhaps construction of the rear building itself apparently will require construction access on UI property to north, but no construction easement is indicated.**

3. *All existing trees to be saved should be protected by a chain link construction fence placed around the trees to keep contractor away from trees and roots.*
4. *It appears that two of the three trees in the east ravine near the retaining wall proposed at the exit drive/N. Sunset intersection CANNOT be saved as indicated due to retaining wall construction even though within the construction fence.*
5. *A storm drain outlet and piping is shown extended to the bottom of the east ravine through a protected slope. It will be bored to eliminate trenching but there is a junction box at the intersection of pipes and an outflow headwall and armored stream bed (rock) that are to be installed. Details are needed to show how this can be done without damaging the ravine environment. Special design and careful installation will be required around trees to be saved to prevent damage to trees and sensitive area slopes.*

Sheet C-106: UTILITY PLAN (Application p. 7)

1. *A sanitary sewer connection from the development site to an existing sanitary sewer manhole in the parking lot of the University Athletic Club is proposed to be constructed along the north side of Melrose. Since it will be within the Melrose right-of-way, it will be a public utility and must meet UH sanitary sewer construction standards. Detailed plans are needed, including indicating impact on trees and the existing wide sidewalk retaining wall and how access will be maintained to Birkdale Ct. and Athletic club entrance during construction. See the attached C-106 excerpt Plan With Trees which shows the approximate location of very large trees that will be damaged by trenching for the sewer line. The trees limbs extend out over the sidewalk, and in some places the street curb, indicating the extent of the tree roots that will be cut by the sewer line trenching. The elevations of the manholes seem to indicate the existing retaining wall will be rebuilt closer to the trees, further damaging the root system. The large 36in diameter Oak at the west end of 103 Birkdale Court will in particular be damaged.*
2. *There is a proposed underground electric line that will cross the east ravine from the east end of rear building 2 to the east property line and beyond (connection point isn't shown). If trenched, this will create a path through the ravine woods in an area where screening for houses on north Sunset is very critical. If the line is to be bored, a large bore pit will be required on the east slope of the ravine causing significant environmental damage.*

Sheets C-107 & C-108: DIMENSION PLANS (Application pp. 8 & 9)

***Dimension of curb shift southward on south side of Melrose needs to be shown, including dimension of parking lawn between walk and curb. The amount of shift southward of sidewalk in the area of the Timmerman residence (corner lot) needs to be shown also.***

Sheet A-2: NEIGHBORHOOD COMMERCIAL/CONDO BUILDING SITE CONCEPT ILLUSTRATION (Application p. 10)

- 1. Site materials, street furniture and proposed plantings are shown only conceptually. Also, note that plaza paving will be colored stamped concrete (not pavers).***
- 2. Will there be public easement for use of the plaza in front of front building 1?***

ARCHITECTURAL ELEVATIONS (Application p. 11)

***There will be functional balconies on the Melrose side of the front building 1 overlooking neighbors' yards across Melrose and potential noise impact on the neighboring residences.***

CONDO/COMMERCIAL SQUARE FOOT NUMBERS (application p. 12)

***There is a total of 13,454sf of roof garden and 9,647sf of green roof indicted for rear building 2 and 1,054 sf of green roof for front building 1. The developer's agreement should specify a minimum amount of roof garden and green roof that will be provided.***

ARCHITECTURAL ELEVATIONS (Application p. 17)

***The top floor (sixth) of rear building 2 is shown as a reception Room with large expanses of glass. This will become a beacon at night impacting on the surrounding homes. This was a problem with the University's Carver Biomedical Research Building top floor. Manville Heights neighbors complained about the night lighting beacon effect on the neighborhood. Since the building was already built, the university reduced the wattage of lamps and placed the lighting on timers. In this case it can be resolved before construction.***

PROP INTK #2  
(NEENAH R-3067)  
TC = 771.88  
IE OUT = 767.88

PROP SAN MH #4  
TR = 775.00  
IE IN = 769.93  
IE OUT = 769.88

PROP INTK #4  
(NEENAH R-3067)  
TC = 778.84  
IE IN = 772.61  
IE OUT = 772.41

INSTALL 8" TEE  
W/8" GATE  
VALVES NORTH  
AND EAST

PROP INTK #3  
(NEENAH R-3067)  
TC = 777.07  
IE OUT = 773.07

46' - 12" RCP @ 1.00%



60" RCP FOR UNDER  
STORMWATER DETENTION  
MINIMUM TOTAL LENGTH

PROPOSED RETAIL  
AND MULTI-FAMILY  
BUILDING

PROP BEEHIVE INTK  
TR = 781.50  
IE IN = 776.45  
IE OUT = 776.40

20' - 10" PVC @ 1.00%

PROP BEEHIVE INTK #2  
TR = 781.00  
IE IN = 777.76  
IE OUT = 777.56

8" TEE  
IE = 777.34

6" WYE RIGHT  
0+87

64' - 8" PVC @ 1.00%

PROP BEEHIVE INTK #3  
TR = 781.10  
IE OUT = 777.38

PROP BEEHIVE INTK #1  
TR = 780.85  
IE OUT = 777.85

43' - 8" PVC @ 0.50%

MELROSE AVENUE

EXISTING SAN MH  
TR = 774.00  
IE IN (PROP) = 766.30  
IE OUT (EXIST) = 766.20

61' - 8" PVC TRUSS @ 0.50%

103 BIRKDALE COURT

APPROX. LOCATION  
36" OAK

APPROX. LOCATION  
32" OAK

APPROX. LOCATION  
30" HICKORY

INSTALL FIRE HYDRANT  
W/AUX. GATE VALVE

APPROX. LOCATION  
36" OAK

EXISTING  
IE OUT = 768.79

PROP SAN MH #2  
TR = 777.50  
IE IN = 767.67  
IE OUT = 767.62

PROP INTK #11  
(SW-545 W/LO=12')  
TC = 779.49  
IE IN = 775.44  
IE OUT = 775.59

PROP SAN MH #1  
TR = 774.50  
IE IN = 766.66  
IE OUT = 766.61

191' - 8" PVC TRUSS @ 0.50%

SIDEWALK

MELROSE

228' - 8" PVC TRUSS @ 0.50%

EXIST 12" RCP

37' - 12" RCP @ 0.50%

INSTALL DUCTILE  
IRON TAPPING  
SLEEVE & VALVE

PROP SAN MH #3  
TR = 780.10  
IE IN = 768.91  
IE OUT = 768.81

PROP INTK #12  
(SW-545 W/LO=12')  
TC = 779.59  
IE OUT = 775.59

## L WILSON COMMENTS AT THE UH COUNCIL MEETING MAY 10, 2011

I urge you to postpone action on the proposed PUD agreement until after the November 2011 City election to give the community an opportunity to vote their position on the future development of the community.

In the event that the Council is not willing listen to the strong and consistent voice of those who have spoken at the Council meetings, I have reviewed the PUD plans as submitted April 22, 2011 and the Council has received a memo of my review.

Pat Bauer & others have covered the general issues very well so I have focused on the Ord. 79, Sect. D detailed plans so I will not cover each of my comments in the memo sent to you.

I have tried to identify questions & concerns to be answered by the developer and his architect rather than try to provide the answers. It is not that the questions can't be answered, but will they--in other words will you be getting what you think, for example, the storm drain into the east ravine and the lighting levels?

I do have 3 specific comments:

- The PUD plans submitted for the Grandview Court PUD development were much more detailed.
- If you base adequacy of parking on 1 parking space for each 150sf of restaurant space and 1 car for each 200sf of other commercial space as required in Ord. 79, there is a deficit of 44 public parking spaces.
- The building plans are too spall and do not have enough detail to understand how the building would look, i.e., material possibilities are listed as limestone or cast stone. The Grandview Court PUD plans showed what the materials would be and where they would be located.

Some of the answers might come at the construction plan stage, but the important thing is that it is documented and that those items will be addressed.

All the questions related to the appearance of the buildings need to be answered, including a more detailed planting plan which is a major part of the appearance.

Some of my questions were answered by Kevin's presentation and they need to be documented.

**Do you have any questions about my memo?**

**Thank you.**

From: "Wilson, Larry T" <larry-wilson@uiowa.edu> Subject: RE: June 14 City Council Meeting Comments and Revised Review of One University Place PUD Plans Dated May 27, 2011 Date: Thu, June 16, 2011 2:09 pm To: "louise-from@university-heights.org" <louise-from@university-heights.org>,"mike-haverkamp@university-heights.org" <mike-haverkamp@university-heights.org>,"rosanne-hopson@university-heights.org" <rosanne-hopson@university-heights.org>,"stan-laverman@university-heights.org" <stan-laverman@university-heights.org>,"brennan-mcgrath@university-heights.org" <brennan-mcgrath@university-heights.org>,"pat-yeggy@university-heights.org" <pat-yeggy@university-heights.org> Cc: "jbilskemper@shive-hattery.com" <jbilskemper@shive-hattery.com>,"steve-ballard@university-heights.org" <steve-ballard@university-heights.org>,"christine-anderson@university-heights.org" <christine-anderson@university-heights.org>,"Pat Bauer" <pb338koser@aol.com>

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Dear Council Members and Staff--

Attached are my comments made during the last Tuesday's City Council meeting for your records and for posting. I have also included a slightly revised version of my PUD submittal package review to which I have added item C-105 that I mentioned in my meeting comments, but had neglected to include in my PUD plan review.

Please let me know if you have questions.

Larry

From: Wilson, Larry T  
Sent: Tuesday, June 14, 2011 4:34 PM  
To: '[louise-from@university-heights.org](mailto:louise-from@university-heights.org)'; '[mike-haverkamp@university-heights.org](mailto:mike-haverkamp@university-heights.org)'; '[rosanne-hopson@university-heights.org](mailto:rosanne-hopson@university-heights.org)'; '[stan-laverman@university-heights.org](mailto:stan-laverman@university-heights.org)'; '[brennan-mcgrath@university-heights.org](mailto:brennan-mcgrath@university-heights.org)'; '[pat-yeggy@university-heights.org](mailto:pat-yeggy@university-heights.org)'  
Cc: '[jbilskemper@shive-hattery.com](mailto:jbilskemper@shive-hattery.com)'; '[steve-ballard@university-heights.org](mailto:steve-ballard@university-heights.org)'; '[christine-anderson@university-heights.org](mailto:christine-anderson@university-heights.org)'; 'Pat Bauer'  
Subject: FW: Comments on Submitted One University Place PUD Plans Dated May 27, 2011 and LTW Comments to Council May 10, 2011

Dear Council Members and Staff--

I have reviewed the revised One University Place PUD submission package as posted on the University Heights website. so that I might have a better understanding of whether the project is being developed as promised and expected. My review covered how well, from my perspective, the plans met the PUD submittal requirements of Ordinance 180 Section D and whether development issues and concerns were fully addressed. My intent is to raise questions and concerns in my review to assure they are answered by the developer and his architect.

I would be happy to discuss my findings with you if you would like.

Larry

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**Attachments:**

<b>untitled-[1.2].html</b>
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Type: text/html

<b>UHCityCouncilMeetingLTWCommentsStAndrewDevelopment 06-14-11.docx</b>
Size: 26 k
Type: application/vnd.openxmlformats-officedocument.wordprocessingml.document
Info: UHCityCouncilMeetingLTWCommentsStAndrewDevelopment 06-14-11.docx

<b>UH St.AndrewDevelopment Dated05-27-11PUDSubmittalPackage06-13-11 Rev. 06-15-11.doc</b>
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Type:	application/msword
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<b>StAndrewPUDPlansPageC-106ExcerptWithTreesRev 05-25-11.pdf</b>	
Size:	1.4 M
Type:	application/pdf
Info:	StAndrewPUDPlansPageC-106ExcerptWithTreesRev 05-25-11.pdf

## L WILSON COMMENTS AT THE UH COUNCIL MEETING JUNE 14, 2011

As prior to last month's meeting, I have reviewed the PUD plans as submitted May 27, 2011 and the Council has received a memo of my review earlier today.

As before, Pat Bauer & others have covered the general issues very well so I have focused on the Ord. 79, Sect. D detailed plans and the TIF proposal. I will not cover each of my comments in the PUD memo sent to you, but I will cover a few highlights.

First, I neglected to mention in my PUD review memo that approximately 150ft of guard rail is proposed between the sidewalk and curb west of the west entrance to the development that is required to protect bicyclists on the wide sidewalk. I presume this is either a metal highway type guardrail or a concrete Jersey barrier. Either one will be very unsightly.

The east ravine apparently has slopes protected under Ord. 180 which have been disturbed and others which have not. It is the current naturalistic or nature-like appearance of the undisturbed or disturbed protected slopes that is important. The current screening and habitat value to the community is not reduced by the former disturbance. Damage occurring from storm water runoff can be addressed by a grass buffer strip rather than flattening the slope which would destroy the ravine's value.

The City Engineer's Report #1 review item 2, recommended moving the south sidewalk along Melrose to the south ROW line. Screening trees & vegetation planted long ago, which would provide screening of the Maxwell development, would have to be removed to place the sidewalk in this location. The removal of the tree screening would be greater harm than the increased difficulty of snow removal. Our neighbors, the Rupperts, support this position.

Easements are provided for waterlines and a sanitary sewer that serve only the Maxwell development. There is no need for these easements unless Mr. Maxwell expects UH to install and maintain the lines. Instead, these sanitary sewer and waterlines should be installed and maintained by the developer.

I agree with the MPO report recommendation that an exterior lighting planimetric lighting impact map (lighting photometric plan) to determine potential light pollution be provided.

But I do believe that a second traffic light at the west entrance to the development will further make the area more commercial and less residential in character. It should not be installed when the requirements for it have not yet been met and when the severity of the situation is not yet known.

The top floor (sixth) of rear building 2 is shown as a reception Room with large expanses of glass. This will become a beacon at night impacting on the surrounding homes. This was a problem with the University's Carver Biomedical Research Building top floor. Manville Heights neighbors complained about the night lighting beacon effect on the neighborhood. This needs to be reconsidered.

If you base adequacy of parking on 1 parking space for each 150sf of restaurant space and 1 car for each 200sf of other commercial space as required in Ord. 79, there is a deficit of 44 public commercial parking spaces. While some of the excess underground parking spaces in front Building 1 might be assigned to business owners, it would not be practical to assign them to the public business patrons, plus the entrance to the parking is fairly hidden on the far east end of the building. Excess underground parking in the rear building 2 would be too isolated and too far to be used.

TIF should not be used to subsidize a high-end private condo and commercial development when \$4.3M is being paid for the land valued at only a fraction of that amount as originally zoned. I am not opposed to TIF per se, but I am opposed to how it has been requested to be used.

Plaza Towers was built on an Iowa City lot designated for a specific City vision. The use of TIF was an incentive to get the City's vision implemented. In the UH situation, the developer is proposing his vision, not a UH community vision.

All utilities, roads, and other infrastructure improvements necessary to construct the project are created by the project and should not be subsidized by TIF.

Likewise, commercial development should not be subsidized by TIF because it is the developer's choice, especially since over half of the UH community is opposed to any commercial development at all.

However, if commercial development is approved, it would be legitimate use of TIF to subsidize a neighborhood market or coffee shop if they are reasonably guaranteed. Use of TIF to provide the 4000sf of UH community space or to eliminate the sixth floor reception room from the high-rise condo would be other community benefits that would make sense.

Keep in mind that with no TIF, or with a reduced TIF amount, there will be more immediate tax income to UH community.

Please contact me if you have any questions about my memo sent earlier today?

Thank you.

## MEMORANDUM

DATE: June 13, 2011 (Revised 06-15-11 Item C-105 & editing added)

TO: University Heights City Councilors

FROM: Larry Wilson

RE: Comments on Submitted One University Place PUD Plans Dated May 27, 2011

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  - R-3: 25ft required, 33ft listed in plan notes, 204ft dimensioned in plan view
  - C: 30ft required, 33ft listed in plan notes, 109ft dimensioned in plan view

***It is presumed that the 33ft setback listed for the front yard was intended also to apply to the street side yard (required to be the same as a front yard) along north sunset. Setbacks listed in plan notes should more closely match dimensioned setbacks to prevent buildings from being moved closer to the property line than currently shown at some later date.***

2. Side Yard Setback
  - R-3: 10ft required, 20ft listed in plan notes, 64ft front Building 1/69ft back Building 2 dimensioned in plan view
  - C: 15ft required, 20ft listed in plan notes, 69ft front Building 1/NA back Building 2 dimensioned in plan view

***Setbacks listed in plan notes should more closely match dimensioned setbacks to prevent buildings from being moved closer to the property line than currently***

*shown at some later date.*

3. Rear Yard  
R-3: 30ft required, 20ft listed in plan notes, 20ft dimensioned in plan  
C: N/A

***The setback listed in plan notes and shown in plan view do not conform to the R-3 setback requirement and there is a 10ft deficit. Also the rear plaza of the rear building is about 4ft above ground and located within the required rear yard (refer to Ord. 79, Sec 8D) .***

#### PARKING

1. Front Building 1

Residential

21 residential units @1.5 spaces per unit = 32 required spaces  
55 underground private spaces provided (23 excess private spaces)

***A few of the 23 excess parking spaces might be assigned to business owners, but it would not be practical to assign them to the public business patrons, plus the entrance to the parking is fairly hidden on the far east end of the building.***

Commercial (total 49 surface public spaces provided)

Restaurant:

4,238sf @1 space each 150sf = 29 spaces required spaces  
29 surface public spaces provided

Other commercial spaces:

12,770 (as shown on application page 14) @1 space each 200sf = 64  
required spaces  
20 spaces surface public spaces provided

***There is no indication of using underground parking for the commercial spaces so 44 more spaces are needed to meet requirements Ord. 79, Sec. 10A. Amount of commercial space needs to be reduced or developer needs to limit types of businesses to those that will not have a greater parking requirement than the 20 spaces available; parking needs of these business would need to be verified before allowing. Note: providing UH community space would reduce parking need due to walking and off-hours use of space.***

2. Rear Building 2

Residential

58 residential units @1.5 spaces per unit = 87 required

112 underground private spaces provided, plus 3 surface visitor parking spaces  
=115 Spaces provided **(28 excess private spaces)**

***The 28 excess parking spaces are too far and too isolated to serve the front building 1 commercial spaces)***

#### GENERAL

- 1. Exit drive onto N. Sunset is 15ft wide -- will not prevent right-turning traffic from Melrose onto N. Sunset from entering exit drive (two cars could pass). Signing seems inadequate. There is room to provide a 4ft to 6ft median on north sunset from Melrose to just north of the development entrance drive without causing significant additional environmental damage to the ravine. A median should be provided to eliminate possibility of left-turns off north sunset into the development.***
- 2. Part of the retaining wall at intersection of the exit drive and N. Sunset will be within proposed right of way and needs to be constructed to UH standards. Detailed construction plans are needed including guard rail on top of retaining wall to protect pedestrians (retaining wall about 7-8ft. high on property side). Plans need to be reviewed by the City Engineer.***
- 3. The sidewalk on the north side of Melrose is partially within the right of way and partially on the building site. Apparently there is an easement shown on C-101?***
- 4. Who will be responsible for paying for and maintaining the on-site bus shelter which is partially within the right-of-way and walk within the right of way leading to it? Who will be responsible for walks in the right of way providing access to the front building? Where does the developer's responsibility begin and the City's end for constructing and maintaining the front building and Chautauqua plazas?***

Sheet C-102: EXISTING CONDITIONS PLAN (Application p. 3)

***Existing tree varieties need to be named and diameter of trunks provided so development impact can be understood.***

Sheet C-103: GRADING & EROSION CONTROL PLAN (Application p. 4)

- 1. Nearly all of the area NW of the rear building 2 and along the west side of the west access drive will involve disturbance of steep and critical slopes listed in the UH Sensitive Slopes ordinance. A protective chain link construction fence should be provided around small area that apparently could be left undisturbed.***
- 2. Construction of the retaining wall at end of drive to the rear building 2,***

*grading in the area, and perhaps construction of the rear building itself apparently will require construction access on UI property to north, but no construction easement is indicated.*

- 3. All existing trees to be saved should be protected by a chain link construction fence placed around the trees to keep contractor away from trees and roots.*
- 4. It appears that two of the three trees in the east ravine near the retaining wall proposed at the exit drive/N. Sunset intersection CANNOT be saved as indicated due to retaining wall construction even though within the construction fence.*
- 5. A storm drain outlet and piping is shown extended to the bottom of the east ravine through a protected slope. It will be bored to eliminate trenching but there is a junction box at the intersection of pipes and an outflow headwall and armored stream bed (rock) that are to be installed. Details are needed to show how this can be done without damaging the ravine environment. Special design and careful installation will be required around trees to be saved to prevent damage to trees and sensitive area slopes.*

Sheet C-105: UTILITY PLAN (Application p. 6)

*Approximately 150ft of guard rail is proposed between the sidewalk and curb west of the west entrance to the development that is required to protect bicyclists on the wide sidewalk. I presume this is either a metal highway type guardrail or a concrete Jersey barrier. Either one will be very unsightly.*

Sheet C-106: UTILITY PLAN (Application p. 7)

- 1. A sanitary sewer connection from the development site to an existing sanitary sewer manhole in the parking lot of the University Athletic Club is proposed to be constructed along the north side of Melrose. Since it will be within the Melrose right-of-way, it will be a public utility and must meet UH sanitary sewer construction standards. Detailed plans are needed, including indicating impact on trees and the existing wide sidewalk retaining wall and how access will be maintained to Birkdale Ct. and Athletic club entrance during construction. See the attached C-106 Excerpt Plan With Trees which shows the approximate location of very large trees that will be damaged by trenching for the sewer line. The trees limbs extend out over the sidewalk, and in some places the street curb, indicating the extent of the tree roots that will be cut by the sewer line trenching. The elevations of the manholes seem to indicate the existing*

***retaining wall will be rebuilt closer to the trees, further damaging the root system. The large 36in diameter Oak at the west end of 103 Birkdale Court will in particular be damaged.***

- 2. There is a proposed underground electric line that will cross the east ravine from the east end of rear building 2 to the east property line and beyond (connection point isn't shown). If trenched, this will create a path through the ravine woods in an area where screening for houses on north Sunset is very critical. If the line is to be bored, a large bore pit will be required on the east slope of the ravine causing significant environmental damage.***

Sheets C-107 & C-108: DIMENSION PLANS (Application pp. 8 & 9)

***Dimension of curb shift southward on south side of Melrose needs to be shown, including dimension of parking lawn between walk and curb. The amount of shift southward of sidewalk in the area of the Timmerman residence (corner lot) needs to be shown also.***

Sheet A-2: NEIGHBORHOOD COMMERCIAL/CONDO BUILDING SITE CONCEPT ILLUSTRATION (Application p. 10)

- 1. Site materials, street furniture and proposed plantings are shown only conceptually. Also, note that plaza paving will be colored stamped concrete (not pavers).***
- 2. Will there be public easement for use of the plaza in front of front building 1?***

ARCHITECTURAL ELEVATIONS (Application p. 11)

***There will be functional balconies on the Melrose side of the front building 1 overlooking neighbors' yards across Melrose and potential noise impact on the neighboring residences.***

CONDO/COMMERCIAL SQUARE FOOT NUMBERS (application p. 12)

***There is a total of 13,454sf of roof garden and 9,647sf of green roof indicated for rear building 2 and 1,054 sf of green roof for front building 1. The developer's agreement should specify a minimum amount of roof garden and green roof that will be provided.***

ARCHITECTURAL ELEVATIONS (Application p. 17)

***The top floor (sixth) of rear building 2 is shown as a reception Room with large***

*expanses of glass. This will become a beacon at night impacting on the surrounding homes. This was a problem with the University's Carver Biomedical Research Building top floor. Manville Heights neighbors complained about the night lighting beacon effect on the neighborhood. Since the building was already built, the university reduced the wattage of lamps and placed the lighting on timers. In this case it can be resolved before construction.*

PROP INTK #2  
(NEENAH R-3067)  
TC = 771.88  
IE OUT = 767.88

PROP INTK #4  
(NEENAH R-3067)  
TC = 778.84  
IE IN = 772.61  
IE OUT = 772.41

PROP SAN MH #4  
TR = 775.00  
IE IN = 769.93  
IE OUT = 769.88

INSTALL 8" TEE  
W/8" GATE  
VALVES NORTH  
AND EAST

PROP INTK #3  
(NEENAH R-3067)  
TC = 777.07  
IE OUT = 773.07

46' - 12" RCP @ 1.00%



60" RCP FOR UNDER  
STORMWATER DETENTION  
MINIMUM TOTAL LENGTH

PROPOSED RETAIL  
AND MULTI-FAMILY  
BUILDING

PROP BEEHIVE INTK  
TR = 781.50  
IE IN = 776.45  
IE OUT = 776.40

20' - 10" PVC @ 1.00%

PROP BEEHIVE INTK #2  
TR = 781.00  
IE IN = 777.76  
IE OUT = 777.56

8" TEE  
IE = 777.34

6" WYE RIGHT  
0+87

64' - 8" PVC @ 1.00%

PROP BEEHIVE INTK #3  
TR = 781.10  
IE OUT = 777.38

MELROSE AVENUE

PROP BEEHIVE INTK #1  
TR = 780.85  
IE OUT = 777.85

43' - 8" PVC @ 0.50%

EXISTING SAN MH  
TR = 774.00  
IE IN (PROP) = 766.30  
IE OUT (EXIST) = 766.20

61' - 8" PVC TRUSS @ 0.50%

103 BIRKDALE COURT

APPROX. LOCATION  
36" OAK

APPROX. LOCATION  
32" OAK

APPROX. LOCATION  
30" HICKORY

INSTALL FIRE HYDRANT  
W/AUX. GATE VALVE

APPROX. LOCATION  
36" OAK

EXISTING  
IE OUT = 768.79

PROP SAN MH #2  
TR = 777.50  
IE IN = 767.67  
IE OUT = 767.62

PROP INTK #11  
(SW-545 W/LO=12')  
TC = 779.49  
IE IN = 775.44  
IE OUT = 775.59

PROP SAN MH #1  
TR = 774.50  
IE IN = 766.66  
IE OUT = 766.61

191' - 8" PVC TRUSS @ 0.50%

SIDEWALK

MELROSE

228' - 8" PVC TRUSS @ 0.50%

EXIST 12" RCP

37' - 12" RCP @ 0.50%

INSTALL DUCTILE  
IRON TAPPING  
SLEEVE & VALVE

PROP SAN MH #3  
TR = 780.10  
IE IN = 768.91  
IE OUT = 768.81

PROP INTK #12  
(SW-545 W/LO=12')  
TC = 779.59  
IE OUT = 775.59

From: "Wilson, Larry T" <larry-wilson@uiowa.edu> Subject: RE: July 12 City Council Meeting Comments  
Date: Wed, July 13, 2011 3:57 pm To: "louise-from@university-heights.org" <louise-from@university-heights.org>,"mike-haverkamp@university-heights.org" <mike-haverkamp@university-heights.org>,"rosanne-hopson@university-heights.org" <rosanne-hopson@university-heights.org>,"stan-laverman@university-heights.org" <stan-laverman@university-heights.org>,"brennan-mcgrath@university-heights.org" <brennan-mcgrath@university-heights.org>,"pat-yeggy@university-heights.org" <pat-yeggy@university-heights.org>  
Cc: "jbilskemper@shive-hattery.com" <jbilskemper@shive-hattery.com>,"steve-ballard@university-heights.org" <steve-ballard@university-heights.org>,"christine-anderson@university-heights.org" <christine-anderson@university-heights.org>,"Pat Bauer" <pbb338koser@aol.com>

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Dear Council Members and Staff--

Attached are my comments made during the last night's City Council meeting for your records and for posting.

Please let me know if you have questions.

Larry

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**Attachments:**

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## L WILSON COMMENTS AT THE UH COUNCIL MEETING JULY 12, 2011

I want to preface any of my comments about the PUD agreement by reiterating my position on the development itself. I am opposed to the development as currently being considered.

But I would support a scaled-down version that would reduce the height of the high-rise building from 6 to 4 floors and reduce the front building from 3 to 2 floors, possibly including restricted commercial uses that would directly serve the neighborhood. The scaled-down development would better fit into the existing surrounding one and two-story single-family home neighborhood environment and would still greatly increase the University Heights tax base.

There are a number of items that are not adequately covered in the PUD agreement that need to be better defined:

- Regardless of what initiated the need for a sensitive areas ordinance, the intent was to protect sensitive areas. The developer's engineer suggestions of flattening the slope, using rip rap and retaining walls to stabilize the slope greatly worries me. He is proposing engineered solutions that do not respect the naturalistic character of the ravine at all and should be not be used.
- The important issue, regardless of the developer's engineer or the City Attorney's interpretation of the definition of protected slope, is that the area of the east ravine outlined on the grading and erosion control plans should be treated as a protected sensitive area and the developer should be required to commit to treating any slopes as a protected slopes. It is the naturalistic look that has evolved that is most important.
- How the human disturbance on the west rim of the ravine is undone in an environmentally sensitive way and how the slope is allowed to heal is very important. It appears that an approximately 10-15 wide strip of the uppermost portion of the ravine west rim has had fill material pushed onto the former slope to expand the St. Andrew parking lot. The added fill is being held in place along much of the disturbed area by existing trees, some of which are large ones.
- Instead of flattening out the slope or adding rip rap, retaining walls and other harsh engineered solutions, the fill material should be carefully removed to return the bank to the former slope in a way that will not harm the existing trees,. The restored former slope should then be protected by fabric (or other environmentally sensitive means) that will allow vegetation to return and heal the slope to stabilize it to the extent of the rest of the ravine banks. Some additional woodland vegetation might be needed to speed up the recovery.
- Chunks of concrete, parking bumpers or other debris could be left in place rather than causing further environmental damage by removing them--they will not be visible anyway.
- To further protect the slope, rainwater runoff flowing over the rim of the bank into the ravine should be diverted by vegetated swales (shallow, rounded ditches) to the piping system already shown on the plans in order to help prevent erosion of the reestablished slope as it heals.
- A similar situation is the south slope of the ravine on the north side of the College of Public Health under construction. Three factors were employed--experts in protecting the environment and in slope stabilization were hired along with the University's desire to do it right. Large chunks of dumped concrete were left in place because removing them would have caused more environmental harm than good.
- It seems that the road and walk mentioned by the developer team are far enough from the ravine rim to not have enough surcharge weight on the slope to make it unstable--that can be verified by engineering calculations. An exception is where the exit drive intersects with north Sunset a retaining wall has been proposed to provide road stability without extending fill further into the ravine. The council could make an exception to the two small protected slope areas, one along the west entrance drive and the other affected by the proposed exit drive onto Sunset as part of an agreement to treat the rest of the ravine as a protected area.

Protection of the existing trees on the north side of the proposed retaining wall should be part of the agreement.

- The developer should be required to not develop any commercial uses which would exceed rather than provide for future expansion of the parking into open space as suggested by the MPO report.
- The maximum number of rental spaces to be allowed should be included in the PUD agreement.
- The hours of operation of the commercial uses on Friday and Saturday from 6:00a.m. to 12:00p.m. are too early and too late in the day. There should be restrictions on noise also.
- Setbacks listed in plan notes on Sheet C-101 should more closely match dimensioned setbacks to prevent buildings from being moved closer to the property lines than currently shown at some future date. There are 100ft to 200ft differences between the stated setbacks and the dimensions shown. It should be required that where dimensions shown are greater than the setbacks listed, dimensions close to those shown on the current plans will take precedence.
- The preliminary design and materials for the approximately 150ft of a likely unsightly motor vehicle barrier proposed between the wide sidewalk and curb west the development entrance should be indicated in the PUD. I presume this will be an unsightly concrete “jersey” type barrier.

There are other items that could be resolved later in the design and construction documents, but the Council should indicate their expectations about how they should be resolved at that time, especially since the PUD Development Agreement on the UH website seems to be a bit out-of-date. Some items that should be included are:

- All requirements currently listed in the website PUD agreement under items 2, a & b should be kept in the agreement. This includes a landscape plan, exterior lighting plan dealing with light pollution, including the light beacon effect of the 6<sup>th</sup> floor reception room with a large expanse of glass.
- The traffic sign proposed for the development entrance off Melrose should not be installed until the need is generated. The existing Sunset/Melrose signal already shines into houses and the new signal will make it worse.
- Require the developer to construct the proposed storm drainage pipeline and outlet structure in the east ravine in a way that will not harm the ravine, even if it means boring the pipe and moving material for construction of the outlet in by crane
- Require the sanitary sewer line proposed along the north side of Melrose west of the site be constructed in a way that will not harm the 4 large Oak and Hickory trees along its route and that it be connected to the existing manhole in the Athletics Club parking lot in a way that will not cause sewage problems for Birkdale Ct.--that manhole is already overcapacity and sewage has backed up into Birkdale residences.
- Signs should be low-key and non-flashing and a changing message board not allowed.
- Require that the bus shelter will be provided by the developer and not UH. Who will actually use it for buses moving away from UH and Iowa City if it is not for the developer?

Thank you.

From: "Wilson, Larry T" <larry-wilson@uiowa.edu> Subject: RE: Review Comments about the City Engineer Staff Report #1 Revised 8/43/11, City Engineer Staff Report #2 Revised 8/7/11 and Developer Responses to City Attorney Memo 8/1/11 Date: Thu, August 18, 2011 6:58 pm To: "louise-from@university-heights.org" <louise-from@university-heights.org>,"mike-haverkamp@university-heights.org" <mike-haverkamp@university-heights.org>,"rosanne-hopson@university-heights.org" <rosanne-hopson@university-heights.org>,"stan-laverman@university-heights.org" <stan-laverman@university-heights.org>,"brennan-mcgrath@university-heights.org" <brennan-mcgrath@university-heights.org>,"pat-yeggy@university-heights.org" <pat-yeggy@university-heights.org> Cc: "jbilskemper@shive-hattery.com" <jbilskemper@shive-hattery.com>,"steve-ballard@university-heights.org" <steve-ballard@university-heights.org>,"christine-anderson@university-heights.org" <christine-anderson@university-heights.org>,"Pat Bauer" <pbb338koser@aol.com>

Dear Council Members and Staff--

Attached are my review comments about the City Engineer Staff Report #1 Revised 8/4/11, City Engineer Staff Report #2 Revised 8/7/11 and Developer Responses to City Attorney Memo 8/1/11. I have reviewed each of the documents separately because the original documents were rather lengthy. I also tried to compromise between keeping each review as short as possible with providing the statements from the original documents relating to my comments so that you could conveniently relate my comments to those stated in the documents. I have therefore pasted in the only the applicable paragraphs/items from the original documents about which I had comments.

Please let me know if you have questions.

Larry

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**Attachments:**

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Type:	application/msword
Info:	UHStAndrewDevelopmentReviewofPUDSubmittalCity AttorneyMemo&DeveloperResponseWilsonComments 08-18-11.doc

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## MEMORANDUM

DATE: August 18, 2011

TO: University Heights City Councilors

FROM: Larry Wilson

RE: Review of **City Engineer August 4, 2011 Updated Responses to City Engineer Staff Report #1 Wilson Review Comments August 18, 2011**

I am sending my review comments to you for your use and consideration so you will have them prior to the review of One University Place PUD submittal at the September council meeting.

The original report comments and subsequent Neumann Monson responses June 13, 2011, MMS Responses July 7, 2011 and City Engineer/Shive Hattery updated responses **August 4, 2011** are pasted in as applicable for convenience.

### GENERAL SITE

1. We recommend that an additional plan sheet be submitted that shows the proposed site features scaled back, and highlights the existing property lines, the proposed Sunset right-of-way, the building setback lines, and all of the existing and proposed easements (along with information on easement types and widths) on the site, as well as those adjacent to the site to the west where sanitary sewer construction is proposed to occur. Any required temporary construction or temporary access easements should also be shown. It is difficult to distinguish all of these lines on the current plans.
  - a. An additional sheet will be submitted that shows only the property lines, right of way lines, building setback lines, and easement lines. (N-M, 6/13/11)
  - b. **An additional sheet has been submitted as requested (C-102; Site Easement Layout). We recommend that it also include existing and proposed easements to the west of the site where sanitary sewer construction is proposed to occur. The proximity of the west access road and utilities at the north property line would require a construction easement to build/install these facilities. An easement of this type should be indicated. (S-H, 8/4/11)**
  - c. **Wilson Comments 8/18/11: The City Engineer has recommended an extension of easements west of the Maxwell site along the north side of Melrose to the athletic club which I agree should be done.**
    - The added **Easement Plan C-102** shows the easements that were requested, but the easements shown are misleading. **All of the utilities for which easements are shown serve ONLY the Maxwell development with 1 exception and 1 other possible exception** (in addition, the Iowa City Water Department might require additional public easements for portions of the water main service to the commercial and apartment uses for access if needed).
    - The 20-ft wide easement along the west entrance/access drive north to the University property should definitely be a public access easement for access to future development of the University property.
    - If the 10-ft wide waterline easement along the east side of the access drive is to

also serve future University development, then it should also be a public easement. Should the size of the waterline need to be increased to provide future development service, the cost of the increased size of the waterline would be a legitimate UH cost.

- The electric and gas easements are required by MidAmerican Energy since they would own the lines.
- The remaining easements are provided for possible necessary access by the UH or the utility provider for inspection, emergency access, etc., and are not public utilities per se. **Consequently, according to a conversation I had with the City Engineer, UH would not pay for their installation and maintenance--this must be spelled out in the PUD developer agreement so it is clear they will not be funded by UH or the cost repaid by TIF.**

2. The widening of Melrose Avenue to accommodate a turn lane at the main development entrance pushes the south curb of Melrose Avenue closer to the existing 4-foot sidewalk. This will further compound issues with snow removal from the street being pushed onto the sidewalk. We recommend that the project include a relocation of this sidewalk to the south edge of the Melrose right-of-way from Sunset Street to at least Birkdale Court.

- a. The developer would prefer to leave the sidewalk at the current location. Moving it to the south right of way line will require removal of existing landscaping. (N-M, 6/13/11)
- b. This issue was explained in further detail in an e-mail to the council on June 14, along with an aerial photo of the site with approximate property lines obtained from the Johnson County GIS website. The proposed widening of Melrose means the south curb line moves closer to the existing sidewalk. Narrowing this distance is expected to result in more snow from the street being plowed onto the sidewalk. There are three options:
  - i. Leave the sidewalk where it is. There will be a narrower green space between the sidewalk and the new south curb line of Melrose Avenue.
  - ii. Move the sidewalk south to the back of the city right-of-way, maximizing the distance between the street and sidewalk. Based on the County aerial, much of the vegetation behind the Koser Avenue properties would need to be removed, and some fences relocated as well.
  - iii. Move the sidewalk to the south an intermediate distance to maintain or improve the green space to the curb, but avoid impact to vegetation. This would require relocation of the existing overhead power poles. (S-H, 8/4/11)
- c. A cross-section of the Melrose Avenue right-of-way should be provided just west of Sunset (full bus lane, EB and WB traffic lanes, left-turn and right-turn lanes, sidewalks), and also just west of the main entrance (existing retaining wall and handrail, 8' wide sidewalk, vehicular guard rail, 3-lane street section, and south walk). Show the existing curbs and walks on the same section, and provide

dimensions which indicate how far the proposed curb is from the existing curb, and the resulting green space between curb and sidewalk. (S-H, 8/4/11)

- d. **Wilson Comments 8/18/11: Dimension Plan C-109** revised 8/4/11 shows the cross section of Melrose and indicates 4.91ft between curb and existing sidewalk behind our house. This a very undesirable distance because roadway snow will be plowed onto the sidewalk and we do not like it. However, we believe this is the lesser of the evils and the existing walk should be left in its current location (**Option 2.b.i above**) rather than moving it southward which will require removal of tree and shrub screening. The Rupperts, our neighbors to the west, agree with this position.

5. What type of materials would be used to construct the bus shelter? Recommend the materials match the look and feel of the front building.

- a. The bus shelter will be furnished by Iowa City Transit and will match their standards. (N-M, 6/13/11)
- b. We have contacted Iowa City Transit, and are awaiting feedback on what their standards are for bus stops, and what options are available for design. (S-H, 8/4/11).
- c. **Wilson Comments 8/18/11: The PUD developer agreement, Easements item 4.a,** currently states that UH should pay for installation and maintenance of the bus shelter). However, it is on the wrong side of the road to serve UH (buses would be going westward from UH), and if it is used at all, the volume would not merit a shelter at UH expense--he need not be nearly as great as south across Melrose for inbound buses.

8. The rear patio structure of the back building projects out into the 20-foot rear yard.

- a. The rear patio and retaining wall are not a part of the building and not limited to the 20' minimum distance from the lot line. (N-M, 6/13/11)
- b. The rear patio is in the same location. Any changes to the layout will be based on the council's interpretation of Section 13, B.7 of the zoning ordinance. (S-H, 8/4/11)
- c. **Wilson Comments 8/18/11: I believe the question is whether or not the terrace is** part of the building or an open terrace as indicated in **Ord. 79, 8.d** which describes a terrace as not extending above the level of ground. According to plan **C-104**, there are 9 steps on the north side, 7 steps on the east side required to get down to existing grade and there is a 5ft-retaining wall on the west side with the terrace on the high side. The terrace is therefore elevated about 3½ft to 5ft above ground and does not conform to a terrace as described **Ord. 79, 8.d** and would therefore be a part of the building and not permitted in the required back yard.

10. Has there been a geotechnical report completed for the site?

- a. A geotechnical report has been completed and will be submitted. (N-M, 6/13/11)
- b. A copy of the "Preliminary Geotechnical Engineering Report" has been submitted. It was prepared by Terracon on April 4, 2011. It consisted of two soil borings on site, preliminary observations about the soil types, and general recommendations for earthwork and construction of the two proposed buildings. (S-H, 8/4/11)

- c. **Wilson Comments 8/18/11:** the Terracon Geotechnical Report was more of a snapshot than a site investigation of soils, but it indicated the protected slopes in the three tested areas had been previously altered by human activity.
- The most important concern from this point forward is how the soil and debris fill pushed over the edge of the east ravine can be removed in a way that will minimize further environmental damage and change to the ravine--the removal of the fill and debris should be done in a way that will restore the ravine east bank back to its previous condition to the extent possible, even if some of the debris is left to keep from damaging existing trees. **The developer should be required to submit a plan as to how this will be accomplished.**
  - In the area of protected slope at the south end of the ravine, the exit drive should be kept as far south as possible and the disturbance of the ravine north of the road should be kept to a minimum. **The developer should be required to place a note on the plan to explain how this will be accomplished.**
  - There is a protected slope area at the NW corner of the site where no geotechnical tests have been conducted, so it should be presumed that this area has not been altered by human activity until proven otherwise. Why have there been no concerns raised about regarding this this protected slope? If this is allowed, at minimum, the developer should be required to comply with bullets 1 and 2 immediately above to compensate for the damage to this slope.

#### OFF-STREET PARKING

12. At the front building, there are 55 underground parking spaces shown on Page 13 of the submittal. These spaces measure 9-feet by 18-feet, with a 24-foot drive aisle. There are no designated handicap stalls indicated.

- a. Accessible parking stalls will be indicated on the plan. (N-M, 6/13/11)
- b. **Page 13 has been updated to show 3 handicap parking stalls with adjacent access aisles. There are still 55 total underground spaces shown, measuring 9-feet by 18-feet with a 24-foot drive aisle. (S-H, 8/4/11)**
- c. **Wilson Comments 8/18/11:** The underground parking for the front building has 9ft x 18ft parking spaces vs. 9ft x 20ft required, but the aisle is 24-ft wide. I think the overall dimensions work okay, but I don't see why the architect doesn't change the stall lengths to 20ft to comply rather than require an exception.

## MEMORANDUM

DATE: August 18, 2011

TO: University Heights City Councilors

FROM: Larry Wilson

RE: Review of **City Engineer August 4, 2011 Updated Responses to City Engineer Staff Report #2**  
**Wilson Review Comments August 18, 2011**

I am sending my review comments to you for your use and consideration so you will have them prior to the review of One University Place PUD submittal at the September council meeting.

The original report comments and subsequent Neumann Monson responses June 13, 2011, MMS Responses July 7, 2011 and City Engineer/Shive Hattery updated responses **August 4, 2011** are pasted in as applicable for convenience.

### **WATER MAIN**

3. If the water main through the site is to be public, a dedicated water main easement needs to be provided. This appears to be included, provide confirmation of the easement type and width.
- a. The proposed water main easement is 15 foot wide. An easement plat will be prepared and submitted when the construction plans are submitted. (MMS, 7/7/11)
  - b. **The Iowa City water and engineering department are still evaluating which portions of the water main within the site would be public (and require easement), and which would be private. (S-H, 8/5/11)**
  - c. **Wilson Comments 8/18/11 (repeated for convenience from Report #1, item 1 sent earlier.)** The City Engineer has recommended an extension of easements west of the Maxwell site along the north side of Melrose to the athletic club which I agree should be done.
    - The added **Easement Plan C-102** shows the easements that were requested, but the easements shown are misleading. **All of the utilities for which easements are shown serve ONLY the Maxwell development with 1 exception and 1 other possible exception** (in addition, the Iowa City Water Department might require additional public easements for portions of the water main service to the commercial and apartment uses for access if needed).
    - The 20-ft wide easement along the west entrance/access drive north to the University property should definitely be a public access easement for access to future development of the University property.
    - If the 10-ft wide waterline easement along the east side of the access drive is to also serve future University development, then it should also be a public easement. Should the size of the waterline need to be increased to provide future development service, the cost of the increased size of the waterline would be a legitimate UH cost.
    - The electric and gas easements are required by MidAmerican Energy since they would own the lines.
    - The remaining easements are provided for possible necessary access by the UH or

the utility provider for inspection, emergency access, etc., and are not public utilities per se. **Consequently, according to a conversation I had with the City Engineer, UH would not pay for their installation and maintenance--this must be spelled out in the PUD developer agreement so it is clear they will not be funded by UH or the cost repaid by TIF.**

## **SANITARY SEWER**

9. The Utility Plan (Page 7) was reviewed with representatives of the Iowa City Wastewater Department.

- a. We acknowledge this comment. (MMS, 7/7/11)
- b. **Additional reviews held with Iowa City wastewater and engineering. New comments are as follows. (S-H, 8/5/11)**
- c. **The City of Iowa City requires a dedicated sanitary sewer easement that is twice the depth of the line, centered on the pipe alignment. Based on proposed depths near the southwest corner of the Birkdale Court and University Club property, dedicated easements are needed to meet these requirements.**
- d. **Identify all of the existing and/or proposed easements west of the site to encompass all of the proposed sanitary sewer utility work.**
- e. **The Iowa City wastewater and engineering departments are still evaluating the sanitary sewer between Sanitary MH #3 and MH #4. This segment is very near the existing retaining wall and handrail of the wide sidewalk on the north side of Melrose, as well as a proposed vehicular guard rail along the curb. There are concerns about future costs of maintenance and repair of this section due to the proximity of these structures.**
- f. **Provide additional information on the proposed vehicular guard rail along the north curb of Melrose Avenue; what type of structure is this intended to be?**
- g. **Wilson Comments 8/18/11: Presuming the City Engineer actually means between Sanitary MHs #2 and #3 in item 9. e above (and not #3 & #4), I agree.**

## **MID-AMERICAN ENERGY**

37. Electric

- a. Not applicable so not pasted in
- b. Not applicable so not pasted in
- c. Not applicable so not pasted in
- d. The electric service will not be able to connect as shown to the existing pole on the South side of Melrose Avenue because it has an overhead transformer and can't be used for a high voltage riser. A new pole would need to be set, probably to the east between the two existing poles, and service would come from this location.
  - i. A new pole has been added to the plan for electric service. (MMS, 7/7/11)
  - ii. **Plans have been revised. (S-H, 8/5/11)**
- e. Not applicable so not pasted in
- f. Not applicable so not pasted in
- g. Not applicable so not pasted in

- h. Not applicable so not pasted in
- i. Wilson Comments 8/18/11 (37.d): Along the south side of Melrose, there is an existing electric pole a few feet north of both the west and east corners of our back lot line and a new electric pole will be added in line with the existing poles half way between. Could the function this new pole be combined with any of the other existing poles, or could the new pole be placed next to one of the existing poles, or could the transformer on the existing pole near the west corner of our property be moved to another existing pole, or is there another way to eliminate the need for a new pole aligned with the middle of our property?

MEMORANDUM

DATE: August 18, 2011

TO: University Heights City Councilors

FROM: Larry Wilson

RE: Review of Developer Responses August 1, 2011 to City Attorney "PUD Development Agreement--Provisions to Consider" Memo July 20, 2011

**Wilson Review Comments August 18, 2011**

I am sending my comments to you for your use and consideration so you will have them prior to the review of One University Place PUD submittal at the September Meeting.

The original July 29, 2011 memo statements and subsequent developer August 1, 2011 responses are pasted in as applicable for convenience.

**ITEMS TO CONSIDER FOR INCLUSION IN PUD DEVELOPMENT AGREEMENT**

**3. Exterior Amenities.** The Council may desire that certain exterior amenities, perhaps including benches, book drop, and bicycle racks be shown and specified in site or building plans.

(DEVELOPER) RESPONSE: Exterior amenities are addressed at Section 2.a.v of the Development Agreement.

**WILSON COMMENTS 8/17/11:** The incorrect section is listed, it should be **2.a.iv (not 2.a.v)**, which along with item **2.a.ii**, seems to cover landscape furniture except the entrance plaza, book drop and light fixtures--which should be added to the Development Agreement. I would suggest instead of the traditional fountain in the plaza, an interactive water feature called a runnel--a recirculating channel of water running through the plaza that can have small waterfalls, can be sat beside and adults and children can wade in it--see picture below. Also see **Item 29** this memo.



**4. Boring Plans.** The Council should consider whether to require boring plans showing that all utilities or other implements to be constructed on the property shall be bored-in and

not placed by way of open excavation or otherwise.

**(DEVELOPER) RESPONSE:** The PUD plan provides storm water lines to be bored in the east ravine. No other boring should be necessary.

**WILSON COMMENTS 8/18/11:** Only the waterline extension along the east side of north Sunset and the storm drain line into the east ravine currently need to be bored--they are indicated as such on plan **C-107**, but there is a storm MH and outlet structure construction in the Critical Slope area on the west side of the east ravine--**it should also be required that material for their construction should be "craned" in to prevent collateral environmental damage.** The sanitary sewer line proposed along the north side of Melrose west of the site might also need to be bored to save the existing trees)

**5. Fill Material.** The Council should consider whether to require that all fill on the project be observed by an independent monitor who shall have authority to order stoppage of work without notice if work is not proceeding in accordance with the monitor's direction. The Council could request that all costs associated with such monitoring be the sole and exclusive responsibility of developer.

**(DEVELOPER) RESPONSE:** With regard to fill materials, the developer will comply with all City ordinances and good practices and will employ a qualified geotechnical consultant to perform appropriate analysis and recommendations for the project. This requirement has been added to the Development Agreement at Section 2.c.

**WILSON COMMENTS 8/18/11:** Who will inspect the fill placement and all the other site work on behalf of UH to be sure everything is constructed according to UH requirements. Will UH building inspectors inspect the buildings? This will require a considerable amount of on-site inspection during construction and would be paid for by UH (perhaps reimbursed by Maxwell).

**7. Rental/Leasing of Residential Units.** The Council should decide whether it is agreeable to permitting some or all of the residential units in the development to be rented or leased. The Council may propose that no units be leased; or that only units in one building may be leased; or that no more than a specified number of units may be leased; or some other description of limits on leasing.

**(DEVELOPER) RESPONSE:** Section 3.j of the Development Agreement incorporates the City's zoning definition of "family" to control appropriate residential use. The developer does not wish to otherwise have restrictions on leasing residential units that are not applicable generally in University Heights, and believes that any such restrictions would be discriminatory.

**WILSON COMMENTS 8/18/11:** This is not a typical UH development and the rentals should be restricted so that the condo development as promised by the developer in the

beginning is delivered. The Council has been concerned about the growing number of rental residences in proportion to the owner-occupied residences in UH. The Council intent and focus has been to encourage owner occupied units and to reduce or at least not expand the number of rental units. This development should not be allowed to contribute to those rental unit concerns--the focus should be on **affordable** owner-occupied units. See **Item 25** this memo

**13. Restrictions on Commercial Uses/Hours of Operation.** The Council should consider the types of businesses that are or are not permitted in the commercial portion of the development. Ordinance 79(6)(f)(2)(b) provides a broad list of permitted uses. The Council may wish to further refine or define those uses and further address hours of operation.

**(DEVELOPER) RESPONSE:** The uses provided in the referenced ordinance are acceptable and have already been restricted by the Council adopting the ordinance. The matter has been addressed at Section 3.i of the Development Agreement.

**WILSON COMMENTS 8/18/11:** As also stated in **Item 19** below, the type of commercial uses should be restricted as part of the Development Agreement to those that can be successful with the amount of parking currently provided.

- In addition, the commercial space uses listed in **Ord. 180, section 6.F.2.b**, should be restricted in size. For example, bakeries, drug stores, catering businesses and restaurants could be fairly large in size and therefore should be restricted to neighborhood size/scale businesses and those that directly serve the UH neighborhood. This would place a reasonable limit on the traffic, noise and other impacts generated by the businesses--keep the negative impacts of businesses compatible/appropriate for the UH neighborhood. The MPO-JC can assist with the definition of business that would serve the UH neighborhood and neighborhood-size/scale businesses.
- The UH ordinances do not restrict noise except under **Nuisance/Disorderly House Ord. 109 and amendments**. Because of the concentration of potentially excessive noise producing activities, the Development Agreement needs to include maximum hours for amplified sound, control of noise from unruly behavior, etc.--MPO-JC can assist in developing the noise restrictions.
- The hours of operation stated in the developer agreement **Item 3h** are too great. The hours should be restricted to opening times of 6:00a.m. for coffee houses, 7:00a.m. for grocery stores and 8:00am for other businesses, with 10p.m. as the closing time on weekdays and 11:00p.m. on Friday and Saturday for all business. Exceptions could be made if the developer can document that there will be no negative impacts for other hour limits on a case-by-case basis.

**14. Outdoor Game Day Sales.** The Council may wish to prohibit any outdoor sales on Hawkeye home game days.

**(DEVELOPER) RESPONSE:** Any game day activities in the project will need to be in

compliance with local ordinances in the same manner as all other properties within the city of University Heights. The Development Agreement, at Section 3.a addresses this matter.

**WILSON COMMENTS 8/18/11: Ord. 81 or amendments 161 and 176** do not have any restriction of outdoor sales on private property except that such sales cannot interfere with the use of public property. Restrictions on hours of operation, length of time booths or displays can be in place, the types of items that can be sold, light, noise, etc. need to be included in the Development Agreement.

**15. Timing of Construction.** The Council may wish to provide that construction on the proposed development must commence by a certain date and be completed by a certain date.

(DEVELOPER) RESPONSE: Timing of construction is addressed at Section 7 of the Development Agreement.

**WILSON COMMENTS 8/18/11: Section 7** of the Development Agreement is not about timing of the project but the sequence of phases 1 & 2 construction. There needs to be a specific maximum time limit for beginning construction beyond which a re-approval of the PUD is required, including the maximum amount of time between Phases 1 & 2 allowed. The circumstances and surrounding conditions might well change considerably over an extended time which the development would not appropriately address. Ten years to begin construction indicated in **Item 21** of this memo is too long--too many changes in circumstances and conditions are likely to occur during that extended time--it should be 6 years at most and 3 years maximum between the end of Phase 1 construction and the beginning of phase 2. See comments under **Item 21** this memo.

**16. Grocery Store/Market.** The Council should consider whether it desires to require that a portion of the commercial space be used for a grocery store/market.

(DEVELOPER) RESPONSE: This matter is generally addressed at Section 8 of the Development Agreement and has been more specifically addressed in the developer's TIF proposal.

**WILSON COMMENTS 8/18/11: The developer should be held to the Development Agreement Section 8** without TIF funding. Providing a neighborhood Grocery Market should be an incentive to the UH Council to approve the PUD proposal in the same manner that \$4.4M was offered to the St Andrew church to move. The UH community desires to have a neighborhood-scale grocery store. UH should not be required to subsidize it because the developer chose to pay an inflated price for the land and cannot or will not properly fund this project from private sources that can absorb this cost.

**17. Parking.** The Council should consider whether the proposed parking is sufficient for the development and the types of commercial uses contemplated.

(DEVELOPER) RESPONSE: The PUD plan contains 53 proposed service parking spaces out of the 55 maximum permitted by the Zoning Ordinance. The MPO-JC report indicated that this was sufficient surface parking.

**WILSON COMMENTS 8/18/11:** Both the MPO-JC and the developer agree that parking provided is sufficient for the type of commercial uses proposed, but to be sure that uses requiring a large amount of parking are not developed, the type of commercial spaces should be restricted by the Development Agreement to those that can be successful with the amount of parking currently provided. See comments under **Item 19** this memo.

**18. Limit Liquor Licenses.** The Council may wish to consider limiting the number of liquor licenses or beer permits that may be issued for businesses located at the development. Doing so may be another measure useful to restricting permitted uses. The point may be that one restaurant would be great but 3 is too many.

(DEVELOPER) RESPONSE: The Zoning Ordinance already sufficiently limits liquor licenses by precluding bars, saloons, taverns or drinking establishments in the multi-family commercial PUD Zone.

**WILSON COMMENTS 8/18/11:** The important factor is to limit the number of establishments selling liquor, whether restaurants or other--two restaurants in this location would generate too much parking and traffic. There should be a limit of one liquor license within the total development.

**19. "Land Banking" Green Space.** MPO-JC has raised the possibility of the Council requiring that certain green space be kept available for conversion into surface parking if some specified triggering event occurs in the future. The triggering event might be something like (i) a future finding and Resolution by the Council that parking is inadequate or (ii) the establishment of a certain number of a certain types of businesses at the proposed development (e.g., if there's 3 restaurants, the green space becomes or may become parking).

RESPONSE: There has been added to the Development Agreement (Section 3.o) a provision that would allow the developer the ability to convert green space into additional surface parking if approved by resolution of the City Council.

**WILSON COMMENTS 8/18/11:** The green space shown on the plan is a very important part of the development appearance and ambiance, and also important in softening the visual impact of the high-rise building. It should not be reduced. The developer stated in the beginning that the advantage of a high-rise building is to preserve green space so he should be held to retaining the green space shown. In addition, the square footage of green space shown should be locked in as part of the Development Agreement. The type of commercial spaces should be restricted as part of the Development Agreement to those that can be

successful with the amount of parking currently provided, especially since the MPO-JC report stated that the parking provided is sufficient. See comments under **Item 17** this memo.

**21. Conditioning PUD Approval on Land Sale Timely Construction.** The Council may wish to consider provisions that the PUD Plan Application approval terminates if St. Andrew Presbyterian Church votes not to sell the property or if the project is not completed in a given time. This issue also may be addressed separately in a provision that requires commencement and completion by certain dates.

(DEVELOPER) RESPONSE: It would seem inappropriate to condition PUD approval on the Church's decisions. The Church could decide in the near term not to sell the property, but after further consideration in the longer term might again decide to sell the property, at which time an approved PUD plan could still be viable to the same or a different developer. Any modification to the plan would in any event require Council approval. All of this is speculative and it would seem unnecessary from the City's standpoint to add conditions based on what the Church may or may not do. In reference to time frame, it seems unnecessary to place a time constraint, but if the City Council feels compelled to do so, then it is suggested that perhaps ten years would be a reasonable time frame in which to require commencement of the project or expiration of the PUD Plan approval. No time limit should be imposed that would result in the expiration of an approved PUD after such a project has been commenced.

**WILSON COMMENTS 8/18/11:** As long as the church owns the land they should have control over its use, and if they decide not to sell, the approval of the PUD proposal should not continue beyond that documented decision. The developer should not be allowed to sit on the development plans indefinitely in the hope of turning around the church's decision later. Should there be a later decision by the church to sell, the developer could resubmit the PUD proposal for approval. The UH community should not be stuck with a plan approved at an earlier time that might not address changes in circumstances and conditions that are likely to occur over an extended period of time. Ten years is also too much time to wait for construction to begin without reapproval of the PUD proposal for the same reasons. The PUD ordinance is intended to **PROTECT the UH community** from relaxed zoning requirements. See comments under **Item 15** this memo.

**22. Additional Traffic Signal on Melrose Avenue.** The Council may wish to consider requiring that an additional traffic signal be installed on Melrose Avenue at the developer's expense. The Council may wish to say that such a light would be required only if and when some future event occurs (like traffic times are decreased or car counts increase to specified levels or once the second building is built). MPO-JC has provided information concerning traffic patterns and the effects of an additional signal.

(DEVELOPER) RESPONSE: All traffic studies to date have shown that additional signaling on Melrose Avenue is not necessary. Therefore, no requirement, particularly a speculative

one, should be placed on the Development Agreement.

**WILSON COMMENTS 8/18/11:** It should be in the Development Agreement that if the level of traffic created by the development increases to warrant a traffic signal at the development west entrance, the developer must pay for its installation.

**25. Number of Residential Rentals.** If residential units will be permitted to be leased, does the Council desire to limit the number?

(DEVELOPER) RESPONSE: See response to paragraph 7.

**WILSON COMMENTS 8/18/11:** See item 7 this memo.

**26. OUP Entrance Design Elements.** The Council may wish to require approval of specific plans for the entrance to the proposed development. Different ideas have been suggested – a fountain, a community common area, a sculpture. The Council may wish to have a say in how this area is presented.

(DEVELOPER) RESPONSE: See response to paragraph 3.

**WILSON COMMENTS 8/18/11:** See comments under Item 3 this memo.

**29. Restrictions on Signs.** The Council may wish to consider specific limitations and restrictions on signage permitted at the development. For example, size restrictions, prohibiting flashing signs or those whose messages change, etc.

(DEVELOPER) RESPONSE: Signs are addressed at Sections 3.c, d and e (& f) of the Development Agreement.

**WILSON COMMENTS 8/18/11:** In the Development Agreement, Section 3.f would allow a “for rent” sign to be 10ft x 10ft. That is much larger than necessary for visibility because of the closeness to Melrose. A 4ft x 6ft sign would be plenty large enough for visibility and be less of a visual intrusion into the community.

**30. Ravine Stability During Construction.** The Council may wish to require specific testing or oversight during construction to confirm that construction activity itself is not harmful to the ravine.

(DEVELOPER) RESPONSE: See response to Section 5.

**WILSON COMMENTS 8/18/11:** See comments under Item 5 this memo--those comments would also apply to oversight of the of the east ravine.

**32. Restriction on Transfer to Tax-Exempt Entity.** The Council may wish to prohibit any sale or transfer of all or part of the proposed development to tax-exempt entities. Some such entities (like the church, for example) do not pay property taxes. To the extent portions of the proposed development are transferred to such an entity, the TIF component, if there is one, of the development may be affected.

(DEVELOPER) RESPONSE: If TIF is provided as a means to support the project, there will be an incentive for the developer not to sell to tax exempt entities (other than a portion of the Project slated for possible transfer to the City). Reduced tax revenue will slow down the tax rebate and increase the possibility that the full rebate amount may not be reached. On the other hand, the developer would not wish to be absolutely restricted from making a sale to a tax exempt entity.

**WILSON COMMENTS 8/18/11:** TIF should not be used to support private development when \$4.4M is paid for the land--twice the assessed value of the land. A private developer should be able to provide the financing of private development as everywhere else in the County, especially since there is none or very little public improvements that directly serve UH that would burden the financing. If the developer cannot work out the finances without TIF, he should not be doing the development. He should not be allowed to sell it to a tax-exempt entity, thereby eliminating the primary reason for approving the PUD development--the increase in tax income. To permit such a transaction would amount to the Council shooting itself in the foot.

From: "Wilson, Larry T" <larry-wilson@uiowa.edu> Subject: RE: Follow-up Comments about Council Work Session 8/23/11 Date: Thu, August 25, 2011 1:03 pm To: "louise-from@university-heights.org" <louise-from@university-heights.org>,"mike-haverkamp@university-heights.org" <mike-haverkamp@university-heights.org>,"rosanne-hopson@university-heights.org" <rosanne-hopson@university-heights.org>,"stan-laverman@university-heights.org" <stan-laverman@university-heights.org>,"brennan-mcgrath@university-heights.org" <brennan-mcgrath@university-heights.org>,"pat-yeggy@university-heights.org" <pat-yeggy@university-heights.org> Cc: "jbilskemper@shive-hattery.com" <jbilskemper@shive-hattery.com>,"steve-ballard@university-heights.org" <steve-ballard@university-heights.org>,"christine-anderson@university-heights.org" <christine-anderson@university-heights.org>,"Pat Bauer" <pbb338koser@aol.com>

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Dear Council Members and Staff--

Mr. Maxwell's statement in the TIF proposal revised 8/19/11 indicated under Scope of Project, "To address the concerns of certain community members I am willing to reduce the scale of the project by reducing the footprint of each of the two buildings . . ." which resulted in reducing the number of units from 79 to 69. Mr. Monson stated during the work session that this translated into taking a 30ft wide vertical slice out of each building. He was asked by a councilor why the fifth floor in the high-rise building couldn't be removed instead of removing a vertical slice. He answered by saying that removing the fifth floor, which has 7 units, would leave a footprint of underground parking that would have more parking than needed and thereby create an excess parking cost, and also the vertical slice would keep the current mix of unit types stacked as they are currently. This amounts to the easiest way to resolve the reduction in units, but does not respond to the MAJORITY of UH residents' primary concern about the height of the high-rise.

There would be an excess of parking if there were no other changes made in the building design. Mr. Monson's position seems to be that the current building design has been approved by the council, which it has not. It will not be an approved design until the PUD plan is approved. I have no doubt that Mr. Monson has the design skills to adjust the design of the building to remove the fifth floor and redistribute some of the units to other floors to fit the current building footprint without harming the appearance of the building. If there is still some excess parking, I am sure this type of "basement" space could be effectively used for a building and grounds maintenance office/storage room, a small convenient laundry and dryer facilities room for residents, rented/leased additional storage space for residents or some other use that would be useful and feasible.

The majority of UH residents have more concerns about the building height than a 30ft reduction in building footprint. Removal of the fifth floor would reduce the height of the high-rise to 4-stories of condo units plus 1-story with a condo residents reception area and roof terrace. This would be responding to the concerns of a MAJORITY of UH residents than to "certain community members" even if the reduction in total units is less than the 10-unit reduction currently proposed. It would be much closer to the 4-story high-rise building that the majority of UH residents have indicated they would accept.

Please insist on the change.

Larry

Please let me know if you have questions.

Larry

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From: "Wilson, Larry T" <larry-wilson@uiowa.edu> Subject: RE: Additional Comment to Follow-up Comments about Council Work Session 8/23/11 Date: Sat, August 27, 2011 1:59 pm To: "louise-from@university-heights.org" <louise-from@university-heights.org>,"mike-haverkamp@university-heights.org" <mike-haverkamp@university-heights.org>,"rosanne-hopson@university-heights.org" <rosanne-hopson@university-heights.org>,"stan-laverman@university-heights.org" <stan-laverman@university-heights.org>,"brennan-mcgrath@university-heights.org" <brennan-mcgrath@university-heights.org>,"pat-yeggy@university-heights.org" <pat-yeggy@university-heights.org> Cc: "jbilskemper@shive-hattery.com" <jbilskemper@shive-hattery.com>,"steve-ballard@university-heights.org" <steve-ballard@university-heights.org>,"christine-anderson@university-heights.org" <christine-anderson@university-heights.org>,"Pat Bauer" <pbb338koser@aol.com>

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I want to add a comment about statements made by the developer's team at the 8/23 work session when the proposal to reduce the amount of commercial space and the number of condo units from a total of 79 to 69 was discussed. The developer's architect (Kevin Monson) and financial planner (Dennis Craven) both asserted that it wouldn't be cost-feasible to shave the units from the top of the high-rise by eliminating the fifth floor instead of by a "vertical slice" because there would be too much parking in the unchanged footprints, and that it would also compromise the Maxwell team's desired "look and feel" for the development. Additionally, Mr. Craven said that such an approach would require an ask of \$11M in TIF which was clearly an unsubstantiated off-the-cuff speculation. If they claim this to be true, the council should demand to see the financial justification.

This increase in TIF would be particularly unfounded if the building were to be redesigned as suggested below to accommodate the developer-proposed reduction in units. As stated below, I believe that the project architect has the design skills to make this work and still keep an acceptable "look and feel," but that the unwillingness on the part of the Maxwell "team" to consider this idea likely rests on two factors: 1) the cost of redesigning and 2) a reduction of the "high-rise effect" that they think might help them market the rear building to their desired customer base (vs. lowering the height to better fit the wishes of the majority of the community).

Removing the fifth floor would be a major compromise that the community has could accept and live with. It is our community and the Council can insist that the height change be made in order for the developer to obtain Council approval, which would also go a long way toward restoring unity in our community.

Thanks.

Larry

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Dear Council Members and Staff--

Mr. Maxwell's statement in the TIF proposal revised 8/19/11 indicated under Scope of Project, "To address the concerns of certain community members I am willing to reduce the scale of the project by reducing the footprint of each of the two buildings . . ." which resulted in reducing the number of units from 79 to 69. Mr. Monson stated during the work session that this translated into taking a 30ft wide vertical slice out of each building. He was asked by a councilor why the fifth floor in the high-rise building couldn't be removed instead of removing a vertical slice. He answered by saying that removing the fifth floor, which has 7 units, would leave a footprint of underground parking that would have more parking than needed and thereby create an excess parking cost, and also the vertical slice would keep the current mix of unit types stacked as they are currently. This amounts to the easiest way to resolve the reduction in units, but does not respond to the MAJORITY of UH residents' primary concern about the height of the high-rise.

There would be an excess of parking if there were no other changes made in the building design. Mr. Monson's position seems to be that the current building design has been approved by the council, which it has not. It will not be an approved design until the PUD plan is approved. I have no doubt that Mr. Monson has the design skills to adjust the design of the building to remove the fifth floor and redistribute some of the units to other floors to fit the current building footprint without harming the appearance of the building. If there is still some excess parking, I am sure this type of "basement" space could be effectively used for a building and grounds maintenance office/storage room, a small convenient laundry and dryer facilities room for residents, rented/leased additional storage space for residents or some other use that would be useful and feasible.

The majority of UH residents have more concerns about the building height than a 30ft reduction in building footprint. Removal of the fifth floor would reduce the height of the high-rise to 4-stories of condo units plus 1-story with a condo residents reception area and roof terrace. This would be responding to the concerns of a MAJORITY of UH residents than to "certain community members" even if the reduction in total units is less than the 10-unit reduction currently proposed. It would be much closer to the 4-story high-rise building that the majority of UH residents have indicated they would accept.

Please insist on the change.

Larry

Please let me know if you have questions.

Larry

---

**Attachments:**

<b>untitled-[2].html</b>
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From: "Wilson, Larry T" <larry-wilson@uiowa.edu> Subject: RE: Stop Misrepresenting the Facts Date: Thu, September 8, 2011 11:09 pm To: "louise-from@university-heights.org" <louise-from@university-heights.org>,"mike-haverkamp@university-heights.org" <mike-haverkamp@university-heights.org>,"rosanne-hopson@university-heights.org" <rosanne-hopson@university-heights.org>,"stan-laverman@university-heights.org" <stan-laverman@university-heights.org>,"brennan-mcgrath@university-heights.org" <brennan-mcgrath@university-heights.org>,"pat-yeggy@university-heights.org" <pat-yeggy@university-heights.org> Cc: "jbilskemper@shive-hattery.com" <jbilskemper@shive-hattery.com>,"steve-ballard@university-heights.org" <steve-ballard@university-heights.org>,"christine-anderson@university-heights.org" <christine-anderson@university-heights.org>,"Pat Bauer" <pbb338koser@aol.com>

---

Dear Council Members and Staff--

Dear Council Members and Staff:

I am very disappointed in the selective focus and muddy thinking of two councillors in statements made during and after the City Council's August 23rd work session. They have consistently been the most uncritical supporters of the Maxwell development project and it is time for them to be more conscientious about getting the facts correct.

Pat Yeggy challenged Rosanne Hopson's statement during the work session when she said that providing the TIF support would subsidize Mr. Maxwell's decision to pay an exorbitantly high price for the property owned by St. Andrew church. Councilor Yeggy stated that the \$4.3M Mr. Maxwell agreed to pay the church is warranted as evidenced by the \$5.7M the University paid for the Athletic Club. Although the assessed value of the Athletic Club property was \$1.7M, Ms. Yeggy's statement failed to recognize that that the Athletic Club property was ALREADY zoned commercial, and as stated by Regent Bob Downer at a Feb. 3 meeting, "the club would be valuable to private buyers, as it is the only commercially zoned property in University Heights. (" UI Takes Possession of Athletics Club", Daily Iowan, Feb. 20, 2009 can be viewed at <http://www.dailyiowan.com/2009/02/20/Metro/10174.html><<http://www.dailyiowan.com/2009/02/20/Metro/10174.html%20>>). Her statement also failed to recognize that the University was under duress to relocate University functions displaced by the 2008 flood and badly needed the property immediately which certainly upped the ante.

By contrast, prior to the zoning change last December, had the St. Andrew property been developed at the greatest density allowed by UH ordinance for the property then zoned as single-family R-1, it would not have warranted a purchase price of greater than about \$2M. Comparing the purchase price of the Athletic Club property already zoned commercial to the St Andrew property zoned R-1 is comparing apples to oranges, particularly since any increase in value of the St. Andrew property would be based upon speculation that higher density residential and commercial uses would be approved by the UH Council. Ms. Yeggy avoided the more appropriate comparison to Jeff Hendrickson's purchase of the Neuzil property located in an existing Iowa City R-8 zone. Mr. Hendrickson paid \$2M for that property, less than half as much for twice as many acres (9.3 vs. 5.3 acres). Neither of those property purchases supports Ms. Yeggy's statement that the St Andrew property is worth the \$4.3M price offered by Mr. Maxwell.

Councilor Haverkamp's faulty math and misrepresentation of the facts to a Corridor Business Journal reporter after the August 23 work

session was even more difficult to fathom. The reporter quoted Councilor Haverkamp in the August 29 CBJ article as saying that the UH will receive onsite and offsite benefits of "almost the equivalent of \$3 million . . . and when you look at it over time, what he's (Mr. Maxwell) getting in money is pretty much paying for what we get as a city." A closer look at the financial information provided by Mr. Maxwell would have revealed that the value of offsite improvements and commercial space transferred to the University Heights would be slightly more than \$1.5M (\$500K + 350K for intersection + \$670K for community space) instead of the \$3M quoted by the reporter, almost twice the actual amount. Councilor Haverkamp's math error in doubling the value of the benefits he sees the city as getting from \$1.5 to \$3M then is in effect tripled by his failure to recognize that in Mr. Maxwell's financial statement the value of such benefits had already been deducted from the almost \$5M present value of TIF payments in getting to the \$3.625M figure.

Council Haverkamp apparently has also not carefully reviewed the submitted PUD plans, particularly the Utility Plan, where is shown, with a couple of minor exceptions, that the estimated \$850K cost of off-site improvements(\$500K + intersection at \$350K) is for improvements that will serve only the development and will provide no needed service for the UH community. Furthermore, Mr. Craven stated at the work session that the intersection improvement was estimated to cost \$350K. It should be noted that at least half of that amount will be saved by the developer not having to install a traffic signal at the development west entrance. The developer will also be directly benefitted by having a second exit that would function better than the proposed alternative of constructing an emergency exit that would look like a walk.

The notion that a developer should pay for infrastructure that is required to serve only the project is common sense to most persons, but Councilor Haverkamp seems to think that such upfront costs paid by the developer somehow results in the city getting something for "free." In fact, these costs are folded into the overall project development costs Mr. Maxwell claims he needs TIF support to have a viable project.

Councilors Yeggy and Haverkamp have publically stated information that is incomplete and incorrect as if the information were true in their unyielding commitment to approving any variation of the project Mr. Maxwell has proposed. University Heights deserves better from its public officials than it is getting from them.

Larry Wilson

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**Attachments:**

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<b>StAndrewChurchPropertyValuation.pdf</b>
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Size: 412 k
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Info: StAndrewChurchPropertyValuation.pdf
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<b>UniversityAthleticClub&amp;HendersonNeuzilPropertyValluation.pdf</b>
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Size: 309 k
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Type: application/pdf
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Summary

**Parcel ID** 1017101001  
**Property Address** 1300 Melrose Ave Iowa City IA 52240  
**Brief Tax Description** COM NE COR 17-79-6, W 402.6', S 16 DEGREES E490', N 73 DEGREES E ALONG ROAD 2 .3'; N 1 DEGREE W TO BEG  
 (Note: Not to be used on legal documents)  
**Neighborhood #** 0  
**Section & Plat** 177906  
**Property Class** 685 - Exempt: Churches  
**Taxing District** UNIVERSITY HEIGHTS-IOWA CITY  
**Net Acres** 0.00  
**Exempt Acres** 0.00

Owners

**Deed Holder** **Contract Holder**  
 St Andrew Presbyterian Church  
 Iowa City IA 52246

Land

**Lot Dimensions** Regular Lot: x  
**Lot Area** 0.0000 Acres; 0 SF

Valuation

	2010	2009
+ Assessed Building Value	\$0	\$0
+ Assessed Dwelling Value	\$0	\$0
+ Assessed Land Value	\$0	\$0
+ Exempt Value	\$380,160	\$380,160
= Gross Assessed Value	\$380,160	\$380,160
- Exempt Value	(\$380,160)	(\$380,160)
= Net Assessed Value	\$0	\$0

Sales

Date	Grantor	Recording	Type	Amount
07/11/1980	PRESBYTERY OF IOWA CITY-ST ANDREW CH	Bk:575 Pg:26		\$0.00
12/27/1958	GARDNER, MARGUERITE & STEVENS,JOHN R	Bk:224 Pg:219		\$0.00
12/27/1958	STEVENS, GEORGE O - Estate	Bk:186 Pg:571		\$0.00

Treasurer Link

[Click here to view the tax information for this parcel on the Johnson County Treasurer's website.](#)

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 (319) 356-6078

**Iowa City Assessor:**  
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 (319) 356-6066

**Auditor:**  
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 (319) 356-6004

**Engineer:**  
 Greg Parker  
 (319) 356-6046

**IT Coordinator:**  
 Jean Schultz  
 (319) 356-6080

**GIS Coordinator:**  
 Rick Havel  
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**Planning & Zoning:**  
 Rick Dvorak  
 (319) 356-6083

**Recorder:**  
 Kim Painter  
 (319) 356-6095

**Sheriff:**  
 Lonny Pulkrabek  
 (319) 356-6020

**Treasurer:**  
 Tom Kriz  
 (319) 356-6087

Summary

**Parcel ID** 1017101006  
**Property Address**  
**Brief Tax Description** THAT PART OF NE NE DESC AS AUDITOR'S PARCEL #96091 IN SURVEY BK 38 PG 125  
 (Note: Not to be used on legal documents)  
**Neighborhood #** 0  
**Section & Plat** 177906  
**Property Class** 685 - Exempt: Churches  
**Taxing District** UNIVERSITY HEIGHTS-IOWA CITY

Owners

<b>Deed Holder</b>	<b>Contract Holder</b>
St Andrew Presbyterian Church	
1300 Melrose Ave	
Iowa City IA 52246	

Land

**Lot Dimensions** Regular Lot: x  
**Lot Area** 1.1600 Acres; 50529 SF

Valuation

	2010	2009
+ Assessed Building Value	\$0	\$0
+ Assessed Dwelling Value	\$0	\$0
+ Assessed Land Value	\$0	\$0
+ Exempt Value	\$23,200	\$23,200
= Gross Assessed Value	\$23,200	\$23,200
- Exempt Value	(\$23,200)	(\$23,200)
= Net Assessed Value	\$0	\$0

Sales

Date	Grantor	Recording	Type	Amount
05/01/1998	UNIVERSITY ATHLETIC CLUB INVESTORS	Bk:2476 Pg:194		\$133,650.00
06/05/1997	NEREIM, THOMAS ET AL	Bk:2282 Pg:247		\$0.00
05/04/1988	WHIPPLE, CHARLES & DOROTHY	Bk:1000 Pg:544		\$0.00

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 (319) 356-6083

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 Kim Painter  
 (319) 356-6095

**Sheriff:**  
 Leony Pulkrabek  
 (319) 356-6020

**Treasurer:**  
 Tom Kriz  
 (319) 356-6087

Summary

**Parcel ID** 1016228001  
**Property Address** IA  
**Brief Tax Description** UNIVERSITY HEIGHTS 2ND ADD COM AT SE COR LOT 238; W TO W/L OF SEC; S 100'; E TO W/L OF SUNSET ST; THENCE ELY/NELY ALONG WLY/L TO POB EXC THAT LAND DESC AS AUD P ARCEL "D" IN SURVEY BK 33 PG 143  
 (Note: Not to be used on legal documents)  
**Neighborhood #** 10010  
**Section & Plat**  
**Property Class** 500 - Residential: Vacant Lot  
**Taxing District** UNIVERSITY HEIGHTS-IOWA CITY

Owners

<b>Deed Holder</b>	<b>Contract Holder</b>
Hargarve, Clayton P	
234 Cayman St	
Iowa City IA 52245	

Land

**Lot Dimensions** Regular Lot: 0 x 0.00  
**Lot Area** 0.0000 Acres; 0 SF

Valuation

	2010	2009
+ Assessed Building Value	\$0	\$0
+ Assessed Dwelling Value	\$0	\$0
+ Assessed Land Value	\$3,000	\$3,000
+ Exempt Value		
= Gross Assessed Value	\$3,000	\$3,000
- Exempt Value		
= Net Assessed Value	\$3,000	\$3,000

Sales

Date	Grantor	Recording	Type	Amount
03/10/2006	NASH, JOHN A	<a href="#">Bk:3999 Pg:108</a>		\$40,000.00
09/14/1989	--	<a href="#">Bk:1082 Pg:271</a>		\$0.00
01/01/1900		<a href="#">Bk:176 Pg:361</a>		\$0.00

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[Rick Havel](#)  
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- Planning & Zoning:**  
[Rick Dvorak](#)  
 (319) 356-6083
- Recorder:**  
[Kim Painter](#)  
 (319) 356-6095
- Sheriff:**  
[Lonny Pulkrabek](#)  
 (319) 356-6020
- Treasurer:**  
[Tom Kriz](#)  
 (319) 356-6087

Summary

**Parcel ID** 1016228002  
**Property Address** 103 Sunset St Iowa City IA 52246-1934  
**Brief Tax Description** UNIVERSITY HEIGHTS SECOND SUBDIVISION COM AT SE COR LOT 238;W TO W/L 9-79-6; S A LONG W/L 100' TO BEG;S ALONG W/L TO INTERSECTION OF THE WLY LINE OF SUNSET ST;N LY TO A PT DUE E OF SAID PT OF BEGIN; W TOPT OF BEGIN  
 (Note: Not to be used on legal documents)  
**Neighborhood #** 10010  
**Section & Plat**  
**Property Class** 500 - Residential: Vacant Lot  
**Taxing District** UNIVERSITY HEIGHTS-IOWA CITY



**Johnson County, IA**  
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 Iowa City, IA 52240  
[www.johnson-county.com](http://www.johnson-county.com)

**Assessor:**  
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 (319) 356-6083

**Recorder:**  
 Kim Painter  
 (319) 356-6095

**Sheriff:**  
 Lonny Pulkrabek  
 (319) 356-6020

**Treasurer:**  
 Tom Kriz  
 (319) 356-6087

Owners

<b>Deed Holder</b>	<b>Contract Holder</b>
Hargrave, Clayton P Nash, Margaret R 234 Cayman St Iowa City IA 52245	

Land

**Lot Dimensions** Regular Lot: 0 x 0.00  
**Lot Area** 0.0000 Acres; 0 SF

Valuation

	2010	2009
+ Assessed Building Value	\$0	\$0
+ Assessed Dwelling Value	\$0	\$0
+ Assessed Land Value	\$1,000	\$1,000
+ Exempt Value		
= Gross Assessed Value	\$1,000	\$1,000
- Exempt Value		
= Net Assessed Value	\$1,000	\$1,000

Sales

Date	Grantor	Recording	Type	Amount
03/13/2006	NASH, JOHN A	Bk:3999 Pg:108		\$40,000.00
09/14/1989	--	Bk:1082 Pg:271		\$0.00
01/01/1900		Bk:284 Pg:208		\$0.00

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**Bauer, Patrick B**

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**From:** Bauer, Patrick B  
**Sent:** Wednesday, June 30, 2010 1:05 PM  
**To:** 'Steve Ballard'  
**Cc:** 'louisebob@mchsi.com'  
**Subject:** Density Calculation  
**Attachments:** Density Calculation Materials.pdf

Dear Steve,

The meeting notices you sent out last year included the following description of what'd be doable on the St. Andrew site (i) under existing zoning provisions (ii) without the construction of additional streets:

Present Zoning Restrictions. Without construction of additional streets, the present zoning ordinance would permit about 9 single-family residential homes for the entire area of the proposed development

In contrast, the memo I sent to the other commissioners yesterday evening included the following:

The four parcels included in the submitted and resubmitted proposals theoretically might accommodate approximately thirty single-family residences, but the effects of the ravine and streets probably would reduce that to something in the vicinity of no more than twenty-four single-family residences.

Obviously not something of fundamental importance, but I'll lay out below the path that got to my numbers, and also am copying this to John and Kent in case they're able to shed any light on the matter.

Best regards,

Pat

SIZE OF RELEVANT AREAS

(approximations based on Johnson County GIS drawing function (attachment, p. 1))

Existing St. Andrew Parcels (1017101006 & 1017101001) = 4.5 acres

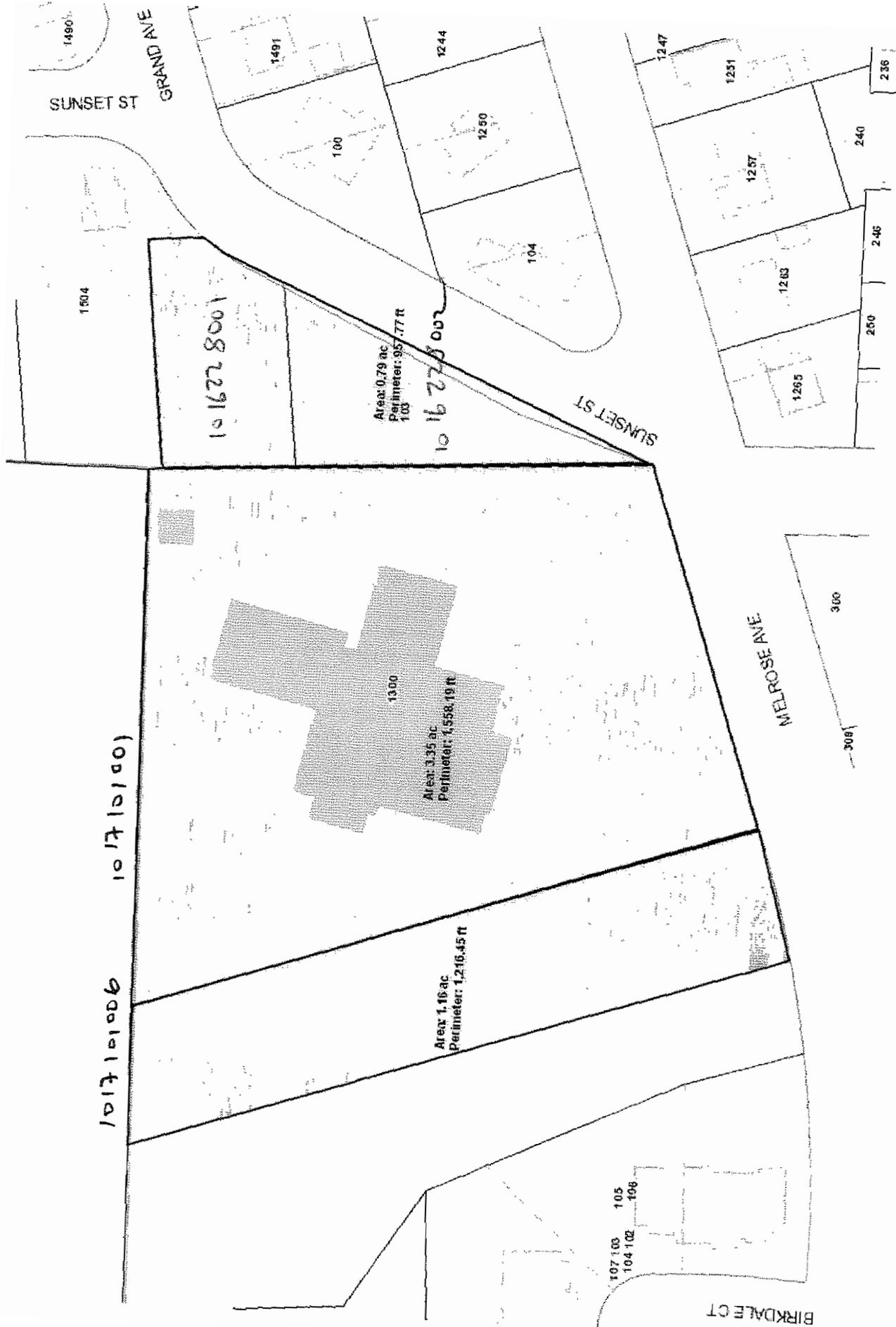
Adjacent Hargrave Parcels (1016228001 & 1016228002) = .75 acres

THEORETICAL MAXIMUM

Overall area (5.25 acres x 43,560 sf = 228,690 sf) **divided by** UH R-1 minimum lot area of 7,500 sf (Ord. 79, § 9.A). = 30.492

PROBABLE PRACTICAL MAXIMUM

Area of existing St. Andrew Parcels (i.e., leaving off adjacent Hargrave parcels) = 4.5 acres **multiplied by** "effective factor" 5.2 for R-8 parcels taken from Iowa City staff report on Hendrickson Lytham Condominiums (attachment, p. 3)) = 23.4



## STAFF REPORT

To: Planning & Zoning Commission

Prepared by: Karen Howard

Item: REZ08-00001 & SUB08-00002  
Hendrickson Lytham Condominiums

Date: April 17, 2008

### GENERAL INFORMATION:

**Applicant:** Jeff Hendrickson  
2601 Flagstone Court  
Coralville, IA  
319-351-6186

**Contact:** same as above

**Property Owner:** Otella, LLC  
83 Woodside Avenue  
Chalfont, PA 18914

**Requested Action:** Rezoning from RS-8 to OPD-8; Preliminary Plat and Sensitive Areas Development Plan approval

**Purpose:** Development of a 2-lot planned development with 9 detached single family dwellings and 24 attached dwelling units

**Location:** South of Melrose Avenue as an extension of Olive Court, Leamer Court, and Marietta Avenue

**Size:** 9.48 acres / 8.10 net acres (acreage less street ROW)

**Existing Land Use and Zoning:** Three dwellings and associated outbuildings, remainder of the land is undeveloped; RS-8

**Surrounding Land Use and Zoning:**  
North: Single family residential; within the city of University Heights  
South: Single Family residential; RS-5  
East: Multi-family residential; OPD-8  
West: Single family residential; within the city of University Heights

**Comprehensive Plan:** The Comprehensive Plan identifies this area as appropriate for duplex and small lot single family residential

1. *The density and design of the Planned Development will be compatible with and/or complementary to adjacent development in terms of land use, building mass and scale, relative amount of open space, traffic circulation and general layout.*

Density - The existing RS-8 Zoning is a medium density single family zone, which allows a mix of single family detached homes with attached single family or duplexes allowed on corner lots at a maximum density of 8 dwelling units per net acre. After accounting for streets, storm water management and open space, RS-8 zoned areas have typically developed with approximately 5.2 units per acre. The overall density of the proposed planned development is approximately 3.8 dwellings per net acre, well below the maximum allowed. This housing density is consistent with the pattern of modest-sized home lots along Leamer Court, Olive Court and Marietta Avenue. The density of the existing development adjacent to Leamer and Olive Courts is approximately 4.9 units per acre.

Land uses proposed and general layout - Given that this property is completely surrounded by existing development and is bisected by a steep ravine, there is limited opportunity to create a typical block pattern of intersecting streets that provide opportunities for duplex units on corner lots. The planned development process encourages a mix of housing types and allows the flexibility to locate those housing types in a manner that fits the site.

The land uses proposed are attached single family units and detached single family dwellings. To provide a transition between the largely single family neighborhood along Olive Court and Leamer Court, the applicant is proposing single detached units along the extension of these streets, transitioning to the larger 2-unit buildings that will back up to the ravine. Attaching some of the units will provide the opportunity to combine side yards to create more space between the buildings; 20 feet instead of the 10 feet that would be required between single family detached dwellings. Staff finds that the proposed land uses are compatible with the intent of the underlying zoning and with the surrounding neighborhood.

Mass and Scale - The proposed dwellings are considerably larger in square footage than most of the homes in the area. The detached units will be approximately 4300 square feet in total floor area (the building footprints are approximately 2,300 square feet including the garage) and the attached units range in size from approximately 3600 square feet to 4300 square feet (the building footprints range from approximately 5,000 square feet to 5,400 square feet including the garage). The larger floor area notwithstanding, the height and scale of the detached units as viewed from the street are similar to existing homes. The proposed units are one story units as viewed from the street with walk-out basements at the rear. The applicant has designed the front facades to mimic house styles existing in the neighborhood. Four different façade designs are proposed within the development.

The larger two-unit buildings are located interior to the property, which will provide a transition between existing homes and these larger buildings. The applicant is proposing to vary the façade designs in a similar manner to the single family detached units.

To prevent monotony, staff recommends that the designs vary such that immediately adjacent buildings do not have the same exterior façade design. Staff also recommends varying the paint colors of the units to provide some visual relief to these buildings that have very similar building footprints.

Staff notes that the garages, particularly for the two-unit buildings are larger and in a more

<b>EXISTING ASSESSED VALUE OF PROJECT PARCELS (SAPC + Hargrave)</b>		
<u>Parcel ID</u>	<u>Assessed Value</u>	<u>Acreage</u>
1017101001	\$380,160	3.35
1017101006	\$23,200	1.16
1016228002	\$1,000	0.74
1016228001	\$3,000	
<b>TOTAL</b>	<b>\$407,360</b>	<b>5.25</b>

<b>EXISTING ASSESSED VALUE OF NEARBY RESIDENTIAL PUD (Birkdale)</b>		
<u>Parcel ID</u>	<u>Assessed Value</u>	<u>Lot Only</u>
1017118001	\$446,900	\$85,000
1017118002	\$447,200	\$85,000
1017118003	\$434,000	\$85,000
1017118004	\$464,700	\$85,000
1017118005	\$478,700	\$85,000
1017118006	\$624,100	\$85,000
<b>AVERAGE</b>	<b>\$482,600</b>	<b>\$85,000</b>

<b>VALUE OF PROJECT PARCELS AS R-1 LOTS</b>	
9 Lots @ 85K	\$765,000
<b>24 Lots @ 85K</b>	<b>\$2,040,000</b>

<b>VALUE OF PROJECT PARCELS AS IMPROVED R-1 LOTS</b>	
9 Lots @ \$482,600	\$4,343,400
<b>24 Lots @ \$482,600</b>	<b>\$11,582,400</b>

<b>TAXABLE VALUE OF PROPOSED PROJECT (5/20/09 UHZC Meeting - Graezel)</b>	
Residential	\$29,400,000
Commercial	\$4,200,000
<b>TOTAL</b>	<b>\$33,600,000</b>

<b>TAXABLE VALUE OF PROPOSED PROJECT (7/13/10 UHCC Meeting - Weigel)</b>	
Residential	
Commercial	
<b>TOTAL</b>	<b>\$22,272,914</b>

Summary

**Parcel ID** 1017117009  
**Property Address**  
**Brief Tax Description** UNIVERSITY ATHLETIC CLUB SUBDIVISION LOT 1  
(Note: Not to be used on legal documents.)  
**Neighborhood #** 10005  
**Section & Plat**  
**Property Class** 430 - Restaurant/Bar  
**Taxing District** UNIVERSITY HEIGHTS-IOWA CITY  
**Net Acres** 0.00



Owners

**Deed Holder**  
 University Of Iowa Facilities Corporation

**Contract Holder**

**Mailing Address**  
 Univ Of Iowa Facilities Corp  
 PO Box 4550  
 Iowa City IA 52244

Land

**Lot Dimensions** Regular Lot: X  
**Lot Area** 3.8900 Acres; 169448 SF

Improvements

**Commercial Building**  
**Primary Use** Country Club  
**Year Built** 1957  
**Exterior Material**  
**Roof Type** 1  
**Roof Material**  
**Interior Walls**  
**Predominate Floor Cove**  
**# of Stories** 1  
**Above-Grade Living Area** 17053 SF  
**Attic Type** None  
**Number of Rooms** 0  
**Basement Type**  
**Basement Area** 16253 SF  
**Basement Finished Area** SF  
**Number of Bathrooms** 2 Fx(7);  
**Central Air** N  
**Heat Type** 33306 sf  
**Porches** Open Porch: 1515 SF;  
**Decks** 504 SF  
**Garages** Detached: 416 SF;  
**Other Features** Miscellaneous (Built: 1999)  
 Residential Detached Garage (Built: 1975) (26x16x0) (416 SF)

Last Inspection Date

Valuation

	2011	2010	2009	2008
+ Assessed Building Value	\$1,789,230	\$1,789,230	\$1,789,230	\$1,789,230
+ Assessed Dwelling Value	\$0	\$0	\$0	\$0
+ Assessed Land Value	\$591,750	\$591,750	\$591,750	\$591,750
+ Exempt Value	\$0	\$0	\$0	\$0
= Gross Assessed Value	\$2,380,980	\$2,380,980	\$2,380,980	\$2,380,980
- Exempt Value	\$0	\$0	\$0	\$0
= Net Assessed Value	\$2,380,980	\$2,380,980	\$2,380,980	\$2,380,980

Taxation

	2010	2009	2008
+ Taxable Building Value	\$1,789,230	\$1,789,230	\$1,789,230
+ Taxable Dwelling Value	\$0	\$0	\$0
+ Taxable Land Value	\$591,750	\$591,750	\$591,750
= Gross Taxable Value	\$2,380,980	\$2,380,980	\$2,380,980
- Military Credit	\$0	\$0	\$0
= Net Taxable Value	\$2,380,980	\$2,380,980	\$2,380,980
x Levy Rate (per \$1000 of value)	34.10266	34.41156	33.83041
= Gross Taxes Due	\$81,197.75	\$81,933.24	\$80,549.53
- Ag Land Credit	\$0.00	\$0.00	\$0.00
- Family Farm Credit	\$0.00	\$0.00	\$0.00
- Homestead Credit	\$0.00	\$0.00	\$0.00
- Disabled and Senior Citizens Credit	\$0.00	\$0.00	\$0.00
= Net Taxes Due	\$81,198.00	\$81,934.00	\$80,550.00

Tax History

Year	Due Date	Amount	Paid	Date Paid	Receipt
2010	March 2012	\$40,599	No		58129
	September 2011	\$40,599	No		
2009	March 2011	\$40,967	Yes	03/28/2011	57572
	September 2010	\$40,967	Yes	09/24/2010	

2008	March 2010	\$40,275	Yes	03/12/2010	57024
	September 2009	\$40,275	Yes	09/24/2009	
2007	March 2009	\$40,564	Yes	12/18/2008	56597
	September 2008	\$40,564	Yes	09/12/2008	

Sales

Date	Grantor	Recording	Type	Amount
12/17/2008	UNIVERSITY ATHLETIC CLUB INVESTORS	Bk-4373 Pg.103		\$5,775,000.00

Treasurer Link

[Click here to view the tax information for this parcel on the Johnson County Treasurer's website.](#)

Photos



Sketches



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List Data Upload: 9/3/2011 4:01:04 AM

From 08/27/2008 Thru 08/29/2008 Firm/Last Name HENDRICKSON ENTERPRISES (BEGINS WITH)

Displaying records 1 - 4 of 4 at 8:14 PM on 9/5/2011

Index	Date Filed	Kind	GRANTORS	GRANTEES	Remarks (Not Warranted)	File Number	Book/Page	References	Amount	Images
1	08/29/2008	MORTGAGE	HENDRICKSON ENTERPRISES INC	HILLS BANK & TRUST COMPANY	WELSH VILLAGE FIRST ADDITION - PART 5 CORALVILLE Lot:12 UNIT B		4344 / 579		\$188,000.00	7
2	08/29/2008	WARRANTY DEED	OTTELLA  NEUZIL, JACK	HENDRICKSON ENTERPRISES INC	UNIVERSITY HEIGHTS 3RD SUBD UNIVERSITY HEIGHTS Lot:426 Section:16 Township:79 Range:6 Qtr:NW Qtr Qtr:NE SW 1/4		4344 / 586		\$1,800,000.00	3
3	08/29/2008	WARRANTY DEED	NEUZIL, GREGORY B  NEUZIL, CAROL	HENDRICKSON ENTERPRISES INC	UNIVERSITY HEIGHTS 3RD SUBD UNIVERSITY HEIGHTS Lot:412 SE COR		4344 / 589		\$200,000.00	2
4	08/29/2008	MORTGAGE	HENDRICKSON ENTERPRISES INC  HENDRICKSON DEVELOPMENT	HILLS BANK & TRUST COMPANY	UNIVERSITY HEIGHTS 3RD SUBD UNIVERSITY HEIGHTS Lot:426 UNIVERSITY HEIGHTS 3RD SUBD UNIVERSITY HEIGHTS Lot:412 SE COR		4344 / 591		\$4,250,000.00	12

Log in as named user

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From: "Wilson, Larry T" <larry-wilson@uiowa.edu> Subject: RE: RESEND with Addition Stop Misrepresenting the Facts Date: Fri, September 9, 2011 8:24 pm To: "louise-from@university-heights.org" <louise-from@university-heights.org>,"mike-haverkamp@university-heights.org" <mike-haverkamp@university-heights.org>,"rosanne-hopson@university-heights.org" <rosanne-hopson@university-heights.org>,"stan-laverman@university-heights.org" <stan-laverman@university-heights.org>,"brennan-mcgrath@university-heights.org" <brennan-mcgrath@university-heights.org>,"pat-yeggy@university-heights.org" <pat-yeggy@university-heights.org> Cc: "jbilskemper@shive-hattery.com" <jbilskemper@shive-hattery.com>,"steve-ballard@university-heights.org" <steve-ballard@university-heights.org>,"christine-anderson@university-heights.org" <christine-anderson@university-heights.org>,"Pat Bauer" <pbb338koser@aol.com>

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Dear Council Members and Staff--

I noticed that in transferring my comments from a draft into the e-mail sent last night, the sentence in blue below was not transferred in its complete form as it should have been. Everything else is the same.

Larry Wilson

Dear Council Members and Staff:

I am very disappointed in the selective focus and muddy thinking of two councilors in statements made during and after the City Council's August 23rd work session. They have consistently been the most uncritical supporters of the Maxwell development project and it is time for them to be more conscientious about getting the facts correct.

Pat Yeggy challenged Rosanne Hopson's statement during the work session when she said that providing the TIF support would subsidize Mr. Maxwell's decision to pay an exorbitantly high price for the property owned by St. Andrew church. Councilor Yeggy stated that the \$4.3M Mr. Maxwell agreed to pay the church is warranted as evidenced by the \$5.7M the University paid for the Athletic Club. The amount paid for the Athletic Club property was about the same amount per acre Mr. Maxwell offered for the St. Andrew property if you subtract the \$1.7M assessed value of the Athletic club buildings from the UI purchase price. Ms. Yeggy's statement failed to recognize that that the Athletic Club property was ALREADY zoned commercial, and as stated by Regent Bob Downer at a Feb. 3 meeting, "the club would be valuable to private buyers, as it is the only commercially zoned property in University Heights. (" UI Takes Possession of Athletics Club", Daily Iowan, Feb. 20, 2009 can be viewed at <http://www.dailyiowan.com/2009/02/20/Metro/10174.html><<http://www.dailyiowan.com/2009/02/20/Metro/10174.html%20>>). Her statement also failed to recognize that the University was under duress to relocate University functions displaced by the 2008 flood and badly needed the property immediately which certainly upped the ante.

By contrast, prior to the zoning change last December, had the St. Andrew property been developed at the greatest density allowed by UH ordinance for the property then zoned as single-family R-1, it would not have warranted a purchase price of greater than about \$2M. Comparing the purchase price of the Athletic Club property already zoned commercial to the St Andrew property zoned R-1 is comparing apples to oranges, particularly since any increase in value of the St. Andrew property would be based upon speculation that higher

density residential and commercial uses would be approved by the UH Council. Ms. Yeggy avoided the more appropriate comparison to Jeff Hendrickson's purchase of the Neuzil property located in an existing Iowa City R-8 zone. Mr. Hendrickson paid \$2M for that property, less than half as much for twice as many acres (9.3 vs. 5.3 acres).

Neither of those property purchases supports Ms. Yeggy's statement that the St Andrew property is worth the \$4.3M price offered by Mr. Maxwell.

Councilor Haverkamp's faulty math and misrepresentation of the facts to a Corridor Business Journal reporter after the August 23 work session was even more difficult to fathom. The reporter quoted Councilor Haverkamp in the August 29 CBJ article as saying that the UH will receive onsite and offsite benefits of "almost the equivalent of \$3 million . . . and when you look at it over time, what he's (Mr. Maxwell) getting in money is pretty much paying for what we get as a city." A closer look at the financial information provided by Mr. Maxwell would have revealed that the value of offsite improvements and commercial space transferred to the University Heights would be slightly more than \$1.5M (\$500K + 350K for intersection + \$670K for community space) instead of the \$3M quoted by the reporter, almost twice the actual amount. Councilor Haverkamp's math error in doubling the value of the benefits he sees the city as getting from \$1.5 to \$3M then is in effect tripled by his failure to recognize that in Mr. Maxwell's financial statement the value of such benefits had already been deducted from the almost \$5M present value of TIF payments in getting to the \$3.625M figure.

Council Haverkamp apparently has also not carefully reviewed the submitted PUD plans, particularly the Utility Plan, where it is shown, with a couple of minor exceptions, that the estimated \$850K cost of off-site improvements (\$500K + intersection at \$350K) is for improvements that will serve only the development and will provide no needed service for the UH community. Furthermore, Mr. Craven stated at the work session that the intersection improvement was estimated to cost \$350K. It should be noted that at least half of that amount will be saved by the developer not having to install a traffic signal at the development west entrance. The developer will also be directly benefitted by having a second exit that would function better than the proposed alternative of constructing an emergency exit that would look like a walk.

The notion that a developer should pay for infrastructure that is required to serve only the project is common sense to most persons, but Councilor Haverkamp seems to think that such upfront costs paid by the developer somehow results in the city getting something for "free." In fact, these costs are folded into the overall project development costs Mr. Maxwell claims he needs TIF support to have a viable project.

Councilors Yeggy and Haverkamp have publically stated information that is incomplete and incorrect as if the information were true in their unyielding commitment to approving any variation of the project Mr. Maxwell has proposed. University Heights deserves better from its public officials than it is getting from them.

Larry Wilson

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**Attachments:**

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<b>StAndrewChurchPropertyValuation.pdf</b>
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Info:	StAndrewChurchPropertyValuation.pdf
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<b>UniversityAthleticClub&amp;HendersonNeuzilPropertyValluation.pdf</b>
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From: "Wilson, Larry T" <larry-wilson@uiowa.edu> Subject: RE: One University Place - Plaza Date: Mon, September 12, 2011 10:03 am To: "Josiah D. Bilskemper" <jbilskemper@shive-hattery.com>,"City Clerk" <uhclerk@yahoo.com>,"Stan Laverman" <stan-laverman@university-heights.org>,"Brennan McGrath" <brennan-mcgrath@university-heights.org>,"Steve Ballard" <ballard@lefflaw.com>,"Mike Haverkamp" <mike-haverkamp@university-heights.org>,"Rosanne Hopson" <rosanne-hopson@university-heights.org>,"Pat Yeggy" <pat.yeggy@gmail.com>,"Louise From" <louise-from@university-heights.org> Cc: "John Yapp" <john-yapp@iowa-city.org>,"Kent Ralston" <kent-ralston@iowa-city.org>,"Pat Bauer" <pbb338koser@aol.com>,"Brian J. Willham" <bwillham@shive-hattery.com>

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Hi Josiah--

I really appreciate your alertness in finding some new ideas to consider for the OUP plaza if and when it gets to the design stage. I think what you suggest is worth looking at as alternative to the standard 'fountain.' I will say, though, that in my opinion, the design of this particular stone overflow basin is a bit clunky, but there are other less clunky ways to do it.

Thanks for the info and follow-up.

Larry

From: Josiah D. Bilskemper [<mailto:jbilskemper@shive-hattery.com>]  
Sent: Sunday, September 11, 2011 10:52 PM  
To: City Clerk; Stan Laverman; Brennan McGrath; Steve Ballard; Mike Haverkamp; Rosanne Hopson; Pat Yeggy; Louise From  
Cc: John Yapp; Kent Ralston; Pat Bauer; Brian J. Willham; Wilson, Larry T  
Subject: One University Place - Plaza

All:

Regarding ideas for the "plaza" area of the proposed One University Place development, I recall Larry Wilson made a recommendation for a type of water feature that was not a fountain, but had some ground level water channels. We were in Spirit Lake, Iowa this summer (i.e. Lake Okoboji), and took these photos of a similar type of plaza area at the corner of two streets. This is between the parking lot and entrance to the Arnold's Park amusement park.

I believe these are pervious pavers, there are a few raised planter beds, and there is an adjacent rain garden swale that takes runoff from the adjacent parking lot. Anyway, thought you might find these interesting.

Thanks,  
Josiah

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From: "Wilson, Larry T" <larry-wilson@uiowa.edu> Subject: RE: Wilson Comments at the 9/13/11 UH City Council Meeting Date: Mon, September 19, 2011 1:14 pm To: "louise-from@university-heights.org" <louise-from@university-heights.org>,"mike-haverkamp@university-heights.org" <mike-haverkamp@university-heights.org>,"rosanne-hopson@university-heights.org" <rosanne-hopson@university-heights.org>,"stan-laverman@university-heights.org" <stan-laverman@university-heights.org>,"brennan-mcgrath@university-heights.org" <brennan-mcgrath@university-heights.org>,"pat-yeggy@university-heights.org" <pat-yeggy@university-heights.org> Cc: "jbilskemper@shive-hattery.com" <jbilskemper@shive-hattery.com>,"steve-ballard@university-heights.org" <steve-ballard@university-heights.org>,"christine-anderson@university-heights.org" <christine-anderson@university-heights.org>,"Pat Bauer" <pbb338koser@aol.com>

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Dear Council Members and Staff--

Attached are my comments presented at the Sept.13, Council Meeting. I have also attached a memo sent to council and staff on Aug. 18 that was referenced in my Sept. 13 comments.

Please let me know if you have questions.

Larry

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**Attachments:**

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<b>UHStAndrewDevelopmentReviewofPUDSubmittalCityAttorneyMemo&amp;DeveloperResponseWilsonComments 08-18-11.doc</b>
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## L WILSON COMMENTS AT THE UH COUNCIL MEETING SEPTEMBER 13, 2011

Although the TIF agreement is the focus of this meeting, the PUD developer agreement has not yet received the consideration it needs and more discussion is needed before it is finalized, and before the TIF is finalized.

There were 34 items in the draft developer agreement discussed at the August 23 work session, but there are still a substantial number of those items that were glossed over and which still need further discussion and consideration. I sent a memo to council members on August 18 with comments about the items that I believe did not address the issues in a manner that protects the interests of UH residents then, and which still do not. I will not repeat those comments, but I have three comments that I want to re-emphasize.

Reducing the footprint size of each of the two buildings to accommodate the reduction in condo units from 79 to 69 does not respond to a majority of the UH residents' concerns about the height of the high-rise building.

- Concerns about building heights, particularly the high-rise, are greater than the concerns about footprint size. Taking a 30ft-slice off the end of each building is the easiest way to adjust for the reduction in units, but it does not respond to the concerns of a MAJORITY of UH residents. Instead, Mr. Maxwell should be required to change the building design by eliminating the 5<sup>th</sup> floor (which has 7 units) and adjusting the building footprint at the same time in a way that will keep the ratio of underground parking to the number of condos intact. I am confident that Mr. Monson has the ability to make this work.
- Eliminating the 5<sup>th</sup> floor would effectively reduce the building height closer to the 4-story height that most of the community members seem willing to accept as a height compromise.

There is no indication of timing in the draft developer agreement except a statement that construction will begin within 10 years and will proceed efficiently. There needs to be a specific maximum time limit for beginning construction, a specific maximum time between completing the front building phase 1 and beginning of Phase 2, and a maximum date for completing the project. The dates could be changed by the council later if changes are justified.

If you really want to do the right thing in serving the voters who elected you, you will defer final action on PUD proposal until the voters have had a chance to express their majority view about the development in the November election.

Thank you.

From: "Wilson, Larry T" <larry-wilson@uiowa.edu> Subject: Wilson Comments at the 9/27/11 Special UH City Council Meeting Date: Fri, September 30, 2011 2:05 pm To: "louise-from@university-heights.org" <louise-from@university-heights.org>,"mike-haverkamp@university-heights.org" <mike-haverkamp@university-heights.org>,"rosanne-hopson@university-heights.org" <rosanne-hopson@university-heights.org>,"stan-laverman@university-heights.org" <stan-laverman@university-heights.org>,"brennan-mcgrath@university-heights.org" <brennan-mcgrath@university-heights.org>,"pat-yeggy@university-heights.org" <pat-yeggy@university-heights.org> Cc: "jbilskemper@shive-hattery.com" <jbilskemper@shive-hattery.com>,"steve-ballard@university-heights.org" <steve-ballard@university-heights.org>,"christine-anderson@university-heights.org" <christine-anderson@university-heights.org>,"Pat Bauer" <pb338koser@aol.com>

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Dear Mayor, Council Members and Staff--

Below are my comments presented at the Sept. 27 special Council Meeting. My comments were made from notes, so the statement below might not be exactly the statements made at the meeting, but I have reconstructed it as best I can, and have added some clarifications in parens that I don't believe I stated.

\* The Terry Lockridge and Dunn report concluded that action should be taken now to reduce growth in expenses to be in alignment with projected income growth. (This is especially important considering the comments by Mr. Gelman concerning the many uncertainties about the future of the development, including uncertainties about when project financing would be secured and when the development could be built. His comments raised serious concerns about whether the type of development and tax revenue UH will be getting is what the council had thought it would be getting)

\* According to the current developer agreement, the developer has up to 10 years to begin construction and up to another 20 years to complete the development after construction has begun before UH would receive the full 100% of the increased tax revenue. Following this timetable, the development will not significantly add to the tax revenue for up to 30 years, or the year 2041. (Recall that at the special meeting Councilor Yeggy stated she was "more concerned about 2020 than 2060." If that is the case, she clearly will need to readjust her expectations for what additional revenue would likely be available in 2020.)

\* Why not (the council) reject this PUD proposal and instead work directly with the church (St. Andrew) when and if they decide to move. It could be made clear to the church now that if they decide to move, the city council will offer TIF support, if the church is willing to work with a developer (either Maxwell or another developer) to develop a plan that the majority of the UH residents has indicated they would accept.

\* The number of units could be the same (69--now 67 as indicated by Mr. Gelman), with the high-rise condo building reduced to 4 floors, which would be the equivalent of removing the 5th floor in the current proposal; greater restriction could be placed on the type of commercial uses (to limit them to commercial uses that could be successful with the amount of parking indicated on the current plan); with a definite time frame set for construction (including when the project would begin and when it would be completed, and including timing of any phases). A shortened time frame would be much more beneficial to the UH financial health by returning the full 100% of the increased tax revenues much sooner than 30 years.

\* Since the number of units and amount of commercial space could be the same as the current project, the increase in tax revenue would be the same, but (the full 100%) could be received much, much sooner.

\* Thank you, Mayor From, for allowing me to speak again. We are missing the point about LEED. It is true that the final determination of LEED credits is not known for sure until after the project is completed. However, it is not up to the

contractor to determine the LEED points to be gained as has been implied by Mr. Gelman. The LEED process begins with the determination of the LEED level to be achieved by the project owner. In the case of OUP, it is Mr. Maxwell (the owner) who must instruct the architect (Mr. Munson) to design the project to the LEED level that he (Mr. Maxwell) designates.

\* The University of Iowa requires that all new buildings (and major renovations) meet at least the LEED Silver level (50-59 points). (It should be noted that the UI is beginning to require the consultant architect to design to an even higher target of LEED Gold level (60-79 points) or beyond). It is up to the architect to design the project to conform to the LEED points necessary to meet the designated LEED level to be achieved (using the LEED checklist as a guide).

\* The architect must then design the project in a way that the required LEED points can be met and write the project specifications in a way that will require the contractor to meet those LEED points. (In the case of the UI, the project manager and consultant architect work together during construction to assure that the contractor achieves the predetermined LEED points to the extent possible.) While it is not known until the construction is completed if the designated LEED points are actually met (and accepted by US Green Building Council), the (LEED knowledgeable) architect will (know in advance by experience which of the LEED points designated to be achieved will be difficult to meet and he will) design to meet a few more points than required in the event that some of the intended points are not accepted (by the US Green Building Council). Mr. Monson has a lot of experience in meeting the designated LEED level--his firm does it consistently on projects they are contracted to do for the University. Again, it is the project owner, Mr. Maxwell, who must instruct the architect as to which LEED level is to be met. (A LEED Silver level should be the minimum required by the Council for UH, and perhaps indicating that a higher level is desired).

Please let me know if you have questions.

Larry

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**Attachments:**

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