

From: Josiah D. Bilskemper <jbilskemper@shive-hattery.com>

To: pbb338koser <pbb338koser@aol.com>

Cc: louisebob <louisebob@mchsi.com>; ballard <ballard@lefflaw.com>

Subject: RE: A Couple of Technical Questions (ULP)

Date: Wed, Jul 26, 2017 5:25 pm

Attachments: SKETCH - Building Height Issue.pdf (228K)

Pat,

Here is feedback to your first question below about building height. I'll tackle the entrance/exit question next and respond separately. Here are my notes and thoughts after reviewing the current UH Ordinance Number 79 and the hotel concept being proposed:

Per Section 7, both the "building height" and the "maximum structure height" are defined and measured components of a building.

From the sample images of other hotel buildings in the applicant's initial submission, it looks like the proposed building would have a flat roof with an elevated coping around the outside (refer to the "flat roof" diagram found on Figure 03 appended to the back of Ordinance 79). In that case, both "building height" and "maximum structure height" are measured to the same point, so there is really just one measurement.

Here is the full description of "grade" found in Section 7 (highlighting mine):

"Grade" means the average point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the front lot line or, if the lot line is more than five (5) feet from the building, between the building and a line five (5) feet from the building. If the finished surface of the ground has been raised by adding fill to create a higher grade around a building, the slope of the fill within twenty (20) feet of the building shall not exceed four (4) horizontal to one (1) vertical or twenty-five (25) percent. **See Figure 03 appended to this Ordinance.**

This site would not have the traditional "front lot line" as typically seen with all the other lots in University Heights. The west lot line of the triangular 901 Melrose parcel would be the lot line abutting other University Heights properties. As such, it might make sense to use the portion of the building facing the west property line (the NW and SW building face) as the sides to take the average measurements (see attached with NW and SW building sides highlighted).

The building face would definitely be more than 5-feet from the lot line, so the grades used would be those within 5-feet of the building. With parking stalls and sidewalk wrapped around the building, I would expect the grade within 5-feet of the building face to be relatively level with the side of the building. The average grade could be figured by looking at the highlighted NW and SW building sides to come up with the "grade" baseline elevation. I suspect that just measuring these sides adjacent the other UH properties would be in line with the spirit of the current ordinance (it doesn't average all four sides of building for example).

Somewhat related, looking at the "grade" around the site, a question regarding retaining walls on the site plan appears to be relevant to the discussion.

There is approximately 10-feet of fall across the existing site from the NW (738) to SE (728) building corners. The site plan shows parking and sidewalk wrapped all around the building. Would the finished grade at the SE side if the building be 10-feet lower than finished grade at the NW side of the building? If the grade all the way around the building needs to be more level (as you see in the images of other Marriott hotels in the initial PUD submission), and there is paving all the way around the building, isn't there going to be a need for significant height retaining walls built around the perimeter of the site to make up for the difference? If additional room is needed around the perimeter of the site for retaining walls, what is the effect on the proposed site layout, parking stall count, proposed and existing trees to be saved, etc.?

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From: pbb338koser@aol.com [<mailto:pbb338koser@aol.com>]

Sent: Tuesday, July 25, 2017 4:29 PM

To: Josiah D. Bilskemper <jbilskemper@shive-hattery.com>

Cc: louisebob@mchsi.com; ballard@lefflaw.com

Subject: A Couple of Technical Questions (ULP)

Dear Josiah,

Calculation of Building Height

For OUP, permissible height was calculated from "the highest point of the finished grade of any street on which [the] property abuts."

As changed two years back, permissible height is now calculated from "grade" with that term being defined as "the average point of elevation of the finished surface of the ground, paving, or sidewalk within the area ... between the building and a line five (5) feet from the building. If the finished surface of the ground has been raised by adding fill to create a higher grade around a building, the slope of the fill within twenty (20) feet of the building shall not exceed four (4) horizontal to one (1) vertical or twenty-five (25) percent."

With a parcel the size of 901 Melrose and a building as large as the hotel being proposed, what are your thoughts about the calculation of grade where the building might "cut across" varying grades (i.e., might it be the average of (presumably) perpendicularly measured average elevations at all points around the building's perimeter?).

Design Standards Regarding Proposed Exit/Entrance

MPOjc's Traffic Impact Analysis includes a review of collision data at Melrose Avenue's intersections with Olive Court and Evahevski Drive. Some residents have raised concerns about the location of the proposed project's exit/entrance relatively close between Olive Court to the west and the bridge to the east.

I do not know whether a city's approval of a PUD would come within its scope, but Iowa law provides an exemption from municipal tort liability for "[a]ny claim based upon or arising out of a claim of ... negligent adoption of design or specification ... of a highway, secondary road, or street ... that was constructed or reconstructed in accordance with a generally recognized engineering or safety standard, criteria, or design theory in existence at the time of the construction or reconstruction." Iowa Code Sec. 670.4(1)(g).

Please let me know if you are aware of any "enerally recognized engineering or safety standard, criteria, or design theory" that might be applicable to the proposed project's exit/entrance.

Thanks in advance for getting back to me on these two questions, and feel free to call me tomorrow or Thursday if either of is in need of clarification or elaboration. I'm going to be out-of-town from early Friday morning through late Sunday evening, and to be included as an agenda attachment for next Tuesday's Zoning Commission meeting any written response should be sent to me by the end of the work day next Monday.

Best regards,

Pat