

July 15, 2010

Proceedings of the Zoning Commission of University Heights, Iowa, subject to approval by the Commission at a subsequent meeting.

ZONING COMMISSION REGULAR MEETING

Chair Bauer called the July 2010 meeting of the University Heights Zoning Commission to order at 7:05 p.m.

Present: Chair Bauer. Commission Members William Gay, Weldon Heitman, Catherine Lane and Karl Robertson. Staff present: Clerk Anderson, Attorney Ballard, and Engineer Bilskemper. Other scheduled participants: Jeff Maxwell, Kevin Monson, Kent Ralston and John Yapp. Also attending: 36 other participants (see attached sign-in sheets).

The minutes of the May 20, 2009 meeting of the Commission were presented, amended and approved by unanimous consent.

Chair Bauer began the meeting with introduction of the commission and staff attending the meeting as well as asking commissioners to disclose any conflict-of-interests with the proposed development or process. Commissioner Lane stated she is the spouse of a current council member; she will receive no financial gain from the development and will be able to carry out her duties impartially from her husband's position.

MOTION by Bauer, seconded by Heitman, to incorporate into record of present proceedings written submission regarding prior proceedings presently posted on city's website. **Carried.**

Bauer - Aye	Lane - Aye
Gay - Aye	Robertson - Aye
Heitman - Aye	

MOTION by Bauer, seconded by Gay, to adopt a rule for electronic participation in Zoning Commission meetings. **Carried.**

Bauer - Aye	Lane - Aye
Gay - Aye	Robertson - Aye
Heitman - Aye	

Maxwell Proposal

Kevin Monson of Neumann Monson Architects and Jeff Maxwell, developer, addressed the commission regarding their proposed development for the St. Andrew parcel. Monson stated that the plan is very similar to the final proposal submitted last year. There will be a total of 95 condos; 30 located in the first building and 65 in the rear building. The first building will be setback 33 feet from Melrose Avenue and the height will be 38 feet with 17,273 square feet of commercial space on the first floor of the building. There will be a public square located at the entrance of the first building.

The rear building will be three stories on the east end, six stories in the middle and four stories on the west end of the building. Condos will be 1,300 to 2,000 square feet with buyers having the option to purchase several units, in both buildings, to create a larger unit.

Chair Bauer stated that JCCOG had recommended the developer create a 3-D model of the proposed development and asked Monson if a model had been created. Monson stated that 3-D models did not give a good representation of the size and scope of the project as it would be from a bird's eye view. Kent Ralston, Assistant Transportation Planner for JCCOG, stated that they made that recommendation to give citizens as much information about the project as possible. Monson stated they could provide 3-D computer generated models, from any angle, to show the commission and public at the next Zoning Commission meeting.

Bauer also stated that the city's comprehensive plan asks the city to consider financial substance of any proposed development. It appears that the taxable values have changed from last year's figures. Bauer inquired if the

developer has a computed value that can be shared as well as the TIF period and estimated percentage for the project. Maxwell stated they do not but anything submitted in writing to him will be provided at the next Zoning Commission meeting.

Maxwell was asked if there are any leasing restrictions on the condos; at this time no, but any restrictions will be protective toward the other owners and will protect the integrity of the community. Commissioner Gay asked if the city has the right to determine restrictive covenants for the property; Attorney Ballard stated the city can enact ordinances but will need to work with the developers to form an agreement on any restrictions. Cities do not have the ability to say "no rental units". Monson stated that the developers have more to gain if there are restrictive rules in place.

Commissioner Heitman inquired what the projected price range will be for the units. Monson stated that they are in the process of determining a value based on market research in conjunction with expenses computed by the general contractor. It was noted that the Hendrickson development is selling units for \$650,000 and Monson stated their product is different than that development. Condos will be higher and lower than \$650,000.

Commissioner Lane stated that the north property, which is currently a parking lot covered in asphalt, is owned by the University of Iowa which St. Andrew has right to that space. Monson stated that area would eventually be returned to a green space, which the university has agreed to.

Regarding filling in the ravine, the developers stated that only the portion necessary to realign the Sunset Street intersection with Melrose Avenue will be filled in. A plan could incorporate step-like terraces but they will work with the city council and the zoning commission to create a plan for that area. Realigning Sunset Street was recommended by JCCOG and will help with traffic flow, walkability and provided dedicated turn lanes.

Commissioner Roberston asked if the commercial spaces will be leased or sold to businesses; Monson stated they are considering both options and it will depend on the cost modeling for the project.

Bauer Proposal

As an alternative to the submitted proposal for a "6-3-Residential/Commercial" development of the St. Andrew property, Bauer proposed a "4-2-Residential" modification using the basic elements and outlines of the Maxwell proposal. Bauer has eliminated the commercial aspect of the proposal which will decrease the number of parking spaces needed and would provide more green space. By eliminating the commercial component of the Maxwell development, the impact to an already overloaded Melrose avenue could be reduced by almost two-thirds.

The four parcels included in the proposal could comfortably allow twenty-four single-family residences to be constructed. The four parcels presently are assessed at \$407,000 and no property tax is currently paid. Birkdale Court's lots are appraised at \$85,000 each and at that rate twenty-four lots would be worth \$2.04 million dollars. Birkdale's total improved valuations average \$482,600 and at that rate twenty-four houses would be worth \$11.6 million. Bauer stated that numbers relating to his alternative proposal are posted on the city's website.

Working with Council member Yeggy, Bauer determined that 8 out of 10 years the city has had close to 25% in reserves as recommended by the Iowa League of Municipalities. The city is not over taxed and currently has a tax rate lower than neighboring cities. The city is using only 5% of its legal debt limit, and debt service levies at the levels of Iowa City and Coralville would be sufficient to pay for necessary replacement of city infrastructure. Bauer said the supporting materials posted on the city's website show that the survival of the city is not dependent on approving the Maxwell proposal.

The materials posted on the city's website include a spreadsheet of sales of University Heights houses since last fall's election, and Bauer indicated that a property within the 200-foot zone around the redevelopment parcels recently sold at a price that was only 91% of its assessed value. According to Bauer, the sales of house at prices above their assessed values in other parts of University Heights is consistent with the possibility those other houses are benefitting from anticipated lower taxes at the expense of lowered property values near the redevelopment parcels. Bauer suggested the possibility of some mechanism that might indemnify adjacent property owners against the risk of lowered values caused by the redevelopment.

Bauer also explained that his proposal includes a “reversionary” clause through which the parcels in question would revert to their current R-1 zoning if the steps necessary to a proposed redevelopment do not occur as planned. Commissioner Gay asked if such a provision would be legally permissible, and Attorney Ballard said he would prepare a response before next week’s meeting.

Public Comment

Eight members of the public spoke for or against the two proposals. Common themes addressed the scope and scale of the project, impact on traffic, impact on quality of life, need for additional tax revenues, with a majority in favor of the Bauer proposal. Citizens commented on the division that has taken place in the community as well as at St. Andrew Church because of this development and citizens asked the Zoning Commission, as well as the City Council, to consider and protect its citizens.

John Yapp, Executive Director, recommended to the Commission to incorporate the 10 principles of “Smart Growth” as outline in the written report submitted to them. New state legislation dictates that cities “...apply smart planning principles during deliberation of all appropriate planning, zoning, development, and resource management decisions.” Yapp also stated that if the Commission needed JCCOG to provide any additional information to let him know.

The meeting was adjourned by **unanimous consent at 9:24 p.m.**

Attest: Christine M. Anderson, City Clerk

**Approved: Patrick B. Bauer
Chair, Zoning Commission**

**INCORPORATION INTO RECORD OF PRESENT PROCEEDINGS
WRITTEN SUBMISSION REGARDING PRIOR PROCEEDINGS
PRESENTLY POSTED ON CITY'S WEB SITE**

WHEREAS, both proposals presently before the Zoning Commission involve some development features and zoning implications that were involved in an earlier Rezoning application considered by the Zoning Commission at meetings on April 29, 2009 and May 20, 2009 and by the University Heights City Council at a meeting on June 9, 2009; and

WHEREAS, such proceedings resulted in the submission of various written materials that were posted on the City's web site at the following locations:

Zoning Commission Proceedings

<http://www.university-heights.org/zoning.html>

City Council Proceedings

<http://www.university-heights.org/UHCC-SAC.html>
<http://www.university-heights.org/minutes/06-09-09UHCC.pdf>

and

WHEREAS, the notice of these proceeding previously mailed to all residents stated that persons previously submitting written or electronic comments who were comfortable relying on their prior submissions need not resubmit such, but certainly were welcome to do so.

WHEREAS, the incorporation of such previously submitted and posted materials into the record of these proceedings is both efficient and appropriate; and

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Commission of the City of University Heights, Iowa:

That all materials submitted in connection with such prior proceedings currently posted on the City's website are hereby formally incorporated into the record of the present proceedings. Such incorporation, however, shall in no way limit the submission of any and all further communications about the proposals presently under consideration.

Adopted this 15th day of July, 2010.

Pat Bauer, Zoning Commission Chair

ATTEST:

Christine Anderson,
City Clerk

**ADOPTION OF A RULE FOR
ELECTRONIC PARTICIPATION IN ZONING COMMISSION MEETINGS**

WHEREAS, participation through electronic means including, but not limited to, telephone, speakerphone, conference call, and videoconference, fully comports with the policy considerations underlying Iowa's Open Meetings Law, Iowa Code ch. 21, the purpose of which is to assure that the municipal decision making occurs in public sessions to which all members of the public are afforded participatory access to the extent reasonably possible; and

WHEREAS, a Zoning Commission member who is going to be unavailable to be personally present at a Zoning Commission meeting may in advance make appropriate arrangements to participate through electronic means in the discussion, debate and vote on measures; and

WHEREAS, in such circumstances no less than a quorum of the Zoning Commission will be personally present.

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Commission of the City of University Heights, Iowa:

That it shall be the local rule of this Zoning Commission that whenever a Commission member is unable to be personally present at a Commission meeting, he or she may participate in the meeting, including the debate, discussion, and vote on all measures, if he or she has made sufficient arrangements to participate through electronic means. An absent Commission member shall have all of the rights and voting privileges as a Commission member personally present at the Commission meeting. The rule shall not apply to electronic participation by a majority of the members of the Commission.

Passed and approved this 15th day of July, 2010.

Pat Bauer, Zoning Commission Chair

ATTEST:

Christine Anderson,
City Clerk

UNIVERSITY HEIGHTS ZONING COMMISSION
MEETING SIGN-IN SHEET
THURSDAY, JULY 15, 2010

NAME	ADDRESS	Check (X) if Wish to Speak During Public Input
Kimi Morrison	3069 Robert Rd. SW. IC.	<input checked="" type="checkbox"/>
Mary Mathew Wilson	308 Koser	
Bob & Della Ruffert	314 Koser Ave.	
Richard Knechtel	246 Koser Ave	
Jim Lane	303 HIGHLAND DR	
John Kopp	JCCOG	
Rich Schmidt	207 Mahaska Dr.	
Mary Schmidt	207 Mahaska Dr	
Kathie Bolger	109 Sweet	<input checked="" type="checkbox"/>
Kanda Robertson	406 Ridgeway	
Karl Robertson	406 Ridgeway	
Anita Hansen	504 Mahaska co.	
Jane ^{Jane} Quails	333 Koser	<input checked="" type="checkbox"/>
Marlys Ivake	228 Marietta	

UNIVERSITY HEIGHTS ZONING COMMISSION
MEETING SIGN-IN SHEET
THURSDAY, JULY 15, 2010

NAME	ADDRESS	Check (X) If Wish to Speak During Public Input
LARRY T. WILSON	308 KOSER AVE	X
Liesa Moore	220 Koser	
Kent Robinson	Jockey	
Bob Hanson	526 MAHASKA CT.	
Russ Humpelman	1456 Grand	
Eunice Humpelman	1456 Grand	
Louise From	207 Monroe St	
James Stehbas	305 SUNSET ST	

**UNIVERSITY HEIGHTS ZONING COMMISSION
MEETING SIGN-IN SHEET
THURSDAY, JULY 15, 2010**

NAME	ADDRESS	Check (X) If Wish to Speak During Public Input
Mrs W. Frankel	323 Koser Ave	
Joseph Frankel	323 Koser Ave	
Karen Drake	322 Koser Ave	
Davie C. Drake	322 Koser Ave	
Linda Fincham	1475 Grand Ave.	
Jerry Zimmerman	1434 Grand Ave	
Verre Kellen	376 Koser Ave	
Carl Orgren	330 Edfuwa Ave	
Brennan Ingrate	327 Koser Ave	
William Jay	307 Mahaska	
Al Wells	3791 Cottage Res.	
PETE DAMIANO	1470 GRAND AV	

UNIVERSITY HEIGHTS ZONING COMMISSION
MEETING SIGN-IN SHEET
THURSDAY, JULY 15, 2010

NAME	ADDRESS	Check (X) if Wish to Speak During Public Input
Jane Boyd	1465 Grand Ave.	
Jinu Tracy	105 Burkdale Ct.	
Ana Grossheim	107 " " "	
Rick Hopkins	204 Hillview	
Larkin Stebbins	305 Sunset	

