

July 22, 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 22, 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 and Kent Ralston. Also attending: 43 other participants (see attached sign-in sheets).

The minutes of the July 15, 2010 meeting of the Commission were presented and approved by unanimous consent.

Chair Bauer began the meeting by introducing the commission and staff attending the meeting and noting that the function of the Zoning Commission is to make a recommendation to the City Council on any rezoning proposals. All information submitted to the commission, last year and this year, has been posted on the city website as well as a letter from Attorney Ballard defining the open meetings law. Two council members can meet with each other but not three; that would constitute a quorum and would be subject to the open meetings rules. Ballard suggested that at the beginning of meetings it would be advisable to disclose any discussions or contact Zoning Commission members may have had with UH council members, the developers or other persons of interest.

Bauer asked the commissioners to disclose any such discussions and stated that he had a meeting with council members Pat Yeggy and Mike Haverkamp and also had a phone call with council member Brennan McGrath concerning the use of a computer video projector for the meeting. Commissioner Lane spoke with Chair Bauer and Jeff Maxwell while commissioners Gay, Heitman and Robertson had no outside contact.

Maxwell Proposal

Kevin Monson, of Neumann Monson Architects, presented seven computerized images of the proposed development superimposed over the current view from specific neighboring points. Monson commented that they hope to retain as much vegetation as possible but the development will be more visible in the fall and winter when there is no foliage. Monson stated that the UI-owned parcel in the rear of the property will be returned to green space; the rear building will be "nestled" in amongst the trees. A portion of the ravine will be filled in to realign the street as recommended by JCCOG.

Bauer asked why a 3D model had not been constructed, and Monson stated that the perspective with a 3D model is from above the development and he felt it was more critical to see the development from the ground level. Bauer stated that requests had been made for images from the adjoining boundaries of adjacent properties, but views from those points were not included in the presentation.

Bauer stated that the valuation of the project provided this year was approximately 20% lower than the valuation provided last year and approximately 20% higher than the valuation presented at the last council meeting by Bob Wiegel of RSM McGladrey. Jeff Maxwell, developer, stated that financial information was the best available at the time given and that building expenses are a "moving target" and changing all the time. Monson also stated that Wiegel used the residential rollback percentage in his calculation for the entire development instead of just for the residential portion and not the commercial part.

Bauer stated that the city's comprehensive plan provides that a proposed development should be reviewed for the financial impact on the city and asked if the developer had determined the TIF percentage and duration for the project. Maxwell stated that he does not have the information or an estimate and will be examining all options. Bauer also asked if Iowa Code section 403.22's requirement for low and moderate income housing assistance in residential TIFs had been considered, and Maxwell said that he was not familiar with that requirement.

Commissioner Lane asked if using TIF financing would allow the developer to earn a profit since the taxes for the duration of the TIF, are paid to the developer; Maxwell said the developer could earn a profit depending on unit selling price. Commissioner Heitman stated that TIF financing would essentially reduce the developer's risk.

Bauer asked if the developer would have the same restrictive covenants that Birkdale Court had regarding rental of units; Maxwell stated he would work with the council to have very restrictive covenants but this was not the right time to start discussing specific details. It was noted that the Birkdale Court covenant states that a unit cannot be rented unless there are extraordinary circumstances and the persons renting the unit must be approved by the Birkdale Board.

Commissioner Heitman asked the developer, given that the citizens living around the development are against this proposal, why he felt this proposal was a good idea and right for the community. Maxwell stated that it adds commercial properties to the city, it tailors well with the 10 principles of "smart growth" as outlined by the State, and it fits well with the city's comprehensive plan and the uniqueness of the community. Heitman stated that the uniqueness of the community is a key issue; this proposal is tearing the community and the congregation of St. Andrew Church apart. Heitman stated he does not feel there needs to be two commercial zones for a town of 900+ people and he would like to see some type of compromise in the plan. Maxwell replied that a compromise plan would fail, would not be financially viable and would not agree with the city's comprehensive plan or the "smart growth" principles.

Bauer Proposal

Chair Bauer stated that all of his financial information regarding his proposal has been posted to the city's website. He also clarified that it is not his intention to build his proposal but to offer a different perspective of what could be built on the property.

Bauer commented that Iowa City and Coralville are more heavily taxed than University Heights. Five percent of the city's assessed value can be borrowed which amounts to approximately \$5 million that the city could use for infrastructure repairs. Bauer computed there are approximately five miles of roads in University Heights; it was stated at a previous council meeting that one mile of road construction costs \$750,000 per mile. The city would have access to funds needed to cover necessary street repairs.

Bauer reiterated that the property could allow 24 single-family residences to be constructed. Presently, the four parcels are assessed at \$407,000 and no property tax is currently paid. Birkdale Court's lots are currently appraised at \$85,000 each and at that rate, 24 lots would be worth approximately \$2.04 million. Birkdale's total improved valuations averaged \$482,600 which would result in an \$11.6 million increase to the city's tax base.

Bauer said he see problems with the commercial development included in Maxwell's proposal. Bauer has removed that from his proposal and as a result, has eliminated 80 of the 107 parking spots which would result in more green space. Bauer felt that the commercial piece was unnecessary and was a small part of the Maxwell development. Bauer commented that Governor Branstad, if re-elected, has stated he will institute a 65% rollback for commercial property.

Bauer urged the commissioners to back the reversionary clause for both proposals which would allow the parcels in question to revert back to their current R-1 zoning if the proposed development was not able to occur. Bauer commented that land-use decisions are long lasting and we need to be planning for the long term.

JCCOG Report

Kent Ralston, Assistant Transportation Planner for JCCOG, stated that he and John Yapp, Executive Director of JCCOG authored the report which is posted on the website. JCCOG reviewed the Maxwell proposal but did not review the Bauer proposal.

Ralston commented that the city's comprehensive plan contains a set of criteria used to weigh the benefits a proposal may or may not have. Ralston also commented on Senate File 2389, effective as of July 1, 2010, which states cities "shall consider and may apply" ten "smart growth" criteria to aid in the decision-making process. The 10 criteria are 1) collaboration, 2) efficiency, transparency and consistency, 3) clean, renewable and efficient energy, 4) occupational diversity, 5) revitalization, 6) housing diversity, 7) community character, 8) natural resources and agricultural protection, 9) sustainable design and 10) transportation diversity.

Ralston also stated that JCCOG had recommended to the city to straighten the adjacent leg of Sunset, regardless of the proposal approved, as it is a safety issue. JCCOG could change their opinion if an environmental assessment of the ravine showed there were sensitive areas and there are species of plants that are protected.

Comments from City Staff

Engineer Bilskemper had nothing additional to add to aid in the decision-making process; he conducted a general review of the Maxwell proposal.

Attorney Ballard, as requested at the last meeting, reviewed the reversionary clause included in the Bauer proposal. He stated he would not advise the city to enact this clause because the city would need to give public notice for all zoning changes, but that something similar could be included in a conditional zoning agreement which can contain restrictions agreed to by all parties. Ballard stated that if one party did not agree to the agreement then it is not enforceable.

Public Input

Ten members of the public spoke against or for the Maxwell proposal as follows:

Larry Wilson – 308 Koser – Against	Al Leff – 215 Sunset Street – Against
Jane Swails – 333 Koser – Against	Patricia Kelley – 376 Koser - Against
Joseph Frankel – 323 Golfview – For	James Stehbens – 305 Sunset Street – Against
Renee Goethe – 103 Highland Drive – For	Kathy Belgum – 104 Sunset Street – Against
Roger Tracy – 105 Birkdale Court – Against	Jerry Zimmerman – 1434 Grand Avenue – Against

Those against the Maxwell proposal were concerned about density, height, and potential problems (including increased traffic) involved with commercial uses. Most speakers against the Maxwell proposal favored the Bauer proposal as a good compromise for the location and urged Maxwell to strongly consider it. When asked directly if he had reviewed the Bauer proposal, Maxwell stated he had not and reiterated that it would not work.

Those for the Maxwell proposal stated that the retail spaces would benefit the city, increasing the density in that area would result in a lower carbon footprint, there would be green spaces for people to gather and come together and it would bring revenue from outside the city.

Zoning Commission Action

MOTION by Gay, seconded by Lane, to vote upon the Bauer and Maxwell proposals at the same time. **Carried.**

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

MOTION by Bauer, seconded by Heitman, to amend and add the revisionary clause “or something like it” to the Maxwell proposal. **Carried.**

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

MOTION by Bauer, seconded by Robertson, to approve the Bauer proposal for consideration by the city council. **Carried.**

Bauer - Aye	Lane - No
Gay - Aye	Robertson - Aye
Heitman - Aye	

MOTION by Bauer, seconded by Robertson, to approve the Maxwell proposal, as amended, for consideration by the city council. **Not Carried.**

Bauer - No
Gay - Aye
Heitman - No

Lane - Aye
Robertson - No

The Zoning Commission will forward a recommendation to the city council to approve the Bauer proposal and to disapprove the Maxwell proposal.

The meeting was adjourned by **unanimous consent at 9:25 p.m.**

Attest: Christine M. Anderson, City Clerk

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

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

NAME	ADDRESS	Check (X) If Wish to Speak During Public Input
Mary Mathew Wilson	308 Koser Ave.	
LARRY T. WILSON	308 KOSER AVE.	X
Kathleen Kathleen Belgium	104 Sunset	
Robertson		
Jan Jeff	315 Sunset	
Al Jeff	215 SUNSET ST	X
Jane Swails	332 Koser	X
Pat Kelley	376 Koser	V
Vernie Kelley	376 Koser	X
Linda Duncan	1475 Grand Ave.	
Gail Frygatt	1070 Present Valley Pl	
Brenna McGrath	327 Koser Ave	
Lawrence Fritts	114 Highland Dr.	
Sue Hettmansperger	114 Highland Dr.	

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

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NAME	ADDRESS	Check (X) If Wish to Speak During Public Input
Jony Tracy	105 Burkdale CT	
Roger Tracy	105 Burkdale CT	
Coal Onger	330 Golfview	
Jerry Zimmerman	1434 Grand Ave	
Cynthia Brown	1434 Grand Ave	
Rosanne Hapsa	205 Edview	
Caroline Mast	111 Highland	
Ara Dine	307 Mahaska	
Da Wallace	307 Mahaska Drive	

C

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

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NAME	ADDRESS	Check (X) If Wish to Speak During Public Input
Jennifer Reinhardt	345 Kaser Ave	
Joe Reinhardt	345 Kaser	

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

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NAME	ADDRESS	Check (X) If Wish to Speak During Public Input
Jeffrey L. Maxwell	Iowa City, Ia.	✓
Cecil Mimms	Grandview, ICIJA	
Chris Luzzie	338 Koser	
Hart Ruben	Secoy	
Kevin Monson	Iowa City	
Liesa Moore	220 Koser	
Della Ruppert	314 Koser	
Robert Ruppert	314 Koser	
Pat Yeggy	305 Ridgview Ave	
Ken Yeggy	305 Ridgview Ave	
Bonnie Gingrich	1507 Oakcrest Ave.	
Joseph Franhel	323 Koser Ave	✓
Ame Michael Langpink	100 Grandview Ct Iowa City	
Bonnie Gauthier	103 Highland Dr.	✓

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

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NAME	ADDRESS	Check (X) If Wish to Speak During Public Input
Rebecca Reiter	265 Highland Drive	
Marlyp Sware	228 Marietta Ave.	
Erik Lehmann	413 E. Jefferson St.	
Jim Lane	303 Highland Dr.	
Al Wells	Polan, IA.	
Ann Dudler	205 Koser	
ANDY DUDLER	205 KOSER AVE	
James Stephens	305 Sunset St	✓

[BAUER PROPOSAL]

Proposed Substitute Amendment to University Heights Zoning Ordinance St. Andrew Presbyterian Church Redevelopment Proposal

The University Heights Zoning Ordinance (No. 79) is amended as follows (additions are shown by underline; deletions by ~~strikeout~~):

Section 5. Districts and Boundaries Thereof.

- A. In order to classify, regulate and restrict the location of residences, trades, industries, businesses, and other land uses and the location of buildings designed for specified uses, to regulate and limit the height and bulk of buildings hereinafter erected or structurally altered, to regulate and limit the intensity of the use of lot areas, and to regulate and determine the area of yards and other open spaces around such buildings, the City of University Heights, Iowa, is hereby divided into Five (5) zones, to-wit:

1. R-1 Single-Family residential.
2. R-3 Multiple-Family residential.
3. B Business.
4. C Commercial.
5. PUD Planned Unit Development.

- E. Property in a PUD Planned Unit Development Zone shall be used as provided in Development Agreements between the City of University Heights and the Developer pursuant to the PUD regulations and requirements set forth in Sections 11, 12, and 13 of this Ordinance. Provisions of this Ordinance regarding height restrictions, yard regulations, lot regulations, and off-street parking (Sections 7, 8, 9, and 10) are superseded in the PUD Zone by the provisions of Sections 11, 12, and 13, and by the provisions of the Development Agreements between the City and Developer.

Section 13. Residential Redevelopment Planned Unit Development (PUD) (Entire section is new.)

- A. Intention. The Residential Redevelopment PUD regulations and requirements are intended to accommodate projects for which the specific architectural design and site layout of individual buildings and elements shall be subject to approval by the University Heights City Council. Development may occur provided that it is consistent with the overall design and development elements reviewed and approved by the University Heights City Council, all as provided in this Ordinance.
- B. Development Regulations and Restrictions. Property may be developed as a Residential Redevelopment PUD Zone pursuant to the following regulations and restrictions:
1. No more than two (2) building may be constructed with combined footprints of no more than forty-five thousand (45,000) square feet.

[BAUER PROPOSAL]

2. No more than seventy-four (74) dwelling units may be constructed.
3. No more than one person not a member of the family as defined in Section 3 of this Ordinance may occupy each dwelling unit as part of the individual housekeeping unit.
4. The front building of the development shall not exceed thirty-nine (39) feet in height, and the rear building shall not exceed fifty-five (55) feet in height. "Height" is defined in Section 7 of this Ordinance.
5. A minimum of one hundred thirty-nine (139) off-street parking spaces shall be provided. "Parking space" is defined in Section 10 of this Ordinance.
6. The eaves or building projections, including screened porches or walls, of any building shall not be less than twenty (20) feet from any lot line.
7. A minimum of _____(____) square feet of the property shall not be encumbered by buildings, parking areas, or walkways, but rather shall be maintained as green space consisting of grass, trees, shrubs, or other living vegetation.
8. The University Heights City Council may impose additional reasonable conditions as it deems necessary to ensure that the development is compatible with adjacent land uses, will not overburden public services and facilities, and will not be detrimental to public health, safety, and welfare.

C. Procedure.

1. Any person or entity proposing development as a Residential Redevelopment PUD shall submit fifteen (15) copies of a Residential Redevelopment PUD Plan Application setting forth all the information specified in Section 13(D) of this Ordinance.
2. The University Heights City Council shall hold a public hearing regarding such Plan Application. The public hearing may occur as part of any regularly scheduled or special Council meeting.
3. The University Heights City Council may approve, deny, or approve on condition any such Plan Application.
4. No building permit shall issue for development of any property pursuant to a Residential Redevelopment PUD until the University Heights City Council has approved a Plan Application pursuant to Section 13(D) and the Council and Developer have executed a Development Agreement pursuant to Section 13(E) of this Ordinance.
5. Once approved, a Plan Application may be modified by written instrument approved by the University Heights City Council and by the Developer.
6. Once approved, a Development Agreement may be modified by written instrument approved by the University Heights City Council and by the Developer.

E. Residential Redevelopment PUD Plan Application Requirements. A Residential Redevelopment PUD Plan Application must set forth or otherwise include all of the following:

1. Location, size, and legal description of the site.

[BAUER PROPOSAL]

2. Location and area of land uses.
 3. Detailed site plan showing all existing or proposed easements.
 4. Front, side, and rear yard setbacks.
 5. Existing topography at two-foot intervals.
 6. Grading plan at one-foot contours.
 7. Location and description of major site features, including tree masses, drainageways, wetlands, and soils.
 8. Erosion control plan.
 9. Proposed type or types of development, e.g., condominium, multiple-family dwelling, etc.
 10. Location and size of buildings or building footprints.
 11. Design elevations showing all sides of every building, roofline, and perimeter fences.
 12. Description of materials for all exterior building surfaces and perimeter fences.
 13. Vertical and horizontal dimensions of the exterior of all buildings and perimeter fences.
 14. Maximum height of proposed structures and perimeter fences.
 15. Floor plans showing square footage of each dwelling unit.
 16. Location of existing and proposed utilities, sanitary sewers, storm water facilities, and water, gas, and electrical distribution systems.
 17. Preliminary Plat.
 18. Final Plat.
 19. Deed restrictions, covenants, agreements, association bylaws and/or other documents controlling the use of the property and controlling the type of construction or development activities of future residents.
 20. All other information reasonably required by the University Heights City Council or its designees to explain or illustrate the Plan Application.
- F. Development Agreement. The Residential Redevelopment PUD Plan shall also include a Development Agreement establishing development requirements and addressing certain other items, including the following:
1. Design standard applicable to the project.
 2. Development covenants, easements, and restrictions, including a prohibition on further subdivision of the property developed pursuant to the Residential Redevelopment PUD.
 3. Site improvements, including sidewalks, that will be constructed following approval of the Site Development Plan.
 4. Timing of commencement and completion of construction of buildings and improvements pursuant to the Residential Redevelopment PUD Plan.

[BAUER PROPOSAL]

5. Payment by the Developer of the costs and fees, including engineering, legal, administrative, publication and recording fees, incurred by the City of University Heights in considering the PUD Plan.

G. Reversion to Prior Zoning. The change of any parcel previously zoned R-1 Single-Family residential to PUD Planned Unit Development for purposes of a Residential Redevelopment PUD shall be conditioned on the occurrence of all of the following four circumstances:

- 1. The satisfaction or removal of any contingencies to the Developer's obligation to purchase the parcel by no later than October 15, 2010.
- 2. The satisfaction or removal of any contingencies to the Developer's right to purchase the parcel by no later than March 15, 2013.
- 3. The Developer's acquisition of title to the parcel by no later than March 15, 2015.
- 4. The Developer's submission of a Residential Redevelopment PUD Plan Application by no later than March 15, 2016.

Upon a showing of good cause to the satisfaction of the University Heights City Council, the time established for the occurrence of any of each of these four circumstances may be extended for a period of no more than two years. If any of the four required circumstance does not occur within either the established time or an allowed extension, any parcel rezoned to PUD Planned Unit Development shall automatically revert back to its prior zoning of R-1 Single-Family residential.

Action by Zoning Commission

The University Heights Zoning Commission has considered this proposed amendment to the city's Zoning Ordinance. Upon such consideration, the Commission voted _____, 2010 to recommend that the City Council approve/not approve the amendment by the following vote:

	<u>Approve</u>	<u>Not Approve</u>
William Gay	_____	_____
Wally Heitman	_____	_____
Catherine Lane	_____	_____
Karl Robertson	_____	_____
Patrick Bauer, Chair	_____	_____

Dated this ____ day of _____, 2010.

UNIVERSITY HEIGHTS ZONING COMMISSION

By Patrick Bauer, Chair

[MAXWELL PROPOSAL]

ORDINANCE NO. ____

AN ORDINANCE AMENDING ORDINANCE NO. 79 (ZONING) TO CREATE
A MULTIPLE-FAMILY COMMERCIAL ZONE AND PERMIT DEVELOPMENT
PURSUANT TO A MULTIPLE-FAMILY PUD

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS,
JOHNSON COUNTY, IOWA:

Section 5. Districts and Boundaries Thereof.

A. In order to classify, regulate and restrict the location of residences, trades, industries, businesses, and other land uses and the location of buildings designed for specified uses, to regulate and limit the height and bulk of buildings hereinafter erected or structurally altered, to regulate and limit the intensity of the use of lot areas, and to regulate and determine the area of yards and other open spaces around such buildings, the City of University Heights, Iowa, is hereby divided into ~~Five (5)~~ Six (6) zones, to-wit:

1. R-1 Single-Family residential.
2. R-3 Multiple-Family residential.
3. B Business.
4. C Commercial.
5. PUD Planned Unit Development.
6. Multiple-Family Commercial.

Section 6. Uses. Use of property in the City of University Heights shall be limited to those uses set forth as follows:

- A. Property in an R-1 Single-Family Residential zone shall be used for the following purposes only:
1. One single-family dwelling per lot.
 2. Public schools, public libraries, public parks and public playgrounds.
 3. Churches and places of worship and parochial schools.
 4. Other customary accessory uses and buildings, provided such uses are incidental to the principal use and do not include any activity conducted as a business. Such accessory buildings shall not be used for human occupancy or living.
 5. One person not a member of the family as defined herein may occupy the premises as part of the individual housekeeping unit.
 6. Home occupations.

[MAXWELL PROPOSAL]

F. Property in a Multiple-Family Commercial zone shall be used for the following purposes only:

1. All uses which are allowed in an R-1 Single-Family Residential Zone.
2. As provided in the Development Agreement between the City of University Heights and the Developer pursuant to the Multiple-Family Commercial Planned Unit Development (PUD) regulations and requirements set forth in Section 13 of this Ordinance. When development occurs pursuant to a Multiple-Family Commercial PUD, provisions of this Ordinance regarding height restrictions, yard regulations, lot regulations, and off-street parking (Sections 7, 8, 9, and 10) are superseded by the provisions of Section 13 and the Development Agreement between the City and Developer.

Section 13. Multiple-Family Commercial PUD.

A. Intention. The Multiple-Family Commercial PUD regulations and requirements are intended to accommodate projects for which the specific architectural design and site layout of individual buildings and elements shall be subject to approval by the University Heights City Council. Development may occur provided that it is consistent with the overall design and development elements reviewed and approved by the University Heights City Council, all as provided in this Ordinance.

B. Development Regulations and Restrictions. Property may be developed as a Multiple-Family Commercial PUD Zone pursuant to the following regulations and restrictions:

1. No more than two (2) buildings may be constructed with combined footprints of no more than forty-five thousand (45,000) square feet.
2. No more than ninety-three (95) dwelling units may be constructed.
3. No more than twenty thousand (20,000) square feet of commercial space may be constructed.
4. No more than one person not a member of the family as defined in Section 3 of this Ordinance may occupy each dwelling unit as part of the individual housekeeping unit.
5. The front building of the development shall not exceed thirty-eight (38) feet in height, and the rear building shall not exceed seventy-six (76) feet in height. "Height" is defined in Section 7 of this Ordinance.
6. A minimum of two hundred seventy-five (275) off-street parking spaces shall be provided. "Parking space" is defined in Section 10 of this Ordinance.

[MAXWELL PROPOSAL]

7. The eaves or building projections, including screened porches or walls, of the front building shall not be less than thirty three (33) feet from the lot line along Melrose Avenue; the eaves or building projections, including screened porches or walls, of any other building or portion thereof shall not be less than twenty (20) feet from any lot line.
8. The University Heights City Council may impose additional reasonable conditions as it deems necessary to ensure that the development is compatible with adjacent land uses, will not overburden public services and facilities, and will not be detrimental to public health, safety, and welfare.

C. Procedure.

1. Any person or entity proposing development as a Multiple-Family Commercial PUD shall submit fifteen (15) copies of a Multiple-Family Commercial PUD Plan Application setting forth all the information specified in Section 13(D) of this Ordinance.
2. The University Heights City Council shall hold a public hearing regarding such Plan Application. The public hearing may occur as part of any regularly scheduled or special Council meeting.
3. The University Heights City Council may approve, deny, or approve on condition any such Plan Application.
4. No building permit shall issue for development of any property pursuant to a Multiple-Family Commercial PUD until the University Heights City Council has approved a Plan Application pursuant to Section 13(D) and the Council and Developer have executed a Development Agreement pursuant to Section 13(E) of this Ordinance.
5. Once approved, a Plan Application may be modified by written instrument approved by the University Heights City Council and by the Developer.
6. Once approved, a Development Agreement may be modified by written instrument approved by the University Heights City Council and by the Developer.

D. Multiple-Family Commercial PUD Plan Application Requirements. A Multiple-Family Commercial PUD Plan Application must set forth or otherwise include all of the following:

1. Location, size, and legal description of the site.
2. Location and area of land uses.
3. Detailed site plan showing all existing or proposed easements.
4. Front, side, and rear yard setbacks.
5. Existing topography at two-foot intervals.

[MAXWELL PROPOSAL]

6. Grading plan at one-foot contours.
 7. Location and description of major site features, including tree masses, drainageways, wetlands, and soils.
 8. Erosion control plan.
 9. Proposed type or types of development, e.g., commercial condominium, multiple-family dwelling, etc.
 10. Location and size of buildings or building footprints.
 11. Design elevations showing all sides of every building, roofline, and perimeter fences.
 12. Description of materials for all exterior building surfaces and perimeter fences.
 13. Vertical and horizontal dimensions of the exterior of all buildings and perimeter fences.
 14. Maximum height of proposed structures and perimeter fences.
 15. Floor plans showing square footage of each commercial and each dwelling unit.
 16. Location of existing and proposed utilities, sanitary sewers, storm water facilities, and water, gas, and electrical distribution systems.
 17. Preliminary Plat.
 18. Final Plat.
 19. Deed restrictions, covenants, agreements, association bylaws and/or other documents controlling the use of the property and controlling the type of construction or development activities of future residents.
 20. All other information reasonably required by the University Heights City Council or its designees to explain or illustrate the Plan Application.
- E. Development Agreement. The Multiple-Family Commercial PUD Plan shall also include a Development Agreement establishing development requirements and addressing certain other items, including the following:
1. Design standard applicable to the project.
 2. Development covenants, easements, and restrictions, including a prohibition on further subdivision of the property developed pursuant to the Multiple-Family Commercial PUD.
 3. Site improvements, including sidewalks, that will be constructed following approval of the Site Development Plan.

[MAXWELL PROPOSAL]

- 4. Timing of commencement and completion of construction of buildings and improvements pursuant to the Multiple-Family PUD Plan.
- 5. Payment by the Developer of the costs and fees, including engineering, legal, administrative, publication and recording fees, incurred by the City of University Heights in considering the PUD Plan.

Current Sections 13 through 22 will be renumbered 14 through 23.

Effective Date. This amendment shall become effective upon its passage and publication as provided by law.

Action by Zoning Commission

The University Heights Zoning Commission has considered this proposed amendment to the city's Zoning Ordinance. Upon such consideration, the Commission voted July 22, 2010 to recommend that the City Council approve/not approve the amendment by the following vote:

	Approve	Not Approve
William Gay	_____	_____
Wally Heitman	_____	_____
Catherine Lane	_____	_____
Karl Robertson	_____	_____
Patrick Bauer, Chair	_____	_____

Dated this 22nd day of July, 2010

UNIVERSITY HEIGHTS ZONING COMMISSION
By Patrick Bauer, Chair

Steve/UH/UHOrdinances/Ordinance ___ amending 079 (Zoning - St.Andrew 2010)