

MEMORANDUM

TO: Weldon Heitman, Catherine Lane,
Karl Robertson, and Dr. William Gay

DATE: June 29, 2010

FROM: Patrick Bauer

RE: Proposed “4-2-Residential” Alternative to Resubmitted Rezoning Request for “6-4-Residential/Commercial” Redevelopment of St. Andrew Presbyterian Church Property

The Zoning Commission recommends to the City Council approval or rejection of submitted rezoning petitions, but on its own initiative the Zoning Commission may also independently propose recommended zoning ordinance changes to the City Council.

As an alternative to the resubmitted proposal for a “6-3-Residential/Commercial” redevelopment of the St. Andrew Presbyterian Church property, I have roughed out for Zoning Commission consideration a potential “4-2-Residential” modification using the basic elements and outlines of last year’s initial submission. Proceedings concerning the prior submission were complicated by the lack of a concrete alternative, and consideration of the resubmitted proposal may benefit from some crystallization of a specific and realistic alternative.

I took as an initial point of reference the scale of redevelopment that could occur in the absence of any rezoning. 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. Using that as a basis of comparison, three elements served as guidelines for establishing the outer dimensions of a suitable alternative.

First, any rezoning ought to “hold the line” at residential use by eliminating any commercial use. Our comprehensive plan recently was revised to eliminate identification of any particular area for redevelopment, and as a result any responsible rezoning determination must include some consideration of the need for and appropriateness of potential zoning changes at other locations. Our community already includes commercial and business zones and the likelihood those zones will themselves be the subject of redevelopment proposals at some future point in time provides a substantial reason not to approve such uses at yet a third location.

The second and third elements involved both a reduction of mass and scale and a less drastic increase in density achieved by reducing the rear building from six floors to four floors and by reducing the front building from three floors to two floors. The combined effect of all three elements would significantly reduce the necessary amount of surface parking (allowing a sizable increase in available green space), might substantially moderate the impact of increased traffic on adjacent streets, and potentially could affect the location of a connecting exit to Sunset and resulting disturbance of the site’s eastern ravine.

Rough suggestions of selected dimensions of a “4/2/residential” modification are provided by the attached calculations, illustrations, and proposed substitute zoning amendment. Please also note that paragraph 13.G. of the zoning amendment provides for a reversion to existing zoning if necessary cumulative conditions do not occur by specified dates (subject to extensions for each condition for up to two years upon showings of good cause).

Potential Modification : "4-/2-Residential"

**REAR BUILDING
FOUR FLOOR RESIDENTIAL**

<u>FLOOR</u>	<u>UNITS</u>	<u>SQ. FT.</u>
VI	4	15,332
V	8	21,100
IV	12	23,736
III	14	23,736
II	12	23,736
I	11	23,736
TOTAL	38	83,904

<u>PARKING</u>	<u>RES</u>
Undrgrd-1	57
Surface	14

HEIGHT
55 feet

(consistent with Ord. 79 , §12.B.1.b.)

**FRONT BUILDING
TWO FLOOR RESIDENTIAL**

<u>FLOOR</u>	<u>UNITS</u>	<u>SQ. FT.</u>
II	14	13,550
I	18	20,708
I	(res) 18	19,406
TOTAL	36	41,416

<u>PARKING</u>	<u>RES</u>
Undrgrd-1	60
Surface	8

HEIGHT
39 feet

(consistent with Ord. 79 , §12.B.2.b.)

Original Proposal : "6-3-Residential/Commercial"

**REAR BUILDING
SIX FLOORS RESIDENTIAL**

<u>FLOOR</u>	<u>UNITS</u>	<u>SQ. FT.</u>
VI	4	16,768
V	8	23,155
IV	12	26,696
III	14	26,696
II	12	26,696
I	11	26,696
TOTAL	61	131,376

<u>PARKING</u>	<u>RES</u>
Undrgrd-1	57
Undrgrd-2	57

HEIGHT
76 feet

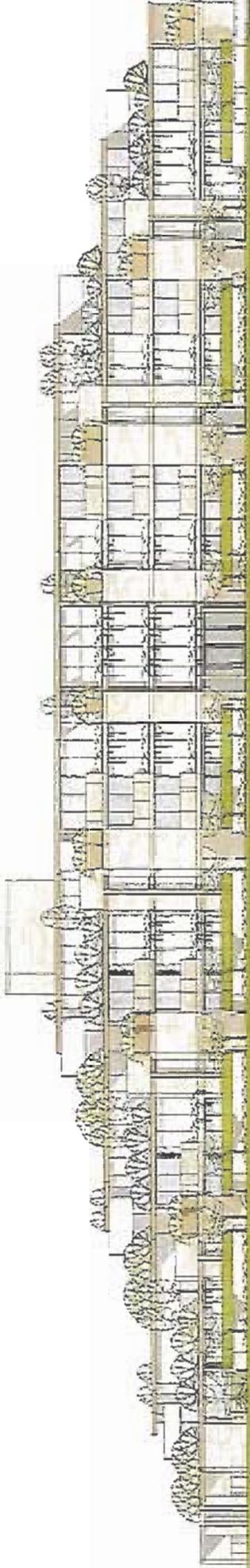
**FRONT BUILDING
TWO FLOORS RESIDENTIAL
& ONE FLOOR COMMERCIAL**

<u>FLOOR</u>	<u>UNITS</u>	<u>SQ. FT.</u>
III	14	13,550
II	18	20,708
I	(com) 4	19,406
TOTAL	(res) 32	53,664

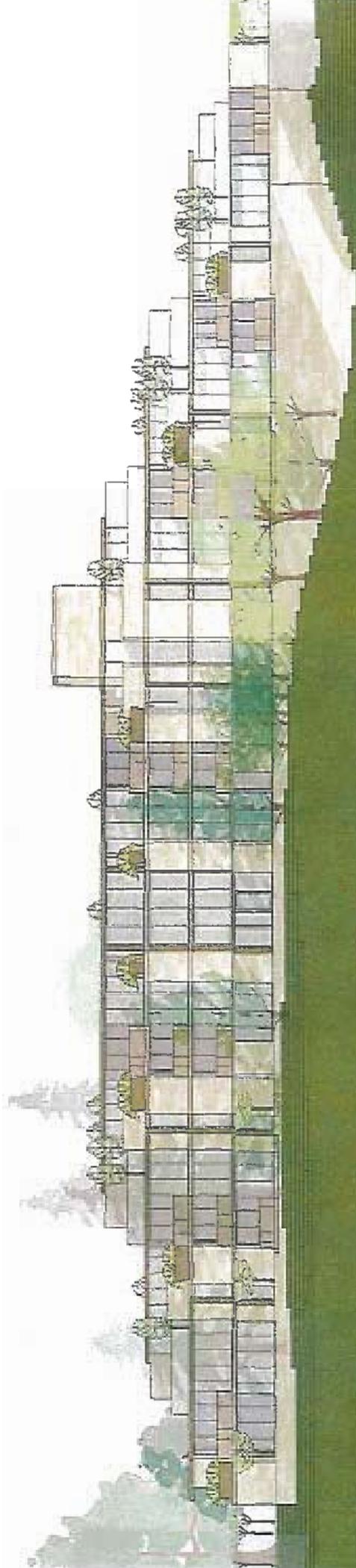
<u>PARKING</u>	<u>RES</u>	<u>COM</u>
Undrgrd-1	60	
Surface		107

HEIGHT
54 feet

REAR BUILDING - Potential Modification: "4-2-Residential"

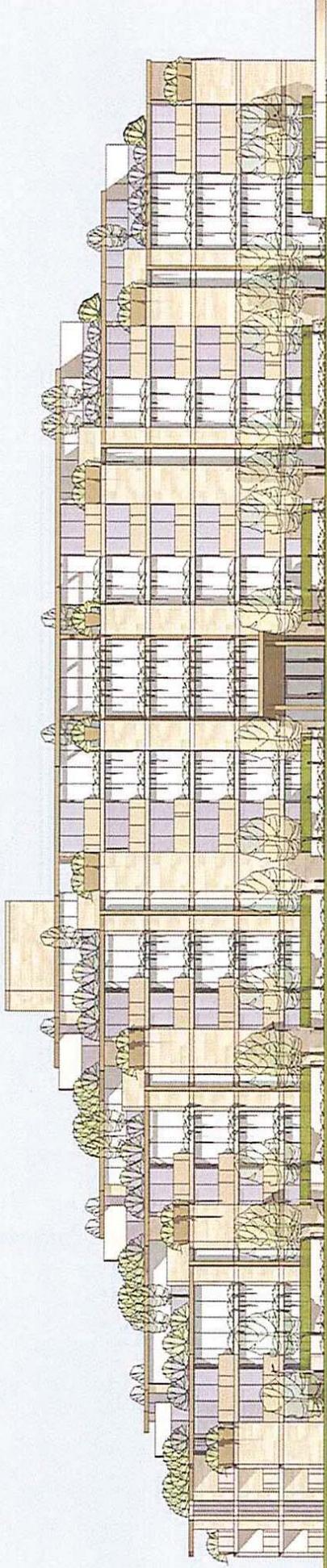


South Elevation



North Elevation

REAR BUILDING - Original Proposal: "6-3-Residential-Commercial"



South Elevation

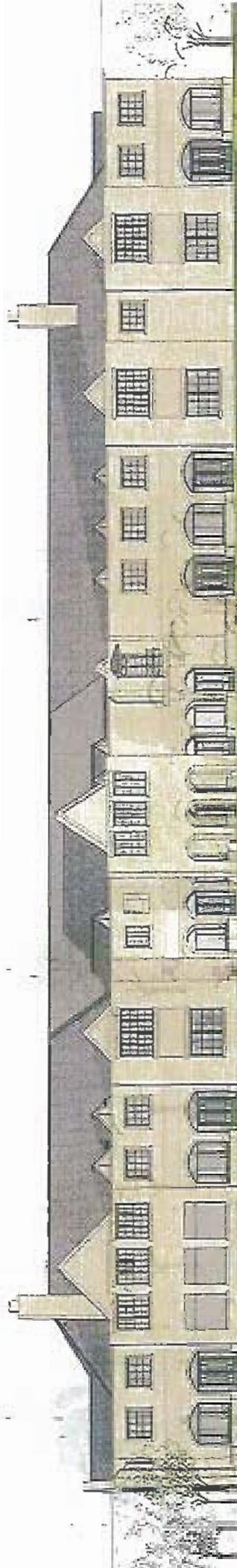


North Elevation

FRONT BUILDING - Potential Modification: "4-2-Residential"



South Elevation

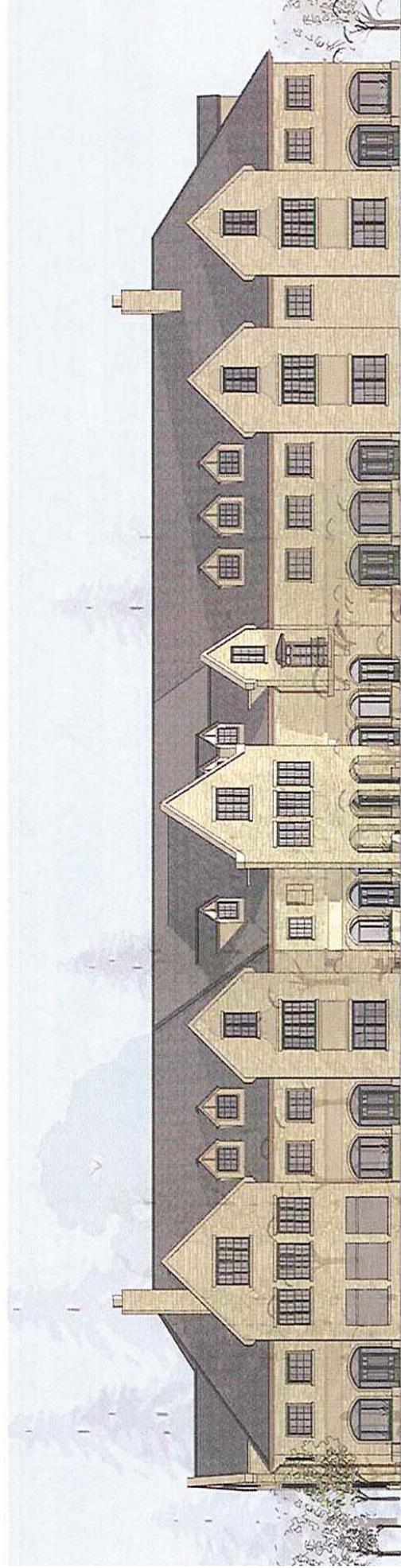


North Elevation

FRONT BUILDING - Original Proposal: "6-3-Residential-Commercial"



South Elevation



North Elevation

SITE PLAN - Potential Modification: "4-2-Residential"



ST. ANDREW CHURCH SITE
4 FL HIGH-RISE & 2 FL LOW-RISE
DEVELOPMENT ALTERNATIVE

ZONING ORDINANCE AMENDMENT - Potential Modification: "4-2-Residential"

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.

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.

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.

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