

7:00 pm PUBLIC HEARING – 1st Amendment to Commercial Hotel PUD Development Application. Public hearing on 1st Amendment to PUD Development Application by University Lake Partners II, LLC to develop real property known locally as 901 Melrose Avenue, 905 Melrose Avenue, and 909 Melrose Avenue as a hotel.

AGENDA

**City of University Heights, Iowa
City Council Meeting**
Thursday, May 24, 2018
Community Center - OUP
1302 Melrose Avenue

7:00-8:30 pm.

Meeting called by Mayor Louise From

Time	Topic	Owner
7:00	Call to Order Special Meeting	Louise From
	Roll Call	
	<u>Approval of Warrants</u> Consideration of <u>Resolution No. 18-26</u> , adopting the Second FY18 Budget Amendment.	Lori Kimura Steve Ballard
	Open Public Hearing	Louise From
	Public hearing on 1st Amendment to PUD Development Application by University Lake Partners II, LLC to develop real property known locally as 901 Melrose Avenue, 905 Melrose Avenue, and 909 Melrose Avenue as a hotel.	
	Close Public Hearing	
	Consideration of <u>Resolution No. 18-25</u> approving with conditions the 1 st Amendment to CH Commercial Hotel PUD Development Application of University Lake Partners II, LLC to develop real property known locally as 901 Melrose Avenue, 905 Melrose Avenue, and 909 Melrose Avenue as a hotel.	Steve Ballard
7:30	Public Input	Public Comments
	Discussion on <u>UI Game Day ordinances.</u> Discussion of Habitat for Humanity houses: 23 & 24 Olive Ct.	Steve Ballard//Nick Herbold Virginia Miller
	Announcements	Anyone

Time	Topic	Owner
8:30	Adjournment	Louise From

Proposal to meet in closed session pursuant to Iowa Code Sec. 21.5(1)(j) to discuss the possible purchase of particular real estate where premature disclosure could be reasonably expected to increase the price the city would have to pay for that property.

Next Regular Council Meeting: Tuesday, June 12, 2018 at 7:00 pm.

05/24/18

City of University Heights, Iowa
Warrants for Council Approval

May 24, 2018

<u>Date</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
May 24, 18			
05/24/2018	VISA	microsoft office 365	-99.99
05/24/2018	VISA	cleaning supplies/toilet paper/storage box	-54.73
05/24/2018	VISA	grasshopper/headlights for car/conference registration/badges...	-913.95
05/24/2018	Johnson County Treasurer	2016-17 property taxes for OUP city space-2nd half	-956.00
May 24, 18			

RESOLUTION NO. 18-25

**RESOLUTION APPROVING ON CONDITIONS THE 1ST AMENDMENT TO
COMMERCIAL HOTEL PUD PLAN APPLICATION SUBMITTED BY
UNIVERSITY LAKE PARTNERS II, LLC**

WHEREAS, University Heights Ordinance No. 79, as amended, provides for development of property in the CH Commercial Hotel Zone pursuant to the commercial hotel Planned Unit Development (PUD) regulations and requirements set forth in Ordinance 79(14A); and

WHEREAS, pursuant to Ordinance 79(14A), University Lake Partners II, LLC (“the Developer”) submitted a Commercial Hotel PUD Plan Application dated December 6, 2017, as modified December 20, 2017, and December 27, 2017 (“the PUD Plan Application”); and

WHEREAS, after public hearings December 12, 2017, and December 21, 2017, the University Heights City Council held public hearings on the PUD Plan Application, pursuant to published notice; and

WHEREAS, the University Heights City Council adopted Resolution No. 17-51 on December 28, 2017, approving on condition the PUD Plan Application; and

WHEREAS, the Developer submitted a 1st Amendment to Commercial Hotel PUD Plan Application dated May 15, 2018 (“the Amended PUD Plan Application”) pursuant to the commercial hotel Planned Unit Development (PUD) regulations and requirements set forth in Ordinance 79(14A), as amended; and

WHEREAS, the University Heights City Council held a public hearing on the Amended PUD Plan Application on May 24, 2018, pursuant to published notice; and

WHEREAS, University Heights Ordinance 79(14A)(C)(3) permits the University Heights City Council to approve, deny, or approve on condition the Amended PUD Plan Application; and

WHEREAS, having considered the Amended PUD Plan Application and the comment from the public and City staff, the University Heights City Council finds and concludes that the Amended PUD Plan Application should be approved on conditions,

IT IS, THEREFORE, RESOLVED by the City Council of University Heights, Iowa that the 1st Amendment to Commercial Hotel PUD Plan Application submitted by University Lake Partners II, LLC dated May 15, 2018 (“the Amended PUD Plan Application”) is hereby approved on the following specific conditions:

1. Approval by the City Council of an Amended Development Agreement pursuant to Ordinance No. 79(14A)(E), if recommended by City Staff; and
2. Approval by the City Council of a Sensitive Areas Development Plan if and to the extent required by Ordinance No. 212; and
3. Approval by the City Council of a Storm Water Management Plan and/or variance to the extent required by Ordinance No. 169; and
4. Approval by the City Council of a Storm Water Pollution Prevention Plan and issuance by the City Council of a Construction Site Runoff Permit to the extent required by Ordinance No. 155; and
5. Approval by the City Council of a Landscaping Plan showing the type, quantity, and locations of trees and landscaping features shown in the Amended PUD Plan Application and renderings, unless the City Council agrees to such other trees and landscaping features;
6. This Conditional Approval of the Amended PUD Plan Application shall not be construed as authority to commence construction or occupy the proposed development, such activity to be addressed by a future Building Permit Application and a future Occupancy Permit Application to be submitted by the Developer; and
7. The Amended PUD Plan Application may be modified only by written instrument approved by the City Council and the Developer; and
8. Approval of the Amended PUD Plan Application is specifically and expressly conditioned on the foregoing items.

Upon motion by _____, and seconded by _____, the vote was as follows:

	AYE	NAY	ABSENT	ABSTAIN
Herbold	_____	_____	_____	_____
Maher	_____	_____	_____	_____
Miller	_____	_____	_____	_____
Moore	_____	_____	_____	_____
Quezada	_____	_____	_____	_____

Upon Roll Call thus recorded, the Resolution is declared adopted this 24th day of May, 2018.

Louise A. From, Mayor

ATTEST:

Christine M. Anderson, City Clerk

UH – Resolution No. 18-25 approving on condition 1st Amendment to ULP PUD Plan Application 05 24 18

MEMORANDUM

**To: Mayor, City Council, and Staff
CITY OF UNIVERSITY HEIGHTS**

**From: Steve Ballard
Abby Brown**

Date: May 23, 2018

Re: Gameday Ordinance Considerations

Issue	Current UH ordinance	Direction Needed from Council	Other College Towns
Open container	141 – No open container upon any street, alley, public ground or in any public place; Sanction: simple misdemeanor punishable by \$100 fine	- addition of provision that regulates open containers on private property?	Lawrence, Kansas – no person shall drink or consume alcoholic liquor or possess an open container of alcoholic liquor on public property No person shall drink or consume alcoholic liquor on private property unless property has been issued a liquor license, or unless individual is on private property as owner or lessee and guest of such person (with permission) and property/owner does not charge for serving or mixing of any alcoholic drink
Trash pick-up	109 – disorderly house – defines a disorderly house as one that allows the unlawful deposit of litter or refuse on the property Sanction: simple misdemeanor punishable by fine of \$250 for first offense and \$500 for second offense	- Timeframe for removal of refuse from property after end of game – 24 hours? - increase fine amount beyond second offense?	City of East Lansing – section 14-31 of the City Code – “Party Litter” – defines “party litter” as “bottles, cans, cups, kegs, food wrappers or containers, and other waste material, which, if thrown or deposited, tends to create a public nuisance”; fines are assessed on an increasing basis per subsequent

			offenses (increases by \$100 per offense)
Portable Toilet	<p>136 – No portable toilets within city limits EXCEPTIONS: 1) football game days in R-1 or R-3 or C zones where 15 or more vehicles are parked with consent of owner from 8:00 am Thursday before first game of season and removed by 5:00 p.m. on Monday immediately following last game; not visible from street unless council grants exception; must be cleaned and serviced on Sunday after each game. 2) B zone – 15 or more cars; same time frame as above; not visible from street (no appeal to council); cleaned before 5 pm Sunday after each game</p> <p>Sanction: municipal infraction punishable by civil penalty of \$250 for first offense and \$500 for second offense</p>	<ul style="list-style-type: none"> - only allow on Thursday-Sunday of game day weekends? - no exceptions to visibility requirement? – must be in backyard? - must be secured? - require permit? - increase or decrease 15-car requirement? 	<p>Lawrence, Kansas – Ord. 8560 – permit for one day before football game and ending on Monday immediately following game; if consecutive weekend game days, then can keep toilet on property until Monday immediately following last consecutive scheduled football game</p> <p>South Bend, IN – sec. 14-54 – only allows portable toilets in residential districts by use of a permit and for a special event and must be removed within 72 hours after event has ended</p>
Right-of-way	<p>139 – disorderly conduct – unlawful to obstruct street, sidewalk, highway, or other public way with intent to prevent or hinder its lawful use</p> <p>Sanction: simple misdemeanor punishable by fine of \$100</p>	<ul style="list-style-type: none"> - remove intent requirement? - must keep sidewalk and right-of-way clear by certain amount of feet for passage of pedestrians? - no placing of personal property for longer than certain period of time and must allow certain amount of feet for passage of pedestrians? - attach sanction/fine to abutting property owner/party who is parking cars? 	<p>East Lansing, MI – sec. 38-102 – pedestrian passage – at least five feet or sidewalk space shall be kept clean and clear for the free passage of pedestrians</p> <p>Champaign, IL – sec. 30-305 – no person shall place personal property, even if attended, on any right-of-way for more than 4 hours; no person shall place attended personal property on the sidewalk, if, by such placement, the unobstructed width of the sidewalk is reduced to less than 4 feet</p>

<p>Noise</p>	<p>159 – noise pollution – any loud, disturbing, unusual, unreasonable, and unnecessary noises – radio for amplifying sound upon public streets or in any building, public or private, plainly audible to general public and unreasonably disturbs the peace and quiet unless has a permit – loud enough to hear words or musical rhythm from public place</p> <p>Sanction: simple misdemeanor punishable by fine of \$250</p>	<ul style="list-style-type: none"> - set certain decibel level – removes subjective component from law? - does UHPD have equipment/training to measure? - varying time frames? - different decibel level during game days? - no towns surveyed have content-based regulations 	<p>Ames, Iowa – chapter 16 – regulates sound by measurement with a sound level meter – maximum decibel level is prescribed based on neighborhood (residential, commercial, industrial, or park or agriculture) and residential is further prescribed based on time of day – exception for nonprofessional athletic contests</p> <p>Champaign, Illinois – no sound amplification devices may be used if the sound produced by such device is clearly audible at the boundary line of any residential unit</p> <p>Tuscaloosa, AL – sec. 10.8-13 – noise in residential districts – unlawful for sound produced that exceed 80 decibels from 6:00 am – 9:00 pm and 75 decibels from 9:00 pm – 6:00 am; measured at property line</p>
<p>Sales</p>	<p>81 – sale of goods – no goods displayed, solicited, sold or distributed on public property except for farmer’s market; commercial or business property must be in manner that does not interfere with public property; no goods sold or distributed from private property except for “home occupations”</p> <p>Sanction: simple misdemeanor punishable by fine of \$250</p> <p>79 – “home occupations” – occupation or profession carried on by a family member residing on</p>	<ul style="list-style-type: none"> - further refine mechanical equipment allowed? – what about a really large commercial grill? - does it actually have to be a person’s occupation or profession and how should that be defined? - products prepared on premises – what about products that are bought outside premises and then prepared in some manner, i.e., hot dog buns, brats purchased outside premises, 	<p>Iowa City – section 14-4D-2 –requires temporary use permit for game day commercial use</p>

	premises; no signs larger than one square foot in area attached to building; products prepared on premises; no one employed from outside premises; no mechanical equipment is used other than that which is permissible for purely domestic or household purposes	drink mixes that are then poured in cups, etc.	
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