

University Heights, Iowa

St. Andrew Presbyterian Church

January 22, 1998

Attorney Ballard called to order a meeting of the Zoning Commission at 7:04 p.m.

Present: Zoning Commission Members Bauer, Gay, Reitz, Wiitala; Attorney Ballard; Leland Belding, Shive-Hattery Engineers & Architects; Clerk Birk.

Others Present: Glen Meisner, MMS Consultants, Inc.; Bernard Mauch, University Athletic Club; Shawn Merz, MMS Consultants; Dale Heck; Helen Heck.

Absent: Zoning Commission Member Richard.

The first order of business was to appoint a chairperson, and it was determined that Pat Bauer would serve as chair.

Attorney Ballard gave background on the current University Heights zoning ordinance, pointing out that it was adopted in 1982 when the subdivisions that are in place now were already built, and new subdivisions were not contemplated. Therefore, regulations for new subdivisions are not available. The Board of Adjustment is empowered to grant variances to the zoning ordinance, but this request is for a change in the ordinance, not a variance so as to be beyond the jurisdiction of the board of adjustment.

The University Athletic Club wishes to develop some of their property. Two of the lots (Lots 2 and 6) would have frontage on Melrose Avenue. It is proposed that Lots 3, 4 and 5 would have access from a road situated between Lots 2 and 6.

Current regulation does not address this situation, which is why the University Heights Council appointed a Zoning Commission to make a recommendation to them concerning this.

The lots as they are now designed meet current requirements for area, but Lots 3, 4, and 5 would not meet frontage requirements. Depending on where on the lot a house is situated, it may or may not meet minimum yard width and depth requirements.

There are older homes in University Heights that may not comply with the zoning ordinance in regard to lot size and frontage, but they are allowed because they predate the ordinance.

The developer wishes to build a private cul de sac as access to the lots in the back. The cost of building the road and maintaining it would be borne by a homeowners association.

The Zoning Commission has 45 days from the date of filing to act on an application.

Engineer Belding was asked to comment on "public streets versus private streets". His comments included: when a homeowners association builds a street they are not required to meet the standards that a city must meet. University Heights established standards for streets in 1995. When a private street deteriorates, the homeowners may not agree about the repairs and who should bear their cost. He said there might be legal ways, such as the association establishing a maintenance fund, to address this. If the city of University Heights owned the street, there would be costs to the taxpayers: construction, snow removal, and repairs for example. A street that is not up to code would not be taken over by the city unless it was in compliance.

Glen Meisner of MMS Consultants passed out copies of the preliminary plat. MMS Consultants are representing the developers, the University Athletic Club. He introduced Bernie Mauch, manager of the Athletic Club and one of the property owners. The land under consideration is owned by the Athletic Club. They are proposing to create five residential lots to the east of the Athletic Club.

He explained that the cul de sac is small and the street is only 30 feet wide because of the proximity of a ravine. This street width does meet minimum design guidelines. A larger cul de sac and a wider street would push the site of the house on Lot 5 too close to the slope of this ravine. To compensate for the

narrow street they are proposing a 15 foot wide utility easement rather than the 10 foot wide easement proposed earlier. A green space in the middle of the cul de sac was replaced with a manhole because it was thought that trucks and snow removal equipment would have more difficulty negotiating the street if a green space were there.

He said that sewer service to these houses and the Athletic Club would utilize a lift station that would be built and maintained by the Athletic Club and the homeowners association. Attorney Ballard informed the Zoning Commission members that University Heights has a 28E Agreement with Iowa City for water and sewer service, and that the subdivision would need to coordinate this with Iowa City. The sewer and forced main that currently serves the Athletic Club on the south side of Melrose would be replaced by a new sewer line on the north side of Melrose that would serve the Athletic Club and this subdivision. The part of the sewer line from where it starts to flow downhill and ending at the hook-up at Melrose and Sunset would become public sewer.

Mr. Meisner said that the as yet un-named cul de sac would slope to the north. There would be an intake on the north side to handle storm water. Sidewalks would be built along the sides of the street and around the cul de sac. Zoning Commission Member Reitz asked if the cul de sac is wide enough so that a fire truck could turn around. It is not; a fire truck would need to back up to exit.

Engineer Belding pointed out that houses built on lots 3, 4 and 5 might not be able to meet the current setback and width requirements, and explained how these requirements are figured.

Chairman Bauer asked about future widening on Melrose. Wouldn't building houses on the front two lots prevent the widening and straightening of Melrose through this area? Engineer Belding said that he did not think the present Council had plans to widen or straighten Melrose because drivers tended to go faster on a wider straighter street and Council desires that the traffic on Melrose go slow. He also pointed out that the current right of way is 80 feet, which allows more than enough room for a four lane road if that should be desired in the future.

Mr. Mauch was asked about the trees on these lots. He said that they wanted to keep as many of them as was possible.

Mr. Mauch said they wished to have a covenant to insure high standards for design and construction. He cited the Brown Deer development as an example. He said the current asphalt drive would be removed and the curb cut filled in. He was asked if they had considered developing four lots instead of five. He said that the infrastructure expense would be too costly to be borne by fewer than five homeowners.

Mr. Meisner addressed the points brought up by Shive-Hattery during their evaluation of the plat. Many of these issues concerned information and labeling that was omitted from the plat, which has been corrected. Some of the items were addressed by Mr. Meisner when he spoke earlier.

Engineer Belding was asked if there was an advantage to having a public street; he said that a primary reason was that the city could force the street to be maintained to their standards.

Chairman Bauer asked about the legal length of time a covenant could be enforced. Attorney Ballard said that any covenant would expire in 21 years unless sooner renewed.

Mr Belding pointed out that the water line to the Athletic Club and the subdivision would tie in on the south side of Melrose and run under the street. In most cases the homeowners are responsible only for the line from their house to the hook-up at the street, but since this would be treated as a private line, in this situation everyone on the line would be responsible for the cost if repairs were needed that would involve digging up the street.

Attorney Ballard was asked how the existing ordinance would need to be changed to accommodate a subdivision such as this. He suggested they begin with a definition of "cul de sac" and to build around that definition. He said that if the configuration as presented is acceptable to the commission and the use of the land is consistent with the use of similar land in University Heights, he will draft an amendment for the commission to consider.

As they are meeting for the first time, the Commission asked Attorney Ballard to define "public meeting" so they could avoid unknowingly violating the law.

Mr. Meisner asked the Commission to recommend approval of the plat subject to amending the ordinance so that contracts could be let before the construction season begins. Commission members said that they needed time to digest all that they had learned tonight and were not ready to make a decision.

The Commission plans to meet again in one week: January 29.

Upon motion the Zoning Commission adjourned at 8:56 p.m.

Approved: _____
Patrick B. Bauer
Chair, Zoning Commission

Attest: _____
Patricia Birk, Clerk