

**DRAFT**

DATE 11-10-03  
FOR DISCUSSION ONLY

UNIVERSITY HEIGHTS, IOWA  
ZONING COMMISSION

1004 Melrose Ave.

October 16, 2003

Chairperson Pat Bauer called the meeting of the University Heights Zoning Commission to order at 7:00 p.m.

**Present:** Chairperson Bauer; Commissioner Andy Dudler; Commissioner Wally Heitman; Commissioner Mary Richard; Commissioner Sulo Wiitala; Applicant Bernard Mauch representing University Athletic Club Investors, L.C.; City Engineer Josiah Bilskemper; City Attorney Steve Ballard; University Heights Residents Jerry Black, Ruth Kuntz, Christine Luzzie, and Dell Richard.

Chairperson Bauer indicated that the purpose of the meeting was to consider an application by University Athletic Club Investors, L.C. to rezone a portion of its property situated generally in the northwest portion of the City of University Heights. Although the original application was dated September 9, 2003, it was refined such that the applicant agreed that the Commission's 45-day time period for considering rezoning applications did not commence until October 16, 2003.

On behalf of the application, Bernard Mauch indicated that the University Athletic Club Investors, L.C. desired to place a building where the tennis courts presently exist west of the University Athletic Club. The height of the building would be a maximum of 95 feet in accordance with Federal Aviation Administration Regulations. The building would be approximately 6 stories. The top two floors would contain "luxury condominiums". The next two or two and one half floors would contain smaller condominiums that might be leased. The applicant desires to have condominiums with square footage of approximately 2,000 to 2,500 square feet on the top two floors. Some amount of retail or commercial space would be provided on the ground floor. The north end of the existing tennis court would not extend 6 stories, but rather would have commercial/retail space on the ground floor and an enclosed tennis court on the second floor; in this manner, sunlight to the swimming pool behind the University Athletic Club would not be blocked.

Commissioners questioned why University Athletic Club Investors, L.C. desired to request the change. Mr. Mauch indicated the desire was to maximize the use of space and provide indoor tennis courts. Access to the development would be across the existing parking lot from Melrose Avenue. The parking lot itself (the portion immediately south of the proposed building) would become part of the condominium development, although it would be leased to the University Athletic Club on a long-term basis for parking.

Mr. Mauch indicated that the Board of Directors and Membership of the University Athletic Club supported the application. Mr. Mauch indicated that he had spoken with the Coralville Fire Chief and that the Chief would be provided a letter indicating that adequate fire protection would be available to a 95-foot building in the City of University Heights.

Engineer Bilskemper inquired as to restrictions in compliance with minimum requirements for yards and set backs pursuant to the University Heights Zoning Ordinance. No technical details were included in the application and questions remain regarding the excavation and footings necessary for a 6-story building. Mr. Mauch indicated that the existing sanitary sewer service was of sufficient size to accommodate the proposed development.

Members of the public asked how the City determined whom to send notice of the application to rezone. Attorney Ballard explained that the zoning ordinance specifies notice generally was required to be sent to property owners within 200 feet of the property sought to be rezoned. In this instance, notice was sent to homeowners along the south side of Koser Avenue from Sunset Street east until Koser Avenue turns south; to St. Andrew Presbyterian Church; to the University Athletic Club; and to Jeff Hendrickson, owners of Lots 2-6, University Athletic Club Subdivision.

A petition was presented bearing the signatures of persons occupying 7 households along Koser Avenue objecting to the proposed rezoning. The petition was received by the Commission.

Concerns were raised regarding the height of the proposed building and its incompatibility with existing structures in University Heights, congestion that may result from additional traffic on Melrose Avenue, and the impact of the development on the residential character of the community. Residents commented that property owners had purchased homes in reliance on the City's zoning ordinance, which was enacted in 1982, and indicated that the applicant had not shown sufficient reason to change the ordinance.

Mr. Mauch indicated that the development would add to the University Heights tax base and permit the Athletic Club to generate more members and offer more amenities to its members. Members of the public questioned whether the development would result in the enlargement of Melrose Avenue.

Mr. Mauch indicated he was unsure how many square feet of the development would be devoted to retail or commercial use. Residents commented that a building of such magnitude would be out of character with the remainder of the community and its structures.

At Chairperson Bauer's request, Attorney Ballard outlined the permitted uses of the property under the present zoning ordinance and explained that if the Commission was favorable to the rezoning application, a Planned Unit Development Ordinance could be drafted and refined by the Commission for submission to the City Council; if the Commission was not inclined to approve the application, then the application would proceed to the City Council and could only be approved if 4 of the 5 Council Members voted in favor. Commissioner Wiitala observed that much of University Heights is surrounded by condominiums and that he saw no reason to change the zoning now to permit a high rise condominium development within the City. Commissioner Richard indicated that the proposed building was too tall and that a cellular telephone tower proposed to be included within the building could pose a health risk. Commissioner Dudler also indicated that the building was too tall as configured and inconsistent with the character of surrounding property and structures. Mr. Mauch indicated that he was unsure whether the building height could be reduced. Commissioner Heitman agreed with comments from the public opposing the project. Commissioner Richard observed that the building would look out of place and recalled that the Commission's principal concern in approving the recent Brookdale Court Condominiums was esthetic appearance and consistency with neighboring property and structures. Commissioner Bauer indicated that the zoning ordinance was the baseline for the use of property within the City and that the burden of persuasion was upon the applicant to show why that baseline should be altered in this instance.

*Birkel*

**Motion** by Bauer, seconded by Wiitala to deny the application to rezone a portion of Lot 1, University Athletic Club Subdivision.

	Aye	Nay
Bauer	X	
Dudler	X	
Heitman	X	
Richard	X	
Wiitala	X	

Commissioner Bauer declared the motion adopted.

Thereafter, the meeting was adjourned by acclimation.

Respectfully submitted,

Steven E. Ballard  
City Attorney