

Proposed St Andrew Redevelopment to the City of University Heights  
April 21, 2009

**PART I**

RE: JCCOG December 9, 2008 STAFF REPORT

Jeff Maxwell of Maxwell Development LLC has submitted their plan to develop St Andrew Presbyterian Church into a Mixed- Use development with a neighborhood commercial building located towards the front of the property and facing Melrose Avenue. A residential condominium building proposed will sit 23'-0" from the north property line, which adjoins property owned by the University of Iowa.

The St Andrew property shares a lot line with a commercially zoned UAC owned by the University of Iowa to the North West, and adjoins another parcel zoned PUD a development of 6 condominiums.

For our April 15, 2009 request for a zoning change we have reviewed the December 9, 2008 STAFF REPORT referenced. There are some items that were not known at the time of the preliminary report being submitted. Since then we have solidified our plans and made numerous changes, and with the input from the UH residents during our 3 publicly held neighborhood meetings, and having numerous meetings with Zoning Commission members, City Council, and City Attorney we now present our plan for approval.

In the 2008 report JCCOG referenced the "2006 Comprehensive Plan" and a "fall 2007 University Heights Citizens Survey". We feel that those two documents are outdated and not a true representation of the citizens views due to a number of reasons. Since the dates of both documents Iowa City and the University of Iowa has experienced great losses from the devastating flood of 2008, UI loss alone is over \$750 million. In the fall of October 2008 UI bought the UAC a commercial zoned property. The St Andrew property went up for sale and a "Contract to Purchase" was drafted and accepted with standard contingencies.

In the JCCOG 2007 December report the following statement was made:

*"When the Comprehensive Plan was created, the fact that the St. Andrew Church property may redevelop was not considered or discussed. Similarly, the possibility that the University Athletic Club may be sold to the University of Iowa or another public entity was not considered as part of the Comprehensive Plan. These two possibilities provide rationale to revisit the Comprehensive Plan guidance for this portion of University Heights"*

We now know that the sale of the UAC has gone through, and it is inevitable that the UI will follow tradition and as soon as it is no longer used as a private/public facility that it will become tax exempt. Thereby reducing UH annual tax revenue by \$26,000 (2007 information from the Johnson County Treasurers office) a year. With the approval of the St Andrew redevelopment plan UH could benefit in annual tax revenue of over \$360,000. a year or close to \$1.0 million a year if a 20 year TIFF district were approved.

It has been said by many that the University of Iowa regretted not purchasing the property in 2007 when they had already gotten an appraisal, and had first right of refusal to purchase the property at the same price and terms as Maxwell Development LLC. Since the 2008 flood and purchasing UAC right next door and owning 12 acres that adjoins St Andrew UI it has been determined and agreed to by many members of the city staff in meetings that "It is inevitable that UI will be the buyer of the property if the Maxwell project does not get approved" The St Andrew President Tony Van Voorhis confirms the previous statement in a letter dated February 20, 2009 it is stated that:

*"If the Maxwell offer was terminated for any reason, Saint Andrew Presbyterian Church would expect that, prior to the property being placed on the market; further conversations would be conducted with the University of Iowa" Copy attached.*

The following items for discussion are in the areas of the JCCOG report that is an example of the St Andrew Redevelopment plan. Where there was a question or a request for additional information for the developer by JCCOG we will provide an explanation.

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**JCCOG wrote: Land Use and General Layout of site:** University Heights representatives should be assured the general layout of a commercial portion of the site is consistent with the older commercial node on the east side of University Heights, in that the building is close to the street with parking located behind the building. This will result in an *urban* presentation of the commercial space in that it is pedestrian-oriented and a majority of the parking will be hidden from the street. With front doors and windows close to the street, the commercial area should be inviting to pedestrians as well as vehicular traffic. University Heights should request building elevation concepts of the façade of the building facing Melrose Avenue in order to ensure the doorways and windows are consistent with the appearance University Heights is anticipating.

*The Drawings provided show all four sides, in addition we moved the building 23'-0" back from the sidewalk at the request of a neighbor. We have included the above elements into our plan.*

**JCCOG wrote:** Developer shall produce Computer generated simulation of how tall buildings will appear from the east, west, and south. If buildings are set on lower topography than much of the surrounding neighborhood, and are obscured by tall trees that are preserved during the development process, taller buildings may not be as visible.

*Our building is of a stepped design whereas it tapers from both sides to just off center with a 15 degree bend. Beginning on the west side starting at 3 stories going to 6 and from the east side 4 stories to the 6<sup>th</sup> floor level. There are only 4 units on the 6<sup>th</sup> level altogether. We had many discussions with staff and in our neighborhood meetings on the height of the building and the location and found most were in agreement at the 4, 5, 6 height in general. And having the building pushed as far back from the front as possible. If the floors were averaged it would be a square 4 story building, we also strongly believe there will be little impact at 3- 6 stories with such a small percentage of the building at 6 stories. There is very heavy tree coverage in this area with Evergreens being green year round as our computer generated simulation shows.*

**JCCOG wrote:** For the general layout of the site, it is important for the residents to be "connected" to the larger neighborhood. This can be accomplished by ensuring connectivity of sidewalks from a residential structure to the surrounding sidewalk network, a secondary access to Sunset Street for vehicular circulation, and trees and landscaping around the residential structure to ensure the site is not perceived solely as a commercial development. In reviewing any Planned Unit Development, University Heights representatives should review the pedestrian circulation, vehicular circulation, and on-site landscaping.

*We have included 8' sidewalks to the south of the neighborhood commercial, and to the east along Sunset to existing sidewalks as well as the two buildings being on walks that give it that "Connected" feel. A second entrance and exit has been added from the east side of St Andrew onto Sunset for vehicular traffic with proper signage and raised median to direct all exiting traffic to make a right hand turn south to the lights on Melrose & Sunset. These new directional features have been reviewed with UH Chief of Police Ron Fort and are enforceable under his department. Also signs will be posted at the intersection of Golfview and Melrose, Melrose and Grand stating "NO ACCESS TO ONE UNIVERSITY PLACE" (Example). This route to the St Andrew project will be discouraged to the condominium owners verbally and with a letter stating this is not an acceptable route as a part of the HOA Documents at time of purchase.*

*Steve Ford a Landscape Architect from the company "Confluence" has been retained to design the extensive landscape features that will make for a impression that the new buildings have existed for a period of time with mature plantings.*

**JCCOG wrote: Building Design:** The University Heights Comprehensive Plan states that environmentally-friendly construction materials should be encouraged, as well as energy efficiency. Consistent design standards within the community should be encouraged as well.

*Anamosa Limestone is planned for the exterior of the neighborhood commercial with cut stone sills and decorative headers. Juliet balconies are included with 8'-0" high French doors that open inward. There is no space for grills, and grills on decks are not allowed. A common grill and patio area is being planned for the east end of the building. This gabled roof building has been architecturally designed by Neumann Monson Architects of Iowa City and is of a timeless design to fit in to the neighborhood as if it had been at that location for a lengthy period of time. On Melrose facing south we have strived to implement a residential exterior design that will be able to serve its purpose as a convenient neighborhood shopping with an attempt to shield the rear building from view. City staff provided input and suggested a pitched roof 2 story building, and that is how we designed it with the addition of dormers in the roof area.*

*The entire development will be LEED Certified at an acceptable level.*

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**JCCOG wrote: Mass and scale:** a Mass and scale are perhaps the most important determining factors of how a building will blend in with the surrounding neighborhood. Tall buildings can appear to loom over the surrounding neighborhood due to their bulk. This effect can be mitigated by design strategies that attempt to break up the mass by the use of offsets and other methods to articulate both the horizontal and the vertical planes of the building. Façade modulation and pitched rooflines can help reduce the perceived bulk of the building. Tall trees and topography can also be a factor in how the building's scale is perceived.

It will be important to articulate near the beginning of the development review process what size and scale of building may or may not be appropriate. This will be important for the owner and developer of the property as well as the community in having a clear understanding of the development potential for the site.

*The residential condominium building height has been mitigated by reducing the height from our original plan by almost 5 stories overall. Design strategies used such as a stepped floor level on both east (4-6) and west (3-6) with a 15 degree bend as an offset. The overall mass is centered on the lot and the structure is placed as far north on property as possible.*

**JCCOG wrote: Streetscape:** The perimeter of the site is an important element to consider in that it serves as the transition from the new development to the existing neighborhood. In an urban area, new development should accommodate

and encourage pedestrian activity by providing balconies, terraces, and yards. In a mixed-use development, elements like large windows, canopies, and appropriate signage integrated into the building façade can enhance the appearance. Arcades and covered entrances can promote pedestrian use of the street edge by providing weather protection, security, and safety. Street trees planted in an orderly manner can enhance the appearance of the street right-of-way as well; benches and bike racks can further contribute to the site becoming a destination for University Heights residents.

*All of these features described above have been the basis for our overall concept and our final plan being presented. It is our intent to make the St Andrew site when completed a "Destination" area for all University Heights residents and guests.*

**JCCOG wrote: Property Values:** City representatives expressed concern about the state of neighborhood property values if redevelopment occurs. There is reason to believe that if the property is developed with the neighborhood in mind, adjacent property values should not be adversely affected. This, of course, depends on many factors such as:

- Minimizing negative externalities such as light, air, and noise pollution
- Constructing attractive, pedestrian friendly buildings
- Adequately maintaining the buildings and grounds
- Managing/oversight of the tenets of the buildings, both residential and commercial
- Attracting neighborhood friendly businesses
- Properly managing both motorist and bicycle/pedestrian traffic.

*In case studies it has shown that Mixed Use developments have increased the overall value of existing properties and increased liveability of a community.*

*Lighting will be per JCCOG suggestions and a photometric plan to be provided by LUMEC. Hours of operation for the restaurant and plaza will be enforced to minimize noise pollution.*

*This mixed-use development will qualify as a walkable convenient destination and promoted that way.*

*The entire site will be in a HOA for required maintenance, cleanliness of outdoor areas and buildings appearance.*

*The developer and HOA will manage and oversee the tenants in the commercial building and all homeowners.*

*We have talked to local businesses that have shown a desire to locate here. For example a designated restaurant location of 4500 sq ft. with plaza dining by the fountain, a food market location designated with 5000 sq ft., salon spa & nails, legal office, real estate office, dry cleaner drop off, drop box for Public Library books, flower shop, coffee sandwich pastry.*

*The site plan shows thought and ways to control and manage vehicle and pedestrian traffic with the realignment of Sunset Drive and 8'-0" sidewalks.*

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**Environmental Issues:** (See Site Plan)

**JCCOG wrote: Transportation and Traffic Circulation:** Melrose Avenue (near the subject property) is already congested at peak travel times with an Average Daily Traffic (ADT) of 13,500 in 2006 (Iowa DOT). In 2002, Melrose Avenue operated at a Volume to Capacity (V/C) ratio of 1.0-1.4 (2007 JCCOG Long-Rang Transportation Plan). Corridors exhibiting V/C ratios of 1.0 or greater are considered to be functioning over capacity, and are strained to some degree. As such, it's possible that a left-turning lane for eastbound Melrose Avenue traffic at the entrance to the new development would be warranted. The necessity for a left-turn lane will depend on the size and type of the proposed development and should be considered as redevelopment plans are established.

The geometry of the Melrose Avenue/Sunset Street intersection should also be considered if the subject property is redeveloped. Given that the geometry of the intersection is skewed, visibility for both motorists and pedestrians is reduced; therefore decreasing overall safety at the intersection. Specifically, the north leg of the intersection (Sunset Street) veers to the northeast at approximately 45 degrees, instead of the more desirable 90 degrees. If the subject property is redeveloped, the issue with the skewed geometry of the intersection should be resolved; especially if access from Sunset Street to the subject property is permitted.

*We have added the left turning lane from Melrose Avenue and the Sunset Street skewed geometry has been considered in our proposal these improvements are all within the city standards and within the right of ways of UH.(See Site Plan)*

Aside from the geometry issues at the Melrose Avenue/Sunset Street intersection, bicycle and pedestrian access near the subject property is adequate. However, during redevelopment, a sidewalk on the east side of the subject property should be constructed. A wide-sidewalk on the south side of the property should also be considered in order to provide consistency with the wide-sidewalk scheduled to be constructed on the north side of Melrose Avenue from Golfview Avenue to Sunset Street. The topography should be evaluated to see if

it will allow for a trail from the subject property, northwest, to the property currently owned by the University Athletic Club. This could be advantageous for both properties; especially if the properties are redeveloped as mixed-use developments.

*An 8'-0" sidewalk on the east side of the property is proposed, and our Melrose sidewalk will be consistent to the city's plan for this walk. A golf cart and foot path are proposed to cross the west ravine to attach St Andrew to the University owned UAC.*

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**JCCOG wrote: Lighting:** Lighting is a 'negative externality' that can be very noticeable to surrounding residents, and can make a large development even more noticeable and glaring at night. If lighting is a concern to University Heights representatives, they should request that any and all light fixtures on the site be downcast and shielded to not allow more than one foot-candle of light spillage beyond the property line. One foot-candle is a widely used measurement of light, and is approximately the amount of light given by a full moon at night. Development engineers are able to produce a photometrics plan identifying proposed light sources and the amount of foot-candles they will generate at the light source and in increments beyond the light source; it would not be unusual to request to see such a photometrics plan.

*A photometric plan will be provided by LUMEC lighting and comply with these standards.*

**Signage:** Another thing to consider is the size and style of the commercial signage used. Large signs, illuminated signs, and flashing or blinking signs can significantly detract from the residential feel of Melrose Avenue. If signage is a concern for University Heights representatives, they should discuss with the developer a conditional zoning agreement or covenant on the land restricting the size, illumination, and animation of any signs on the site.

*We will comply and provide an example of our common signage for the exterior neighborhood commercial building.*

**Noise/Hours of Operation:** While University Heights cannot restrict the specific use of the property (any use allowed in the Commercial Zone in the adopted Zoning Ordinance would be allowed on the commercial portion of the property), you may restrict the hours of operation of the site to mitigate against any late-night noise issues. While the site is well-buffered to the northeast and west, there are residential properties on the south side of Melrose Avenue and on the east side of Sunset Street. If noise from commercial activities is a concern, University Heights could discuss with the developer hours of operation, outdoor seating for

restaurants, cafes, or bars, and/or exterior loudspeakers or other noise creating elements.

*Typical hours of operation for the plaza will be 6 am to 10 pm. Any exceptions to those times will be by prior approval of the City of University Heights and a special permit issued. An "Elevator" type soft music system will be a part of the plaza and covered retail areas to help drown out the traffic noise on Melrose Avenue. This area will be monitored daily and rules will be strictly enforced especially football weekends.*

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**Utilities:** Before proceeding further in the development process, University Heights should request that the developer's engineer and/or site designer confirm that utilities are adequate for the proposed development. There should be enough pressure in the water system to accommodate anticipated commercial uses as well as the height of a residential structure. University Heights should be assured that there is adequate sewer capacity to accommodate any anticipated commercial and residential uses of the site without creating negative impacts to downstream sewer users.

*We have met with Iowa City Sewer & Water and have included in our proposal the required changes and additions to serve this site.*

**Fire and Police Protection:** University Heights should confirm with their police and fire department that there is capacity to accommodate increased density and new commercial uses on this site without undue impacts. Since this is an in-fill site, it should not result in increasing the size of the area patrolled by University Heights Police. Fire protection is another matter, particularly if a tall residential structure is constructed. University Heights should confirm with the area fire departments providing fire protection that a tall residential building does not present any challenges from a fire protection standpoint.

*We have provided both police and fire departments the same proposal documents as we have provided to UH city staff. We will have letters from both departments confirming their respected position on this project.*

**JCCOG wrote: CONCLUSIONS:**

One issue that is unclear at this point is whether or not the University Athletic Club property at 1360 Melrose Avenue will be redeveloped in the near future. A significant factor to consider for the financial health of University Heights as a corporate entity is the amount of property from which commercial property taxes can be collected.

If the Athletic Club property is purchased by the University of Iowa, or another tax exempt entity and property taxes are no longer paid, the City of University Heights will lose approximately \$26,000 in property taxes annually (2007 information from the Johnson County Treasurers office). In order to offset this potential lost revenue, it may be advantageous for the City of University Heights to amend the City's Comprehensive Plan and Zoning Code to allow for and encourage development on the subject property. If this is desired by University Heights representatives, any increase in intensity on the property will need to be considered carefully to avoid negative impacts on adjacent properties.

*The Athletic Club was purchased and inevitable the annual tax benefit will be lost in time. As stated above "A significant factor to consider for the financial health of University Heights as a corporate entity is the amount of property from which commercial property taxes can be collected." **And** "In order to offset this potential lost revenue, it may be advantageous for the City of University Heights to amend the City's Comprehensive Plan and Zoning Code to allow for and encourage development on the subject property."*

*These statements above are accurate and show that change is inevitable we need to address it now. To preserve University Heights as a small community within Iowa City we need to work together and compromises are needed for a fiscally sound community or that community will cease to exist.*

In summary, the following points should be considered as part of any development review process:

It will be important to articulate near the beginning of the development review process what size and scale of building(s) may or may not be appropriate.

*We have listened to the residents and city staff and we feel we are offering an acceptable proposal for the community and one that the residents can grasp hold of.*

The adopted University Heights Comprehensive Plan indicates that the subject property is, and should, remain zoned Single-Family Residential.

*Drastic changes occurred in 2008 with the flood in Iowa City and the University of Iowa's thirst for property "The University needs additional adjacent land over the long-term. Replacement facilities need to fit within overall campus plan (see <http://masterplan.facilities.uiowa.edu/>)*

Rezoning the subject property does not comply with the spirit of the adopted University Heights Comprehensive Plan. As such, any rezoning or application of an overlay zone should be carefully considered and justified to the public.

*The economic fiscal responsibility to maintain UH is at stake but by working together and including the input from UH residents and city staff this can be a win-win for everyone.*

The subject property exhibits several steep slopes, as indicated in the adopted Sensitive Areas Ordinance, which must be protected should redevelopment occur. A complete environmental assessment of the property should be completed by a qualified firm before redevelopment is allowed.

*We agree this could be a condition of approval.*

Melrose Avenue near the subject property is congested at peak travel times. As such, the possibility of constructing a left turn lane for eastbound traffic at the property entrance, and correcting the skewed geometry of the Melrose Avenue/Sunset Street should be considered as redevelopment plans are established.

*We have included these suggestions in our site plan.*

While existing bicycle and pedestrian accommodations are adequate, the construction of a standard 4' sidewalk on the east side of the property and a wide 8' sidewalk on the south property line should be considered.

*We have complied and have gone a step further by widening the walk along Sunset Street to 8'-0"*

There is reason to believe that if the property is developed with the neighborhood in mind, adjacent property values should not be adversely affected. This depends on many factors that should be addressed as redevelopment occurs.

*We have addressed these items that will only enhance property values and make UH a very desirable community for the residents and for future buyers who seek to live in UH.*

The proposed commercial area should be inviting to pedestrian as well as vehicular traffic; University Heights should request building elevation concepts of the façade of the building facing Melrose Avenue.

*Provided*

University Heights representatives should discuss what scale of building is appropriate for this site; the developer should produce a scale model or a computer generated simulation of how the building will appear from the east, west, and south.

*Provided*

University Heights representatives should request to see mock-ups of the building design and examples of the proposed materials before finalizing and approving any development.

*We can provide if needed.*

The perimeter of the site is an important element to consider as it serves as the transition from the new development to the existing neighborhood. New development should accommodate and encourage pedestrian activity. In a mixed-use development, elements like large windows, canopies, and appropriate signage integrated into the building façade can enhance the appearance.

*Provided on site plans and building elevations.*

University Heights representatives should request that any and all light fixtures on the site be downcast and shielded to not allow more than one foot-candle of light spillage beyond the property line.

*This will be provided by LUMEC.*

University Heights representatives should discuss with the developer the size, illumination, and animation of any signs on the site.

*A typical sign to be used will be provided.*

University Heights should discuss with the developer hours of commercial operation, outdoor seating for restaurants, cafes, bars or balconies, and/or exterior loudspeakers or other noise creating elements.

*We have discussed and established hours of operation and rules for the neighborhood commercial building and plaza.*

University Heights should request that the developer's engineer and/or site designer confirm that utilities are adequate for the proposed development.

*Provided on site plan.*

University Heights should confirm with their police department that there is capacity to accommodate increased density and new commercial uses on this site without undue impacts.

*This is in the process now and will be provided before first Zoning Commission meeting.*

University Heights should confirm with the area fire departments providing fire protection that a tall residential building does not present any challenges from a fire protection standpoint.

*This is in the process now and will be provided before first Zoning Commission meeting.*



Louise From; Mayor, University Heights  
207 Monroe Street  
Iowa City, IA 52246

February 20, 2009

Dear Madame Mayor;

It has come to the attention of Saint Andrew Presbyterian church that members of the University Heights community may believe that the church's decision to stay or leave 1300 Melrose Avenue is directly linked to the success or failure of the Jeff Maxwell development proposal, soon to be before the UH city zoning commission. In response, the church's governing body, the Session, would like to clarify its position with the following statement:

"Saint Andrew Presbyterian Church is actively pursuing a building project on property we have recently purchased. Regarding our current property at 1300 Melrose Avenue, we have entered into a purchase agreement with Jeff Maxwell. Whereas the Maxwell deal is important to St. Andrew Presbyterian Church, our decision to move will be based upon a congregational vote and will happen, or not happen, on its own merits and with, or without, approval of the Maxwell project.

The property on which the church's rear parking lot exists is owned by the University of Iowa and the church leases this land for its use. At the time it was granted permission to pave the rear parking lot, Saint Andrew Presbyterian Church informally agreed to notify the University of Iowa of any proposed sale of the church. At the time of the Maxwell offer, the church inquired as to whether the University of Iowa had any interest in matching the Maxwell offer. Although the UI declined to do so, note that this decision predates the acquisition by UI of the University Athletic Club property and the floods of June, 2008. If the Maxwell offer was terminated for any reason, Saint Andrew Presbyterian Church would expect that, prior to the property being placed on the market, further conversations would be conducted with the University of Iowa."

Sincerely,

Toni Van Voorhis

President, Saint Andrew Presbyterian Church

TW/jre