

May 20, 2009

**Proceedings of the University Heights Zoning Commission, subject to approval by the Commission at a subsequent meeting.**

### ZONING COMMISSION REGULAR MEETING

Chair Pat Bauer called the May 20, 2009 meeting of the University Heights Zoning Commission to order at 7:03 p.m.

Present: Chair Bauer. Commission Members William Gay, Weldon Heitman, Catherine Lane and Karl Robertson. Staff present: Attorney Ballard, Clerk Anderson and Engineer Bilskemper. Other scheduled participants: Bill Greazel, Jeff Maxwell, Kevin Monson, Kent Ralston, Al Wells, and John Yapp. Also attending: 50 other persons (see attached sign-in sheets).

The minutes of the July 15, 2008 and April 29, 2009 meetings of the Commission were presented and approved by **unanimous consent**.

Chair Bauer began the meeting with introductions of the commission as well as asking commissioners to disclose if they had any conflict-of-interest with the proposed development of the St. Andrew property.

A petition against the proposal (copy attached) was submitted to the commission by 4 people who are owners of 3 properties within University Heights.

Five members of the public spoke for or against the proposal as follows:

Joseph Frankel – 323 Golfview – For  
Pat Yeggy – 305 Ridgeview – For  
Jane Swails – 333 Koser – Against

Paul Moore – 1002 Melrose & 116 Golfview - For  
Rick Hopson – 205 Golfview - Against

Before the meeting the commission also received 7 additional written submissions (available on website) as follows:

Kathie Belgum – 104 Sunset – Against  
Linda Fincham – 1475 Grand – Against  
Gretchen Blair – 51 Prospect – Against  
Rich Wretman – 386 Koser - For

Steven & Chris Hedlund – 1490 Grand - Against  
Don Baxter – 316 Ridgeview - For  
John Saehler – 323 Highland - For

Kevin Monson of Neumann Monson Architects emphasized to the commission and public that the developers have responded to the public's suggestions, which included moving the south building 23 feet back from the street, incorporating a "bend" in the design of the south building to de-emphasize its length, and changing the stories on the north building to various heights instead of one level. Monson also stated that the north building was 64 feet tall and not as tall as the Kinnick Stadium Press Box, which is 137 feet tall.

Monson also stated that the owners of the 93 units will have the same concerns as the public about the commercial businesses: what business are allowed in the commercial space, hours of operation, noise levels and traffic.

John Yapp, Director of Johnson County Council of Governments (JCCOG), reiterated that JCCOG is available to cities to assist with work on developments. He suggested that the commission focus on identifying objective items on which to base their finding and to focus on the goals of the community.

Steve Ballard, city attorney, stated that the zoning commission is making a recommendation to the city council and that it is the council which will act upon the zoning amendment. A petition has been received by the commission with signatures comprising 20% of the population affected by the pending proposal; this now triggers a super-majority vote by the council to adopt the proposed amendment. The council will be required to vote on the amendment at three consecutive meetings in a public, formal hearing if it chooses to adopt the amendment.

Ballard commented that at the last zoning commission meeting, a question had been raised as to whether this issue could be decided by a city referendum; currently there isn't an Iowa statutory law which allows the city to do this. The cities of

Iowa City and Clinton do use referendums in their city government but there are exclusions as to what can be voted upon via a referendum; budgets and zoning matters are two of the exclusions in these cities.

Bill Greazel, Johnson County Assessor, addressed the commission about the potential changes to University Heights' tax base if this development were allowed to occur. Based on information given to him by the developers, he estimated that residential taxable values would increase from approximately \$45.1 million to \$74.5 million and commercial values would increase from approximately \$3 million to \$7.2 million. Current taxes, per person, are \$1,003 and if the project was completed, taxes would decrease to \$602 per person. Greazel commented that he had never seen a city grow by 70%, as would happen if the development was approved.

Chair Bauer began the zoning commission discussion by referencing the e-mail he had sent to the commission with his initial thoughts about the project; he reiterated that there was no deliberation about the proposal between any of the commissioners prior to the meeting. Bauer is optimistic that other opportunities will present themselves to the city and that if it's an appropriate opportunity, the commission will act favorably upon it. Bauer stated that 85% of city residents and property owners who have weighed in on the matter are not in favor of the project. Bauer does not think this is a "life or death matter" for the city from a fiscal perspective and that he "against dumb growth". Bauer also felt that the council should revisit the comprehensive plan and see if there need to be changes or additional areas reviewed. Bauer stated he was not in favor of the development.

Commissioner Gay stated he would vote in favor of the zoning amendment but with very strong covenants put into place that addressed the important issues; traffic, light emissions, etc. Gay stated that he could see living in these condos when it was no longer feasible for him to live in his current property. Gay also felt that if this development did not occur, the University of Iowa would buy the property and then the citizens would have no say on how it is developed.

Commissioner Heitman felt that the zoning regulations were enacted for a purpose and that is to protect the citizens. He has spoken with the people who would be affected by this development and they do not want large buildings in their neighborhood, they do not want the additional traffic, they do not want the ravine filled in, nor the additional light emissions or number of people. Heitman commented that local newspapers have quoted the University of Iowa as stating they do not want to purchase the property; currently the church is asking \$4.3 million for the property. Heitman intends to vote no to the proposed amendment.

Commissioner Lane stated that this project "gives us a sense of place" and that she intended to vote yes for the project. Lane spent a great deal of time researching this project and spoke with several developers in the area; as a result, she formulated several scenarios of what could occur on the property. Scenario 1 was that the church did not move; scenario 2 was the amendment was approved and the development occurs; scenario 3 was the project did not receive approval; scenario 4 included the land being sold and developed into perhaps 9 lots, but the developers would need to increase the value by double to recoup their expenses; scenario 5 saw the land being given to the city as a park; and scenario six had the University of Iowa purchasing the land and building and doing with it as they want. Based on her research, the current proposal is the best option for University Heights and allows the city to have input in the development.

Commissioner Robertson stated he had issues with the mass and density of the project, the increase in traffic and he intended to vote no. Robertson said he "can't sell out his neighbors".

**Action by the Zoning Commission:**

The University Heights Zoning Commission has considered this proposed amendment to the city's Zoning Ordinance. Upon such consideration, the commission voted May 20, 2009 to recommend that the City Council not approve the amendment by the following vote:

Bauer - No	Lane - Aye
Gay - Aye	Robertson - No
Heitman - No	

The meeting was adjourned at 9: 40 p.m.

Attest \_\_\_\_\_  
Christine Anderson, City Clerk

Approved \_\_\_\_\_  
Patrick B. Bauer, Chair  
Zoning Commission.

UNIVERSITY HEIGHTS ZONING COMMISSION  
 MEETING SIGN-IN SHEET  
 WEDNESDAY, MAY 20, 2009

NAME	ADDRESS	Check (X) If Wish to Speak During Public Input
Mary Schmidt	207 Mahaska Dr.	
Rick Schmidt	207 Mahaska Dr.	X
Christina Prochaska	1006 McVase Ave.	
William Day	307 Mahaska Dr.	
Loliet From	207 Monroe St.	
Eunice Humphman	1456 Grand Ave	
M. NASER PAYVANI	1491 Grand Ave	
Robert From	207 Monroe St.	
Denia Hanson	506 Mahaska Ct.	
Russ HUNZEMAN	1456 GRAND AVE	
Liesa Moore	220 Koser Ave	
J. Buss		
Tom Greese	227 MAHASKA DR	
Dave Pedersen	309 Sunset St.	

UNIVERSITY HEIGHTS ZONING COMMISSION  
 MEETING SIGN-IN SHEET  
 WEDNESDAY, MAY 20, 2009

NAME	ADDRESS	Check (X) If Wish to Speak During Public Input
Karla Schmidt	207 Mahaska Dr	
Della Ruppert	314 Koser Ave	
Bob Ruppert	314 Koser Ave	
ANDY DUDLER	205 Koser Ave	
Catherine Lee	303 Highland Dr.	
Jim Lane	303 Highland Dr	
Joseph Frankel	323 Koser Ave	✓
Cathy Pappas	1491 Grand	
Rachel Gallegos	Iowa city Press-Citizen	
Carol Ann Christiansen	1461 Grand Ave.	
Kent Ralston	Jccog	
Jim Bradley	1417 Grand Ave	
Karl Ribertson		
Karl Ribertson	406 Rideview Ave	

UNIVERSITY HEIGHTS ZONING COMMISSION  
MEETING SIGN-IN SHEET  
WEDNESDAY, MAY 20, 2009

NAME	ADDRESS	Check (X) If Wish to Speak During Public Input
Barbara Stebbins	305 Sunset	
Jan Leff	215 Sunset	
Carl Orgran	330 Godview Ave	
Rick Hanson	205 Godview	<input checked="" type="checkbox"/>

UNIVERSITY HEIGHTS ZONING COMMISSION  
 MEETING SIGN-IN SHEET  
 WEDNESDAY, MAY 20, 2009

NAME	ADDRESS	Check (X) If Wish to Speak During Public Input
<i>[Signature]</i>	305 Ridgeway	
Kathleen Belgen	109 Sunset	
Pat Yeggy	305 Ridgeway Ave	X
<i>[Signature]</i>	349 Koser Ave	
DEREK TIMMERMAN	300 KOSER AVE	
Pat Kelly	376 Koser Ave	
Venue Kelley	376 Koser Ave	
Mary Mathew Wilson	308 KOSER AVE.	
LARRY T. WILSON	308 KOSER AVE.	X
Tom Yeggy	JCCOG	
Jane Boyd	1465 GRAND	
Paul J. Moore	1000-1006 Melrose Ave.	
David A. Duncan	115 Golfview	
Dan Zangher	1455 Grand	

UNIVERSITY HEIGHTS ZONING COMMISSION  
 MEETING SIGN-IN SHEET  
 WEDNESDAY, MAY 20, 2009

NAME	ADDRESS	Check (X) If Wish to Speak During Public Input
Rachel Prickman	321 Koser Ave	
Jane Duwals	333 Koser Ave	✓
Deb + Rich Wretman	386 Koser Ave	
Sue Hettmansperger	114 Highland Dr.	
Laurence Fitts	114 Highland Dr.	
Bill Wittig	St Andrew Church	
AL LAFF	215 SUNSET ST	
RANBY KARDON	220 SUNSET ST.	

## Opposition to Rezoning

We, the undersigned owners of properties in the City of University Heights, Iowa, herewith object to the application of Jeff Maxwell dated April 14, 2009 to rezone the property of the Saint Andrews Presbyterian Church located at 1300 Melrose Avenue in University Heights, Iowa, and we respectfully urge the Zoning Commission of University Heights, Iowa to deny said application to rezone.

Date	Owner	Property Address
<u>4/30/09</u>	Sign <u>Gretchen H. Blair</u> Print <u>Gretchen H. BLAIR</u>	<u>51 Prospect Pl.</u>
<u>4/30/09</u>	Sign <u>Youngsun Cheong</u> Print <u>Youngsun Cheong</u>	<u>55 Prospect Place</u>
<u>5/2/09</u>	Sign <u>Ingrid Philibert</u> Print <u>Ingrid Philibert</u>	<u>15 Prospect Place</u>
<u>5/5/09</u>	Sign <u>Kate Middleton</u> Print <u>Kate Middleton</u>	<u>130 Golfview Ave</u>
_____	Sign _____ Print _____	_____
_____	Sign _____ Print _____	_____
_____	Sign _____ Print _____	_____
_____	Sign _____ Print _____	_____
_____	Sign _____ Print _____	_____