

ORDINANCE NO. 208

AN ORDINANCE AMENDING ORDINANCE NO. 79 (ZONING) TO CREATE
A COMMERCIAL HOTEL ZONE AND PERMIT DEVELOPMENT
PURSUANT TO A COMMERCIAL HOTEL PUD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UNIVERSITY
HEIGHTS, JOHNSON COUNTY, IOWA:

PART I. FINDINGS:

Whereas, the University Heights City Council hereby makes, adopts, and ratifies the following findings relating to the rezoning of certain real property known locally as 901 Melrose Avenue and portions or real property known locally as 905 Melrose Avenue, and 909 Melrose Avenue (hereinafter collectively, "the Property") for which a development application has been received that would require rezoning:

1. Commercial uses within University Heights are concentrated in three areas along Melrose Avenue: the C Commercial Zone located on the western edge of the community; the B Business Zone, located on the eastern edge of the community; and the Multiple-Family Commercial Zone, located at the intersection of Melrose Avenue and Sunset Street.
2. The Property is located in the R-1 Single-Family Residential Zone.
3. The Property is bordered to the north by Melrose Avenue, an arterial street according to Johnson County Council of Governments ("JCCOG"), the regional transportation planning body, that is the main traffic thoroughfare in University Heights. Farther to the north, across Melrose Avenue, is the B Business Zone.
4. The Property is bordered to the east by a deep ravine, located in the City of Iowa City, at the base of which an Iowa Interstate Railroad line operates. The Property's eastern boundary comprises a portion of the corporate boundary (City limits) of the City of University Heights.

5. The Property is bordered to the south by multiple-family residential dwellings located in the City of Iowa City; the Property's southern boundary comprises a portion of the corporate boundary (City limits) of the City of University Heights.
6. The Property is bordered to the west by an approximately 22-foot wide strip of land that provides pedestrian and bicycle access to Melrose Avenue for residents of the multiple-family residential dwellings south of the Property. Farther to the west, across this access strip, are single-family residential dwellings in the R-1 Single-Family Residential Zone.
7. The Property differs from surrounding single-family properties in size and density of dwellings; it comprises more than 3.75 acres, most of which consists of 901 Melrose Avenue, which contains only one single-family residential dwelling.
8. The Comprehensive Plan of the City of University Heights, adopted in 2006 and amended in 2010, provides that the predominance of residential land uses creates a concern about future financial stability for the community, and that "[t]he potential for conversion to commercial or institutional uses" should be evaluated.
9. Rezoning of the property from R-1 Single-Family Residential use to CH Commercial Hotel use addresses this concern by allowing for commercial development.
10. During its deliberations of this Ordinance No. 208, the University Heights City Council considered all the following "smart planning principles", as required by Iowa Code § 18B.1:
 - a. Collaboration;
 - b. Efficiency, transparency, and consistency;
 - c. Clean, renewable, and efficient energy;
 - d. Occupational diversity;
 - e. Revitalization;
 - f. Housing diversity;
 - g. Community character;
 - h. Natural resources and agricultural protection;
 - i. Sustainable design; and
 - j. Transportation diversity.

PART II. AMENDMENTS:

Based upon these Findings, the University Heights Zoning Ordinance (No. 79) is amended as follows (additions are shown by underline; deletions by ~~strike-through~~; omissions by "****"):

Section 5. Districts and Boundaries Thereof.

A. In order to classify, regulate and restrict the location of residences, trades, industries, businesses, and other land uses and the location of buildings designed for specified uses, to regulate and limit the height and bulk of buildings hereinafter erected or structurally altered, to regulate and limit the intensity of the use of lot areas, and to regulate and determine the area of yards and other open spaces around such buildings, the City of University Heights, Iowa, is hereby divided into ~~Six (6)~~ Seven (7) zones, to-wit:

1. R-1 Single-Family residential.
2. R-3 Multiple-Family residential.
3. B Business.
4. C Commercial.
5. PUD Planned Unit Development.
6. Multiple-Family Commercial.
7. CH Commercial Hotel.

Section 6. Uses. Use of property in the City of University Heights shall be limited to those uses set forth as follows:

- A. Property in an R-1 Single-Family Residential zone shall be used for the following purposes only:
1. One single-family dwelling per lot.

2. Public schools, public libraries, public parks and public playgrounds.
3. Churches and places of worship and parochial schools.
4. Other customary accessory uses and buildings, provided such uses are incidental to the principal use and do not include any activity conducted as a business. Such accessory buildings shall not be used for human occupancy or living.
5. One person not a member of the family as defined herein may occupy the premises as part of the individual housekeeping unit.
6. Home occupations.

G. Property in a CH Commercial Hotel Zone shall be used for the following purposes only:

1. All uses which are allowed in an R-1 Single-Family Residential Zone, subject to the height restrictions, yard regulations, lot regulations, and off-street parking regulations specified for the R-1 Single-Family Residential Zone in Sections 7, 8, 9, and 10 of this Ordinance.
2. As provided in or limited by the Development Agreement between the City of University Heights and the Developer pursuant to the Commercial Hotel Planned Unit Development (PUD) regulations and requirements set forth in Section 14A of this Ordinance.
 - a. When development occurs pursuant to a Commercial Hotel PUD, the provisions of this Ordinance regarding height restrictions, yard regulations, lot regulations, and off-street parking regulations (Sections 7, 8, 9, and 10) are superseded by the provisions of Section 14A and the Development Agreement between the City and Developer.

b. When development occurs pursuant to a Commercial Hotel PUD, the following uses of the commercial space portion of the PUD are permitted:

1. Hotel and associated hotel amenities including but not limited to lobby space; restaurant, café, and/or bistro; meeting space; and fitness center.

2. Such other and further uses as provided in or limited by the Development Agreement between the City of University Heights and the Developer pursuant to the Commercial Hotel Planned Unit Development (PUD) regulations and requirements set forth in Section 14A of this Ordinance.

Section 14A. Commercial Hotel PUD.

A. Intention. The Commercial Hotel PUD regulations and requirements are intended to accommodate projects for which the specific architectural design and site layout of individual buildings and elements shall be subject to approval by the University Heights City Council. Development may occur provided that it is consistent with the overall design and development elements reviewed and approved by the University Heights City Council, all as provided in this Ordinance.

B. Development Regulations and Restrictions. Property may be developed as a Commercial Hotel PUD pursuant to the following regulations and restrictions:

1. No more than one (1) hotel building may be constructed with a footprint of no more than nineteen thousand eight hundred (19,800) square feet.

2. No more than one hundred forty (140) hotel rooms may be constructed.

3. The Maximum Structure Height of the hotel building shall not exceed sixty-five (65) feet in height. "Maximum Structure Height" is defined in Section 3 and Section 7 of this Ordinance.
4. No more than one hundred fifty-six (156) off-street parking spaces. "Parking space" is defined in Section 10 of this Ordinance.
5. The eaves or building projections, including screened porches or walls, of the hotel building shall be located on the PUD property as follows:
 - a. Not be less than four hundred fifteen (415) from the Melrose Avenue street right-of-way line;
 - b. Not be less than fifty-one (51) feet from the east boundary of the PUD property;
 - c. Not be less than fifty-one (51) feet from the south boundary of the PUD property;
 - d. Not be less than seventy-six (76) feet from the west boundary of the PUD property.
6. The University Heights City Council may impose additional conditions as it deems necessary to ensure that the development is compatible with adjacent land uses, will not overburden public services and facilities, and will not be detrimental to public health, safety, and welfare.

C. Procedure.

1. Any person or entity proposing development as a Commercial Hotel PUD shall submit fifteen (15) copies of a Commercial Hotel PUD Plan Application setting forth all the information specified in Section 14A(D) of this Ordinance.
2. The University Heights City Council shall hold a public hearing regarding any such Plan Application. The public hearing may occur as part of any regularly scheduled or special Council meeting.

3. The University Heights City Council in its sole discretion may approve, deny, or approve on condition any such Plan Application or any part thereof.
4. No building permit shall issue for development of any property pursuant to a Commercial Hotel PUD until the University Heights City Council has approved a Plan Application pursuant to Section 14A(D) and the Council and Developer have executed a Development Agreement pursuant to Section 14A(E) of this Ordinance.
5. Once approved, a Plan Application may be modified only by written instrument approved by the University Heights City Council and by the Developer.
6. Once approved, a Development Agreement may be modified only by written instrument approved by the University Heights City Council and by the Developer.

D. Commercial Hotel PUD Plan Application Requirements. A Commercial Hotel PUD Plan Application must set forth or otherwise include all of the following:

1. Location, size, and legal description of the site.
2. Location and area of land uses.
3. Detailed site plan showing all existing or proposed easements coming upon or benefitting the PUD property and expressing the hotel building coverage as a percentage of total PUD property area.
4. Distance between hotel building and Melrose Avenue right-of-way lines and between hotel building and each boundary of the PUD property.
5. Existing topography at two-foot intervals.
6. Grading plan at one-foot contours.

7. Location and description of major site features, including tree masses, archeological sites, drainage ways, wetlands, and soils.
8. Erosion control plan.
9. Sensitive areas development plan that includes identification and description of buffers and other proposed measures intended to mitigate development impact on slopes, archeological sites, stream corridors and wetlands, and woodlands.
10. Landscape plan specifying proposed street furniture and identifying the dimensions and composition of such furniture and the commitment of the applicant to install, maintain, and replace such furniture.
11. Location and size of building footprint.
10. Location, nature, size, and proposed configuration of parkland or other property to be dedicated for public use.
12. Design elevations showing all sides of the hotel building, roofline, and perimeter fences.
13. Description of materials for all exterior building surfaces and perimeter fences, with samples of such materials to be provided upon request.
14. Vertical and horizontal dimensions of the exterior of the hotel building and perimeter fences or vegetation screening.
15. Maximum Structure Height of the hotel building and height of perimeter fences or vegetation screening.
16. Location, materials composition, lighting, and animation features of all signage (whether free-standing, affixed to the hotel building or some other appurtenances, or displayed otherwise).
17. Floor plans showing square footage of each hotel room and the square footage of every additional room, area, or space located in the hotel building.

18. Description of energy efficiency of the hotel building and overall PUD property use, including identification of the Leadership in Energy and Environmental Design (LEED) rating level the applicant commits to achieve.
19. Description of exterior lighting requiring use of light-emitting diode bulbs not more than 3,000 degrees Kelvin to be downcast and shielded so that no more than one candle-foot of light spillage occurs beyond PUD property lines.
20. Location of existing and proposed utilities, sanitary sewers, storm water facilities, and water, gas, and electrical distribution systems.
21. Location of proposed public transit features and amenities including but not limited to location of bus passenger shelter.
22. Preliminary Plat.
23. Final Plat.
24. Deed restrictions, covenants, agreements, and/or other documents controlling the use of the property and controlling the type of construction or development activities of future residents.
25. All other information required by the University Heights City Council or its designees to explain or illustrate the Plan Application.

E. Development Agreement. The Commercial Hotel PUD Plan shall also include a Development Agreement establishing development requirements and addressing certain other items, including but not limited to the following:

1. Design standards applicable to the project.
2. Development covenants, easements, and restrictions, including a prohibition on further subdivision of the property developed pursuant to the Commercial Hotel PUD. Restrictions may also include the size and type of permitted signage and the hours of operation for outdoor seating areas, exterior sound/loudspeakers, and deliveries.

3. Site improvements, including sidewalks (specifying the dimensions, material composition, and maintenance and repair obligations concerning the sidewalks), that will be constructed.
4. Timing of commencement and completion of construction of buildings and improvements pursuant to the Commercial Hotel PUD Plan.
5. The brand or flag of the hotel to be operated on the PUD property with the specific condition that the brand or flag may not be changed except by written instrument approved by the University Heights City Council.
6. Payment by the Developer of the costs and fees, including but not limited to engineering, legal, administrative, publication and recording fees incurred by the City of University Heights in considering the PUD Plan and in evaluating, administering, and overseeing PUD documents, building permits, other required permits, and PUD project construction and operation.

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PART III. LEGAL DESCRIPTION. The legal description of the property comprising the CH Commercial Hotel Zone is attached as Exhibit "A". The City Engineer is directed to update the Zoning Map of the City of University Heights, Iowa", referenced in Ordinance 79(5)(B) to reflect the CH Commercial Hotel Zone created by this Ordinance No. 208, as shown in Exhibit "B".

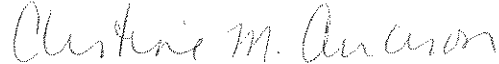
PART IV. EFFECTIVE DATE.

This Ordinance shall become effective upon its passage and publication as provided by law.

Adopted by the University Heights City Council on this 12th day of September, 2017, and approved this 12th day of September, 2017.

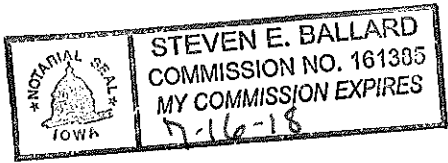

 Louise From, Mayor

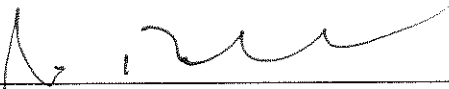
ATTEST:
 (SEAL)


 Christine M. Anderson, City Clerk

STATE OF IOWA)
) SS:
 COUNTY OF JOHNSON)

On the 12th day of September, 2017, before me, a notary public in and for the state of Iowa, personally appeared Louise From, Mayor, and Christine M. Anderson, Clerk of the City of University Heights, Iowa, to me personally known, and who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of University Heights, Iowa; that the seal affixed to this instrument is the corporate seal of the City; and that this instrument was acknowledged and sealed on behalf of the City, and that Louise From and Christine M. Anderson acknowledged the execution of this instrument to be their voluntary act and deed and the voluntary act and deed of the City, by it and by them voluntarily executed.





Notary Public in and for the
State of Iowa

STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

I, Christine M. Anderson, being first duly sworn, certify that the above ordinance was published in the Iowa City Press-Citizen the 20th day of OCTOBER, 2011.

Christine M. Anderson
Christine M. Anderson

Signed and sworn to before me on the _____ day of _____, 2011, by Christine M. Anderson, Clerk of the City of University Heights, Iowa.

[Signature]
Notary Public in and for the
State of Iowa

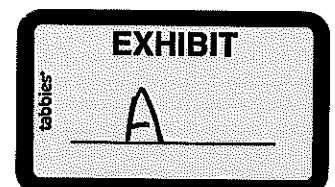


UH - Ordinance 208 amending 79 creating CH Commercial Hotel Zone Council v5

DESCRIPTION - REZONING PARCEL (R-1 TO PUD)


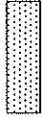



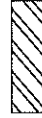

A PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 79 NORTH, RANGE 6 WEST, OF THE FIFTH PRINCIPAL MERIDIAN, UNIVERSITY HEIGHTS, JOHNSON COUNTY, IOWA, DESCRIBED AS FOLLOWS:

Commencing at the North Quarter Corner of Section 16, Township 79 North, Range 6 West, of the Fifth Principal Meridian, University Heights, Johnson County, Iowa; Thence S89°28'47"W, along the North Line of the Northeast Quarter of the Northwest Quarter of said Section 16, a distance of 637.94 feet; Thence S05°11'19"E, 140.85 feet, to a Point on the Westerly Right-of-Way Line of the Iowa Interstate Railroad, and the POINT OF BEGINNING; Thence S47°21'06"E, along said Westerly Right-of-Way Line, 603.22 feet; Thence N42°38'54"E, along said Westerly Right-of-Way Line, 25.00 feet; Thence N08°39'35"W, along said Westerly Right-of-Way Line, 39.99 feet; Thence S47°21'06"E, along said Westerly Right-of-Way Line, 235.09 feet; Thence S89°01'27"W, 605.92 feet; Thence N04°36'49"W, 269.98 feet; Thence N04°50'17"W, 122.98 feet; Thence N05°11'19"W, 114.28 feet; Thence N47°21'06"W, 98.11 feet; Thence S03°45'41"E, 20.13 feet; Thence S86°13'40"W, 122.60 feet, to a point on the East Right-of-Way Line of Olive Court; Thence N03°35'43"W, along said East Right-of-Way Line, 85.13 feet, to its intersection with the South Right-of-Way Line of Melrose Avenue; Thence N89°28'47"E, along said South Right-of-Way Line, 104.50 feet, to its intersection with the Westerly Right-of-Way Line of said Iowa Interstate Railroad; Thence S46°03'41"E, along said Westerly Right-of-Way Line, 26.78 feet; Thence S03°45'41"E, along said Westerly Right-of-Way Line, 12.62 feet; Thence S44°23'28"E, along said Westerly Right-of-Way Line, 103.15 feet; Thence N05°11'19"W, along said Westerly Right-of-Way Line, 17.81 feet; thence S47°21'06"E, along said Westerly Right-of-Way Line, 32.78 feet, to the POINT OF BEGINNING. Said Rezoning Parcel contains 3.79 Acres, and is subject to easements and restrictions of record.



ZONING MAP

CITY OF UNIVERSITY HEIGHTS, IOWA
DRAFT - AUGUST 2017

-  B BUSINESS (ORD. NO. 79, § 6.C)
-  C COMMERCIAL (ORD. NO. 79, § 6.D)
-  CM MULTIPLE FAMILY COMMERCIAL (ORD. NO. 79, §§ 6.F & 13)
-  PUD PLANNED UNIT DEVELOPMENT (ORD. NO. 79, §§ 6.E & 11)
-  CH COMMERCIAL HOTEL (ORD. NO. 79, §§ X.X & XX)
-  R-3 MULTIPLE FAMILY RESIDENTIAL (ORD. NO. 79, §§ 6.B & 12)
-  R-1 SINGLE FAMILY (ORD. NO. 79, § 6.A)

NOT TO SCALE

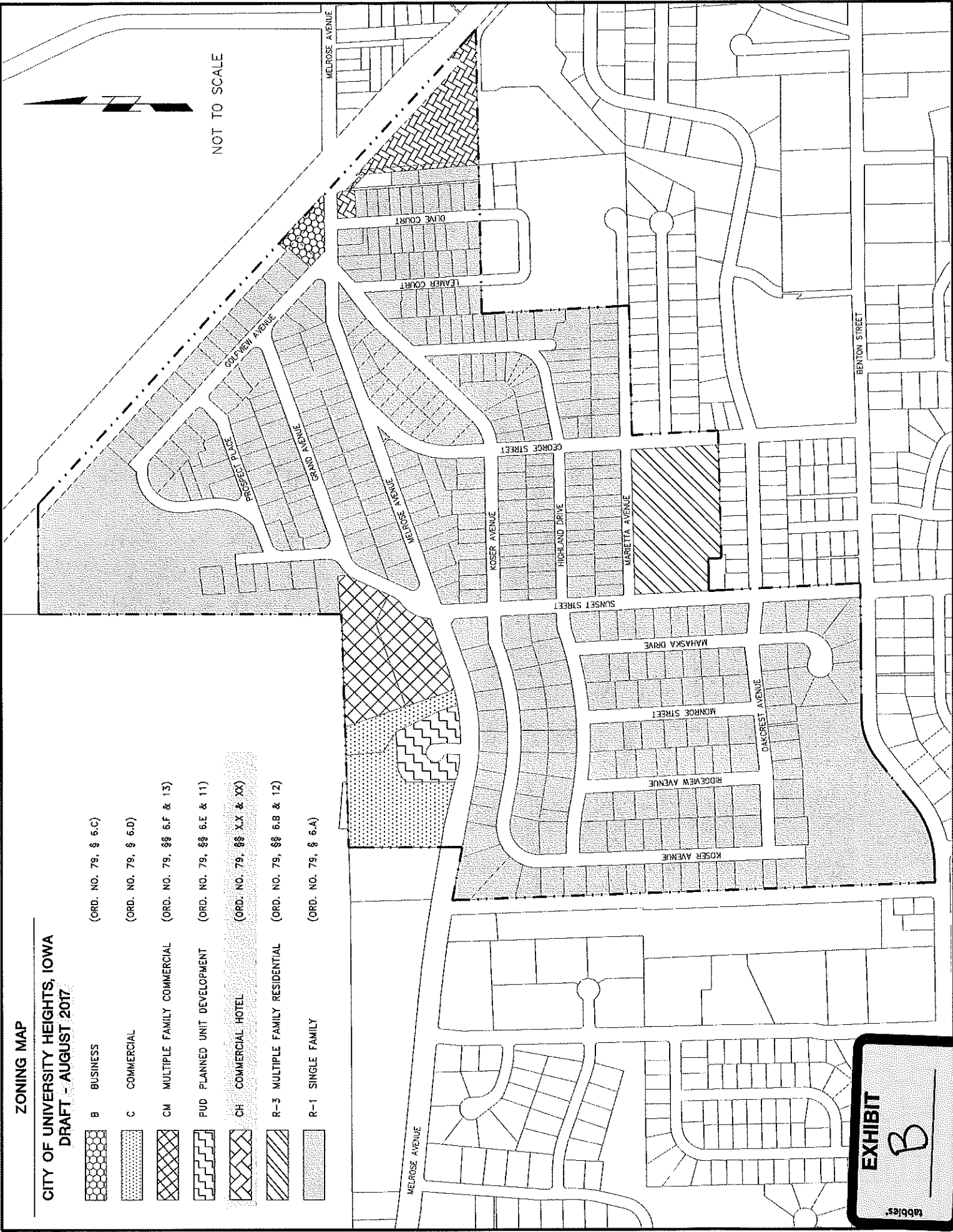
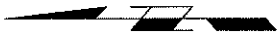


EXHIBIT
B

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