

COUNCIL ACTION FORM

SUBJECT: **ZONING ORDINANCE TEXT AMENDMENT TO ALLOW REMOTE
PARKING FOR USES IN THE PLANNED REGIONAL COMMERCIAL
(PRC) ZONING DISTRICT**

BACKGROUND:

The City Council recently referred to the City Manager a request from the owners of the North Grand Mall to allow remote parking arrangements for uses in the Planned Regional Commercial district (PRC).

Reasons for Proposed Text Amendment

North Grand Mall, last year, underwent a replatting that created three lots where there was once a single lot. This has separated the north portion of the mall (from JC Penney's in the north to the theaters to the south), as well as the new Walgreens site from the remainder of the mall (the former Sears area south to 24th Street). This replatting has created a shortage of parking on Lot 2—the lot containing the mall. The owner of the mall has a deadline of next summer to reconfigure the parking lot consistent with the approved site plan, thus creating enough spaces to satisfy the parking requirements.

The owner is also exploring whether to further divide Lot 2 in order to create two additional building sites. The anticipated uses of the sites would be for a full-service restaurant and a fast food restaurant. This action would reduce the parking supply on that lot while increasing demand. The current remote parking ordinance does not allow uses in the PRC to meet its parking supply on adjacent or nearby lots through the use of remote parking agreements.

Impact of Proposed Text Amendment

The text amendment would expand the districts that are allowed to have remote parking to include Planned Regional Commercial. Currently, only the North Grand Mall, North Grand Wal-Mart/Cub Foods block, and the proposed commercial area northeast of the interchange of 13th Street and Interstate 35 are zoned PRC. Under this proposed amendment, uses in the PRC districts would be allowed to seek remote parking on lots other than where the parking demand is generated. Remote parking could be sought only on other lots zoned PRC and only if there is a site development plan that includes all the lots involved in the remote parking agreement. Since PRC zoning is intended for commercial uses that draw from a very large retail trade area (pulling city-wide, as well as region-wide) and that "limit extraneous traffic on the City's street network," a PRC district should be self-contained regarding parking supply. In addition, allowing remote parking on multiple lots in a large PRC district (like the North Grand Mall) should allow staff to see the overall big picture showing where the uses are creating the demand, as well as the areas that are supplying the excess parking. In most instances, the site plan requirement would

be a minor site plan approved administratively by staff—but still requires Council approval of the remote parking agreement. In other instances, the site plan requirement would be met by submittal of a major site development plan to be approved by the Council (in addition to Council approval of the remote parking agreement).

Consistency with the Land Use Policy Plan

This proposed amendment is rather small. There is no indication that it is contrary to the LUPP.

The existing code and proposed language are included in the attachments.

Recommendation of the Planning & Zoning Commission. At its meeting of January 7, 2009, with a vote of 7-0, the Planning and Zoning Commission recommended approval of the Zoning Ordinance text amendment to amend Section 29.406(18) consistent with Alternative 1 below. Mr. Pat Burk, representing the owners of North Grand Mall, spoke of the need for this ordinance to allow for potential future development of the mall site.

ALTERNATIVES:

1. The City Council can approve the language as proposed by staff to amend Section 29.406(18) to allow uses in the PRC district to seek remote parking in other PRC-zoned lots and to clarify and format the remainder of the paragraph.
2. The City Council can retain the existing language and not amend Section 29.406(18).
3. The City Council can refer this back to staff for additional analysis.

MANAGER'S RECOMMENDED ACTION:

This proposed amendment would allow uses in the PRC district to seek remote parking agreements when the supply of parking on the lot is not sufficient to meet the requirements for that use. Since most other commercial districts allow remote parking with some conditions, it seems appropriate to allow remote parking in the PRC district. However, since the intent and purpose of the PRC differs from the other zones, it is appropriate that the conditions for remote parking in the PRC are different from other zones. Staff proposes that PRC uses can seek remote parking only in similarly zoned parcels and only when the impacts can be evaluated through a site development plan that covers both the lot with the use and the lot supplying the remote parking.

The other changes proposed for Section 29.406(18) seek to clarify language and to reformat for easier understanding.

It is the recommendation of the City Manager that the City Council act in accordance with Alternative #1, which is to amend Section 29.406(18).

ATTACHMENTS

The Ames Municipal Code, Section 29.406(18) currently reads:

Sec. 29.406. OFF-STREET PARKING

(18) **Remote Parking.** All parking spaces required by this ordinance shall be located on the same lot as the use served, except parking spaces required for principal uses permitted in the DSC, CSC, HOC, CCN, "CCR", S-HM and S-SMD zoning districts may be located on the same lot as the principal building or on a lot within 300 feet of the lot on which the principal building is located. Remote parking for residential uses in the DSC and CSC Districts, may also be provided on a lot in the "RH" Residential High Density District that is located within the "O-UIE" and "O-UIW" East and West University Impacted Overlay Districts, that is also on a lot located within 300 feet of the lot for which the parking is being provided. The remote parking must be located within a parking lot or parking structure that is accessory to and provides parking for a multifamily residential structure on the same lot. The number of such remote parking spaces provided in a parking lot or parking structure shall not exceed 50% of the total number of parking spaces provided in that parking lot or parking structure. Where parking is located on a lot that is remote from the principal use but within 300 feet, a written agreement in a form provided by the City shall be executed by the property owner or owners and the City to assure that these remote parking spaces are retained for the principal use. This agreement shall be recorded and shall be binding on all successors and assigns of the property or properties involved.

This section allows uses in certain zoning districts to meet their parking requirements on lots other than that on which the use is located. It was amended several times, resulting in one long paragraph addressing several zoning districts.

The proposed text amendment would replace Section 29.406(18) in its entirety with:

PROPOSED LANGUAGE AND FORMATTING

Sec. 29.406. OFF-STREET PARKING

(18) **Remote Parking.** All parking spaces required by this ordinance shall be located on the same lot as the use served, except **as noted below:**

(a) Parking spaces required for principal uses permitted in the DSC, CSC, HOC, CCN, "CCR", S-HM and S-SMD zoning districts may be located on the same lot as the principal building or on a lot within 300 feet of the lot on which the principal building is located.

(b) Remote parking for residential uses in the ~~DSC and~~ CSC Districts, may also be provided on a lot in the "RH" Residential High Density District that is located within the "O-UIE" ~~and or~~ "O-UIW" East and West University Impacted Overlay Districts, **provided that it** is also on a lot located within 300 feet of the lot for which the parking is being provided. The remote parking must be located within a parking lot or parking structure that is accessory to and provides parking for a multifamily residential structure on

the same lot. The number of such remote parking spaces provided in a parking lot or parking structure shall not exceed 50% of the total number of parking spaces provided in that parking lot or parking structure.

(c) Parking spaces required for principal uses permitted in the PRC zoning district may be located on any PRC zoned lot governed by and fully encompassed by the same site development plan.

(d) ~~Where parking is located on a lot that is remote from the principal use but within 300 feet,~~ For any remote parking, a written agreement in a form provided by the City shall be executed by the property owner or owners and the City to assure that these remote parking spaces are retained for the principal use. This agreement shall be recorded and shall be binding on all successors and assigns of the property or properties involved.

In addition to allowing remote parking in the PRC zone with certain conditions described in paragraph (c), there are other minor changes to the text that clarify and format the existing language. These include:

- Breaking the text of the section into four paragraphs for clarity.
- Removes the quote marks from around CCR in paragraph (a).
- Removes DSC from paragraph (b). This is a remnant from a previous code revision that replaced the former DCSC zone with DSC and CSC terms.
- Changing “and” to “or” in paragraph (b).
- Altering a portion of paragraph (b) for clarity.
- Altering the first line of paragraph (d) for clarity.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REMOVING SEC. 29.406 (18) IN ITS ENTIRETY AND ENACTING A NEW SECTION 29.406 (18) THEREOF, FOR THE PURPOSE OF ALLOWING REMOTE PARKING FOR USES IN THE PLANNED REGIONAL COMMERCIAL (PRC) ZONING DISTRICT; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ENACTED, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by enacting a new Section 29.406 (18) as follows:

“Sec. 29.406. OFF-STREET PARKING

(18) **Remote Parking.** All parking spaces required by this ordinance shall be located on the same lot as the use served, except as noted below:

(a) Parking spaces required for principal uses permitted in the DSC, CSC, HOC, CCN, CCR, S-HM and S-SMD zoning districts may be located on the same lot as the principal building or on a lot within 300 feet of the lot on which the principal building is located.

(b) Remote parking for residential uses in the CSC Districts, may also be provided on a lot in the RH Residential High Density District that is located within the O-UIE or O-UIW East and West University Impacted Overlay Districts, provided that it is also on a lot located within 300 feet of the lot for which the parking is being provided. The remote parking must be located within a parking lot or parking structure that is accessory to and provides parking for a multifamily residential structure on the same lot. The number of such remote parking spaces provided in a parking lot or parking structure shall not exceed 50% of the total number of parking spaces provided in that parking lot or parking structure.

(c) Parking spaces required for principal uses permitted in the PRC zoning district may be located on any PRC zoned lot governed by and fully encompassed by the same site development plan.

(d) For any remote parking, a written agreement in a form provided by the City shall be executed by the property owner or owners and the City to assure that these remote parking spaces are retained for the principal use. This agreement shall be recorded and shall be binding on all successors and assigns of the property or properties involved.”

Section Two. Violation of the provisions of this ordinance shall constitute a simple misdemeanor punishable as set out by law.

Section Three. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Four. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this _____ day of _____, _____.

Diane R. Voss, City Clerk
001003

Ann H. Campbell, Mayor