

COUNCIL ACTION FORM

**SUBJECT: REMOTE PARKING AGREEMENT FOR 111 LYNN AVENUE AND
3811 CHAMBERLAIN STREET**

BACKGROUND:

The property at 111 Lynn Avenue and 3811 Chamberlain Street were developed under the approval of a single Minor Site Development Plan. The site was subsequently subdivided into two lots in the fall of 2015. (See Attachment A – Location Map.) To satisfy the parking requirement at 111 Lynn Avenue, the property proposes to have remote parking approved within the parking structure at 3811 Chamberlain Street and for parking needs of 3811 Chamberlain Street to partially be met on an adjoining property at 2335 Chamberlain Street. The property owner has recorded a cross-access and shared parking easement for all of the implicated properties. (See Attachment B – Easement for 2311 and 2335 Chamberlain.) **However, the City Council must authorize remote parking for off-site parking to count towards meeting the parking stall requirements.**

Ames *Municipal Code* Section 29.406(18) allows for remote parking to satisfy required parking needed in the CSC zoning district, subject to City Council approval. It requires that parking be within 300 feet of the subject site and that a written agreement be signed that provides for the required amount of parking for the principal use.

The 111 Lynn building is a mixed use building with commercial on the ground floor and 82 apartment units above. The required parking is 82 spaces. The 2311 Chamberlain Street building (The Edge) is a mixed-use building with commercial along Chamberlain and 83 apartments above. The required parking is 83 spaces. The parking at 3811 Chamberlain is within a two level parking structure that has access on the lower level from a shared ingress/egress from Lynn Avenue and on the upper level with shared access through the 2320 Lincoln Way project to Chamberlain Street. There is no internal circulation between the parking levels. The parking garage has direct elevator access to the 2311 Chamberlain building and one direct access point to the 111 Lynn Avenue apartment building in the southeast corner of the site at the ground level of the garage.

The applicant requests approval of remote parking of 12 spaces for 2311 Chamberlain Street to be located at 2335 Chamberlain and 49 parking spaces for 111 Lynn located at 2311 Chamberlain. The 111 Lynn site has a total of 33 parking spaces on site in a combination of surface and garage spaces. The 2311 Chamberlain site has a total of 134 parking spaces, primarily within a parking garage, plus 2 stacked parking spaces that are not considered required parking spaces. Additionally, the developer has secured 12 remote parking spaces in the surface lot at 2335 Chamberlain as remote parking for 2311 Chamberlain. The 2335 Chamberlain site is extra surface parking for the 2320 Lincoln Way project. Each of the areas reserved for

remote parking are within 300 feet of the assigned property that benefits from the location of the spaces.

The developer has already recorded easements that make shared ingress and egress and use of the specified areas for parking. The easement makes the spaces available permanently and includes a clause that it may not be removed without the consent of the City of Ames. Although the area reserved for parking is identified within the easement, the easements do not specify the number of parking spaces within each area and their assignment to the properties a 111 Lynn and 2311 Chamberlain. The developer requests approval of remote parking with the delineated easement as is to be able to manage the assignment and leasing of spaces on as needed basis. The accounting of spaces would be as described in this report and as part of a resolution adopted by the City Council to approve the remote parking.

ALTERNATIVES:

1. The City Council can approve the remote parking for 111 Lynn Avenue and 2311 Chamberlain Street and accept the easements as already recorded.
2. The City Council can approve the remote parking for 111 Lynn and 2311 Chamberlain subject to the recording an agreement with a deed restriction specifying that 12 spaces are reserved at 2335 Chamberlain to the benefit of 2311 Chamberlain and that 49 spaces are reserved at 2335 Chamberlain to the benefit of 111 Lynn.
3. The City Council can refer this item to staff or the applicant for further information.

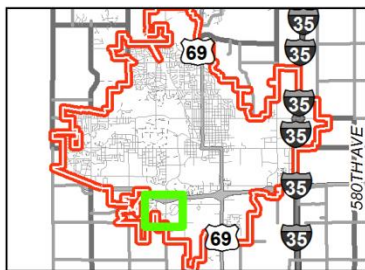
MANAGER'S RECOMMENDED ACTION:

The developer recently completed the 2311 Chamberlain Street project with the parking improvements described in this report, and is currently in the process of finishing the remodeling of 111 Lynn Avenue. To receive final occupancy of the 111 Lynn Avenue project, remote parking must be approved for 49 parking spaces. When the Minor Site Development Plan was initially approved, the 111 Lynn and 2311 Chamberlain sites were one lot with shared facilities for parking. The developer subsequently divided the properties into two lots with one building on each lot, knowing remote parking would be needed for the final occupancy of the buildings. Staff has determined that the proposal for remote parking at 2311 Chamberlain is adequate in the number of spaces and design to meet the needs of the residents of both buildings.

Staff would typically hesitate to support remote parking that utilizes surface parking spaces to meet parking needs, since it could preclude or limit redevelopment potential in Campustown. However, due to the configuration of the surface parking lot at 2335 Chamberlain, staff believes reserving 12 spaces on that site will not have a substantial impact on the potential redevelopment of that site. Staff further believes that the proposed remote parking for 2335 Chamberlain is adequate in the number of available spaces and design to serve 2311 Chamberlain.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby approving remote parking for 111 Lynn Avenue and 2311 Chamberlain Street with the easements as currently recorded.

Attachment A



Location Map
(Pre-Redevelopment)

Instr. Number: 2016-00002727
Recorded: 4/5/2016 at 3:15:56.0 PM
Recording Fee: \$32.00
Transfer Tax:
Stacie L. Herridge - Recorder
Story County, Iowa

TYPE OF DOCUMENT:

Remote Parking Easement

PREPARER INFORMATION:

Gilbane Development Company
5670 Liberton Ct.
Dublin, OH 43017
(614)493-6155
Molly Stolmeier

RETURN DOCUMENT TO:

First American Title Insurance Company
Attn: Jessica Bowerman
801 Nicollet Mall, Suite 1900
Minneapolis MN 55402
(612) 305-2038
NCS-697894-2A-MPLS (mu/jb)

GRANTOR: GD Lincoln Way, LLC

GRANTEE: Cyclone Inns LLC and City of Ames

Legal Description: See attached Plat on Page 4 and Description of Parcel AC Page 5

REMOTE PARKING EASEMENT

The undersigned Grantor, GD Lincoln Way, LLC, its successors and assigns, in consideration of the sum of One Dollar and other good and valuable consideration in hand paid, do hereby grant and convey to Cyclone Inns LLC, his/her successors and assigns, and to the City of Ames, Grantees, the right, title and easement to park or direct and permit the parking of not more than twelve (12) motor vehicles of the business invitees for the The Edge and University Towers business premises at 111 Lynn Avenue and 2311 Chamberlain Street, Ames, Iowa, on the land located at 2335 Chamberlain Street in Ames, Story County, to wit:

(See attached plat.)

The twelve (12) parking spaces provided for hereunder shall at all times be clearly marked as such by the Grantor and the Grantor shall maintain the said spaces and access routes to and from the spaces in a passable and usable condition, clear of snow accumulations, ponded water, brush, weeds, or other conditions that could impede or discourage use of the spaces.

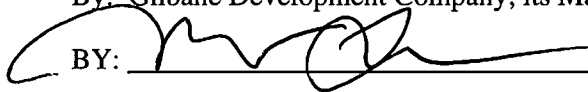
The forgoing shall be a covenant running with the land. If said rights and obligations are defeated, annulled or undone through forfeiture, default or breach of land purchase contract, mortgage foreclosure, bankruptcy, or other event or process, Grantor shall be bound hereby to Grantees to acquire and provide replacement parking rights under the same terms at a site within 300 feet of the building or buildings on the business premises at 111 Lynn Ave and/or 2311 Chamberlain Street, Ames, Iowa.

The foregoing shall not be released, abandoned, or conveyed except by resolution of the Ames City Council.

GRANTOR

GD LINCOLN WAY, LLC


By: Gilbane Development Company, its Manager

BY: 

STATE OF RHODE ISLAND, PROVIDENCE COUNTY ss:

This instrument was acknowledged before me on March 30, 2016 by Matthew Lawrence, as Senior Vice President of Gilbane Development Company, as Manager of GD Lincoln Way, LLC.

DANIEL P. STEVENSON
NOTARY PUBLIC
STATE OF RHODE ISLAND
MY COMMISSION EXPIRES 03/11/2020
OF ID #: 52088
RHODE ISLAND


Notary Public in and for the State of Rhode Island

LENDER'S CONSENT TO EASEMENT

Citizens Bank, N.A., has an interest in certain Real Property described in the Easement instrument by virtue of a Mortgage dated July 15, 2015, filed July 17, 2015, and recorded as **Instrument No. 15-00006699** in the office of the Recorder of Story County, Iowa. The Mortgagee has been requested to subordinate its rights under said Mortgage to the rights of the Grantee of said Easement, its successors and assigns, under the said Easement instrument and deems it advisable to do so.

Now, therefore, the Mortgagee, for good and valuable consideration, agrees that whatever right, title, lien, estate, or interest the Mortgagee now has or may hereafter acquire in said Real Property by virtue of the aforesaid Mortgage, the same shall be subordinate to the rights of the Grantee, its successors and assigns, under the said Easement instrument.

In Witness Whereof, the Mortgagee has caused this instrument to be executed on March 31, 2016.

CITIZENS BANK, N.A.

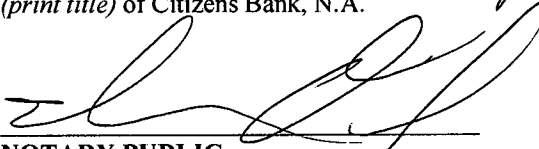
By: 
SIGNATURE

Christopher F. Robie
NAME PRINTED

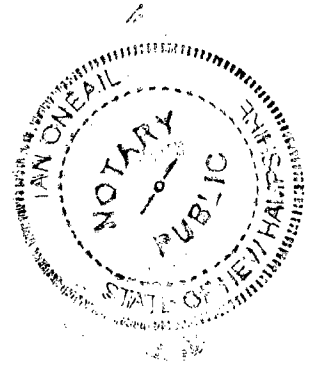
Senior Vice President
TITLE OF AUTHORIZED SIGNER

STATE OF New Hampshire, COUNTY OF Rockingham, SS.:

This instrument was acknowledged before me on March 31st, 2016, by Christopher Robie (print name) as Senior Vice President (print title) of Citizens Bank, N.A.

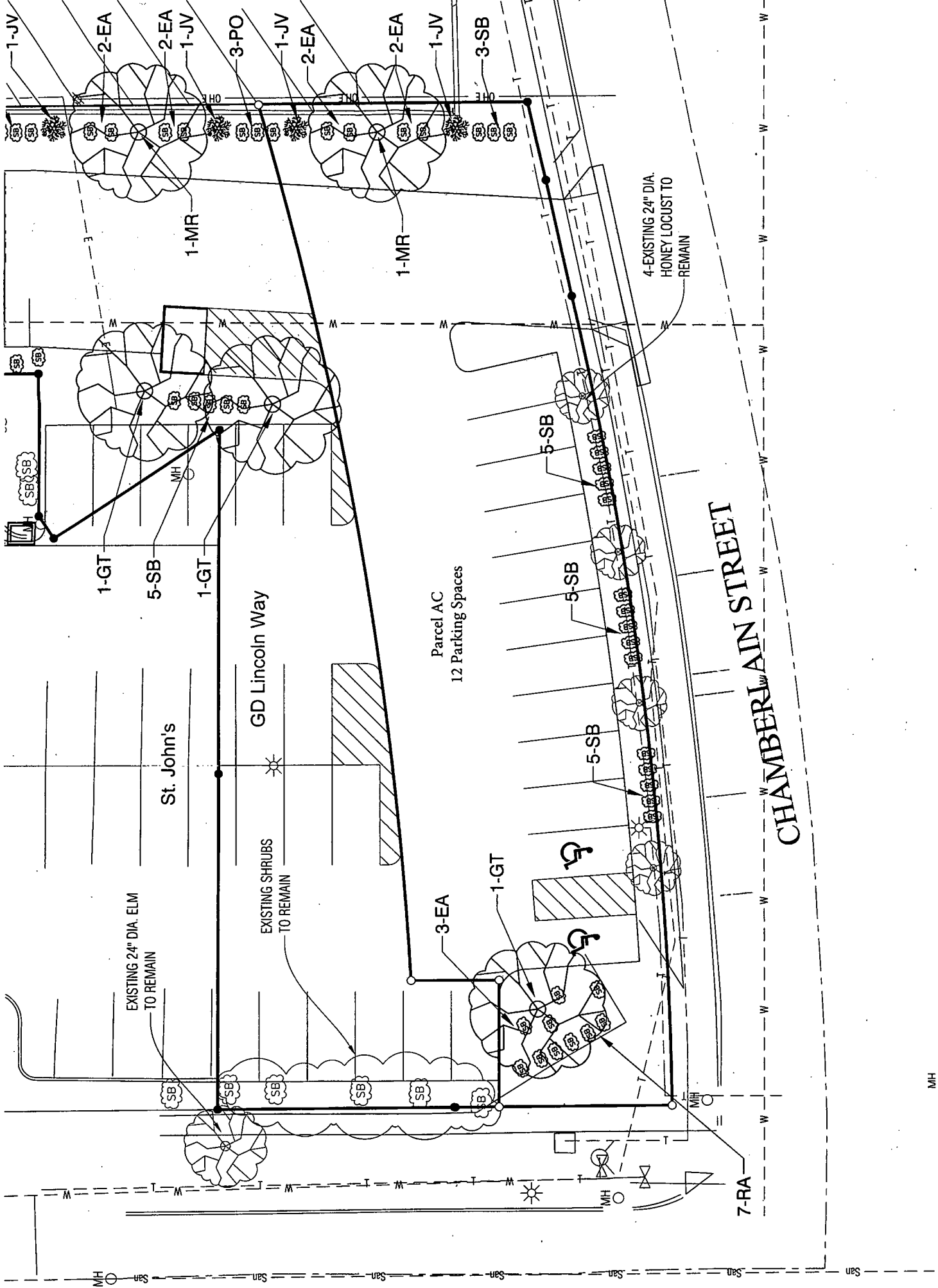

NOTARY PUBLIC

IAN P ONEAIL
Notary Public, New Hampshire
My Commission Expires Jan 29, 2019



DESCRIPTION PARCEL "AC"

PARCEL "AC" LOCATED IN PARCEL "K", A PORTION OF LOT 2, PARKER'S ADDITION TO AMES, STORY COUNTY, IOWA. MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER SAID PARCEL "K"; THENCE, SOUTHWESTERLY 15.07' ALONG THE SOUTH LINE OF SAID PARCEL "K" AND THE ARC OF A 768.30' RADIUS CURVE, CONCAVE SOUTHEASTERLY, HAVING A CHORD BEARING OF S76°45'04"W AND A CHORD DISTANCE OF 15.07'; THENCE, S77°19'13"W 22.32' ALONG SAID SOUTH LINE; THENCE, SOUTHWESTERLY 154.04' ALONG SAID SOUTH LINE AND THE ARC OF A 710.30' RADIUS CURVE, CONCAVE NORTHWESTERLY, HAVING A CHORD BEARING OF S82°59'03"W AND A CHORD DISTANCE OF 153.74'; THENCE, N0°25'25"W 32.47' ALONG THE WEST LINE OF SAID PARCEL "K"; THENCE, S90°00'00"E 24.00'; THENCE, N0°10'37"W 16.52'; THENCE, NORTHEASTERLY 167.74' ALONG THE ARC OF A 730.84' RADIUS CURVE, CONCAVE NORTHWESTERLY, HAVING A CHORD BEARING OF N80°07'26"E AND A CHORD DISTANCE OF 167.37' TO THE EAST LINE OF SAID PARCEL "K"; THENCE, S0°29'30"E 50.57' ALONG SAID EAST LINE TO THE POINT OF BEGINNING. PARCEL "AC" CONTAINS 0.20 ACRES OR 8,865 SQUARE FEET. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.



CHAMBERLAIN STREET

St. John's

GD Lincoln Way

Parcel AC
12 Parking Spaces

4-EXISTING 24" DIA.
HONEY LOCUST TO
REMAIN

EXISTING 24" DIA. ELM
TO REMAIN

EXISTING SHRUBS
TO REMAIN

MH