

**COUNCIL ACTION FORM**

**SUBJECT: REMOTE PARKING AGREEMENT FOR 114 SOUTH DUFF AVENUE**

**BACKGROUND:**

The applicant for a new restaurant located at 114 South Duff Avenue has requested approval of a minor site development plan that necessitates use of remote parking on adjoining properties at 113 and 117 Sumner Avenue. (see *Attachment A - Location Map*). The existing building is a nonconforming building for setbacks and the former use as a restaurant was non-conforming for on-site parking as well. **The former restaurant use previously relied upon the 113 and 117 Sumner Avenue properties for parking, as is proposed with the new restaurant, but the remote parking had not been approved by the City Council previously.**

The current restaurant building includes 5,062 square feet of gross floor area that will be partially demolished and reconstructed for the new restaurant use. The reconstructed building also will include an additional 915 square feet for a total of 5,977 square feet of gross floor area. The increase in square footage necessitates the review of the parking and the need for approval of the requested remote parking agreement.

The minimum required parking for a “sit-down” restaurant is nine parking spaces per 1,000 square feet of gross floor area. A minimum of 54 parking spaces are required for the proposed restaurant. The property at 114 S. Duff Avenue can accommodate 17 parking spaces. The applicant needs an additional 37 parking spaces off-site to meet the minimum parking requirements. Two properties, located at 113 and 117 Sumner Avenue, can be utilized to provide an additional 44 parking spaces, through approval of a Remote Parking Agreement by the City Council. The 44 remote spaces would result in a total of 61 spaces available as customer parking for the restaurant. These are seven more parking spaces than are required for the proposed restaurant.

Ames *Municipal Code* Section 29.406(18) allows for remote parking to satisfy required parking needed in the Highway Oriented Commercial (HOC) zoning district, subject to City Council approval. **The Municipal Code requires that parking be within 300 feet of the subject site and a written agreement be signed that identifies the required amount of parking for the principal use and is reserved exclusively for the use.** When reviewing the proposal for remote parking, the City also assesses the convenience and use of the area for remote parking as meeting the City’s development standards.

The proposed remote parking site is across the alley, east of the restaurant site, which is 16 feet from the subject property. The applicant proposes to reuse the current parking lot in its existing condition. The current parking lot is non-conforming in terms of its

layout and landscaping. Such non-conformities are permitted to continue as “other conformities” and are not required to be eliminated with reuse of the existing parking lots. Staff will condition the minor site development plan approval associated with the remote parking request to have the existing landscape planters refreshed with new landscaping materials. However, no dimensional changes to the planter areas or parking stalls are required with the minor site development plan.

The parking spaces at 113 and 117 Sumner Avenue were used by the customers of the former restaurant on the subject property, without the required Remote Parking Agreement. All three properties are owned by Quam Family Properties LLC. Therefore, parking is available and the owner is reserving exclusive use of the parking spaces by the owners, tenants, customers, invitees and permittees of the restaurant parcel, for the parking of motor vehicles, and for no other use, without the City’s prior consent (see *Attachment B - Site Plan/Remote Parking at 113 & 117 Sumner Ave.*). The applicant has signed the Remote Parking Agreement that specifies the location of the spaces, number of spaces, and the terms of the Agreement.

**ALTERNATIVES:**

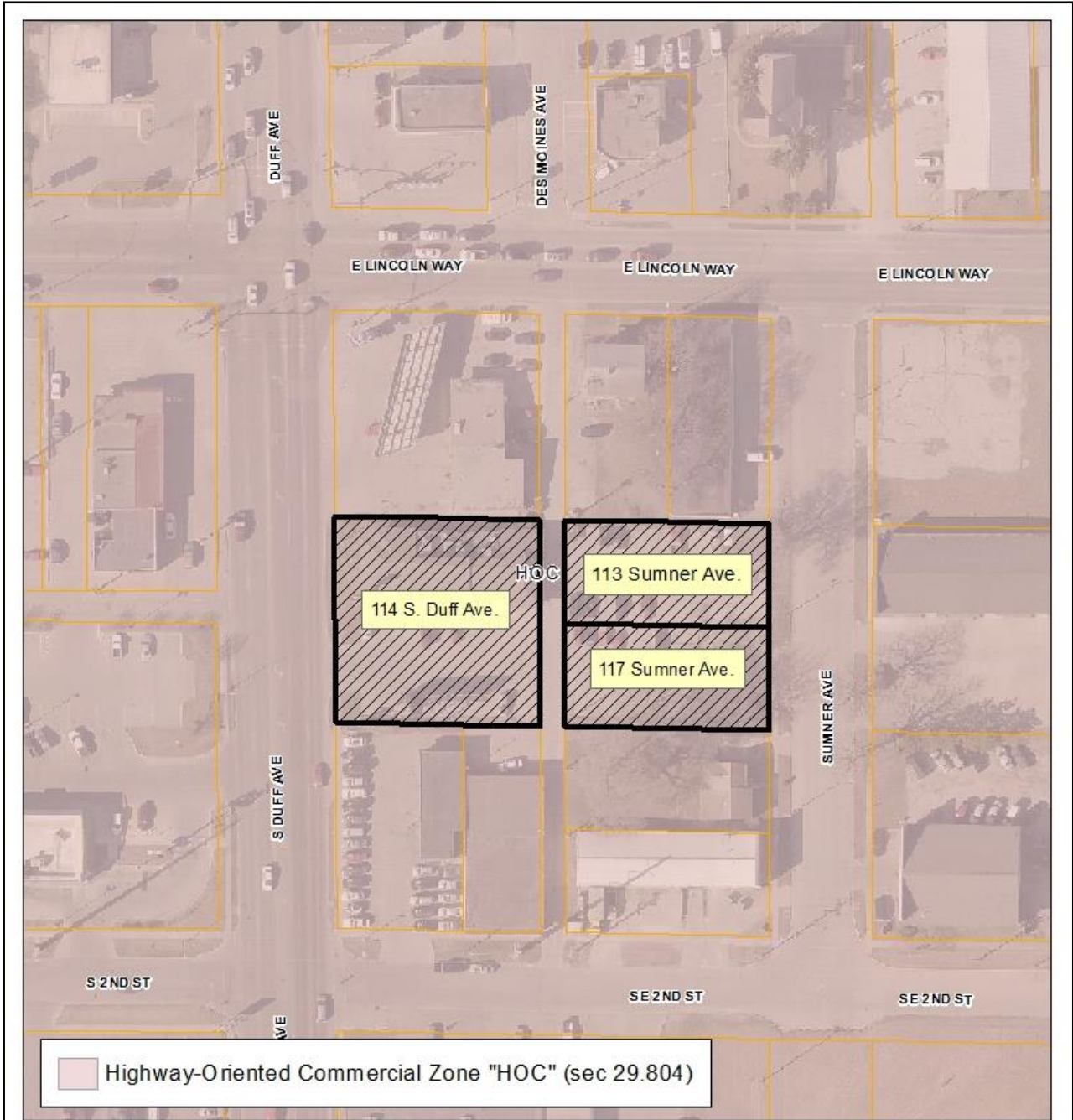
1. The City Council can approve the “Remote Parking Agreement” to provide required parking at 113 and 117 Sumner Avenue for the proposed restaurant at 114 S. Duff Avenue.
2. The City Council can deny the “Remote Parking Agreement” to provide required parking at 113 and 117 Sumner Avenue for the proposed restaurant at 114 S. Duff Avenue.
3. The City Council can refer this item to staff or the applicant for further information.

**MANAGER'S RECOMMENDED ACTION:**

City staff approval of a Minor Site Development Plan for the proposed restaurant site requires that a minimum number of parking spaces be provided to meet development standards. The proposal to use the parcels located at 113 and 117 Sumner Avenue, as remote parking, meets the standards in the Zoning Ordinance for remote parking, and for the minimum number of parking spaces required for the restaurant use of the site at 114 S. Duff Avenue. The parking is in close proximity to the use and has traditionally been used to serve the same property. The required ADA accessible parking spaces are included on site with the restaurant and are not included within the area of the remote parking.

Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1, thereby approving the attached Remote Parking Agreement to provide required parking at 113 and 117 Sumner Avenue for the proposed restaurant at 114 S. Duff Avenue.

**ATTACHMENT A  
Location Map**



**Location & Zoning Map  
114 S. Duff Ave.  
113 & 117 Sumner Ave.**



# ATTACHMENT B Site Plan for 114 S. Duff Avenue/Remote Parking at 113 & 117 Sumner Ave.



<b>BOLTON &amp; MENK</b>			PETE POEPPING ARCHITECT/ENGINEER PARKING LAYOUT & GEOMETRICS	
277 PARKWAY, SUITE 200, BOZEMAN, MONTANA 59717 PHONE: (406) 552-1100 FAX: (406) 552-1101 WWW.BOLTONANDMENK.COM	SHEET NO. 4 OF 5 DATE: _____ DRAWN BY: _____ CHECKED BY: _____ DATE: _____			

**TYPE OF DOCUMENT:**

Remote Parking Agreement

**PREPARER INFORMATION:**

Rinke Noonan (HAM)  
1015 West St. Germain, Suite 300  
P.O. Box 1497  
St. Cloud, MN 56302-1497  
(320) 251-6700  
File No. 16866-0004

**RETURN DOCUMENT TO:**

Rinke Noonan  
Attn: Scott Hamak  
1015 West St. Germain, Suite 300  
P.O. Box 1497  
St. Cloud, MN 56302-1497  
(320) 251-6700

## REMOTE PARKING AGREEMENT

**Quam Family Properties, LLC** (“**Quam**”) makes this Remote Parking Agreement (this “**Agreement**”) in favor of the **City of Ames, Iowa** (the “**City**”) effective as of March \_\_, 2017.

### RECITALS

- A. Quam owns real estate located at 114 South Duff Avenue in the City of Ames, Story County, Iowa described as follows (the “**Restaurant Parcel**”):

All of Lots Five (5) and Eight (8), all in Block One (1), Kingsbury’s First Addition (A/K/A Kingsbury’s Addition), Ames, Story County, Iowa, more particularly described as follows:

Beginning at the northwest corner of said Lot Five; thence S89°02’07”E, 130.11 feet along the north line of said Lot Five; thence S00°20’25”E, 66.40 feet along the east line of said Lot Five; thence continuing S00°20’25”E, 66.39 feet along the east line of said Lot Eight; thence N89°12’34”W, 129.30 feet along the south line of said Lot Eight; thence N00°41’13”W, 66.60 feet along the west line of said Lot Eight; thence continuing N00°41’13”W, 66.60 feet along the west line of said Lot Five to the point of beginning.

- B. Quam also owns real estate located at 113 Sumner Avenue in the City of Ames, Story County, Iowa described as follows (the “**113 Parcel**”):

Lot 6 in Block One (1) of Kingsbury’s First Addition of the NW 1/4 of the NW 1/4 of Section 11-T83N-R24W of the 5th P.M., in the City of Ames, Iowa.

- C. Quam also owns real estate located at 117 Sumner Avenue in the City of Ames, Story County, Iowa described as follows (the “**117 Parcel**”) (the 113 Parcel and the 117 Parcel are collectively referred to as the “**Parking Parcels**”):

Lot 7 in Block One (1) of Kingsbury’s First Addition of the NW 1/4 of the NW 1/4 of Section 11-T83N-R24W of the 5th P.M., in the City of Ames, Iowa.

- D. Quam is required to provide sufficient parking for the tenants of the Restaurant Parcel, and the Restaurant Parcel does not have sufficient parking for such tenants as required by the City's regulations.
- E. To meet the City's off-street parking requirements for the Restaurant Parcel, Quam desires to provide that all of the parking spaces (the "**Parking Spaces**") located on the Parking Parcels (consisting of 25 parking spaces on the 113 Parcel and 19 parking spaces on the 117 Parcel) be for the exclusive use of the Restaurant Parcel.
- F. The City is willing to allow Quam to utilize the Parking Spaces on the Parking Parcels to meet the City's off-street parking requirements for the Restaurant Parcel.

For good and valuable consideration, the receipt and sufficiency of which Quam acknowledges, Quam agrees as follows:

1. **Exclusive Parking.** All of the Parking Spaces located on the Parking Parcels shall be for the exclusive use and enjoyment of the Restaurant Parcel, and the owners, tenants, customers, invitees and permittees of the Restaurant Parcel, for the parking of motor vehicles and for no other use without the City's prior consent.
2. **Termination.** If Quam desires to terminate this Agreement, prior to termination Quam shall provide sufficient alternative parking approved by the City and shall give the City written notice at least ten (10) days prior to recording a termination of this Agreement.
3. **Nature of Agreement.** This Agreement shall run with the land and shall bind upon Quam and its successors and assigns.

*(Signature Page to Follow)*

QUAM FAMILY PROPERTIES, LLC

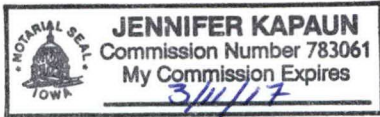
By Jerry Quam M.D.  
Its MANAGING PARTNER

STATE OF Iowa )

) SS

COUNTY OF Story )

On this 8<sup>th</sup> day of March, 2017, before me, a Notary Public for this County, personally appeared Jerry Quam, who, being by me duly sworn, did say that s/he is the managing partner of Quam Family Properties, LLC, and that this instrument was signed on behalf of said limited liability company by authority of its Members and acknowledged said instrument to be the free act and deed of said limited liability company.



Jerry Quam  
Notary Public

APPROVED AS TO FORM  
BY Judy K. Parks  
JUDY K. PARKS  
CITY ATTORNEY