

**COUNCIL ACTION FORM**

**SUBJECT: JOINT USE PARKING PLAN FOR 4540 MORTENSEN ROAD**

**BACKGROUND:**

Kinneer Land Development owns the property at 4540 Mortensen Road and is planning to develop the Perfect Games Family Entertainment Center. This property is south of Mortensen Road between South Dakota Avenue and Dickinson Avenue (see Location Map). This 31,500 square-foot center will offer bowling, laser tag, Ballocity, video games, dining, group celebration space and a bar, all under one roof. The north, one-acre portion of the site will be developed by others as a restaurant or other appropriate commercial use. Next door to this site on the west is the Ames Pet Hospital

The City Council has established this area as the Southwest Gateway Overlay Zoning District, in order to enhance and define it as a community entry. To reduce parking and increase landscaping this ordinance allows "Collective Parking," which reduces minimum required parking by 15% while requiring 25% more landscape area. This provision requires two or more projects to be planned together. Kinneer Land Development believes that the 244 parking spaces normally required for their family entertainment center are unnecessary, and is using the collective parking provision to reduce the required total to 207 parking spaces. The site plans for the family entertainment center and the future restaurant include 190 parking spaces on the family entertainment center site. **The Perfect Games Family Entertainment Center is requesting City Council approval of a Joint Use Parking Plan allowing the use of 21 existing parking spaces at the Ames Pet Hospital to bring the total spaces provided for this use to 211 parking spaces, four more than the required minimum.**

Section 29.406(17)(a) of the Zoning Ordinance provides for Joint Use Parking:

*Where, two (2) or more uses on the same or separate sites are able to share the same parking spaces because their parking demands occur at different times, the same parking spaces may be counted to satisfy the off-street parking requirements for each use upon approval of a Joint Use Parking Plan by the City Council. ...*

The applicant has provided all of the required information, including a signed "Joint Use Parking Agreement" between Perfect Games and Ames Pet Hospital (attached).

When acting upon an application for approval of a Joint Use Parking Plan, the City Council may approve the Plan if it finds that the criteria described in Section 29.406(17)(b) of the Zoning Ordinance are met by the application. These criteria follow, with staff comments:

1. The analysis presents a realistic projection of parking demands likely to be generated.

Table 29.406(2) of the Zoning Ordinance requires a bowling alley to provide five parking spaces per lane. It also requires parking to be calculated separately for other uses on that same site. This assumes that different people come to the site for the different uses. In the case of this type of entertainment facility in one building it seems likely that some of the groups that arrive in one vehicle will have different interests and use different parts of the facility. For example, older people might bowl, young children might play video games and teenagers might play laser tag. This is one of the purposes of this type of facility. In researching the basis for the City parking requirement for this use and the parking requirement for this use in other communities, staff has found that there is very little actual data and that the requirement varies widely from place to place. It seems reasonable that the minimum parking required by the Ames Zoning Ordinance will only be needed at the peak use times and seasons.

2. Peak demand is sufficiently distinct so that the City Council is able to clearly identify a number of spaces for which there will rarely be overlap of parking demand.

The time of peak demand for Ames Pet Hospital will be at least during its open hours, which is from 7 a.m. until 6 p.m., Monday through Saturday. The "Joint Use Parking Agreement" in Section 2(b) specifies family entertainment center use of the Ames Pet Hospital parking spaces as every day after 6 p.m. The peak demand time for the family entertainment center probably will be evenings and weekends, with the most likely time of overlap with parking for the Ames Pet Hospital to be during the day on Saturday. However, the 21 joint use spaces represent only 10% of the 211 spaces required for the family entertainment center.

3. Rights to the use of spaces are clearly identified so as to facilitate enforcement.

The "Joint Use Parking Agreement" specifies these rights and provides for a sign to identify these rights on the site as specified in Section 5 of the Agreement.

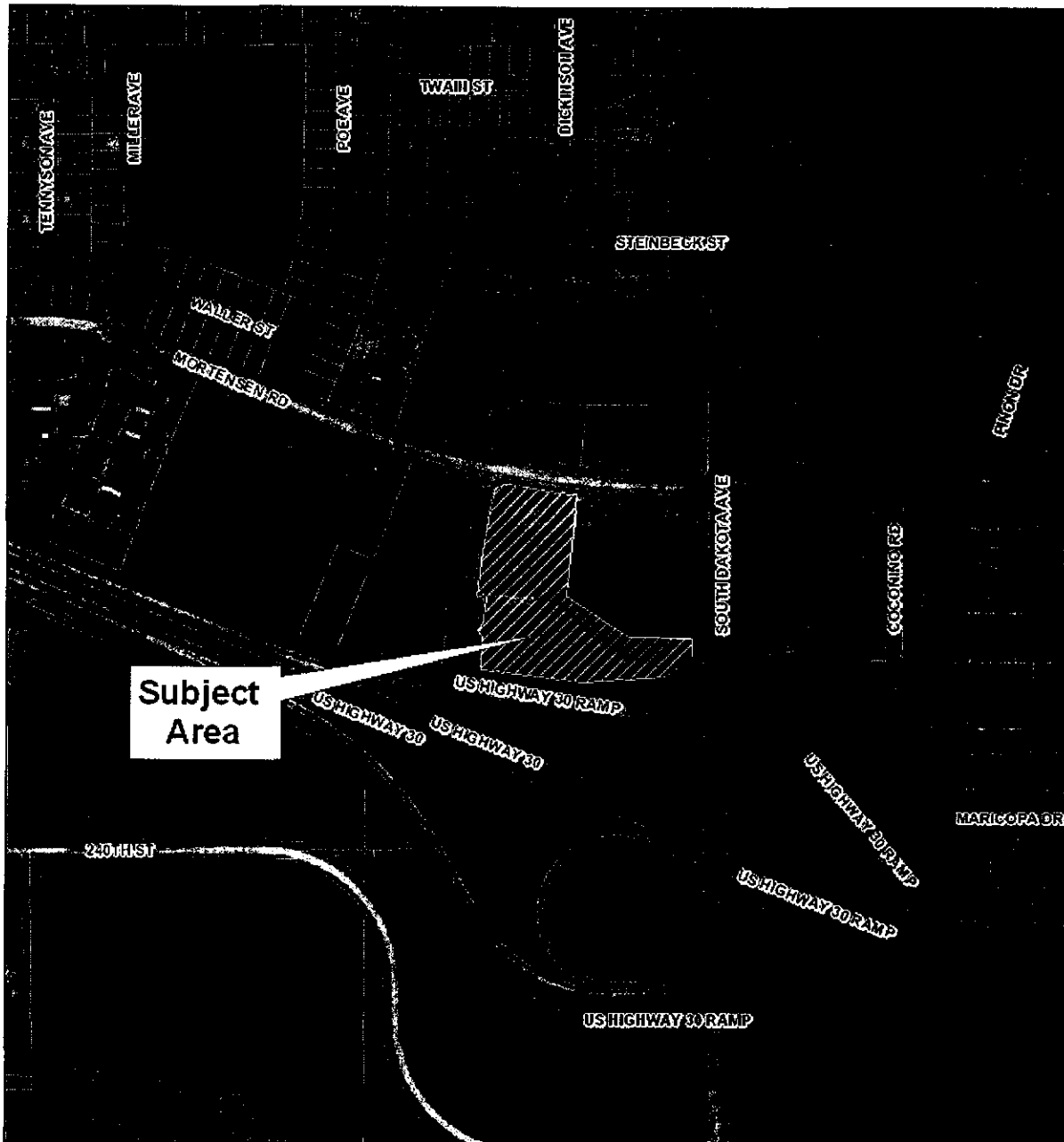
### **ALTERNATIVES:**

1. The City Council can approve the Joint Use Parking Plan for 4540 Mortensen Road as described in the "Joint Use Parking Agreement" of May 21, 2008 between Perfect Games and Ames Pet Hospital.
2. The City Council can approve the Joint Use Parking Plan for 4540 Mortensen Road with modifications required to the "Joint Use Parking Agreement" of May 21, 2008 between Perfect Games and Ames Pet Hospital.
3. The City Council can deny the Joint Use Parking Plan for 4540 Mortensen Road.
4. The City Council can refer this request to staff for further information.

### **MANAGER'S RECOMMENDED ACTION:**

In enhancing the Southwest Gateway, the City seeks to avoid large areas of paving and soften the appearance of parking with additional green space. Joint Use Parking, using more fully available, existing parking to meet the peak parking demand, seems consistent with this intent of the Southwest Gateway Overlay. Staff concludes that the parking projection for this joint use is realistic in this case and the parking demand of the two uses will be sufficiently distinct. Signs will be provided to clearly identify the joint use of this parking. This Joint Use Parking Plan will allow more efficient use of the land, reduce parking pavement and enhance the community's entryway. **Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the Joint Use Parking Plan for 4540 Mortensen Road as described in the "Joint Use Parking Agreement" of May 21, 2008 between Perfect Games and Ames Pet Hospital.**

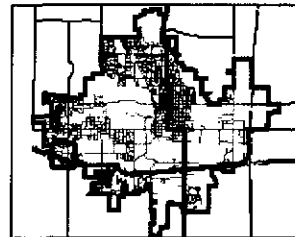
If this Plan is approved, Perfect Games Family Entertainment Center will move forward with the Minor Site Development Plan at 4540 Mortensen Road.



**Location Map**  
**4540 Mortensen Road**



0 250 500 1,000  
 Feet



## JOINT USE PARKING AGREEMENT

May 21, 2008

THIS AGREEMENT is made May 21, 2008 between **CC Alley LC (Ames Pet Hospital)** whose address is 1400 Dickinson Ave., Ames, IA 50014 (hereafter "Ames Pet Hospital") and **Kinneer Land Development (Perfect Games Inc)** whose address is 4540 Mortensen Road, Ames, IA 50014 (hereafter "Perfect Games").

### Recitals

1. Perfect Games desires to use certain property of Ames Pet Hospital for parking purposes during certain hours;
2. Ames Pet Hospital desires to make certain property available to Perfect Games during certain hours.

IN CONSIDERATION OF THE MUTUAL PROMISES CONTAINED HERIN, IT IS AGREED:

### 1. Ownership of Real Estate

Ames Pet Hospital is the owner of real estate located in Story County and described as: LOT 1 PARCEL "C" SLIDE 234 PG6 (locally known as 1400 Dickinson Avenue)

Perfect Games is the owner of real estate located in Story County and described as: Dauntless SD 7<sup>th</sup> ADD LOT 1 PARCEL "D" SLIDE 254 PG4 (locally known as 4540 Mortensen Road)

### 2. Conveyance and Description of Easement.

- a. Ames Pet Hospital hereby grants to Perfect Games a perpetual easement for the exclusive use of the 21 paved parking spaces located on the premises of Ames Pet Hospital, as shown on Exhibit "A" (hereafter "Parking Area"), to meet the off-street parking space requirements of the City of Ames zoning regulations pertaining to Perfect Games. Exclusive use shall mean that Ames Pet Hospital or Perfect Games, as the case may be, its customers, employees, agents and invitees shall have the exclusive right to use and enjoy the Parking Area. The location of the Parking Area may be modified from time to time by the mutual agreement of the parties to adjust for changing circumstances and use of the remaining parking area. If parties desire to modify this Agreement, the Parties will give the City of Ames written notice 10 days prior to recording an amendment to the Agreement.
- b. Ames Pet Hospital shall have the right to count spaces for the purposes of the space requirements of the Ames Municipal Code as follows:

Monday-Saturday: 7:00 a.m. to 6:00 p.m.

Perfect Games shall have the right to count spaces for the purposes of the space requirements of the Ames Municipal Code as follows:


Sunday-Saturday: 6:00 p.m. to 1:00 a.m.

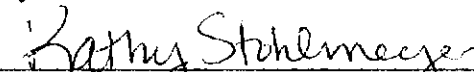
- c. Neither Ames Pet Hospital nor Perfect Games shall allow its customers, employees, agents, members, or invitees to impede ingress or egress to the Parking Area by the other's customers, employees, agents, members and invitees during the time periods recited above.
3. **Snow Removal.** Perfect Games will remove the snow when it uses the Parking Area.
4. **Liability and Insurance.** Perfect Games agrees to obtain and maintain liability insurance insuring its respective interests in the easement and to share equally in any such liability, except for such liability as may be caused by the negligence or intentional acts of either party, in which case that party shall bear the entire liability.
5. **Signage.** Perfect Games shall install and maintain a well-placed sign that states the following:

Parking for Perfect Games on Sunday-Saturday from 6:00 p.m. to 1:00 a.m. Unauthorized vehicles will be towed at the expense of the owner.

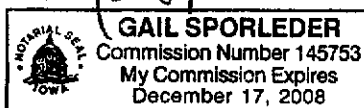
Perfect Games will modify the sign if the usage changes.

6. **Termination of Agreement.** Perfect Games shall, at the request of Ames Pet Hospital, execute documents to release and quit claim the easement granted by this agreement at such time, if ever, that the aforesaid 21 parking spaces are not required by City zoning regulations that pertain to Perfect Games. If the parties desire to terminate the Agreement, the Parties will give the City of Ames written notice 10 days prior to recording the termination of this Agreement.
7. **Nature of Agreement.** This Agreement and the easements granted shall be permanent, shall run with the land, and shall be binding upon the parties' heirs, successors and assigns.

Signed  Date 5-21-08  
Bryan Kinneer -- Perfect Games Inc.

Signed  Date 5-21-08  
Joe or Kathy Stohlmeyer - Ames Pet Hospital

Notary  Date 5-21-08





"Bryan Kinneer"  
<bk@westtownepub.com>  
05/21/2008 12:53 PM

To "Jeff D Benson" <jbenson@city.ames.ia.us>  
cc  
bcc  
Subject parking

Using the city code, provided by P&Z, Perfect Games will need 244 peak demand parking spaces. Using the collective parking code we will reduce this number by 15% for a total of 207 spaces. We have provided for 192 spaces in our site plan and wish to use 21 joint use spaces at the Ames Pet Hospital. This gives us a total of 213 spaces for peak demand.

The pet hospital is open Mon-Sat from 8AM-6PM. Perfect Games peak use will be after 6PM which makes this a good fit. Ames Pet Hospital intends to use our spaces for employee parking during the day.

Please note, we do not intend to use the parking stalls shown in the circulation on the north side of the plan unless necessary.

Attached you will find our proposed parking schedule and site plan. The vet clinic is the small building on the bottom left of the drawing.

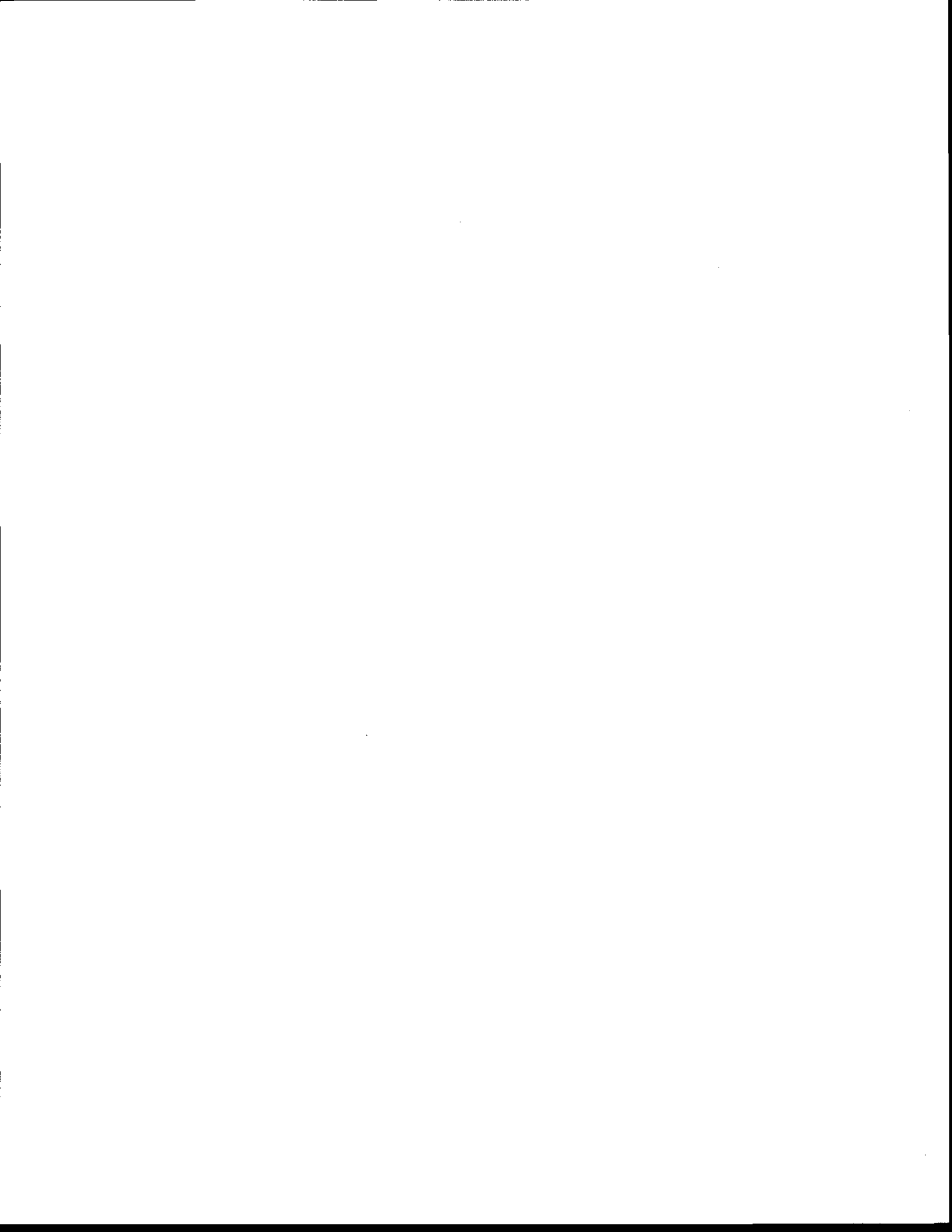
Thanks Jeff!

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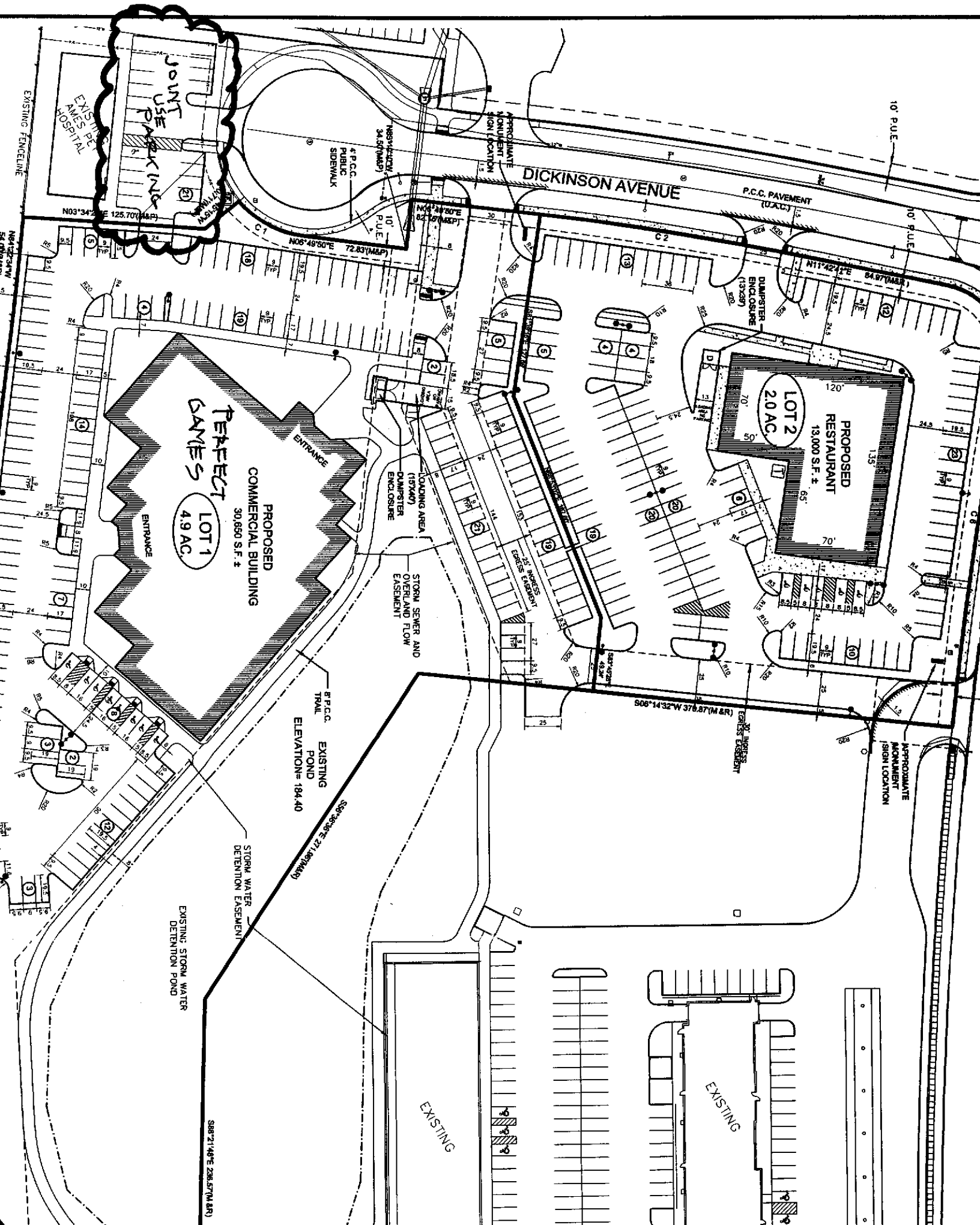
Bryan W. Kinneer, Owner  
West Towne Pub  
4518 Mortensen Rd., Suite 101  
Ames, IA 50014



515-292-4555 parking52108.pdf ParkingSchedule-05-21-08.xls







**PROPOSED COMMERCIAL BUILDING**  
LOT 1  
PERFECT GAMES  
4.9 AC

**PROPOSED RESTAURANT**  
LOT 2  
20 AC  
13,000 S.F. ±

DICKINSON AVENUE

JOINT USE PARK LINK

EXISTING FENCELINE

EXISTING AMES PET HOSPITAL

PUBLIC SIDEWALK

APPROXIMATE SIGN LOCATION

P.C.C. PAVEMENT (U.X.C.)

10' P.U.E.

10' P.U.E.

DUMPSTER ENCLOSURE (10x28)

ENTRANCE

ENTRANCE

LOADING AREA (15'x40')

STORM SEWER AND OVERLAND FLOW EASEMENT

EXISTING POND ELEVATION = 184.40

STORM WATER DETENTION EASEMENT

EXISTING STORM WATER DETENTION POND

EXISTING

EXISTING

APPROXIMATE SIGN LOCATION

EASEMENT

$S06^{\circ}14'32''W$  376.87'(M&R)

$S88^{\circ}21'49''E$  288.57'(M&R)

$S88^{\circ}21'49''E$  288.57'(M&R)

$N41^{\circ}52'37''W$  24.41'(M&P)

$N03^{\circ}34'22''E$  125.70'(M&P)

$N06^{\circ}46'50''E$  72.83'(M&P)

$N04^{\circ}14'50''E$  82.15'(M&P)

$N89^{\circ}14'24''W$  34.57'(M&P)

$N11^{\circ}42'11''E$  84.97'(M&R)

$S02^{\circ}14'22''W$  20.12'(M&R)

$S82^{\circ}42'28''E$  43.21'(M&R)

$S82^{\circ}42'28''E$  43.21'(M&R)

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