

COUNCIL ACTION FORM

SUBJECT: JOINT USE PARKING PLAN FOR 1320 DICKINSON AVENUE

BACKGROUND:

Perfect Games, Inc owns the property at 1320 Dickinson Avenue and is planning to add a miniature golf course to the existing Perfect Games Family Entertainment Center property. This property is south of Mortensen Road between South Dakota Avenue and Dickinson Avenue (Attachment A, Location Map). This 31,500 square-foot center offers bowling, laser tag, video games, dining, group celebration space and a bar, all under one roof. The new golf course is proposed on the landscaped area of the property south of the existing detention pond between the pond and the Highway 30 ramp (Attachment B, Draft Minor Site Development Plan).

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 in the area, the Zoning 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. **In 2008, when the Perfect Games facility was developed, Council approved a Joint Use Parking agreement for the site which allowed for a total of 211 parking spaces to be provided under the collective parking allowances by counting the 190 on site spaces and the 21 parking spaces located to the west on the Pet Hospital property.**

In the current request, the addition of a miniature golf course would require that additional parking is provided to accommodate the new use. The current zoning ordinance does not provide a designated parking ratio for miniature golf courses, as with many uses, but it does allow for a parking ratio to be assigned based on a similar use. There are not a lot of comparable parking rates exclusive to miniature golf, the range appears to be between 1 and 3 spaces per hole. Staff believes using an estimate of 2 parking spaces per hole for peak use is reasonable. This would mean the site would need to add 36 additional parking spaces, or approximately a 15% increase in parking above current conditions.

The applicant is requesting approval of a joint use parking plan for the existing onsite parking lot to allow for no net increase in the required number of parking. This allows them to take taking advantage of a seasonal demand with a joint use parking plan to accommodate for the new golf use with the existing parking lot on site during times of reduced capacity.

When a site cannot meet the parking required by the Zoning Ordinance, the option for joint use parking is permitted with Council approval if it can be shown that peak demand

of other facilities would allow for both uses to be accommodated during their times of peak parking demand. In this case, there is not another site or parking area being requested for joint use, but the joint use of parking spaces within the same facility due to a seasonal peak demand difference in parking needs for the multiple uses on the property.

The applicant has provided all of the required information, including a signed agreement “Joint Use Parking Plan” for Perfect Games and a letter outlining the proposed parking demand for the property (Attachment C, Joint Use Parking Plan and Attachment D, Applicant Letter) to accommodate the new miniature golf use without an increase in provided onsite parking spaces. The property owner believes that at peak demand with bowling leagues (in the winter) there is generally at least 24 spaces available for parking compared to zoning standards due to smaller team sizes. The applicant also states that even more spaces are available in the summer when there are fewer leagues operating. The applicant believes they generally have around 40 spaces that are underutilized with their current operations and therefore believe that due to seasonality of recreational activities the joint use parking can be approved.

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. Those criteria, along with the applicant’s and staff’s responses, are included in the attached “Staff Analysis” section of this report.

This request is unique in that it is based upon seasonality of individual uses, rather than peak demand by any one use. All commercial uses have seasonality. Peak parking demand for general commercial uses occurs during the holiday shopping season and is much lower during other times of the year. Seasonality is likely even more pronounced in Ames due to population swings from students attending ISU. The applicant believes that because the miniature golf facility will not operate at all in the winter months that its unique situation justifies accounting for seasonality of demand on the site.

ALTERNATIVES:

1. The City Council can approve the Joint Use Parking Plan for 1320 Dickinson Avenue as described in the attached “Joint Use Parking Plan” for Perfect Games.
2. The City Council can approve the Joint Use Parking Plan for 1320 Dickinson Avenue for Perfect Games with modifications.
3. The City Council can deny the Joint Use Parking Plan for 1320 Dickinson Avenue.
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. The development has previously been granted reduced parking to meet this goal. 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.

While seasonal joint use is not the typical form of joint use parking agreements, the ordinance does seem to allow for such use of parking spaces, especially for a business of this nature where multiple uses and parking ratios are required for one business, not typical of a standalone single commercial entity. It does seem that even when accounting for seasonality that the peak demand periods are likely overlapping in the fall between September and October when students have returned to Ames and weather is still conducive to outdoor activities.

Staff concludes that the parking projection for this joint use is realistic in this case and believes that the parking demand of the proposed uses on the property will be sufficiently distinct and accommodated with the parking already existing on the property for most times of the year. **A key component of accepting this joint parking plan is that City Council can choose to cancel the agreement upon notification to the property owner if the City Council determines there is insufficient parking to accommodate the mix of uses on the site.** The 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 #1, thereby approving the Joint Use Parking Plan for 1320 Dickinson Avenue as described in the attached "Joint Use Parking Plan" for Perfect Games.**

STAFF ANALYSIS

Approval of a Joint Use Parking Plan. 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, along with a summary of the applicant's comments and staff's responses, are provided below.

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

Applicant's Response: The goal of the miniature golf course is to add another option for those already planning to visit Perfect Games during the summer. The miniature golf course will be open during the summer and generally business is down 35-40% in the summer overall so less parking is needed and used during the summer for the uses already accounted for within the existing building.

Parking was previously based on 5 parking spaces per bowling lane when teams generally consisted of 5 people. Currently only 3 and 4 person teams are typically used by Perfect Games leagues, with only one of the smallest leagues using 5 person teams. This creates 24 spaces of open parking on most nights in the winter and more in the summer when summer leagues are cut by 65%.

The applicant has noted that the 21 parking spaces located in the remote location of the Pet Hospital and the east area of the existing onsite parking lot are rarely full and generally only used on the busiest days during the winter months when use of the facility is at its highest. This east area of the parking lot would be the location of parking abutting the proposed location of miniature golf course. Therefore, the applicant feels the addition of the golf course for the summer months will not create a need for additional parking.

Staff's Analysis: Table 29.406(2) of the Zoning Ordinance requires a bowling alley to provide 5 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. It seems reasonable that the minimum parking required by the ordinance will only be needed at the peak use times and seasons.

Under the previously approved site plan (June 2009), with the allowed 15% reduction in parking under the Southwest Gateway Overlay Zone, the required parking for the site for Perfect Games was approved at 207 parking stalls. This was met by providing 190 on site spaces and 21 remote spaces at the Pet Hospital to the west providing a total of 211 parking spaces for the facility.

Perfect Games has 24 bowling lanes requiring by current ordinance 120 parking spaces. The restaurant and other entertainment uses then account for the

remaining 87 parking spaces provided. If it is accepted that the bowling use should generate a need for only a maximum of 4 spaces per lane (4 person teams) from the approved 5 spaces, it is anticipated that 24 parking stalls would be available for use by the miniature golf course. Also, the property has a current agreement for joint parking with the Pet Hospital to the west. It has been noted by the applicant that 21 parking spaces in the abutting lot are rarely used and could be counted toward the parking needs of the golf use.

- 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.**

Applicant's Response: The applicant notes the facilities is at its busiest time during the winter when indoor activities are desired by residents. The miniature golf is intended to boost use of the property in the summer when typical business is at its lowest capacity.

Staff's Analysis: Based on the information provided by the applicant, when business is generally down 35-40% for the summer months due to the indoor nature of the existing business, and the bowling function is down by 65% in the summer when bowling leagues are finished for the season, there is reason to believe parking would be sufficiently provided in the summer for the new miniature golf use. This would allow for parking spaces typically vacant in the summer to be used.

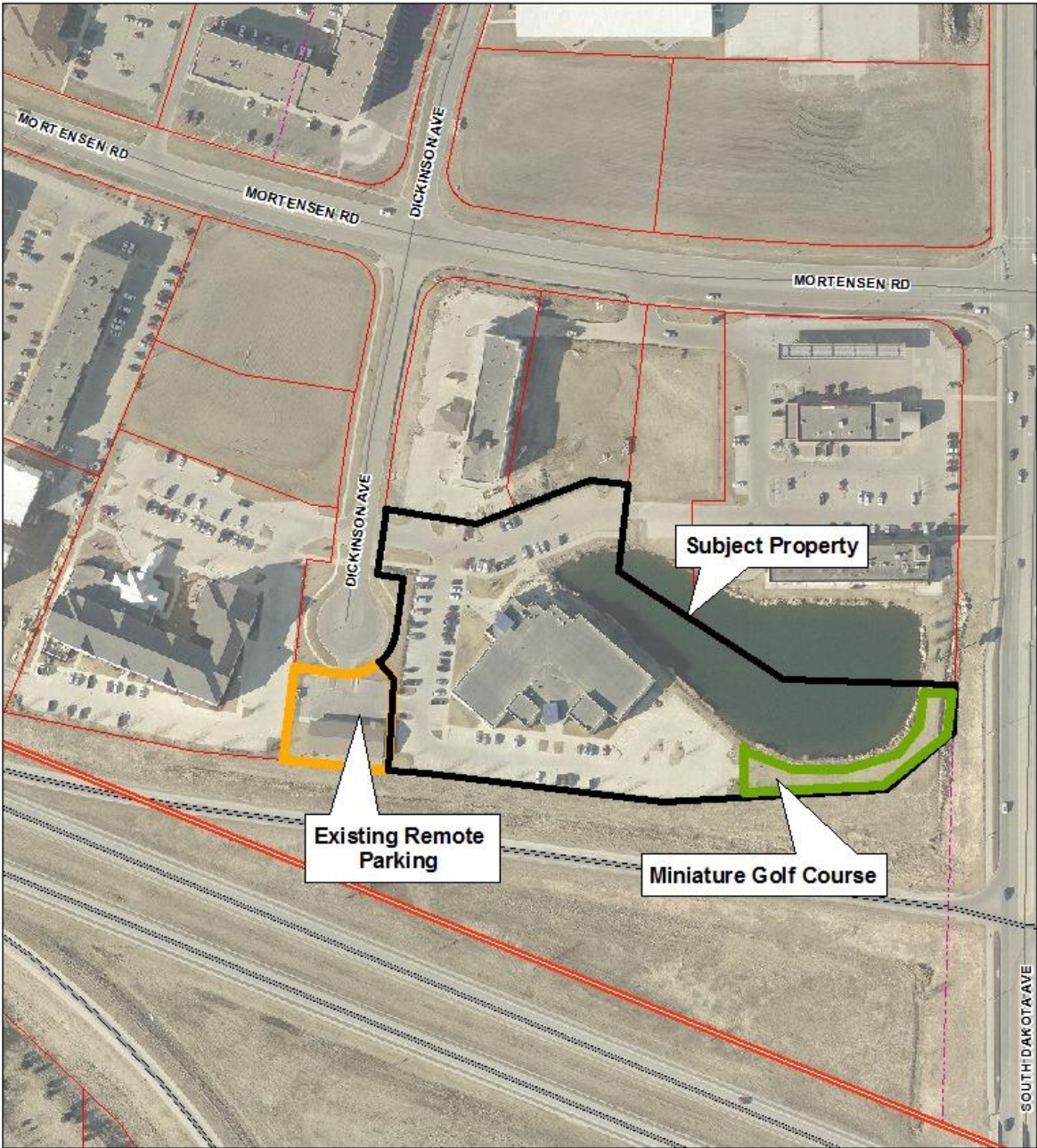
- 3. Rights to the use of spaces are clearly identified so as to facilitate enforcement.**

Applicant's Response: The use of all parking spaces will be permitted by all uses on the site due to the uses being under the same control of owner, Perfect Games.

Staff's Analysis: This is a difficult criterion to address in this case because this is not a typical agreement for joint parking use where multiple businesses have different peak demand times. In this case the joint use of parking is for uses of the same business on site due to differing seasonal demands. Since the customers of the facility share parking spaces throughout all uses on the site, it would not make sense to identify specific parking spaces by use for the business.

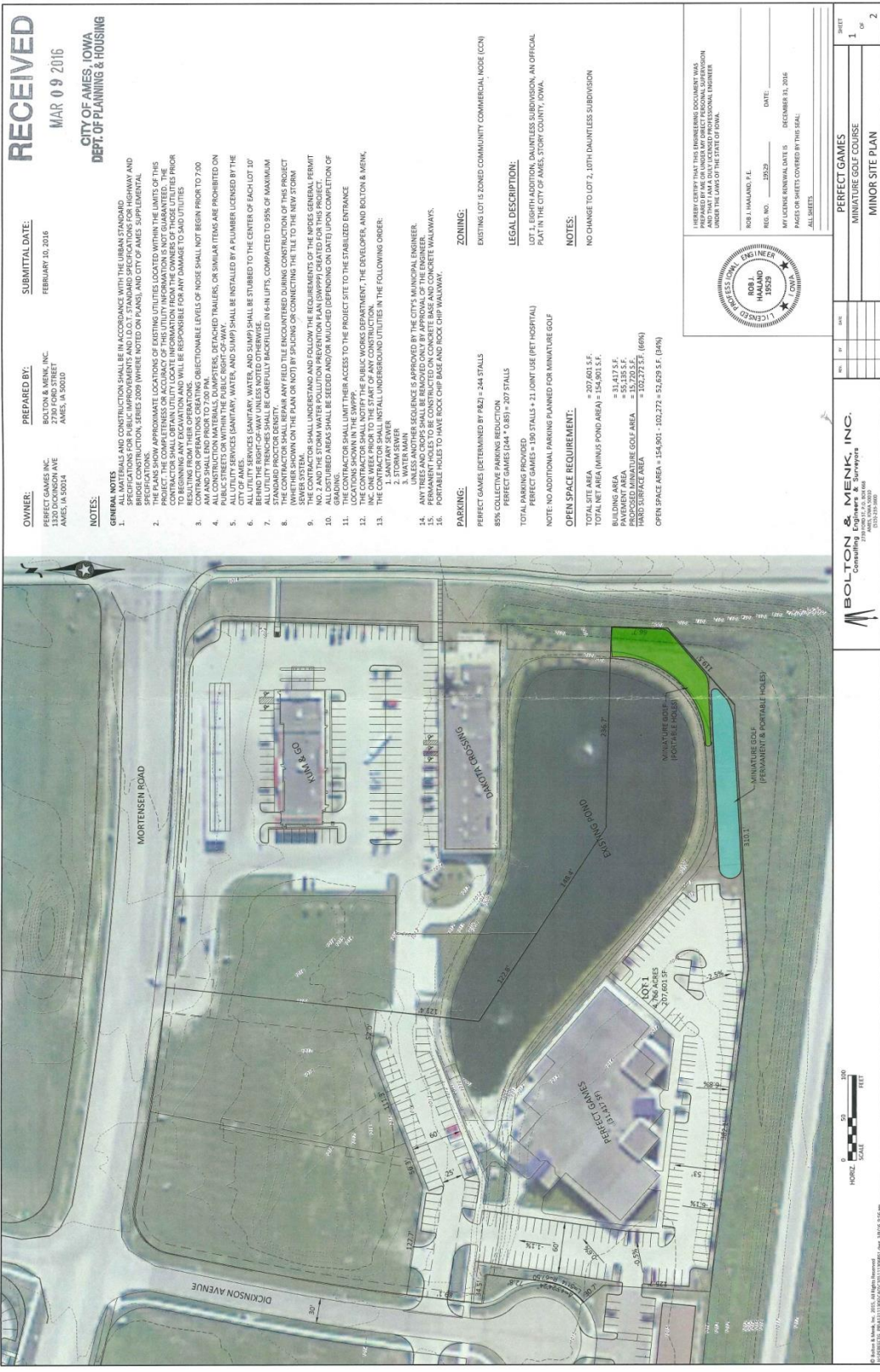
The joint use parking plan does allow for the city to require in the future the reevaluation of the parking if there becomes an issue with the required number of parking spaces needed on the property to facilitate all the proposed uses.

Attachment A Location Map



**Location Map
1320 Dickinson Avenue**

Attachment B Draft Minor Site Development Plan



OWNER: PERFECT GAMES INC.
1332 DICKINSON AVE
AMES, IA 50014

PREPARED BY: BOLTON & MENK, INC.
2750 FORD STREET
AMES, IA 50010

SUBMITTAL DATE: FEBRUARY 10, 2016

RECEIVED
MAR 09 2016
CITY OF AMES, IOWA
DEPT. OF PLANNING & HOUSING

- NOTES:**
- GENERAL NOTES**
- ALL UTILITIES SHOWN ON THIS PLAN SHALL BE IN ACCORDANCE WITH THE IOWA ENGINEERING REGULATIONS AND THE IOWA DEPARTMENT OF TRANSPORTATION (DOT) STANDARD SPECIFICATIONS FOR HIGHWAY AND BRIDGE CONSTRUCTION, SERIES 2009 (WHERE NOTED ON PLANS), AND CITY OF AMES SUPPLEMENTAL SPECIFICATIONS.
 - THE PLANS SHOW APPROXIMATE LOCATIONS OF EXISTING UTILITIES LOCATED WITHIN THE LIMITS OF THIS PROJECT. THE COMPLETENESS OR ACCURACY OF THIS UTILITY INFORMATION IS NOT GUARANTEED. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO BEGINNING ANY EXCAVATION AND WILL BE RESPONSIBLE FOR ANY DAMAGE TO SAID UTILITIES RESULTING FROM THESE OPERATIONS.
 - CONNECTIONS TO EXISTING UTILITIES SHALL BE MADE AT THE POINTS INDICATED ON THE PLANS. ALL AM AND SHALL END PRIOR TO 200 P.M.
 - ALL EXCAVATIONS SHALL BE PROTECTED BY SHIELDING OR SHIELDING SHALL NOT BEGAIN PRIOR TO 7:00 P.M.
 - PUBLIC UTILITIES (SANITARY, WATER, AND SEWER) SHALL BE INSTALLED BY A PLUMBER LICENSED BY THE STATE OF IOWA.
 - ALL UTILITIES (SANITARY, WATER, AND SEWER) SHALL BE INSTALLED BY A PLUMBER LICENSED BY THE STATE OF IOWA.
 - BEHIND THE RIGHT-OF-WAY UNLESS NOTED OTHERWISE.
 - THE CONTRACTOR SHALL REPAIR ANY FIELD TILE ENCOUNTERED DURING CONSTRUCTION OF THIS PROJECT TO ORIGINAL OR BETTER CONDITION.
 - THE CONTRACTOR SHALL REPAIR ANY FIELD TILE ENCOUNTERED DURING CONSTRUCTION OF THIS PROJECT TO ORIGINAL OR BETTER CONDITION.
 - NO LAND DISTURBANCE SHALL BE SEVERED AND/OR MULCHED (DEPENDENT ON DATE) UPON COMPLETION OF THIS PROJECT.
 - ALL DISTURBED AREAS SHALL BE SEEDED AND/OR MULCHED (DEPENDENT ON DATE) UPON COMPLETION OF THIS PROJECT.
 - THE CONTRACTOR SHALL LIMIT THEIR ACCESS TO THE PROJECT SITE TO THE STABILIZED ENTRANCE LOCATIONS SHOWN IN THE SWEEPING CURB MARKING OR BARRIERS.
 - LOCATIONS SHOWN IN THE SWEEPING CURB MARKING OR BARRIERS SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION.
 - THE CONTRACTOR SHALL INSTALL UNDERGROUND UTILITIES IN THE FOLLOWING ORDER:
1. WATER
2. STORM SEWER
3. GAS
4. SANITARY
5. TELEPHONE
6. CABLE
 - UNLESS ANOTHER SEQUENCE IS APPROVED BY THE CITY'S MUNICIPAL ENGINEER.
 - ANY TREES AND SHRUBS SHALL BE REMOVED ONLY BY APPROVAL OF THE ENGINEER.
 - ALL EXCAVATIONS SHALL BE PROTECTED BY SHIELDING OR SHIELDING SHALL NOT BEGAIN PRIOR TO 7:00 P.M.
 - PORTABLE HOLES TO HAVE ROCK CHIP BASE AND ROCK CHIP WALKWAYS.

PARKING:

PERFECT GAMES (DETERMINED BY PR2) = 244 STALLS
85% COLLECTIVE PARKING REDUCTION
PERFECT GAMES (144 * 0.85) = 207 STALLS

TOTAL PARKING PROVIDED:
PERFECT GAMES = 190 STALLS + 21 JOINT USE (NET HOISTALS)
NOTE: NO ADDITIONAL PARKING PLANNED FOR MINATURE GOLF

OPEN SPACE REQUIREMENT:

TOTAL SITE AREA = 207,601 S.F.
TOTAL NET AREA (MINUS POND AREA) = 154,801 S.F.
BUILDING AREA = 31,417 S.F.
PARKING AREA = 15,135 S.F.
MINATURE GOLF AREA = 102,272 S.F. (66%)
OPEN SPACE AREA = 154,801 - 102,272 = 52,529 S.F. (34%)

LEGAL DESCRIPTION:
LOT 2, EIGHTH ADDITION, DAUNTLESS SUBDIVISION, AN OFFICIAL PLAN IN THE CITY OF AMES, STORY COUNTY, IOWA.

NOTES:
NO CHANGE TO LOT 2, TENTH DAUNTLESS SUBDIVISION

ZONING:
EXISTING LOT IS ZONED COMMUNITY COMMERCIAL (CCM)

PROFESSIONAL SEAL:
BOLTON & MENK, INC.
REGISTERED PROFESSIONAL ENGINEERS
IOWA

ROB J. HALLARD, P.E.
REG. NO. 19252 DATE: DECEMBER 15, 2016
MY EXPIRE RENEWAL DATE IS: DECEMBER 15, 2016
FIELD OF EXPERTISE COVERED BY THIS SEAL: CIVIL

I HEREBY CERTIFY THAT THIS ENGINEERING DOCUMENT WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF IOWA.

DATE	BY	DESCRIPTION

BOLTON & MENK, INC.
Consulting Engineers & Surveyors
1010 13TH AVENUE
AMES, IOWA 50010

PERFECT GAMES
MINATURE GOLF COURSE
MINOR SITE PLAN

SHEET 1 OF 2

Attachment C Joint Use Parking Plan

Space above for recording data

Prepared By: Seth D. Dodge, Att’y at Law, 409 Duff, Ames, IA 50010 515-232-2501

Return Document To: City Clerk, City of Ames, 515 Clark Avenue, Ames, IA 50010
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Joint Use Parking Agreement

THIS AGREEMENT is made on _____, 20____, between Perfect Games, Inc. whose address is _____, (hereafter “Owner”), and City of Ames, Iowa, whose address is 515 Clark Avenue, Ames, Iowa 50010, (hereafter “City”), sometimes referred to in this agreement individually as a “party” or collectively as the “parties.”

Recitals:

WHEREAS, Perfect Games, Inc. is the owner of premises described as:

Lot 1, Dauntless Subdivision Eighth Addition to the City of Ames, Story County, Iowa. Locally known as 1320 Dickinson Ave., Ames, IA 50014; and

WHEREAS, Perfect Games, Inc. currently operates a bowling and entertainment business on the premises (hereinafter, Family Entertainment Center); and

WHEREAS Perfect Games, Inc. currently has 190 paved parking spaces located on the premises, as well as use of an additional 21 spaces of remote parking; and

WHEREAS, Perfect Games, Inc. desires to add a Miniature Golf as a secondary business on its existing premises; and

WHEREAS, The City of Ames municipal ordinance, with respect to off-street parking (29.406), requires that additional parking spaces be installed on the premises in order to add the mini golf course. However, additional parking spaces are not required if a

multiple use agreement is implemented which allows for, and regulates the parking arrangement for both uses (29.401(17)); and

WHEREAS, Perfect Games desires to coordinate parking space usage on its site to allow for site usage that has differing peak usage. The bowling and entertainment facility has a winter peak while the miniature golf site will have a summer peak.

NOW THEREFORE, in consideration of the mutual covenants contained in this agreement, the parties covenant and agree as follows:

1. **Uses.** The following uses will be assigned to the premises:
 - a. Family Entertainment Center
 - b. Miniature Golf
2. **Guaranteed access to the parking for both Uses.** Parking for both uses is allowed at all times.
3. **Snow Removal.** The Owner shall remove the snow from the parking area and shall perform any other snow and ice treatment and removal duties.
4. **Liability and Insurance.** The Owner shall obtain and maintain liability insurance insuring its respective interests.
5. **Signage.** No signage for parking shall be placed on the premises.
6. **Duty of maintenance.** The Owner shall maintain the premises. The City of Ames has no maintenance obligation pursuant to this agreement.
7. **Effective period of agreement.** This agreement will be in effect so long as the property is used for both of the above described uses.
8. **Termination by Owner.** If the Owner desires to terminate the Agreement, Perfect Games, Inc. or its successor or assign will give the City of Ames written notice 10 days prior to recording the termination of this Agreement.
9. **Termination by City.** The City is agreeing to this joint use based on Owner's representations that the uses set forth under Subsection 1 are not expected to have overlapping peak times so that there will always be sufficient parking for both uses. If the City believes that the parking is insufficient to meet the joint need, based on demonstrated actual use, the City shall have the right to terminate this agreement. The decision to exercise the termination right by the City will be determined by the City Council. The City shall provide advance written notice to the Owner of the time and date of the City Council meeting at which termination of the agreement is going to be considered.
10. **Binding effect on successors and assigns.** The covenants contained in this agreement will be binding on and inure to the benefit of each of the parties, their

heirs, legatees, representatives, transferees, successors, and assigns.

IN WITNESS THEREOF, the parties have executed this agreement on _____, 2016.

CITY OF AMES, IOWA

STATE OF IOWA, COUNTY OF STORY, ss:

By _____
Ann H. Campbell, Mayor

On this ____ day of _____, 2016, before me, a Notary Public in and for the State of Iowa, personally appeared Ann H. Campbell and Diane R. Voss, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Ames, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation; and that the instrument was signed and sealed on behalf of the corporation by authority of its City Council, as contained in Resolution No. _____ adopted by the City Council on the ____ day of _____, 2016, and that Ann H. Campbell and Diane R. Voss acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

Attest _____
Diane R. Voss, City Clerk

Notary Public in and for the State of Iowa

PERFECT GAMES, INC.

STATE OF IOWA, COUNTY OF STORY, ss:

By _____
Carl Markley, President

This instrument was acknowledged before me on _____, 2016, by Carl Markley as President of Perfect Games, Inc.

Notary Public in and for the State of Iowa

Attachment D Applicant Letter

RECEIVED

FEB 17 2016

CITY OF AMES, IOWA
DEPT. OF PLANNING & HOUSING

1320 Dickinson Ave.
Ames, IA 50014
February 17, 2016

Ms. Karen Marren
Ames Planning and Housing
515 Clark Ave
Ames, IA 50010

We have accumulated some thoughts on parking at Perfect Games, Inc. to assist in any concerns with the addition of mini golf to our portfolio. Below is a list of our thoughts;

1. Mini Golf will be open during the summer. Generally business is down 35-40% in the summer overall, so there is less parking and property functions being used. This inversely proportional effect should be beneficial in all aspects.
2. In our almost 3 years with the facility, we've rarely seen the east parking area half full. We have only seen it near capacity on our busiest days during the year, which are during the winter. All other areas of our parking may be full and this area is normally completely empty. There are generally 40+ parking spots open in the east parking area where mini-golf would be
3. Our parking was based on 5 spots per bowling lane which was derived from information that is over 50 years old. 5 person bowling teams were the standard but this is outdated information. Of the 12 bowling leagues we have, 1 of them has 5 person teams and it's our smallest league, all others are 3 or 4 persons per team. This would give us at least 24 extra spots most nights in the winter and even more in the summer when our bowling leagues are cut by 65% and there are no 5 person teams.
4. Our goal with mini-golf is to add another option for those already planning to visit Perfect Games during the summer months. Although we hope it would increase visitors during our slow time, we're not entirely sure it will draw more people.
5. Sadly, as hard as we've tried, our restaurant doesn't draw people to use that area specifically. More often than not, there is not a single person in our restaurant seating. We know the area of the restaurant had an effect on the original number of parking spots required, but we just don't get the use of this area. People view us more as entertainment than food. We've even dropped the names KingPin Pizza and Bootleggers Bar.
6. There is a parking agreement with the pet hospital and these spaces are underutilized to the point of almost never being used.

With these factors we feel the need for parking for the mini golf are met on the site during the times it would be in use.

Thank you for your consideration, let us know if you have any further questions or concerns about parking or mini golf.

Kelly McPartland, Adam Dodds, Cael Sanderson and Carl Markley – Stockholders of Perfect Games, Inc.