

COUNCIL ACTION FORM

SUBJECT: **REQUEST FROM OWNER OF 400 MAIN STREET
TO ENCROACH INTO TOM EVANS PLAZA**

BACKGROUND:

In 2013, Randy Pyle, owner of the building at 400 Main Street, came before the Parks and Recreation Commission with a request to encroach into Tom Evans Plaza. At the time he wanted to widen the stairwell that enters the basement, as well as, a couple of other items. The Commission was concerned with the potential damage to the four trees located on the west side of the plaza and the artwork mural (no longer there) that was painted on the side of his building. Even with these concerns, the Commission supported the encroachment request. Mr. Pyle eventually decided not to pursue his request further and, therefore, decided not to complete an Encroachment Permit Application nor obtain City Council approval.

Mr. Pyle presented another encroachment request to the Parks and Recreation Commission at its August 2017 meeting. The Commission directed staff to finalize details with Mr. Pyle, explore potential improvements to Tom Evans Plaza, and meet with Cindy Hicks, Executive Director of the Main Street Cultural District (MSCD). **The Commission approved in concept Mr. Pyle's request at its September 2017 meeting.** Mr. Pyle has completed an Encroachment Permit Application and is now seeking City Council approval.

It is Mr. Pyle's intent to rent the basement space to a business, but first needs to bring the stairwell into Code compliance and address water issues in the basement. The sidewalk along the building currently slopes toward the building in spots which he feels is contributing to the water issues. Therefore, his request includes the following:

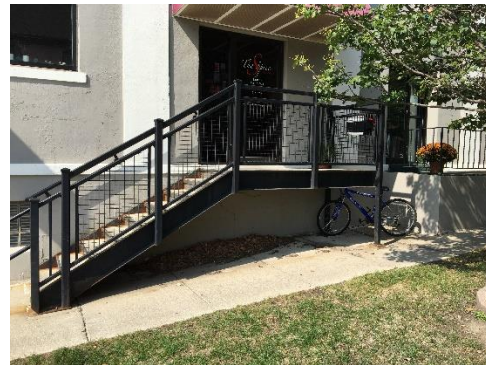
- 1) Widen the stairwell to the east of his building from 30" to 60". In addition, there would be a 10" wide wall on the east and south sides of the stairwell. Since the existing stairwell has not been granted an encroachment permit, the 5' 10" wide by 27' 1" long new stairwell will require an encroachment permit.



- 2) Remove the concrete stairs to the Bar La Tosca entrance and replace with a set of stairs similar to the set used by Spice customers. Since an encroachment permit has not been issued for the current stairs, the new set of stairs (52" wide by 13' 5.75" long) will require authorization from an encroachment permit as well.



(Current stairs to Bar La Tosca)



(Stairs to The Spice)

- 3) Cut the vertical supports to the fire escape and extend posts of the railing below to support the fire escape. The fire escape from the second floor to ground level extends 48.5" into the plaza. No encroachment permit exists for the fire escape so an encroachment permit is required for this as well. Since a portion of the fire escape is over the stairwell, Mr. Pyle will only be charged for the portion of the fire escape that is not over the stairwell which is 48.5" by 10'.



- 4) Remove the concrete along his building, the adjacent sidewalk, and the north/south curved sidewalk in the plaza and replace with a north/south walkway that extends 16' to the east from his building wall. This would be installed to slope away from the building in order to get water away from the building.



- 5) Remove the four trees and stumps located on the west side of the park. One to two new trees may be planted in new locations within the park as determined by staff. Parks and Recreation staff may help with this item.



- 6) Repair any turf damaged during construction with seed or sod as determined by staff.

Mr. Pyle has agreed to pay for the six items above if given approval to move ahead with this project. He is also aware he will need to obtain any needed permits and site plan approvals as required by Municipal Code.

As directed by the Commission, staff met with Cindy Hicks, Executive Director of MSCD, who indicated that the MSCD did not have any concerns related to Mr. Pyle's request.

The total area of the encroachment is 256.82 square feet (sf) (stairwell – 157.99 sf; staircase – 58.41 sf; fire escape – 40.42 sf).

The requirements of Section 22.3 of the Municipal Code have been met. As part of the agreement, the owner will indemnify and hold harmless the City, and will provide the required liability insurance listing the City as an additional insured. The fee has been calculated at \$257.

ALTERNATIVES:

- 1) Approve the Encroachment Permit request from Randy Pyle, owner of the building at 400 Main Street, to encroach into Tom Evans Plaza which includes the following conditions/commitments:
 - a) Install a new stairwell, 5' by 27' 1", to the basement of his building.
 - b) Remove the concrete stairs to Bar La Tosca and replace with a metal staircase, 52" wide by 13' 5.75" long.
 - c) Remove four trees and plant up to two trees with the species and location determined by Parks and Recreation staff.

- d) Cut vertical supports to fire escape and extend posts of railing to support the fire escape.
 - e) Remove both sidewalks through the west portion of the Plaza and replace with a sidewalk, running north to south, which extends 16' to the east from his building wall.
 - f) Repair any turf areas damaged during construction or created by removing the sidewalks.
 - g) Obtain all necessary permits and site plan approvals as required by Municipal Code.
 - h) Pay all appropriate fees associated with this project and sign the Encroachment Permit Agreement.
- 2) Do not approve the Encroachment Permit request from Randy Pyle, owner of the building at 400 Main Street, to encroach into Tom Evans Plaza.
- 3) Refer back to staff for further information as directed by the Council.

CITY MANAGER'S RECOMMENDED ACTION:

The items Mr. Pyle is requesting appear to be reasonable. The stairwell already exists and expanding it approximately two feet does not impact the Plaza. Removing the concrete stairs and replacing them to match the other set of stairs will be an improvement to the area. The fire escape already exists and is needed for safety. Removing the concrete walkway and replacing it so water moves away from the building seems appropriate as well. The trees show signs of stress and may not have much life in them, so removing and possibly replacing them will be positive. In addition, Mr. Pyle is willing to pay for everything he is proposing.

Since the items suggested by Mr. Pyle will enhance the Plaza rather than negatively impact the area, it is the recommendation of the City Manager to support Alternative #1 and approve an encroachment permit subject to the eight conditions listed above.



APPLICATION FOR ENCROACHMENT PERMIT

An Encroachment Permit approved by the Ames City Council is required for anything of a "fixed character" which is "upon, over or under" the surface of any "street, alley, or sidewalk."

Address of Encroachment: 400 Main

Type of Encroachment: Stairway
(If the encroachment is a sign, please apply for a sign permit through the Inspections Division.)

Total Square Feet of the Area to Encroach: _____ (See attached submittal guidelines.)

Applicant is: ☒ Property Owner ☐ Tenant ☐ Contractor

Name of Applicant: Randy Pyle Phone: 808-375-5035

Mailing Address: P.O. Box 247 Email: rrdpyle@icloud.com

Property Owner's Name: Randy Pyle Phone: 808-375-5035

Mailing Address: P.O. Box 247 Email: rrdpyle@icloud.com

These items must be submitted with your application prior to approval of the permit:

1. An Encroachment Permit Agreement approved as to form by the City Attorney and signed by the owner of the building where the encroachment will occur (obtained from the City Clerk's Office).
2. A sketch of the encroaching item (i.e., sign, canopy, awning, etc.) drawn to scale.
3. A sketch showing the placement of the encroaching item on the property.
4. An insurance certificate with comprehensive general liability coverage in an amount of not less than \$500,000 combined single limit naming the City of Ames as an additional insured on the policy. Said certificate must be accompanied with a copy of Endorsement CG 2013.
5. A fee to be determined by the City's Building Official. The fee is \$1.00 per square foot of the encroachment or a minimum of \$25.00.

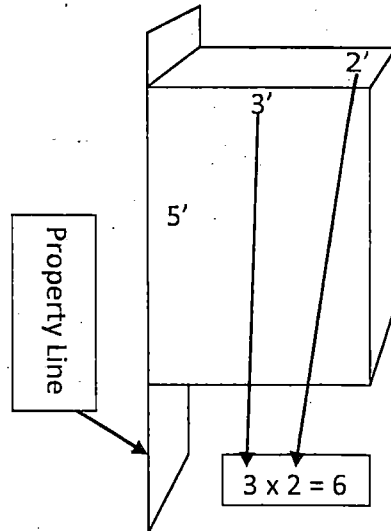
Applicant's Signature: [Signature] Date 9/21/2017

Property Owner's Signature (If different): [Signature] Date 9/21/2017

ENCROACHMENT PERMIT SUBMITTAL GUIDELINES

The following documents are needed upon application:

1. Encroachment Permit Application/Agreement, including property owner's signature
2. Dimensioned sketch/drawing of proposed encroachment and location of encroachment
-The total square feet of area to encroach as referenced on the application should be calculated by multiplying the length (3) x width (2) = 6 square feet. This will determine the area that is in the public way. It is not necessary to calculate height (5' - the vertical dimension). Please see the diagram below:



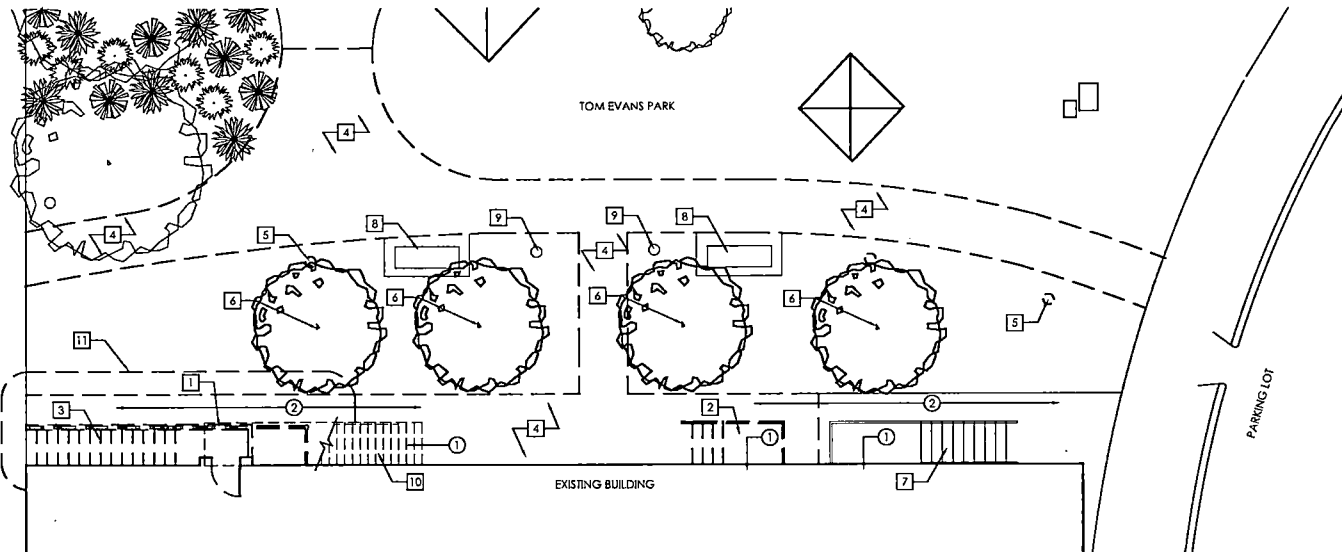
The following documents are needed before final approval of the application:

1. Application fee of \$25 or \$1 for every square foot that encroaches, whichever is larger
2. Comprehensive general liability insurance coverage in the amount of not less than \$500,000 combined single limit and a current copy of Endorsement CG 2013, naming the City of Ames and its employees and assigns, as an additional insured on the policy.

ADDITIONAL INFORMATION

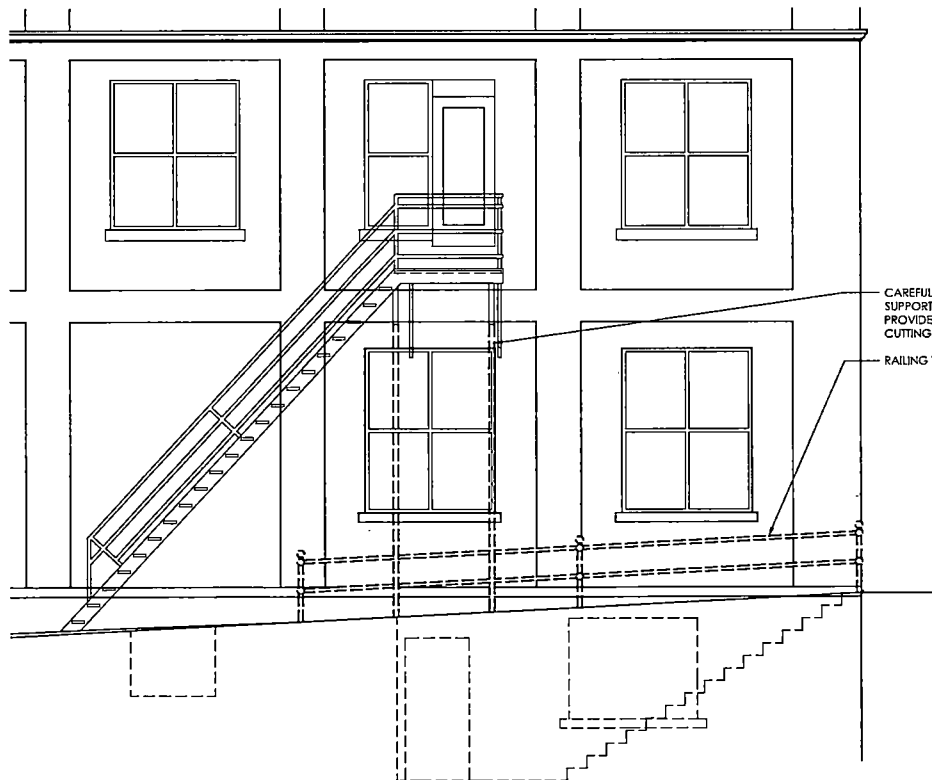
1. If the encroachment is a sign or a structure, it may require additional permits.
2. City Council approval is needed in order to approve the application. This application will be placed on the next City Council consent agenda.
3. Proof of insurance may be submitted at any time before final approval. The applicant may want to confirm City Council approval before adding additional insurance to their policy.
4. Once all documents have been received and approved, a permit will be issued and sent to the property owner.
5. The property owner is required to send an updated copy of their insurance to the City Clerk's Office annually. Failure to do so may result in revocation of the encroachment permit.

MAIN STREET



DEMOLITION PLAN

SCALE: 1/8" = 1'-0"



CAREFULLY CUT VERTICAL
SUPPORTS FOR FIRE ESCAPE.
PROVIDE SHORING PRIOR TO
CUTTING

RAILING TO BE REMOVED



DEMOLITION NOTES

- 1 CAREFULLY REMOVE EXISTING RAILING. CUT VERTICAL SUPPORTS FOR FIRE ESCAPE. PROVIDE TEMPORARY SHORING - PROTECT EXISTING SURFACES TO REMAIN.
- 2 CAREFULLY REMOVE CONCRETE STOOP IN ITS ENTIRETY. PROTECT EXISTING SURFACES TO REMAIN.
- 3 REMOVE EXISTING CONCRETE RETAINING WALL AND STAIR TO BASEMENT, PROTECT EXISTING SURFACES TO REMAIN.
- 4 REMOVE CONCRETE SIDEWALK WHERE SHOWN.
- 5 REMOVE BOLLARD.
- 6 REMOVE TREES WHERE SHOWN.
- 7 EXISTING STOOP - PROTECT FROM DAMAGE.
- 8 EXISTING BENCH TO REMAIN - PROTECT FROM DAMAGE.
- 9 EXISTING BOLLARD TO REMAIN - PROTECT FROM DAMAGE.
- 10 EXISTING FIRE ESCAPE TO REMAIN - PROTECT FROM DAMAGE AND MAINTAIN EGRESS PATH AT ALL TIMES.
- 11 PROVIDE TEMPORARY BARRIER FENCING AROUND EXCAVATION AREA.

GENERAL NOTES

- 1 MAINTAIN PATHS OF EGRESS FOR TENANT SPACES DURING OPEN HOURS. COORDINATE WORK WITH TENANTS AND BUILD TEMPORARY STAIRS/RAMP AS REQUIRED.
- 2 KEEP EGRESS PATH CLEAR OF DEBRIS AND OBSTACLES AT ALL TIMES.

FIRE ESCAPE ELEVATION - DEMOLITION

SCALE: 1/8" = 1'-0"

Benjamin Design Collaborative, P.C.
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Phone: 515-232-0888 Fax: 515-232-0882 www.benjamin.design



400 MAIN ST. STAIR REPLACEMENT
RANDY PYLE
400 MAIN STREET AMES, IOWA

(DATE) 09.21.17
(PROJECT NO.) 21446
(FILE NAME) 0000A1
(CONTENTS) DEMOLITION
PLAN
AND
ELEVATION
(SHEET NO.) A1 OF 3

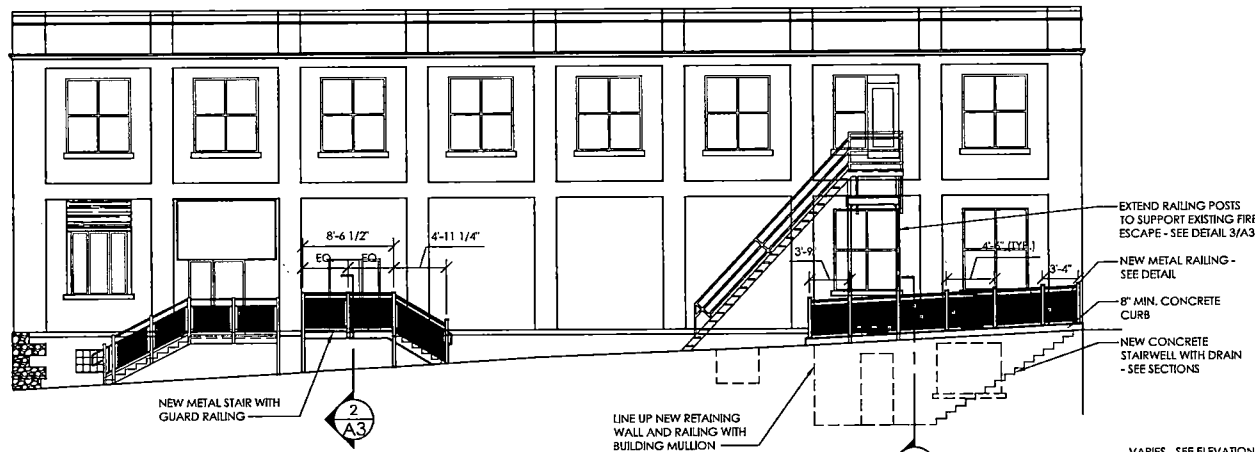
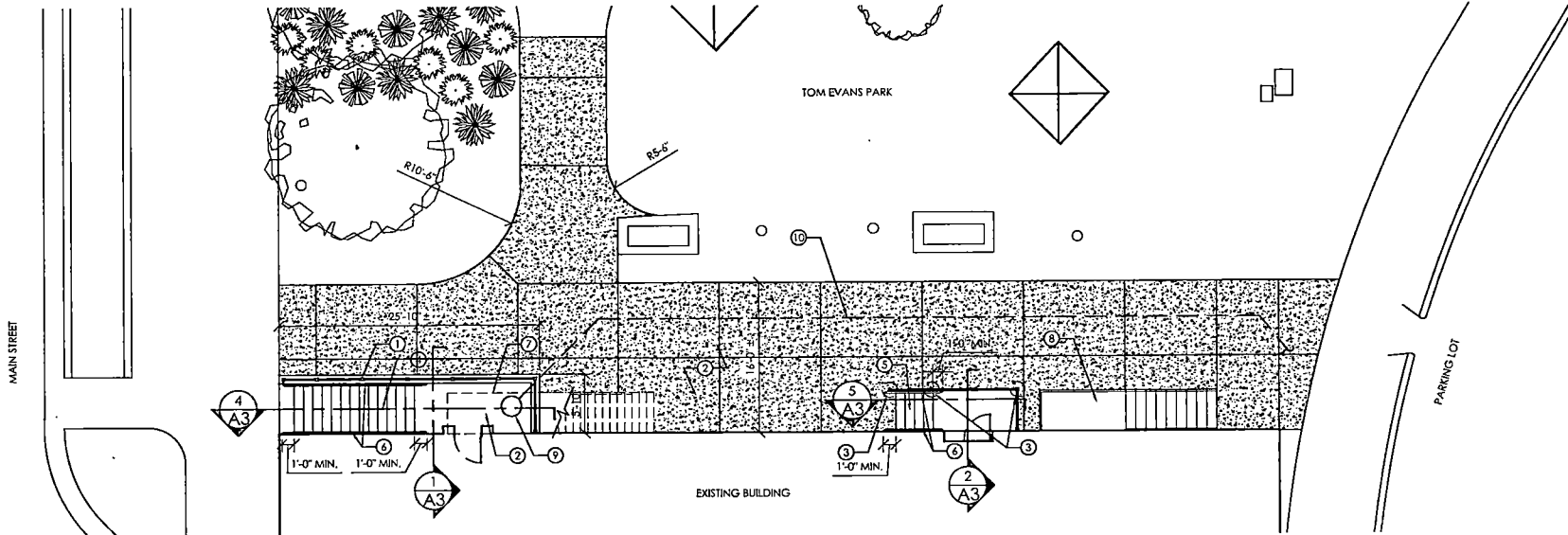
I HEREBY CERTIFY THAT THIS PLAN OR TECHNICAL SUBMISSION
WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND
RESPONSIBLE CHARGE. I AM A DULY REGISTERED ARCHITECT
UNDER THE LAWS OF THE STATE OF IOWA.

JOHN D. LOTT, A.I.A.

MY REGISTRATION RENEWAL DATE IS JUNE 30, 2019.

PAGES OR SHEETS COVERED BY THIS SEAL: _____

DATE: _____ IOWA REG.: 3630

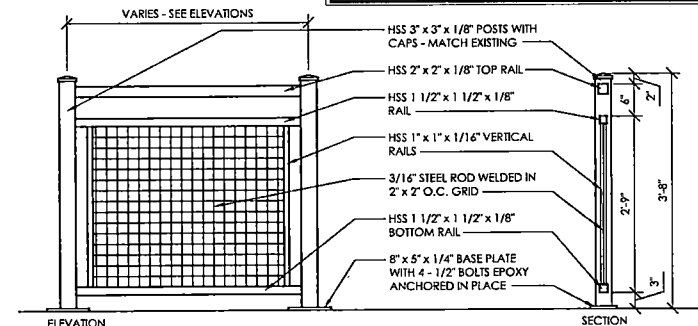


CONSTRUCTION NOTES

- 1 NEW RETAINING WALL WITH METAL GUARD RAIL. SEE ELEVATIONS.
- 2 5" CONCRETE SIDEWALK AS SHOWN. SLOPE AWAY FROM BUILDING. SAW CUT CONTROL JOINTS 1/3 SLAB DEPTH MAX. 10'-0" O.C.
- 3 18" Ø CONCRETE PIER MIN. 4'-0" BELOW GRADE.
- 4 CONCRETE STAIRWELL WITH DRAIN. SEE SECTION.
- 5 METAL STOOP WITH GUARD RAIL. SEE DETAILS.
- 6 36" HIGH METAL HANDRAIL - RETURN TO WALL OR GUARDRAIL.
- 7 EXISTING FIRE ESCAPE ABOVE - MAINTAIN EGRESS PATH AT ALL TIMES. EXTEND POSTS OF RAILING TO SUPPORT - SEE DETAIL 3/A3.
- 8 TEMPORARILY REMOVE METAL STAIR TO FACILITATE CONCRETE REMOVAL - REPLACE STAIR IN SAME POSITION.
- 9 PLACE NEW SUMP PIT IN LANDING - SEE DETAIL.
- 10 2" PVC SUMP LINE TO EXISTING STORM INTAKE.

GENERAL NOTES

1. MAINTAIN PATHS OF EGRESS FOR TENANT SPACES DURING OPEN HOURS. COORDINATE WORK WITH TENANTS AND BUILD TEMPORARY STAIRS/RAMP AS REQUIRED.
2. KEEP EGRESS PATH CLEAR OF DEBRIS AND OBSTACLES AT ALL TIMES.

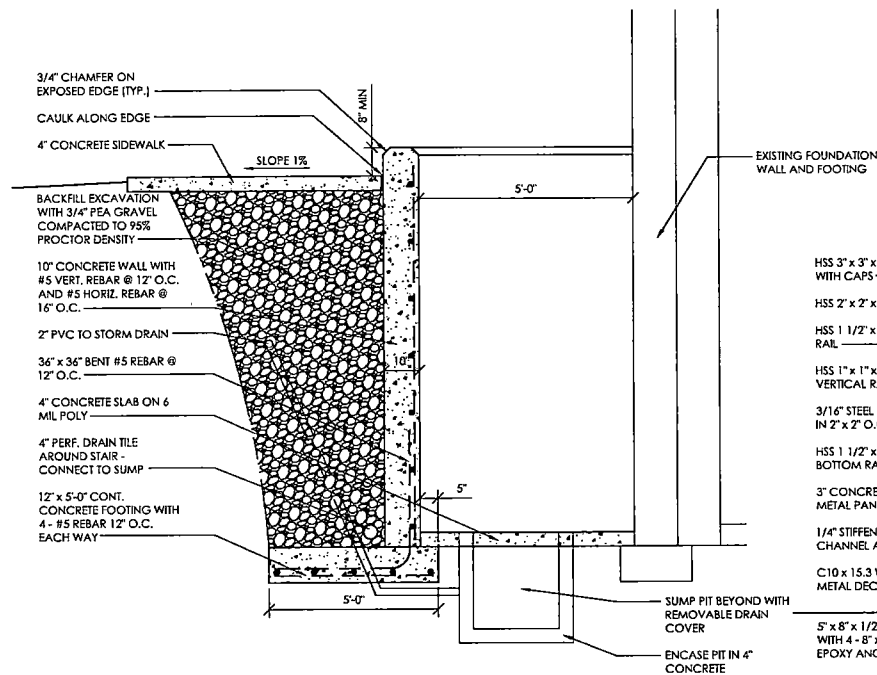


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RANDY PYLE
400 MAIN STREET AMES, IOWA

[DATE] 09.21.17
[PROJECT NO.] 21446
[FILE NAME] 00000A1
[CONTENTS] CONSTRUCTION PLAN AND ELEVATION AND DETAIL
[SHEET NO.] 2 OF 3



STAIRWELL SECTION

SCALE: 1/2" = 1'-0"

1
A3

STOOP SECTION

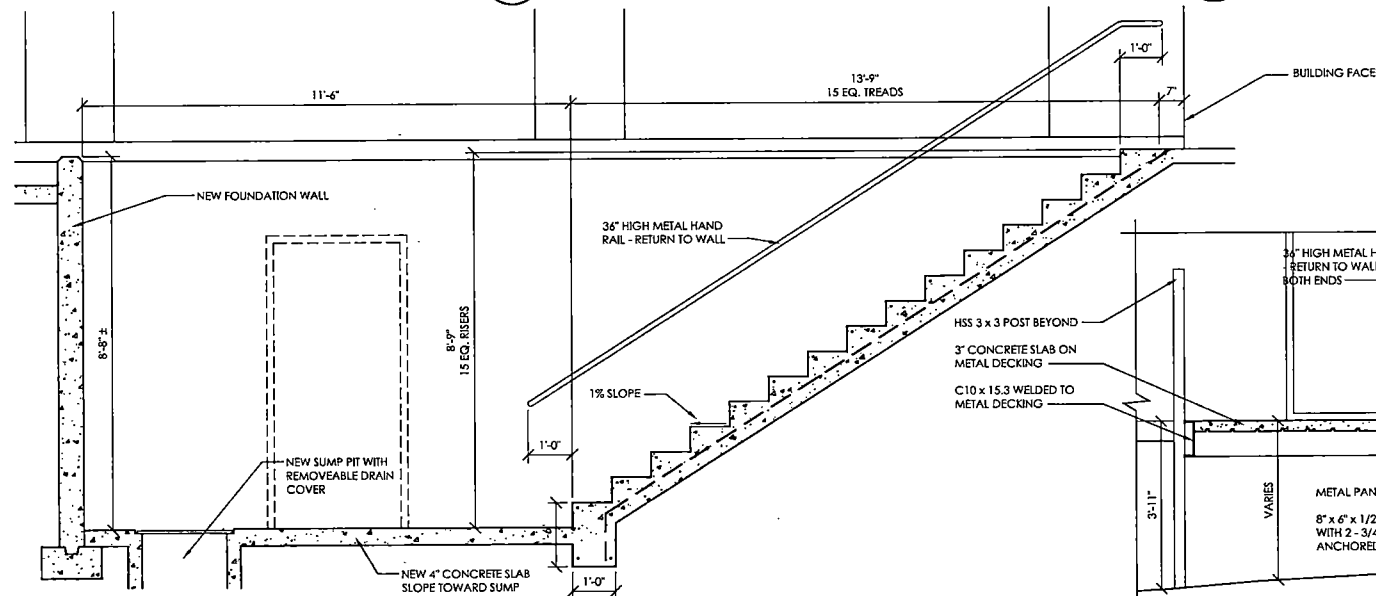
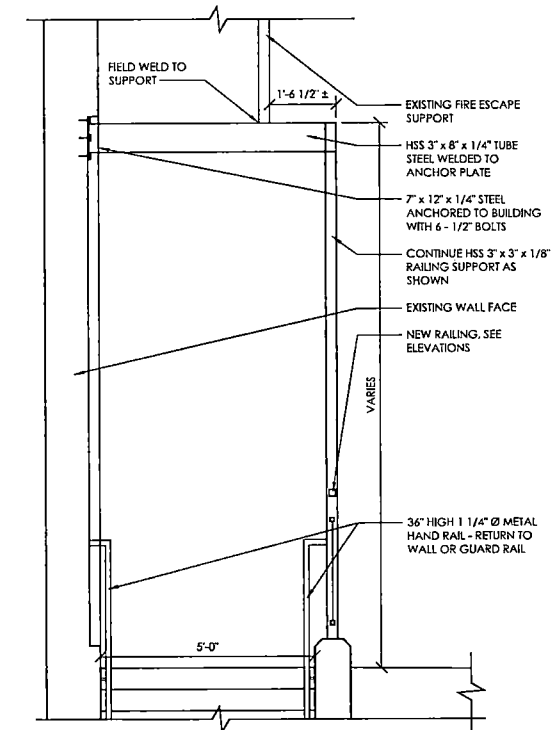
SCALE: 1/2" = 1'-0"

2
A3

FIRE ESCAPE SUPPORT

SCALE: 1/2" = 1'-0"

3
A3



STAIRWELL SECTION

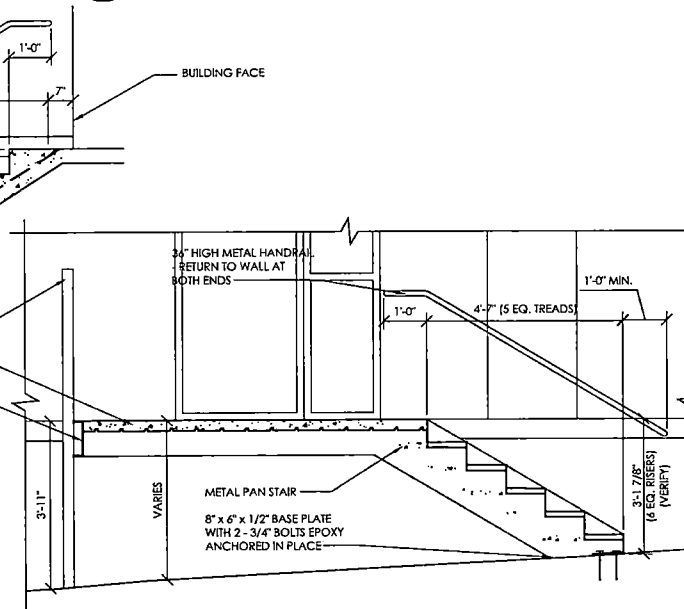
SCALE: 1/2" = 1'-0"

4
A3

STOOP SECTION

SCALE: 1/2" = 1'-0"

5
A3



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(SHEET NO.) A3 OF 3