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April 10, 2019

VIA E-MAIL TO DVOSS@CITY.AMES.IA.US

City of Ames, Iowa
Attn: Diane Voss, City Clerk
515 Clark Ave.
Ames, IA 50010

Re: Cornbred BBQ a/k/a New Stream II, L.C. (“Cornbred”)
The Depot - 500 Main Street, Ames, Iowa (the “Property”)

Mrs. Voss:

Please present this letter to the Ames City Council for consideration at the Council Comments section of their workshop on April 16, 2019. We are presenting this letter on behalf of Cornbred and we request that the matter addressed herein be referred to staff for further analysis and immediate consideration, as Cornbred intends to open for business at the Property in the near future.

This should be a pretty straightforward matter. Recall we amended the development agreement for the Property pursuant to that certain Amended and Restated Ames Depot Development Agreement between Merry Bee Properties, LLC (“MBP”) and the City of Ames, Iowa (the “City”), filed in the office of the Recorder of Story County, Iowa, on November 20, 2017, as Instrument No. 2017-11710 (the “Development Agreement”). The Development Agreement modified parking rights with respect to the City and revived certain expired use restrictions related to the design qualities of the Property. The 2nd sentence of Section 3 of the Development Agreement reads as follows:

“Alterations or additions to the Depot shall be compatible with the exterior historic qualities thereof.” (emphasis added)

Cornbred is leasing part of the Property from MBP and desires to place a sign above the entrance to their business. An issue has arisen as to whether Cornbred’s proposed sign is “compatible” with the historic qualities of the Property. Specifically, the issue revolves around whether Cornbred’s proposed sign, which contains less of a surface area than the current sign thus providing an increased view of the historic roof, among other things, of the Property, is incompatible because the lettering of the sign is higher than the outline of the current sign. The term “compatible” is not defined in the Development Agreement.

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As of the date of this letter, it is the position of City staff that Cornbred's proposed sign is incompatible. We couldn't disagree more. Accordingly, we hereby request a formal referral of this correspondence to the Planning Department and/or the Legal Department in order for this matter to be ultimately decided by the City Council.

Thank you in advance for your understanding and cooperation.

Very truly yours,

DAVIS, BROWN, KOEHN, SHORS & ROBERTS, P.C.

A handwritten signature in blue ink, appearing to read "Brian D. Torresi", with a stylized flourish at the end.

Brian D. Torresi

Cc: Ryan Newstrom