

COUNCIL ACTION FORM

SUBJECT: REMOTE PARKING AGREEMENT FOR 700 DOUGLAS AVENUE

BACKGROUND:

UT Prosim Revocable Family Trust owns the properties at 700 Douglas and 708 Douglas Avenue. Each property contains a small apartment building (*see Attachment A - Location Map*). **The property owner is requesting approval of a remote parking agreement to provide six required parking stalls at 708 Douglas Avenue to fulfill the parking needs of the existing four-unit apartment complex located at 700 Douglas Avenue.**

This request for remote parking requires both: 1) a variance, because the RM zoning district does not permit remote parking, and 2) City Council approval, as all remote parking agreements are subject to City Council approval per Municipal Code.

The Zoning Board of Adjustment (ZBA) approved a Variance at its June 10th meeting to allow for parking needed for 700 Douglas to be located off-site (remote parking) on the 708 Douglas site. The existing building at 700 Douglas is a nonconforming apartment building due to the lack of any on-site parking and the applicant was unable to construct required parking on the 700 Douglas lot outside of the front yard or as covered parking.

The request was initially motivated by converting one of the apartment units to guest lodging, which triggered parking improvements for the nonconforming apartment building. Since the approval by ZBA of the variance and Special Use Permit for a guest lodging unit, the state has eliminated local licensing and zoning requirements that distinguish short term rental from other residential uses. However, the applicant desires to complete the remote parking process because it would create legal parking for the apartment building at 700 Douglas regardless of its use as guest lodging. **Although a Variance was approved to construct the parking, remote parking is subject to Council approval of an agreement for the use.**

The current apartment building at 700 Douglas includes four units. These four units require six parking spaces based on the zoning standards for apartments. The parking required for the neighboring property at 708 Douglas is proposed on site with the parking required for 700 Douglas. This will create a 13-stall parking lot with eight of the stalls in garages and five located outside. The required ADA van-accessible stall has also been provided. The provision of parking stalls for these apartments necessitates the review of the parking and the need for approval of the requested remote parking agreement as a result of the granting of the Variance. A Minor Site Development Plan was approved for the parking improvements and is included as Attachment C.

Ames *Municipal Code* Section 29.406(18) only allows for remote parking to satisfy required parking offsite, 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.** The approved variance does not preempt Council authority of approving an agreement. When reviewing the proposal for remote parking, the City has traditionally assessed the convenience and use of the area for remote parking as meeting the City's development standards.

The proposed remote parking site abuts 700 Douglas Avenue. The parking is physically located 12 feet from the subject property. The applicant proposes to pave the current gravel parking lot at 708 Douglas Avenue. The current gravel parking lot is non-conforming in terms of its layout and landscaping. The Minor Site Development Plan submitted by the owner proposes a compliant parking layout, paving plan, and landscaping.

Both properties are owned by UT Prosim Revocable Family Trust. (see *Attachment B - Site Plan/Remote Parking at 700 & 708 Douglas 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. Approve the "Remote Parking Agreement" to provide the required six parking stalls at 708 Douglas Avenue for the existing four-unit apartment complex at 700 Douglas Avenue.
2. Deny the "Remote Parking Agreement" to provide the required 6 parking stalls at 708 Douglas Avenue for the apartment complex and Guest Lodging use at 700 Douglas Avenue.
3. Refer this item to staff or the applicant for further information.

CITY MANAGER'S RECOMMENDED ACTION:

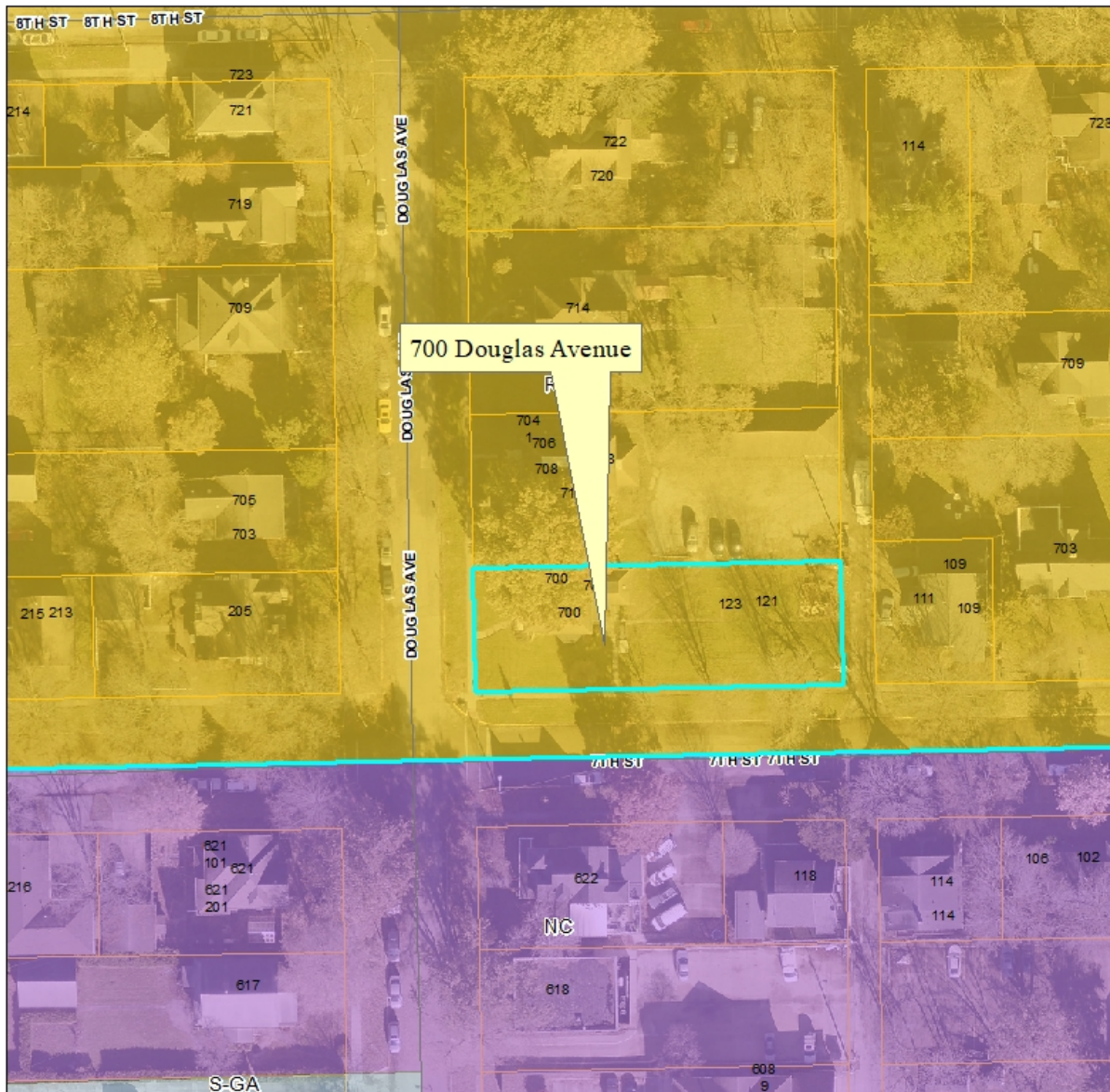
The subject sites are zoned RM with the Single-Family Conservation Overlay District, which allows for apartment, one-family, and two-family dwellings on existing lots and subject to development standards. However, remote parking is not an allowed activity for these lots. The ZBA granted the variance by finding that all the criteria had been met for a variance to allow for remote parking on 708 Douglas for the existing apartment buildings at 700 and 708 Douglas subject to compliance with all parking lot and landscaping standards.

The two properties currently are licensed rental properties and their status of conformity with the Rental Code is unaffected by the proposed remote parking. The addition of parking does improve the condition of the site at 708 Douglas, which informally, has served as parking for both sites while they have been under common ownership. With

approval of the remote parking agreement, the use of the parking is exclusive to these two properties and it is limited in benefit to the existing configuration of the apartment buildings. Neither the approved variance nor proposed remote parking would allow for redevelopment of the site with new apartment buildings that did not meet site development standards for on-site 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 708 Douglas Avenue for the apartment complex and Guest lodging use at 700 Douglas Avenue.

Attachment A- Location Map



700 Douglas Avenue
Location & Zoning



Attachment B- Remote Parking Agreement & Site Plan

S P A C E A B O V E R E S E R V E D F O R O F F I C I A L U S E

Legal Description: Lots 4 and 5 and the South 15 feet of Lot 6 all in Block 1, Original Town of Ames, Story County, Iowa

Return document to: City Clerk, 515 Clark Avenue, Ames IA 50010

Document prepared by: Jane Chang, City of Ames Legal Department, 515 Clark Ave., Ames, IA 50010 – 515-239-5146

REMOTE PARKING AGREEMENT

SUSAN IRENE HURD, as **TRUSTEE** of the **UT PROSIM REVOCABLE FAMILY TRUST** dated **June 12, 2014** (“**UT Prosim**”) makes this Remote Parking Agreement (the “**Agreement**”) in favor of the **City of Ames, Iowa** (the “**City**”) effective September 11, 2020.

RECITALS

- A. UT Prosim holds title to the real estate located at 700 Douglas Avenue in the City of Ames, Story County, Iowa legally described as follows:

Lot 4 in Block 1, Original Town, Ames, Story County Iowa.
- B. UT Prosim also holds title to the real estate located at 708 Douglas Avenue in the City of Ames, Story County, Iowa legally described as follows:

Lot 5 and the South 15 feet of Lot 6 in Block 1, Original Town, Ames, Story County Iowa.
- C. UT Prosim is required to provide sufficient parking for rental housing and guest lodging uses at the parcel located at 700 Douglas Avenue. The parcel at 700 Douglas Avenue does not have sufficient parking for these uses as required by the City’s regulations.
- D. To meet the City’s off-street parking requirements for the 700 Douglas Avenue parcel, UT PROSIM desires to provide six (6) parking spaces on the parcel located at 708 Douglas Avenue. (See attached site plan.)

- E. The City is willing to allow UT Prosim to utilize the parking spaces located on the 708 Douglas Avenue parcel to meet the City's off-street parking requirements for the 700 Douglas Avenue parcel due to the common ownership of both properties.

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

1. **Exclusive Parking.** The six (6) parking spaces provided will be for the exclusive use of the 700 Douglas Avenue parcel for the parking of motor vehicles and for no other use without the City's prior consent. The six (6) parking spaces provided shall at all times be clearly marked. UT PROSIM shall maintain the six (6) spaces and access routes to and from the spaces in a passable and usable condition, clear of snow accumulations, ponded water, brush, weeds, or other conditions that could impede or discourage use of the spaces.
2. **Termination.** No party shall terminate this Agreement without the prior written consent of the City of Ames. The City of Ames shall not consent to termination of this Agreement unless both parcels are under common ownership. Should this Agreement terminate, the use of the parcel at 700 Douglas Avenue for either guest lodging or rental housing may be revoked by the City.
3. **Nature of Agreement.** This Agreement shall run with the land and shall be binding upon UT Prosim and its successors and assigns.
4. **Authority.** The undersigned Trustee has the full and lawful authority to grant the rights herein and there are no facts or legal claims that might impair the validity of the trust.

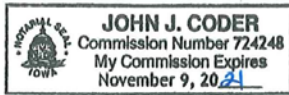
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UT PROSIM REVOCABLE FAMILY TRUST

By: Susan Irene Hurd
Susan Irene Hurd, Trustee

STATE OF Iowa)
) SS
COUNTY OF Story)

On this day of September 11, 2020, before me, the undersigned, a Notary Public in and for said state, the foregoing Agreement was sworn to (or affirmed) and subscribed by Susan Irene Hurd, as Trustee for the UT Prosim Revocable Family Trust.



John J. Coder
Notary Public

LENDER'S CONSENT TO REMOTE PARKING AGREEMENT

VISION BANK, Ames, Iowa, has an interest in certain Real Property described in the Remote Parking Agreement by virtue of a Mortgage dated January 28, 2002, filed January 29, 2002, and recorded as Instrument No. 02-01756 in the office of the Recorder of Story County, Iowa. The Mortgagee has been requested to subordinate its rights under said Mortgage to the rights of the grantee of said Remote Parking Agreement, its successors and assigns, under the said Remote Parking Agreement and deems it advisable to do so. Now, therefore the Mortgagee, for good and valuable consideration, agrees that whatever right, title, lien, estate, or interest the Mortgagee now has or may hereafter acquire in said Real Property by virtue of the aforesaid Mortgage, the same shall be subordinate to the rights of the grantee, its successors and assigns, under said Remote Parking Agreement.

In Witness Whereof, the Mortgagee has caused this instrument to be executed on September 11, 2020.

VISION BANK, AMES, IOWA 50010

By: [Signature] 9/11/20
Signature Date
John J. Coder
Printed Name
Senior Vice President
Title of Authorized Signer

STATE OF Iowa)
) SS
COUNTY OF Story)

On this day of September 11, 2020, before me, the undersigned, a Notary Public in and for said state, the foregoing Agreement was sworn to (or affirmed) and subscribed by John J. Coder, SVP for Vision Bank, Ames, Iowa 50010.



[Signature]
Notary Public

Attachment C- Minor Site Development Plan

