

COMMISSION ACTION FORM

SUBJECT: ZONING ORDINANCE TEXT AMENDMENT PERTAINING TO SPORTS PRACTICE FACILITIES

BACKGROUND:

Jensen Development Corporation, Ltd. is currently constructing a practice facility at 1010 Dickinson Avenue for the Iowa State University basketball team. A minor site development plan was approved on October 20, 2008. The approved site plan meets all requirements, including parking. To determine parking needs, the use was defined as a "recreation facility and health club." The required parking of 173 parking spaces was calculated at 5 spaces per 1,000 square feet for the 28,965 gross square footage of the recreational facility (145 spaces) and 1 space per 300 square feet for the 8,443 square feet of upper level office space (28 spaces). The approved site plan indicates that 174 parking spaces are provided.

The developer of the site, however, indicated that he would like to further subdivide the parcel to retain land for additional private development after ownership of the basketball facility is transferred to ISU. The large amount of parking that was required for this facility makes this difficult to do. ISU indicated that the proposed use of the facility as office space and "sports practice facility" would need no more than 59 parking spaces. The difficulty is that the City zoning ordinance does not define nor provide parking requirements for such a use.

Planning staff discussed several alternatives with the owner and his representatives. The owner requested that the City Council refer a possible solution to the staff for consideration. The owner is proposing to define a new use, "sports practice facility," as:

"A facility dedicated solely to the training and development of sports teams. Uses shall not include the playing of scheduled games, matches, championships, or tournaments. The facility may have limited observation seating for family and associates of the players who wish to watch the practice, but it is not open to the public; nor is the facility used for other assembly-type uses when not otherwise used for sports practice."

The owner further proposes a parking requirement of **1.5 spaces for every 1,000 square feet of the building devoted to the sports practice facility use**. Other uses in the building (such as offices uses) would add further parking needs on top of that required for the sports practice facility use. In this instance, the sports practice facility (28,965 square feet) would require 43 spaces and the 8,443 square feet of office use requires a further 28 spaces, for a total of 71 parking spaces.

Any new use that is defined in the zoning ordinance needs also to be placed in an appropriate use category so that its use can be assigned to specific zoning districts. Staff believes it is appropriate to consider this unique facility as a Miscellaneous Use (see Table 29.501(4)-7). This allows it to be considered for any particular zone on a case-by-case review. If a sports practice facility were to be considered as, for example, an Entertainment, Restaurant and Recreational Trade (a subcategory of Trade Use Categories—see Table 29.501(4)-3), it would be allowed in any commercial zone—from NC Neighborhood Commercial to HOC Highway Oriented Commercial. As a Miscellaneous Use, staff would recommend its allowance in the CCN Community Commercial Node and HOC Highway-Oriented Commercial districts. If requested in other zoning districts, staff could evaluate the impacts of its inclusion at that time and consider allowing it as a permitted or conditional use.

Other Approaches to the Issue

During site plan review and discussion of the parking demands of a sports practice facility, staff sought information from many other jurisdictions (both in-state and out of state) about how parking needs are addressed. No other jurisdiction that staff contacted has addressed this uniquely defined use or differentiated its parking requirements from a broader recreational facility or health club. The City would therefore be establishing its own precedent.

Staff Approach to the Issue

Staff believes that the approach offered by the developer is a good starting point. However, staff feels a simpler approach could be offered. Rather than separating the “sports practice facilities” from the “office uses” located on the second floor, the entire square footage of the facility be used to calculate parking requirements. Since the upper floor consists of offices of coaches and trainers, film room, and additional locker space and restrooms, there is no real functional reason why they should be separated for purposes of calculating parking. Staff proposes broadening slightly the definition of “sports practice facility” to:

“A facility dedicated solely to the training and development of sports teams. Uses shall not include the playing of scheduled games, matches, championships, or tournaments. The facility may have limited observation seating for family and associates of the players who wish to watch the practice, but it is not open to the public; nor is the facility used for other assembly-type uses when not otherwise used for sports practice. The facility may also include ancillary offices.”

Staff would further propose a parking requirement of **2.0 spaces per 1,000 square feet of gross floor area**. In this instance, the total square footage of the facility (37,408 square feet) would require 74 parking spaces.

Staff believes this modified approach is preferable since it would not require a subjective determination of what portion of the structure houses a use defined as the sports practice facility and what portion houses an office or other use—the entire structure would be

considered a single use. Staff has discussed this option with the owner's attorney. This alternative may be acceptable but further analysis is being done by their engineer.

Impact of a Proposed Text Amendment

The text changes proposed by the owner or the alternative proposed by the planning staff would have minimal impact. At this time, there is just the one facility that would be impacted—the proposed ISU practice facility. A previous development, the Ames Attack building at 2224 South Duff Avenue, may also have qualified if this definition were in place at that time.

A further impact that should be considered is the unique character of such a structure and the reuse possibilities if the structure were to become vacant. Since the proposed parking requirements are less than one third that of a public recreational facility (5.0 spaces per 1,000 gross square feet), retail sales and service (5.0 spaces), or general office (4.0 spaces), could such a facility be converted readily to a use with a higher parking demand? Of course, this issue would arise for other changes of uses from one of lesser parking demand to one of higher parking demand. An example could be a furniture store (2 spaces per 1,000 gross square feet) being converted to a grocery store (6.7 spaces per 1,000 square feet). A change of use for any facility requires an evaluation of the existing site plan and consideration of the parking needs. If parking is deficient, there usually are options, such as constructing more parking on-site or seeking joint or remote parking on nearby sites. In the instance of this basketball facility, there likely would not be space available on-site for additional parking.

The owner's proposed parking requirement of 1.5 spaces per 1,000 square feet creates 43 spaces. The 28,965 square feet of the basketball facility includes space for two full-size (94' by 50') basketball courts, locker rooms and showers, and training areas. There are no bleachers and very limited spectator space. These 43 spaces do not include the 28 spaces to meet the demands of the second floor office space. The practical question is: do the 43 spaces for the sports practice facility plus the 28 spaces for the office space meet the anticipated needs of the facility? Staff could find no precedent in other jurisdictions for such a use. However, ISU Athletic Director Jamie Pollard anticipates that the facility will have no more than 59 potential daily users. (This number is based on the total number of men's and women's basketball players, staff, and managers—see attached letter.) The 71 spaces that would be required by the owner's proposed formula have a 25 percent margin of error if the maximum users of the facility are miscalculated.

The staff's proposed parking requirement of 2.0 spaces per 1,000 square feet results in 74 spaces. The requirement is applied to the entire 37,408 square feet of the facility. This number of spaces is similar to that derived from the formula submitted by the applicant.

The potential risk here is 1) most other uses allowed in the CCN district require more parking per square foot than the ratio proposed for the sports practice facility, and 2) there is no assurance that remote or joint parking would be available to serve the site should the need arise.

Anticipated Text Changes

Staff anticipates four separate changes to the Ames Municipal Code. The first would be to add the definition of “sports practice facility” to Section 29.201 Definitions. The second would be to add the parking requirements to Table 29.406(2) Minimum Off-Street Parking Requirements. The third would be to add “sports practice facility” to Table 23.501(4)-7 Miscellaneous Use Categories. The fourth change would be to add “sports practice facilities” to the Zone Use tables for CCN (Table 29.802(2)) and HOC (Table 29.804(3)). If the Commission would rather consider “sports practice facility” to be an Entertainment, Restaurant and Recreational Trade use, the third step instead would be to add the use to Table 29.501 (4)-3 Trade Use Categories. No fourth step would then be needed.

The O-GSW Southwest Gateway Overlay District allows uses to reduce their parking needs by 15 percent through “collective parking” (see Section 29.1112(5)). If there are different uses or buildings on the same lot or on separate lots, the required parking may be reduced to 85 percent of the sum of the various uses. Staff believes that because of the uncertainties involved in the anticipated parking demands of this unique structure, such a reduction if applied to this use would reduce the margin of error to an unacceptable level. Staff recommends exempting “sports practice facilities” from the provisions of this collective parking provision.

ALTERNATIVES:

1. The Planning and Zoning Commission may recommend to the City Council to adopt the staff’s modified definition of sports practice facility, its modified parking requirement of 2.0 spaces per 1,000 square feet of gross floor area, its use as a Miscellaneous Use, its inclusion in the Use Tables for CCN and HOC, and its exemption from the collective parking provisions.
2. The Planning and Zoning Commission may recommend to the City Council to adopt the developer’s proposed definition of sports practice facility, its parking requirement of 1.5 spaces per 1,000 square feet of the building devoted to sports practice facility, its use as a Miscellaneous Use, its inclusion in the Use Tables for CCN and HOC, and its exemption from the collective parking provisions.
3. The Planning and Zoning Commission may recommend to the City Council to adopt the staff’s modified definition of sports practice facility, its modified parking requirement of 2.0 spaces per 1,000 square feet of gross floor area, its use as an Entertainment, Restaurant and Recreational Trade Use, and its exemption from the collective parking provisions.
4. The Planning and Zoning Commission may recommend to the City Council to adopt the developer’s proposed definition of sports practice facility, its parking requirement of 1.5 spaces per 1,000 square feet of the building devoted to sports practice facility, its use as an Entertainment, Restaurant and Recreational Trade Use, and its exemption from the collective parking provisions.

5. The Planning and Zoning Commission can refer this back to staff for additional analysis.
6. The Planning and Zoning Commission can recommend no change, thus retaining the current language regarding the parking requirement for the proposed use.

RECOMMENDED ACTION:

These proposed amendments are narrowly tailored to address the parking requirements of the proposed basketball facility. Staff does not anticipate that another sports practice facility would be built anytime soon. The only question that concerns staff is the parking availability if the structure underwent a change of use. But, as mentioned above, there are options that could be pursued at that time (albeit with some uncertainty).

Because of the very limited applicability of the amendments and their seeming ability to solve the anticipated parking needs (with a rather large margin of error) of this unique use, the staff of the Planning and Housing Department recommends that the Planning and Zoning Commission act in accordance with Alternative 1, adopting the definition of sports practice facility, the 2.0 spaces per 1,000 square feet of gross floor area parking requirements of staff, allowing this use in CCN and HOC districts and exempting it from the collective parking provisions of the O-GSW overlay district.

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April 20, 2009

Hon. Ann Campbell & Council Members
515 Clark Avenue – P.O. Box 811
Ames IA 50010

Re: Reduction in Off-Street Parking Requirements for 1010 Dickinson Avenue
ISU Basketball Practice Facility

Dear Mayor Campbell and Council Members:

Our office represents Jensen Development Corporation, Ltd., the owner of approximately ten acres of real estate located at the corner of Mortensen Road and South Dakota Avenue in the City of Ames. Our client has committed to gifting the land at 1010 Dickinson Avenue to Iowa State University. A new basketball practice facility and associated parking improvements on the land located at 1010 Dickinson Avenue are being built. The ISU practice facility will not be open to the public and will be devoted entirely to the development of sports teams.

Our client has been working with City staff to meet the necessary parking requirements for the facility being built upon the land. During the course of these discussions, it is clear that the minimum parking standards under the existing municipal code are well in excess of those required of a facility of this type. Because this facility will not be open to the public, it requires far less parking than an arena with observational space, a health club facility, or other recreational center. Additionally, the facility is located in an area close to where many student-athletes live, and a bus route goes by the location.

The basketball practice facility will be a two story building that is 37,412 square feet in area. The first floor area is 28,921 square feet comprised of up to four discrete playing surfaces,

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locker room and restroom facilities, an entry and lounge area, and athletic training areas. The second floor area of 8,491 square feet is primarily made up of office space for men's and women's head and assistant basketball coaches, office space for film editing, other office space, a game film room, and additional locker room and restroom space.

Under the current municipal code, the ISU basketball practice facility is classified as a "recreation facility and health club" use. Code section 29.406(2). The City staff has computed the existing off-street parking requirement for the facility *using current standards* at a total of 173 spaces – 145 spaces for the recreation space and a total of 28 spaces for the second floor office space.¹ The Municipal Code makes no distinction between a recreation facility that is not open to the public, such as the new basketball practice facility, and a facility that is open to the public. As a result, the municipal code requires 5 spaces for every 1000 square feet of facility.

This result constitutes more than two and one-half times more parking spaces that we estimate the facility will need. The ultimate owner of the facility, Iowa State University, has estimated in a letter prepared by ISU Athletic Department Director Jamie Pollard that the facility will have no more than 59 potential daily users. Our client asks that the Council amend the current municipal code so that no more than 72 off street parking spaces are required by the facility.

Our client asks that a new use be adopted under the municipal Code for a "Sports Practice Facility." This proposed use would differentiate the ISU basketball practice facility from a general recreation and health club that is open to members of the public. Through our discussions with the Planning and Housing staff, we suggest a text amendment to the Municipal Code (Section 29) to define the new use as follows:

Sports Practice Facility. A facility dedicated solely to the training and development of sports teams. Uses shall not include the playing of scheduled games, matches, championships, or tournaments. The facility may have limited observation seating for family and associates of the players who wish to watch the practice, but it is not open to the public; nor is the facility used for other assembly-type uses when not otherwise used for sports practice.

The appropriate standard for a "sports practice facility" should be 1.5 spaces for every 1000 square feet of the building. This will result in no more than 44 spaces being required by the facility space and maintain the standard for the 28 spaces required by the second floor office

¹ Code section 29.406(2) sets a standard of 1 parking space for every 300 square feet of above ground office space. Therefore, a total of 28 spaces are required for 8,491 square feet of second floor office space. The standard for a Recreation facility or health club (open to the public) is 5 parking spaces for every 1,000 square feet of space. Therefore, a total of 145 spaces are required for the 28,921 square feet of playing surface and locker room space on the first floor of the facility.

April 20, 2009
Page 3

space. The parking standard our client proposes will generously provide for the parking needs of the facility and is consistent with the needs of the ultimate owner.

On behalf of our client, Jensen Development, Ltd., we ask that the City Council refer this request to City staff for review and approval. In the event staff does not approve the request as written, we ask that other alternatives be considered to reduce the amount of off-street parking required for the facility. Please feel free to contact me with any questions regarding this request.

Yours very truly,

NYEMASTER, GOODE, WEST, HANSELL &
O'BRIEN, P.C.,


Victoria A. Feilmeyer

Copy to:

Director Steve Osguthorpe & Planner Ray Anderson - Planning and Housing Department
City Attorney's Office

November 25, 2008

Mr. Dickson Jensen
Jensen Design Build
4611 Mortensen Road
Suite 106
Ames, IA 50014-6228

Dear Dickson,

I thought it would be helpful if we outlined our actual parking needs for the new basketball practice facility to better assist you in planning the facility. For starters, it is important to note that this is not a facility that will be open to the general public. In fact, quite the opposite, it is a facility that will have very limited access since it is being built for the use of our men's and women's basketball teams. Although the total square footage for the facility is equivalent in size to other facilities that are commonly used for recreational purposes by the general public, the actual number of users in this facility is significantly less in scope given the limited nature of how the space will be used and the limited number of potential users.

Our records indicate we have the following number of potential daily users of this facility.

Men's Basketball Staff	8
Men's Basketball Student-Athletes	14
Women's Basketball Staff	7
Women's Basketball Student-Athletes	14
Sports Medicine Staff	5
Equipment Manager	1
Student Managers	<u>10</u>
Total Potential Daily Users	59

It is important to note that not all of these daily users, especially the students, have automobiles on campus. *For example, this year, only 8 of the 14 (57%) men's basketball players actually have an automobile registered on campus.* Furthermore, given the proximity of this facility to the apartments where many of our student-athletes live, the fact that the Cy-Ride bus route goes right by the location, and that most of our student-athletes currently car pool to practice, it is very reasonable to assume at least 30% of these users would not even be parking cars at this facility on a daily basis. In addition, the total of 59 potential users assumes that every potential user will be using the facility at the same time, which is clearly not a reasonable assumption.

I wanted to provide you this information because I am concerned if the athletics department is forced to have to purchase additional land to meet the projected number of parking spaces required by the City of Ames (estimated to be 186 based on the city's current formula) for a building this size, we will be forced to abandon this project which would be devastating to the future of our men's and women's basketball programs.

I certainly hope it does not come to this because I think this project is not only good for our men's and women's basketball programs, but is a great opportunity for the City of Ames to achieve its development plans for that side of the city.

If you have any questions about this information, please do not hesitate to contact me at 515-294-0123.

Sincerely,

Jamie Pollard
Director of Athletics

cc: Warren Madden
Steve Schainker