

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b> August 8, 2011
	<b>Agenda Item No.</b> 20 <b>Roll Call No.</b> <u>11-1364</u> <b>Communication No.</b> <u>11-530</u> <b>Submitted by:</b> Phillip Delafield, Community Development Director

**AGENDA HEADING:**

Acceptance of the Planned Unit Development (PUD) Restoration Bond for the Kum and Go Store #573 project, located at 5830 SE 14th Street.

**SYNOPSIS:**

Recommend Council acceptance of a PUD Restoration Bond in the amount of \$19,296 for the Kum and Go Store #573 project. The restoration bond must be provided and approved by the City Council, pursuant to Section 134-706 of the City Code before the grading permit can be issued. The purpose of the restoration bond is to assure that the required grading and ground surface restoration in the project area is completed in a timely manner. The Kum and Go Store #573 development is located at 5830 SE 14th Street, at the intersection of E. Diehl Avenue and SE 14th Street. This development consists of a 4,958 square foot convenience store with 10 fuel islands adjoining a 36 stall surface parking lot, located on two acres.

**FISCAL IMPACT: NONE**

Amount: N/A

Funding Source: N/A

**ADDITIONAL INFORMATION:**

When a property is zoned PUD, a PUD restoration bond must be approved by the City Council before the grading permit can be issued. This is done to ensure that the required grading and ground surface restoration are completed in a timely manner. The Engineering Department has determined that a restoration bond in the amount of \$19,296 is required for this project for grading, filter socks, silt fence, seeding, mulching, silt basin outlets and Engineering Department administrative and inspection costs. The bond will be released once the grading and ground surface restoration of the project is completed.

**PREVIOUS COUNCIL ACTION(S):**

Date: March 14, 2011

Roll Call Number: 11-0465

Action: On request from Kum & Go, LC to rezone 5830 and 5832 SE 14<sup>th</sup> Street from “C-2” (General Retail and Highway Oriented Commercial) to “PUD” (Planned Unit Development) for development of convenience store. **Moved by Meyer to adopt and approve the rezoning and Conceptual Plan, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**

- A) First consideration of ordinance above. **Moved by Meyer that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- B) Final consideration of ordinance above (waiver requested by applicant), requires six votes. **Moved by Meyer that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #15,005. Motion Carried 7-0.**

#### **BOARD/COMMISSION ACTION(S):**

Board: Plan and Zoning Commission

Date: February 17, 2011

Resolution Number: 11-307

Action: WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on February 17, 2011, its members voted 9-0-2 in support of a motion to recommend APPROVAL of a request from Kum & Go, LC represented by Charles Campbell (officer) to rezone property located at 5830 and 5832 Southeast 14th Street from "C-2" General Retail and Highway-Oriented Commercial District to "PUD" Planned Unit Development. The subject property is owned by ND 20 SE 14th LLC represented by Jake Christensen.

#### **ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

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