

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: April 23, 2012
	Agenda Item No. 13 Roll Call No. <u>12-600</u> Communication No. <u>12-190</u> Submitted by: Phillip Delafield, Community Development Director

AGENDA HEADING:

Release of a Planned Unit Development (PUD) Restoration Bond for the Dahl’s Foods Store commercial development project, located at 3425 Ingersoll Avenue. The project was developed by Foods, Inc., David Sinwell, CEO, 4343 Merle Hay Road, Des Moines, IA 50310.

SYNOPSIS:

Recommend the release of the original restoration bond (No. IAC 86745) from Merchant’s Bonding Company in the amount of \$48,336 for the Dahl’s Foods Store development since completion of grading and site restoration has been satisfactorily performed.

FISCAL IMPACT: NONE

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 timely. The Engineering Department has determined that a restoration bond in the amount of \$48,336 is required for this project for grading, filter socks/silt fence, seeding, mulching, silt basin outlets, and Engineering Department administrative and inspection costs. This bond shall be released once the grading and ground surface restoration is completed.

Upon inspection of the site in the Spring of 2012 by Engineering staff, it was determined that the restoration bond could be released since all grading and ground surface restoration work has been completed.

This project is located at 3425 Ingersoll Avenue and allowed for the construction of a 67,490 sq. ft. retail grocery store building, a 1,560 sq. ft. bank building, and 4,625 sq. ft. convenience store with fuel sales and accessory car wash structure located on 2.3 acres that was substantially completed in the fall of 2011.

PREVIOUS COUNCIL ACTION(S):

Date: April 21, 2008

Roll Call Number: 08-678

Action: [Planned](#) Unit Development (PUD) Restoration Bond (Letter of Credit) for Foods, Inc. for reconstruction of existing Dahl's Food Store at 3425 Ingersoll Avenue. ([Council Communication No. 08-214](#)) Moved by Vlassis to adopt. Motion Carried 7-0.

Date: February 11, 2008

Roll Call Number: 08-247 through 08-249

Action: [On](#) the PUD Conceptual Plan proposed by Foods Inc. (Dahl's) for property at 3425 Ingersoll Avenue, (continued from 1-28-08). ([Council Communication No. 08-073](#)) Moved by Hensley to adopt, including a change to item 9 – the City may consider...will be changed to the City shall consider... Also the City will monitor the traffic on 34thStreet for possible cul-de-sac or barrier. Motion Carried 6-1. Nays: Cownie.

[Second](#) consideration of rezoning ordinance. Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 6-1. Nays: Cownie.

Final consideration of rezoning ordinance. Moved by Hensley 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, [#14,744](#). Motion Carried 6-1. Nays: Cownie.

Date: January 28, 2008

Roll Call Number: 08-151 and 08-152

Action: [On](#) request from Foods Inc. (Dahl's) to rezone 3425 Ingersoll Avenue from "NPC" (Neighborhood Pedestrian Commercial) and "R1-60" (One-Family Low-Density Residential) to "PUD" (Planned Unit Development). ([Council Communication No. 08-037](#)) Moved by Hensley to close the public hearing on the proposed rezoning; to continue the public hearing on the proposed Conceptual Plan until February 11, 2008; and, to direct the City staff to work with the applicant and the neighborhood to amend the proposed Conceptual Plan to incorporate the changes discussed by the City Council. Motion Carried 7-0.

[First](#) consideration of ordinance above. Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Board: Plan and Zoning Commission

Date: December 20, 2007

Resolution Number: N/A

Action: Plan and Zoning Commission recommended approval of rezoning property from "NPC" Neighborhood Pedestrian Commercial District & "R1-60" One-Family Low-Density Residential District to "PUD" Planned Unit Development.

Board: Plan and Zoning Commission

Date: December 20, 2007

Resolution Number: N/A

Action: Plan and Zoning Commission recommended approval of PUD Conceptual Plan for Dahl's Foods Ingersoll Avenue for an approximately 67,490 sq. ft. supermarket grocery store, a 4,625 sq. ft. convenience store with fuel sales with accessory car wash structure, and, a 1,600 sq. ft. bank office.

Board: Plan and Zoning Commission

Date: December 20, 2007

Resolution Number: N/A

Action: Plan and Zoning Commission recommended approval of determination as to whether the proposed rezoning is in conformance with the existing Des Moines 2020 Community Character Plan.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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