

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b> June 25, 2012
	<p><b>Agenda Item No.</b> 16</p> <p><b>Roll Call No.</b> <u>12-971</u></p> <p><b>Communication No.</b> <u>12-314</u></p> <p><b>Submitted by:</b> Phillip Delafield, Community Development Director</p>

**AGENDA HEADING:**

Acceptance of payment as equivalent to Planned Unit Development (PUD) Restoration Bond for grading work at 1918 Crocker Street.

**SYNOPSIS:**

Recommend Council acceptance of a personal check in the amount of \$5,936 in lieu of the required PUD Restoration Bond for the Smokey Row Coffeehouse parking lot construction project, located at 1918 Crocker Street. The restoration surety 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.

**FISCAL IMPACT: NONE**

**ADDITIONAL INFORMATION:**

When a property is zoned PUD, Planned Unit Development, 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 and satisfactory manner. The Engineering Department has determined that a restoration surety in the amount of \$5,936 is required for this project for grading, filter socks / silt fence, seeding, mulching, silt basin outlets and Engineering Department administrative and inspection costs. The developer has opted to provide a personal check in the requested amount, in lieu of a PUD Restoration Bond. The security will be released once the grading and ground surface restoration of the project is completed.

The Smokey Row Coffeehouse development consists of a 49-stall, 21,000 sq. ft. parking lot expansion project to serve the existing coffee shop business. The boundaries of the PUD encompass a total of 2.58 acres of property, under multiple ownerships. The property is to be developed by Smokey Row Coffee Shops, LLC, Monte and Krista Bennett (Owners), 2103 Monroe Street, Pleasantville, Iowa 50225.

There are two smaller development parcels under separate ownership within the boundaries of the PUD. A parcel at 1919 Leyner Street is the current construction site of one of the “twin homes” that were relocated to make way for the proposed parking lot. The other development parcel is a disposition parcel located to the west of the property at 1931 Leyner Street. The PUD Concept Plan indicates the future development of two “Greystone” homes proposed by Hatch Development Group. If the development on the smaller tracts of land does not meet the minimum size threshold that requires a Grading Permit, a PUD Restoration bond will not need to be provided.

**PREVIOUS COUNCIL ACTION(S):**

Date: March 14, 2011

Roll Call Number: [11-0457](#), [11-0458](#), and [11-0459](#)

Action: A) Hearing on vacation and conveyance of properties to Bennett Property Management, LLC, \$12,200 and to Cameron Sadeghpour, \$50. ([Council Communication No. 11-157](#)) Moved by Hensley to adopt. Motion Carried 7-0.

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

C) [Final](#) consideration of ordinance above, (waiver requested by the applicant), requires six (6) votes. 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, [#15,003](#). Motion Carried 7-0.

Date: March 14, 2011

Roll Call Number: [11-0460](#), [11-0461](#) and [11-0462](#)

Action: D) Hearing on rezoning of the property at 1910 Cottage Grove from “NPC” (Neighborhood Pedestrian Commercial), “RH-D” (Residential Historic) and “R-3” (Multi-Family) to “PUD” (Planned Unit Development) and to approve the proposed PUD Conceptual Plan. Moved by Hensley to adopt and approve the rezoning and Conceptual Plan, subject to final passage of the rezoning ordinance. Motion Carried 7-0.

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

F) [Final](#) consideration of ordinance above, (waiver requested by Monte and Krista Bennett), requires 6 votes. 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, [#15,004](#). Motion Carried 7-0.

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

Board: Plan and Zoning Commission

Date: February 17, 2011

Roll Call Number: 11-0304

Action: [Recommendation](#) from Plan and Zoning Commission voting 9-0-2 in support of a motion to recommend APPROVAL of request from Monte and Krista Bennett (developer) to vacate the dead end portion of Crocker Street west of 19th Place and vacate the north/south alley west of 19th Place from

M.L. King Jr. Parkway to Leyner Street subject to the provision of easements for any existing utilities. Moved by Coleman to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.

Board: Plan and Zoning Commission

Date: February 17, 2011

Roll Call Number: 11-0305

Action: Plan and Zoning Commission voting 9-0-2 in support of a motion to recommend APPROVAL of request from Monte and Krista Bennett (developer) on the following items related to the rezoning and development of property located at 1916 and 1918 Crocker Street.

A) The proposed rezoning is in conformance with the existing Des Moines' 2020 Community Character Plan.

B) Rezone property from "NPC" Neighborhood Pedestrian Commercial District, "R-HD" Residential Historic District, and "R-3" Multiple Family District to "PUD" Planned Unit Development. (ZON2011-00003)

C) Approval of a PUD Conceptual Plan for "Smokey Row" to incorporate the existing 4,886 square-foot coffee house and restaurant with 13 spaces of off-street parking and two existing single-family dwellings, along with development of up to 50 additional off-street parking spaces, two single-family dwelling development lots subject to "R-HD" requirements, and two row house style single-family dwellings.

D) Vacation of the dead end portion of Crocker Street west of 19<sup>th</sup> Place and vacation of the north/south alley west of 19<sup>th</sup> Place from M.L. King Jr. Parkway to Leyner Street.

#### **ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

Reduction or release of required PUD Restoration surety.

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