

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	December 3, 2012
	Agenda Item No.	27
	Roll Call No.	<u>12-1850</u>
	Communication No.	<u>12-590</u>
	Submitted by:	Phillip Delafield, Community Development Director

AGENDA HEADING:

Determination of site plan compliance with the terms and conditions of a right-of-way vacation pursuant to Roll Call No. 12-1045 and 12-1046 regarding the proposed CVS Pharmacy at 2nd Avenue and Euclid Avenue.

SYNOPSIS:

Iowa CVS Pharmacy, LLC and FEPH Acquisitions Fund II, LLC, represented by Thomas Lowe (registered agent) have submitted a site plan for development of a CVS pharmacy at the northwest corner of 2nd Avenue and Euclid Avenue. Roll Calls No. 12-1045 and 12-1046 specified in part that conveyance of a public alley right-of-way necessary for the project be subject to conformance with an approved site plan concept by the City Council which provides an enhanced urban edge within the setback areas along 2nd Avenue (Highway 415) and Euclid Avenue (Highway 6) to include decorative site walls and fencing at a pedestrian scale. The site plan, architectural building and sign elevations are attached. Staff recommends approval of the site plan concept subject to the applicant submitting the final plans to the Permit and Development Center so that the conveyance may be finalized.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION: NONE

PREVIOUS COUNCIL ACTION(S):

Date: June 25, 2012

Roll Call Number: [12-1045](#), [12-1046](#), [12-1047](#), [12-1048](#)

Action: On items regarding vacation and conveyance of a portion of the north/south alley right-of-way, north of Euclid Avenue between 2nd Avenue and 3rd Street to Iowa CVS Pharmacy, LLC for \$20,000:

- (A) Plan and Zoning Commission recommendation. Moved by Mahaffey to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.
- (B) Hearing on vacation and conveyance of property. ([Council Communication No. 12-342](#)) Moved by Mahaffey to adopt. Motion Carried 7-0.
- (C) First consideration of ordinance above. Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

- (D) [Final](#) consideration of ordinance above (waiver requested by Christopher R. Pose, Attorney for CVS Pharmacy, LLC), requires six votes. Moved by Mahaffey 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, [#15,116](#). Motion Carried 7-0.

Date: June 11, 2012

Roll Call Number: [12-0883](#)

Action: [On](#) vacation and conveyance of a portion of the north/south alley right-of-way, north of Euclid Avenue between 2nd Avenue and 3rd Street to Iowa CVS Pharmacy, LLC for \$20,000, (6-25-12). Moved by Hensley to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Board: Plan and Zoning Commission

Date: June 21, 2012

Resolution Number: 11-2012-1.09

Action: The Plan and Zoning Commission voted 7-3 in support of a motion to recommend APPROVAL of a request from Iowa CVS Pharmacy, LLC and FEPH Acquisitions Fund II, LLC (purchaser), 209 Euclid Avenue, represented by Thomas Lowe (registered agent) to vacate the north/south alley between 2nd Avenue and 3rd Street from Euclid Avenue to a point 250 feet north subject to the following conditions:

1. Provision of necessary easements for any existing utilities that are in place or accommodate their relocation as part of site redevelopment.
2. Provision of a traffic outlet from the remaining segment of alley to an adjoining public street through a public easement, or construction of a proper turnaround which is designed to accommodate any public maintenance equipment.
3. Any conveyance of the property be made subject to:
 - a. All buildings being constructed of durable masonry, brick, and stone materials.
 - b. Conformance with an approved site plan concept by the City Council which:
 - 1) Demonstrates adequate pedestrian routes from the primary retail building entrances to the adjoining public sidewalk system.
 - 2) Adheres to all landscaping setbacks, open space, and plant material minimum standards.
 - 3) Provides an enhanced urban edge within the setback areas along 2nd Avenue (Highway 415) and Euclid Avenue (Highway 6) to include decorative site walls and fencing at a pedestrian scale.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the second floor of City Hall, 400 Robert D. Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to cityclerk@dmgov.org.