

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b> February 11, 2013
	<b>Agenda Item No.</b> 19 <b>Roll Call No.</b> <u>13-0194</u> <b>Communication No.</b> <u>13-045</u> <b>Submitted by:</b> Phillip Delafield, <b>Community Development  Director</b>

**AGENDA HEADING:**

Acceptance of Planned Unit Development (PUD) Restoration Bond for building demolition, site cleanup and restoration of properties in the vicinity of 4444 Douglas Avenue.

**SYNOPSIS:**

Recommend acceptance and approval of PUD Restoration Bond number 09102492 from Fidelity and Deposit Company of Maryland, in the amount of \$31,085 for the building demolition, site cleanup and restoration of the Beaverdale Hy-Vee project site. The restoration security must be provided and accepted 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 security is to assure that the required grading and ground surface restoration within the project is completed in a timely fashion.

**FISCAL IMPACT: NONE**

Amount: N/A

Funding Source: N/A

**ADDITIONAL INFORMATION:**

The Beaverdale Hy-Vee project is the redevelopment of a 7.9 acre tract for a proposed 63,380 sq. ft. retail grocery store, providing 349 off-street parking spaces in the vicinity of property at 4444 Douglas Avenue. Hy-Vee Food Stores Inc. has indicated that the project will be delayed until lease arrangements on the existing communications tower on the site expire, and the tower can be relocated off-site. There are six (6) vacant buildings, associated paved parking areas, and obsolete sign poles, light fixtures, and other appurtenances on the project site that the applicant wishes to demolish at this time, to clean up and restore the property to a “shovel ready” development parcel. All existing curb drive approach curb cuts in the right-of-way will be restored with full height curbing.

The applicant has also filed a tree removal and mitigation plan, in accordance with Section 42-550 of the City Code. A total of 28 replacement trees will need to be planted at the time of site development to satisfy applicable tree mitigation requirements. The grading plan and tree mitigation plan are on file at the Permit and Development Center.

When a property is zoned PUD, Planned Unit Development, a PUD restoration security 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 security in the amount of \$31,085 is required for this project for grading, filter socks/silt fence, seeding, mulching, silt basin outlets and Engineering Department administrative and inspection costs. The bonds will be released once the grading and ground surface restoration of the project is completed.

**PREVIOUS COUNCIL ACTION(S):**

Date: April 20, 2009

Roll Call Number: [09-620](#)

Action: [Approving](#) separate agreements with Iowa Department of Transportation (IDOT) and HyVee, Inc., regarding the construction of a signalized intersection on Douglas Avenue at the entrance of the proposed Hy-Vee Store, west of Beaver Avenue, and granting authorization to proceed with acquisition of necessary right-of-way. ([Council Communication No. 09-243](#)). Moved by Vlassis to adopt. Motion Carried 7-0.

Date: December 3, 2007

Roll Call Number: [07-2319](#) and [07-2320](#)

Action: [On](#) rezoning of the property at 4444 Douglas Avenue from “R1-60” (One-Family Low Density Residential) and “C-2” (General Retail and Highway Oriented Commercial) to “PUD” (Planned Unit Development). Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.

(A) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes. Moved by Vlassis 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, [#14,728](#). Motion Carried 7-0.

Date: November 19, 2007

Roll Call Number: 07-2239 thru 07-2244

Action: Items regarding property at 4444 Douglas Avenue:

(A) [To](#) amend the Des Moines 2020 Community Character Land Use Plan future land use designation, from Commercial: Auto-Oriented Small-Scale Strip Development and Low Density Residential, to Commercial: Auto-Oriented Community Commercial. Moved by Vlassis to adopt and approve the proposed amendment. Motion Carried 7-0.

(B) [Hearing](#) on rezoning of the property from “R1-60” (One-Family Low-Density Residential) and “C-2” (General Retail and Highway Oriented Commercial) to “PUD” (Planned Unit Development) and approve a PUD Conceptual Plan, “Beaverdale Hy-Vee” to allow redevelopment for a supermarket with off-street parking. Moved by Vlassis to adopt and approve the rezoning and Conceptual Plan, subject to final passage of the rezoning ordinance. Motion Carried 7-0.

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

WITHDRAWN

~~(D) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.~~

(E) Communication from Plan and Zoning Commission urging City Council to direct the City Manager and staff to work with Hy-Vee Food Stores, Inc., Harding Hills representatives and area neighborhood leaders to seek suitable tenants and/or redevelopment of the site at 3330 Martin Luther King Jr. Parkway. Moved by Vlassis to adopt. Motion Carried 7-0.

(F) Council Discussion regarding traffic on 47th Street near the proposed Beaverdale Hy-Vee Development. Moved by Vlassis to refer to the City Manager to conduct a traffic study and consider "Safe Route to School" funding for a sidewalk on 47th Street. Motion Carried 7-0.

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

Board: Plan and Zoning Commission

Date: November 1, 2007

Resolution Number: 07-2121

Action: Plan and Zoning Commission voted 11-0 on motion to amend the Des Moines' 2020 Community Character Plan land use designation for the subject property from Commercial: Auto-Oriented Small-Scale Strip Development and Low-Density Residential to Commercial: Auto-Oriented Community Commercial.

Board: Plan and Zoning Commission

Date: November 1, 2007

Resolution Number: 07-2121

Action: Plan and Zoning Commission voted 10-1 on motion to rezone subject property from "R1-60" One-Family Low-Density Residential District and "C-2" General Retail and Highway Oriented Commercial District to "PUD" Planned Unit Development District and approve a PUD Conceptual Plan titled "Beaverdale Hy-Vee" to allow for redevelopment of the subject property for a 63,880 square foot supermarket with 349 spaces of off-street parking subject to the following revisions:

1. Addition of a statement that a tree survey and protection/mitigation plan is required with any Development Plan submitted for review.
2. Addition of a statement that there shall be no grading or tree removal on the subject property prior to approval of a Development Plan.
3. Designate approximate location(s) of above and below ground storm water detention on the Site Plan.
4. Addition of information regarding sanitary sewer service provision to the project showing projected locations of connections.
5. Addition of pedestrian access route from Euclid Avenue along the east side of the store.

6. Revision of the list of permitted uses to only allow the supermarket use; a communications tower with antennas and ground equipment; and "C-1" District permitted uses.
7. Revision of the architecture of the building to include more canopies, windows, special lighting, more decorative and articulated cornice treatment on the south and west facades. This should be to the satisfaction of the Community Development Director.
8. Remove the allowance of the pylon freestanding signs and replace them with monument type sign designs with materials that match the masonry materials of the building.
9. Provision of a seat wall within the setback area Euclid Avenue consisting of materials to match the masonry materials of the building.
10. Addition of requirements to the communication tower and ground equipment that the height shall be of a galvanized finish and be no greater than 125 feet in height. Equipment buildings shall be constructed of masonry materials to match the supermarket. Any fencing shall be black coated open-type fencing such as wrought iron or tubular metal.
11. Provision of a lighting plan that includes locations and typical designs of lighting for the site. The lighting shall be pedestrian in scale where it adjoins residential development and along designated pedestrian routes. With pole lights not to exceed 20' in height and pedestrian scale lighting not to exceed 15' in height.
12. Addition of a statement that installation of the traffic signal at the intersection of the west driveway entrance with Douglas Avenue shall be installed by the future occupant in conjunction with the development.
13. Addition of a statement that Douglas Avenue shall be widened by the future occupant in conjunction with the development to provide left-turn lanes eastbound and westbound for the signalized access location at the west drive way entrance.
14. Addition of truck route circulation to the site plan.
15. Access from the proposed Hy-Vee parking lot east through property owned by Beaverdale Boys would be prohibited unless the then two (2) property owners agree to said access.
16. Applicant continues to work with the neighbors, Beaverdale Neighborhood Association and the Main Street Initiative to resolve outstanding issues.
17. No above ground storm water detention except in parking lots, on building roof or other sustainable method.
18. Use of permeable pavement be explored.
19. Preservation of trees as feasible.
20. Prohibition of delivery truck traffic on Euclid Avenue. Signage to be provided on site accordingly.

Board: Plan and Zoning Commission

Date: November 1, 2007

Resolution Number: 07-2121

Action: Plan and Zoning Commission voted 10-1 on motion to urge the City Council to have the applicant work with City Council members, City Staff, Harding Hills representatives, and area neighborhood leaders to seek suitable tenants and/or redevelop the Harding Hills site.

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

Reduction or release of required PUD Restoration Bond.

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 first 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](mailto:cityclerk@dmgov.org).