

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b>	November 18, 2013
	<b>Agenda Item No.</b>	<b>18</b>
	<b>Roll Call No.</b>	<b><u>13-1789</u></b>
	<b>Communication No.</b>	<b><u>13-562</u></b>
	<b>Submitted by:</b>	<b>Phillip Delafield, Community Development Director</b>

**AGENDA HEADING:**

Release of a Planned Unit Development (PUD) Restoration Bond for the building demolition, site cleanup, and restoration of property in the vicinity of 4444 Douglas Avenue. The site cleanup was completed at the direction of Hy-Vee Food Stores, Inc., 5820 Westown Parkway, West Des Moines, Iowa, 50266.

**SYNOPSIS:**

Recommend the release of the original PUD restoration bond No. IAC 09102492 from Fidelity and Deposit Company of Maryland in the amount of \$31,085 for building demolition and site cleanup activities, 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 in a timely manner. The Engineering Department determined that a restoration bond in the amount of \$31,085 was 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 by Engineering staff in the Fall of 2013, it was determined that the restoration bond could be released since all grading and ground surface restoration work has been completed.

This site is the location of a proposed Hy-Vee retail grocery store project, consisting of the redevelopment of a 7.9 acre tract for a 63,380 square foot 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 were six (6) vacant buildings, associated paved parking areas, and obsolete sign poles, light fixtures, and other appurtenances on the project site that the applicant removed 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 were restored with full height curbing.



**PREVIOUS COUNCIL ACTION(S):**

Date: February 11, 2013

Roll Call Number: [13-0194](#)

Action: [Acceptance](#) of \$31,085 Planned Unit Development (PUD) Restoration Bond for grading work, demolition, site clean-up and restoration of properties in vicinity of 4444 Douglas Avenue. ([Council Communication No. 13-045](#)) Moved by Hensley 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 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 that the ordinance do now pass, #14,728. Motion Carried 7-0.

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

Board: Plan and Zoning Commission

Date: November 1, 2007

Resolution Number: N/A

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: N/A

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:

Addition of a statement that a tree survey and protection/mitigation plan is required with any Development Plan submitted for review.

1. Addition of a statement that there shall be no grading or tree removal on the subject property prior to approval of a Development Plan.
2. Designate approximate location(s) of above and below ground storm water detention on the Site Plan.
3. Addition of information regarding sanitary sewer service provision to the project showing projected locations of connections.
4. Addition of pedestrian access route from Euclid Avenue along the east side of the store.
5. 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.
6. 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.
7. 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.
8. Provision of a seat wall within the setback area Euclid Avenue consisting of materials to match the masonry materials of the building.

9. 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.
10. 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.
11. 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.
12. 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.
13. Addition of truck route circulation to the site plan.
14. 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.
15. Applicant continues to work with the neighbors, Beaverdale Neighborhood Association and the Main Street Initiative to resolve outstanding issues.
16. No above ground storm water detention except in parking lots, on building roof or other sustainable method.
17. Use of permeable pavement be explored.
18. Preservation of trees as feasible.
19. 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: N/A

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: NONE**

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