

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b> July 14, 2014
	<b>Agenda Item No.</b> 24 <b>Roll Call No.</b> <u>14-1047</u> <b>Communication No.</b> <u>14-322</u> <b>Submitted by:</b> Phillip Delafield, Community Development Director

**AGENDA HEADING:**

Acceptance of Planned Unit Development (PUD) Restoration Bond for the Kum & Go Store #535 project, located at 4960 E. Broadway Avenue.

**SYNOPSIS:**

Recommend acceptance and approval of restoration bond from Merchants Bonding Company, in the amount of \$41,446 for the Kum & Go Store #535 project, located within the Kum & Go Store #535 PUD. 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**

**ADDITIONAL INFORMATION:**

When a property is zoned PUD, 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 \$41,466 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.

The Kum & Go Store #535 project is a proposed development that will consist of a 4,991-square-foot convenience store with fuel, on approximately 3.91 acres. The project is located at 4960 E. Broadway Avenue and is to be developed by Kum & Go L.C., Ryan Halder, 6400 Westown Parkway, West Des Moines, IA, 50266.

**PREVIOUS COUNCIL ACTION(S):**

Date: August 26, 2013

Roll Call Number: [13-1323](#)

Action: [On](#) request from Kum & Go, LC to rezone 4965 Hubbell Avenue from “A-1” (Agricultural District) to “PUD” (Planned Unit Development) and approve the proposed Conceptual Plan, subject to modifications, (9-9-13). Moved by Mahaffey to adopt. Motion Carried 7-0.

Date: September 9, 2013

Roll Call Number: [13-1431](#), [13-1432](#), [13-1433](#)

Action: [On](#) request from Kum & Go, LC to rezone 4965 Hubbell Avenue from “A-1” (Agricultural District) to “PUD” (Planned Unit Development) and approve the proposed Conceptual Plan, subject to modifications. Moved by Mahaffey to adopt and approve the rezoning to the PUD District classification and Conceptual Plan, subject to final passage of the rezoning ordinance. Motion Carried 7-0.

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

- (B) Final consideration of ordinance above (waiver requested by the applicant), 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, #15,215. Motion Carried 7-0.

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

Board: Plan and Zoning Commission

Date: August 15, 2013

Resolution Number: N/A

Action: Plan and Zoning Commission recommended approval of a request from Kum & Go, LC (developer) represented by Nick Halfhill (officer) for rezoning of property located at 4965 Hubbell Avenue from “A-1” Agricultural District to “PUD” Planned Unit Development District. The proposed rezoning was found to be in conformance with the Des Moines’ 2020 Community Character Plan and conditional approval of the proposed conceptual Plan was granted.

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

Release of required PUD Restoration Bond upon project completion.

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).