

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: July 14, 2014
	Agenda Item No. 23 Roll Call No. <u>14-1046</u> Communication No. <u>14-329</u> Submitted by: Phillip Delafield, Community Development Director

AGENDA HEADING:

Acceptance of Planned Unit Development (PUD) Restoration Bond for the Kum & Go Store #536 project, located at 1300 Keosauqua Way.

SYNOPSIS:

Recommend acceptance and approval of restoration bond for the Kum & Go Store #536 project, located at 1300 Keosauqua Way. 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 \$24,168 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 #536 project is a proposed development that will consist of 4,992 square foot convenience store with fuel, on approximately 1.58 acres. The project is located at 1300 Keosauqua Way and is to be developed by Kum & Go L.C., Ryan Halder, 6400 Westtown Parkway, West Des Moines, IA, 50266.

**PREVIOUS COUNCIL ACTION(S):**

Date: August 26, 2013

Roll Call Number: [13-1319](#) and [13-1320](#)

Action: [Regarding](#) request from Kum & Go, LC to vacate segments of Keosauqua Way right-of-way adjoining property at 1300, 1310, and 1330 Keosauqua Way, subject to conditions. Moved by Mahaffey to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.

- (A) [Setting](#) date of hearing for vacation and conveyance of segments of Keosauqua Way and Oakridge Drive right-of-way adjoining 1300, 1310, and 1330 Keosauqua Way to Kum & Go, LC, \$13,010, (9-9-13). Moved by Mahaffey to adopt. Motion Carried 7-0.

Date: August 26, 2013

Roll Call Number: [13-1321](#)

Action: [On](#) request from Kum & Go, LC to rezone property at 1300, 1310, and 1330 Keosauqua Way from "C-2" (General Retail and Highway Oriented Commercial District) to "PUD" (Planned Unit Development), subject to conditions (9-9-13). Moved by Mahaffey to adopt. Motion Carried 7-0.

Date: September 9, 2013

Roll Call Number: [13-1420](#), [13-1421](#), [13-1422](#), [13-1426](#), and [13-1427](#)

Action: Items regarding property at 1300, 1310 and 1330 Keosauqua Way, Kum & Go LC: ([Council Communication No. 13-455](#))

- (A) Hearing on vacation and conveyance of segments of Keosauqua Way and Oakridge Drive right-of-way, subject to conditions, \$13,010. Moved by Hensley to adopt. Motion Carried 6-1. Nays: Cownie.
 - (1) First consideration of ordinance above. Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Cownie.
 - (2) Final consideration of ordinance above (waiver requested by the applicant), 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, #[15,214](#). Motion Carried 6-1. Nays: Cownie.

- (B) Hearing on rezoning of the property from “C-2” (General Retail and Highway Oriented Commercial) to “PUD” (Planned Unit Development) and approval of the PUD Conceptual Plan:
 - (2) ALTERNATE B – to allow sale of beer and wine, (staff recommends Alternate B). Moved by Hensley to adopt and approve the rezoning to the PUD District classification and Conceptual Plan subject to final passage of the rezoning ordinance. Motion Carried 6-1. Nays: Cownie.
 - (a) First consideration of ordinance above. Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Cownie.

Date: September 23, 2013

Roll Call Number: [13-1510](#), [13-1511](#)

Action: On rezoning of the property at 1300, 1310 and 1330 Keosauqua Way, Kum & Go LC from “C-2” (General Retail and Highway Oriented Commercial) to “PUD” (Planned Unit Development) to include sale of beer and wine. Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 6-1.

- (A) Final consideration of ordinance above (waiver requested by applicant), 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, #[15,220](#). Motion Carried 6-1.

BOARD/COMMISSION ACTION(S): NONE

Board: Plan and Zoning Commission

Date: August 15, 2013

Resolution Number: 11-2013-1.11

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 1300, 1310, and 1330 Keosauqua Way from “C-2” General Retail and Highway Oriented Commercial District to “PUD” Planned Unit Development District. Conditional approval for the requested vacation of segments of the Keosauqua Way right-of-way and a determination that the rezoning was in conformance with the Des Moines’ 2020 Community Character Plan. The PUD Conceptual Plan was granted conditional approval subject to modifications.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Release of required PUD Restoration Bond upon project completion.

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