

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b>	February 9, 2015
	<b>Agenda Item No.</b>	<b>13</b>
	<b>Roll Call No.</b>	<b><u>15-0199</u></b>
	<b>Communication No.</b>	<b><u>15-059</u></b>
	<b>Submitted by:</b>	<b>Phillip Delafield, Community Development Director</b>

**AGENDA HEADING:**

Release of the Planned Unit Development (PUD) Restoration Bond for the CVS Pharmacy Store located at 2303 Merle Hay Road.

**SYNOPSIS:**

Recommend release of PUD Restoration Bond in the amount of \$18,815 for the CVS Pharmacy Store project since completion of grading, erosion control, and site restoration has been 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 has determined that a restoration bond in the amount of \$18,815 is required for this project for grading, filter socks, silt fence, seeding, mulching, silt basin outlets and Engineering Department administrative and inspection costs. Upon completion of requirements the restoration bond is released.

Upon inspection of the site by Engineering staff in January 2015, it was determined that the Restoration Bond No. B120651 from The Cincinnati Insurance Company, in the amount of \$18,815, could be released based upon satisfactory completion of grading, erosion control, and site restoration.

The CVS Pharmacy Store project on Merle Hay Road was completed in 2014, and consists of 12,900-square-foot pharmacy and general retail store, on approximately 1.89 acres of the 2.38 acre zoned property. The project is located at 2303 Merle Hay Road, and was developed by First Equity Group, LLC, 180 North Wacker Drive, Suite 1717, Chicago, IL, Anne Kuta, Officer.



### PREVIOUS COUNCIL ACTION(S):

Date: November 18, 2013

Roll Call Number: [13-1787](#)

Action: [Accepting](#) PUD Restoration Bond B1206051 from GLR, Inc. in the amount of \$18,815 for grading work for the CVS Pharmacy Store at 2303 Merle Hay Road. ([Council Communication No. 13-549](#)) Moved by Coleman to adopt. Motion Carried 6-0.

Date: April 8, 2013

Roll Call Number: [13-0593](#), [13-0594](#), [13-0595](#), and [13-0596](#)

Action: Items regarding First Equity Property Holding-Acquisitions Fund II, LLC (purchaser) represented by Ann Alters (officer) for property in the vicinity of 2303 Merle Hay Road for use as a pharmacy store:

- (A) [Recommendation](#) from Plan and Zoning Commission to amend the 2020 Community Character Plan future land use map from Low-Density Residential to Commercial: Auto-Oriented Small-Scale Strip Development. Moved by Griess to 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-1” (Neighborhood Retail Commercial) to “PUD (Planned Unit Development), subject to conditions. Moved by Griess to adopt and approve the rezoning to the PUD District classification and Conceptual Plan, subject to final passage of the rezoning ordinance and amend height of the monument sign to be no more than 15-16 feet tall. Motion Carried 7-0.
- (C) First consideration of ordinance above. Moved by Griess that this ordinance be considered and given first vote for passage. Motion Carried 7-0.
- (D) Final consideration or ordinance above (waiver requested by the applicant), requires 6 votes. Moved by Griess 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, #15,179. Motion Carried 7-0.

Date: March 25, 2013

Roll Call Number: [13-0461](#)

Action: On First Equity Property Holdings-Acquisitions Fund II, LLC (purchaser) represented by Anne Walters (officer) to rezone property in vicinity of 2303 Merle Hay Road from “R1-60” (One-Family Low-Density Residential) and “C-1” (Neighborhood Retail Commercial) to “PUD” (Planned Unit Development), for a pharmacy store, subject to conditions, (4-8-13). Moved by Hensley to adopt. Motion Carried 7-0.

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

Board: Plan and Zoning Commission

Date: August 1, 2013

Resolution Number: N/A

Action: Plan and Zoning Commission recommend approval of request from First Equity Group, LLC for review and approval of a PUD Development Plan for “CVS Pharmacy Store No. 10,239” on the property of 2303 Merle Hay Road to allow a 12,900-square-foot pharmacy and general retail store. Motion Passed 6-5.

Board: Plan and Zoning Commission

Date: March 7, 2013

Resolution Number: N/A

Action: Plan and Zoning Commission recommend approval of request from First Equity Group, LLC to rezone property in the vicinity of 2303 Merle Hay Road to Planned Unit Development and amend Des Moines’ 2020 Community Character Plan Future Land Use Map from Low Density Residential to Commercial, Auto-Oriented, Small-Scale Strip Development to allow a 12,900-square-foot pharmacy and general retail store. Motion Passed 13-1 and 11-3.

**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 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).