

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	February 9, 2015
	Agenda Item No.	11
	Roll Call No.	<u>15-0197</u>
	Communication No.	<u>15-060</u>
	Submitted by:	Phillip Delafield, Community Development Director

AGENDA HEADING:

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

SYNOPSIS:

Recommend release of PUD Restoration Bond in the amount of \$41,446 for the Kum and Go Store #535 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 \$41,446 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. IAC 583582 from Merchant’s Bonding Company, in the amount of \$41,446, could be released based upon satisfactory completion of grading, erosion control, and site restoration.

The Kum & Go Store #535 project was completed in 2014 and is a development consisting 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 was developed by Kum & Go L.C., Ryan Halder, 6400 Westown Parkway, West Des Moines, IA, 50266.

**PREVIOUS COUNCIL ACTION(S):**

Date: July 14, 2014

Roll Call Number: [14-1047](#)

Action: [Acceptance](#) of Planned Unit Development (PUD) Restoration Bond for the Kum & Go Store #535 project, located at 4960 E. Broadway Avenue. ([Council Communication No. 14-322](#)) Moved by Hensley to adopt. Motion Carried 7-0.

Date: September 9, 2013

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

Action: [On](#) request from Kum & Go, LC to rezone 4965 Hubbell Avenue from “A-1” (Agricultural District) to “PUD” 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.

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.

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: NONE

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