

Date: November 5, 2007

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on November 1, 2007, its members voted 10-1 in support of a motion to recommend **APPROVAL** of a request from A & C Properties (purchaser) represented by Kermit Anderson (officer) to rezone property located at 4444 Douglas Avenue 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:

1. Addition of a statement that a tree survey and protection/mitigation plan is required with any Development Plan submitted for review.
2. Addition of a statement that there shall be no grading or tree removal on the subject property prior to approval of a Development Plan.
3. Designate approximate location(s) of above and below ground storm water detention on the Site Plan.
4. Addition of information regarding sanitary sewer service provision to the project showing projected locations of connections.
5. Addition of pedestrian access route from Euclid Avenue along the east side of the store.
6. 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.
7. 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.
8. 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.
9. Provision of a seat wall within the setback area Euclid Avenue consisting of materials to match the masonry materials of the building.
10. 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.
11. 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.

(continued)

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12. 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.
13. 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.
14. Addition of truck route circulation to the site plan.
15. 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.
16. Applicant continue to work with the neighbors, Beaverdale Neighborhood Association and the Main Street Initiative to resolve outstanding issues.
17. No above ground storm water detention except in parking lots, on building roof or other sustainable method.
18. Permeable pavement be explored.
19. Preservation of trees as feasible.
20. Prohibition of delivery truck traffic on Euclid Avenue. Signage to be provided on site accordingly.

The subject property is owned by the Bernard J. Connolly Trust; Mary Ellen Connolly; Trinity Land Holdings, L.C.; Morie T. Sorenson; Rusveta Islamovic; Dean E. Rottinghaus; Knapp Homes, L.L.C.; Ronald R. Borg; Lisa J. Carlson; Maggie A. Bock; Emery C. Bubany; and A & D Investment Company and is more specifically described as follows:

THAT PART OF PHILPOTT ACRES, AN OFFICIAL PLAT INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PART OF LOTS 2 & 3 IN SAID PHILPOTT ACRES, COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 3; THENCE N89°54'55"W, 256.59 FEET ALONG THE SOUTH LINE OF SAID LOT 3 TO THE POINT OF BEGINNING; THENCE N89°54'55"W, 141.97 FEET ALONG THE SOUTH LINE OF SAID LOT 3 TO THE SOUTHWEST CORNER OF SAID LOT 3; THENCE 00°14'57"E, 19.05 FEET ALONG THE WEST LINDE OF SAID LOTS 2 & 3 TO THE NORTHWEST CORNER OF SAID LOT 2; THENCE N89°52'40"E, 149.80 FEET ALONG THE NORTH LINE OF SAID LOT 2; THENCE S00°14'57"W, 25.0 FEET; THENCE N89°52'40"E, 51.31 FEET; THENCE S00°34'37"W, 37.62 FEET; THENCE S89°50'27"W, 13.42 FEET; THENCE S00°19'08"W, 21.44 FEET; THENCE N89°46'11"W, 45.92 FEET; THENCE S00°01'33"W, 115.82 FEET TO THE POINT OF BEGINNING; AND, THE SOUTH 183 FEET OF LOT 7; LOT 8 EXCEPT THE EAST 9 FEET OF THE NORTH 147.25 FEET; ALL OF LOTS 9, 10, 16, AND 17; AND THE EAST 85 FEET OF LOT 15.

Date November 5, 2007

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. That the meeting of the City Council at which the proposed rezoning and "PUD" conceptual plan are to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on November 19, 2007, at which time the City Council will hear both those who oppose and those who favor the proposal.
2. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

MOVED by _____ to adopt.

FORM APPROVED:

Roger K. Brown

Roger K. Brown
Assistant City Attorney

(ZON2007-00143)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFRY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

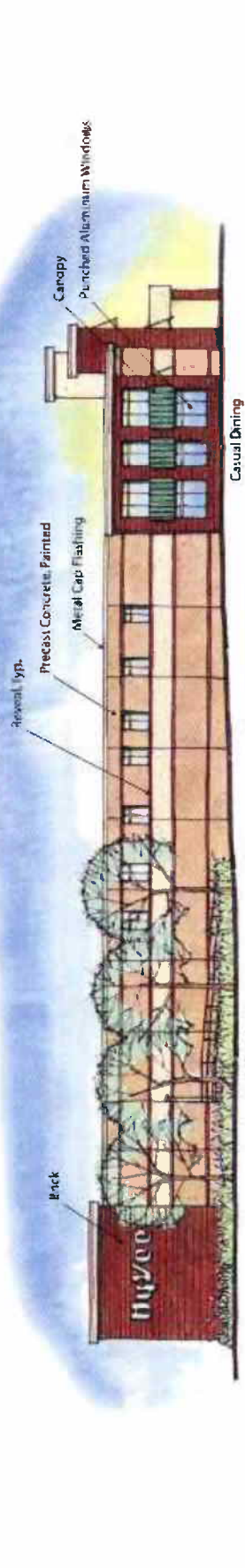
City Clerk



Beaverdale Hy-Vee Site Plan
November 1, 2007



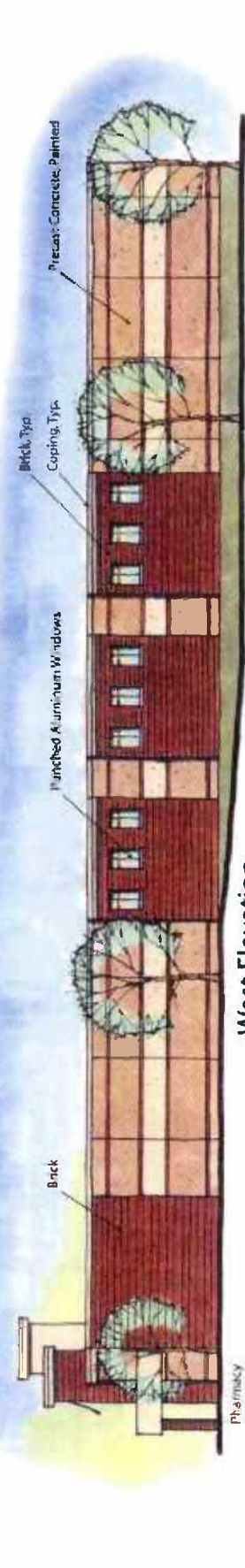
North Elevation



East Elevation



South Elevation



West Elevation

Beaverdale Hy-Vee Building Elevations
 November 1, 2007



KP



Beaverdale Hy-Vee
November 1, 2007

Hy-Vee
A HY-VEE COMPANY