CITY OF WEST DES MOINES
STAFF REPORT COMMUNICATION

Meeting Date: August 15, 2022

ITEM: Linnwill Hy-Vee Fast & Fresh, 300 Grand Avenue – Approve Final Plat to create 1 lot for commercial development – Hy-Vee, Inc. – FP-005422-2021

RESOLUTION: Approval and Release of Final Plat

Background: Kelsey Scallon, Shive Hattery, on behalf of the applicant and property owner, Hy-Vee, Inc., requests approval of a Final Plat for the approximately 1.712-acre property located at 300 Grand Avenue. The applicant proposes to create one (1) lot for commercial development.

Staff Review & Comment:

- *History*: The subject property is comprised of several previously platted and developed parcels that were assembled into the parcel indicated on this Final Plat. The Preliminary Plat was approved by the Planning and Zoning Commission on June 8, 2020, and the City Council on June 15, 2020. This 2020 Preliminary Plat was done to obtain preliminary city approval of the developer's intent to construct the convenience store thus providing the assurances necessary for the developer to complete purchase of the property. Subsequent to that approval, a combined Preliminary Plat and Site Plan application was submitted which intended to provide the details of the proposed development. The Preliminary Plat portion of this second submittal, as well as phased approval of the Site Plan allowing for grading, building footings and foundations and private utilities to be installed and was approved by the Planning and Zoning Commission on October 11, 2021, and the City Council on October 18, 2021. The Full Site Plan allowing building construction was approved by the Planning and Zoning Commission on February 28, 2022, and the Council on March 7, 2022. This Final Plat has been determined to be consistent with the associated Preliminary Plat.

- *Ingress/Egress Cross Access Easement:* Due to improvements to Grand Avenue including the implementation of medians, some drive accesses to businesses along Grand Avenue were closed from full-turn movements. Such is the case with both properties on either side of the Hy-Vee property. To allow patrons from these businesses to access the full-turn intersection located along the Hy-Vee frontage, Ingress/Egress Cross Access Easements have been established across the Hy-Vee parcel with each of the adjacent properties (Polk County Book 18836, Page 495).

- *Streetscape & Utility Easement:* This site is part of the Val*Gate District. Within this district a ten foot (10') wide strip immediately adjacent to the Grand Ave and 1st Street rights-of-way is defined for the planting of landscaping and placing of pedestrian benches and metallic "stones" which provide visual interest and serve as a district unifying element. An easement is established over the area to ensure the long-term provision of this streetscape and the pedestrian amenities and metallic stones.

  The city widened Grand Avenue and installed turn lanes and a central median. The available right-of-way within this area is limited thus, additional ground was needed from some properties for the placement of utility lines. City staff worked to coordinate the placement of the utilities while still being able to fulfill the streetscape landscaping.

- *Traffic Analysis Findings:* Traffic Impact Studies are not conducted for Final Plats but instead are completed at the time of the associated Preliminary Plat. The Traffic Study for this development was done with the 2020 Preliminary Plat. There was no change in the intended development thus no new study was done with the 2021 Preliminary Plat. The key findings of the 2020 study are summarized below:
    - The proposed development is expected to generate more traffic than what was analyzed in previous traffic studies for the area. Recommendations for full-build street geometry and traffic control, as well as triggers for possible future improvements, are detailed within the study.
    - Comments regarding emergency vehicle maneuverability, driveway locations, and internal connections to neighboring properties have been given to the applicant, with modifications incorporated into the plan after the traffic study was completed.
- *Plat Validity:* Per City Code, the Final Plat must be presented to the City Council for approval within 12 months of the approval of the associated Preliminary Plat if surety is being posted for Public Improvements; or, within 18 months if Public Improvements are being constructed prior to Final Plat consideration. As noted in the History section, the second Preliminary Plat was approved in October of 2021, thus this Final Plat complies with the timelines stated in City Code.

Outstanding Issues: There are no outstanding issues.

Staff would note that as part of this approval the City Council is also approving and accepting a Streetscape and Utility Easement.

Recommendation: Approve and release the Final Plat, subject to the applicant meeting all City Code requirements.

Lead Staff Member: Jenna Gilliam / Brian Portz

Approval Meeting Dates:

Plan and Zoning Commission	n/a
City Council	August 15, 2022

Staff Report Reviews:

City Council	☒ Director	☒ Legal Department
	☐ Appropriations/Finance	☒ Agenda Acceptance

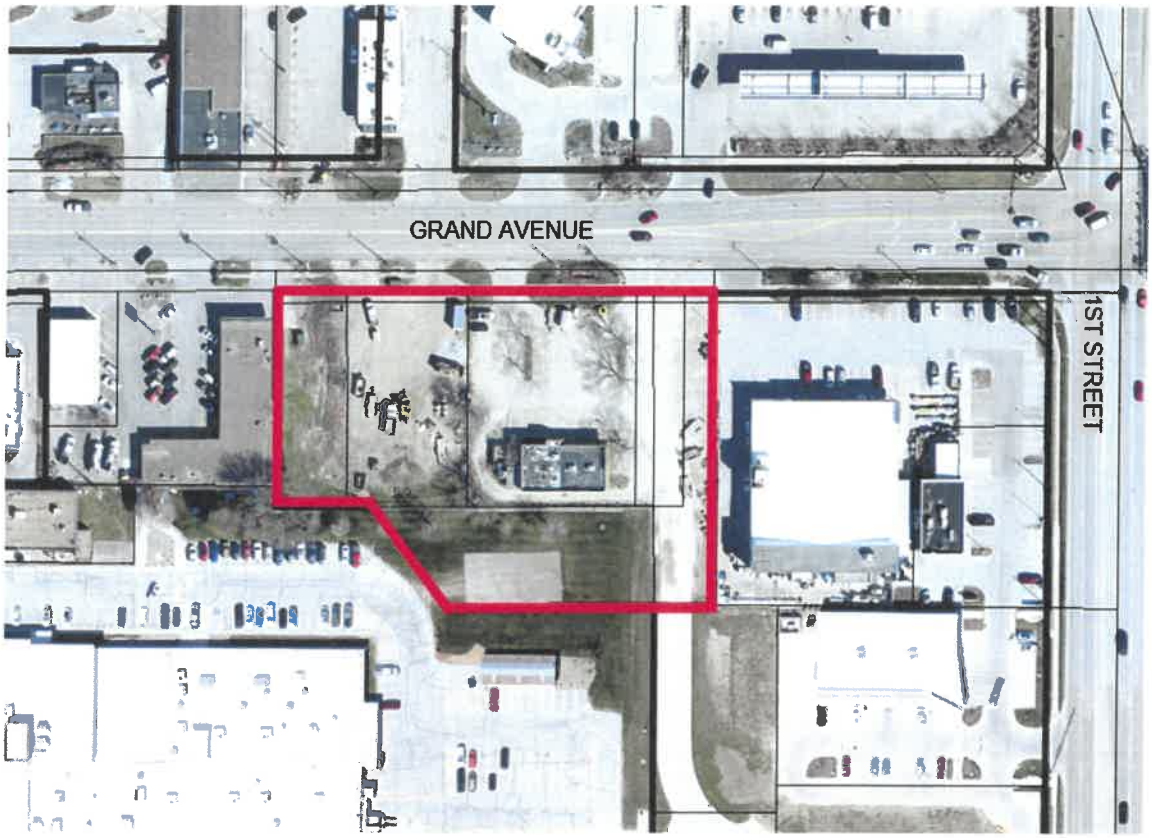
Publications (if applicable)

Published In:	Des Moines Register Community Section
Date(s) Published	n/a
Date(s) of Mailed Notices	n/a

Council Subcommittee Review (if applicable)

Subcommittee	Development & Planning
Date Reviewed	12/20/21
Recommendation	☒ Yes ☐ No ☐ Split

Location Map

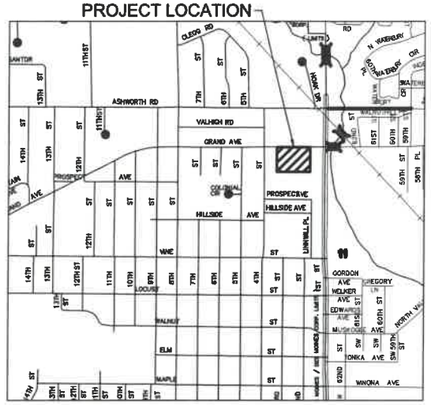


Index Legend	
City:	West Des Moines
County:	Polk County
Geoparcel ID:	7825-11-128-052, 7825-11-128-055, 7825-11-128-056, 7825-11-128-057, 7825-11-128-058, 7825-11-128-059
Description:	LOTS 4-7, & PT. LOT 8 LINNWILL PLAT 2, PARCEL 2018-18 (BK 17544 PG 254), AND PARCEL 2018-19 (BK 17544 PG 253)
Proprietor:	Hy-Vee Inc.
Surveyor:	Murray B. Berting
Company:	Shive-Hattery, Inc.
Return To:	4125 Westown Parkway, Suite 100 West Des Moines, IA 50226, 515-223-8104

LINNWILL HY-VEE FINAL PLAT

PLANS INCLUDED ARE FOR ILLUSTRATIVE PURPOSES ONLY – APPROVED PLANS ON FILE WITH THE CITY

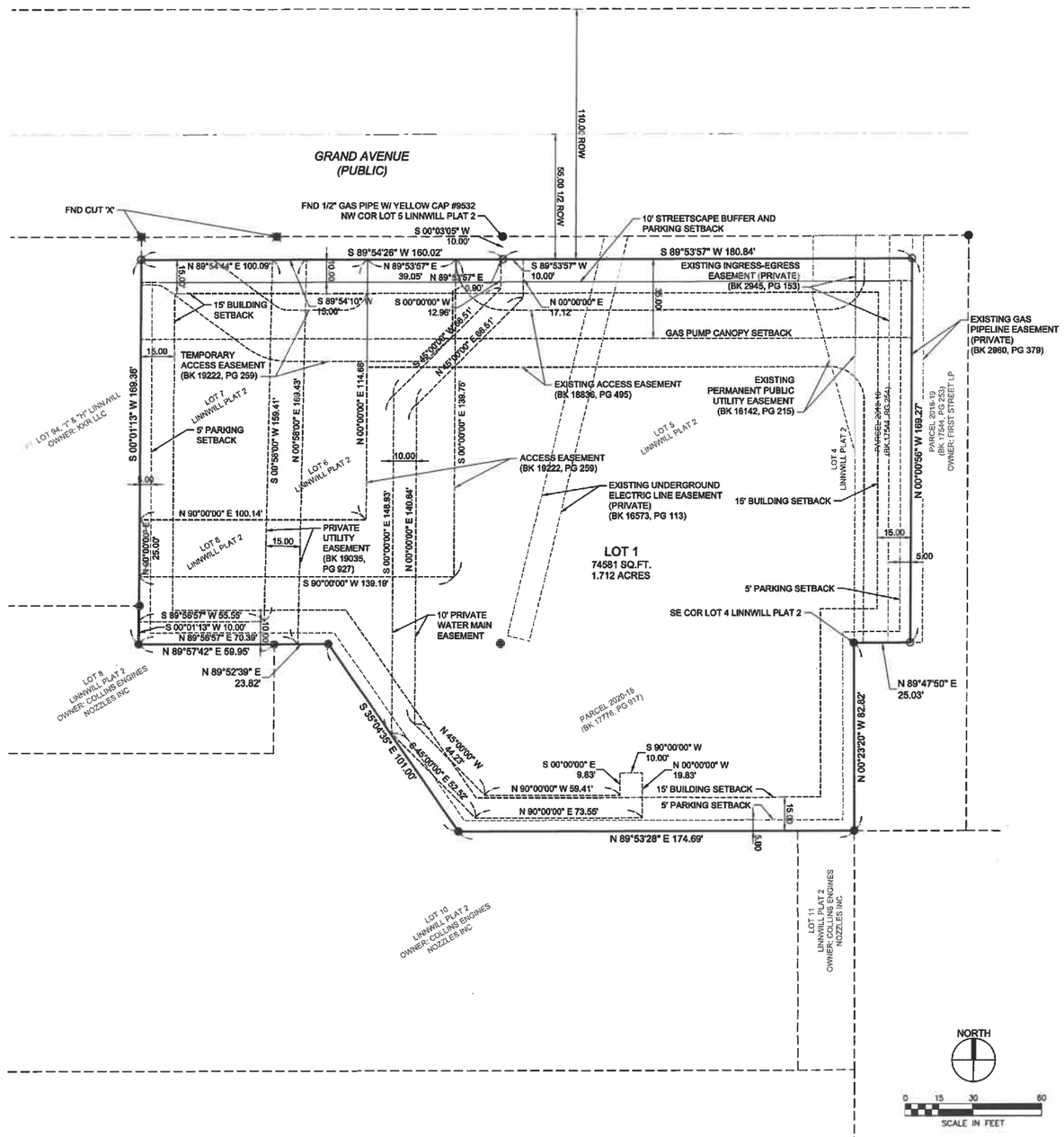
PROJECT LOCATION



PROJECT LOCATION
NOT TO SCALE

LEGEND

- FOUND PROPERTY CORNER, 5/8" ROD W/ YELLOW CAP #13148 (UNLESS NOTED)
- SET PROPERTY CORNER, 5/8" ROD W/ YELLOW CAP #13148 (UNLESS NOTED)
- FOUND SECTION CORNER MONUMENT (AS NOTED)
- FOUND MAG NAIL
- PROPERTY BOUNDARY LINE
- SECTION CORNER LINE
- ADJACENT PROPERTY LINE
- RIGHT-OF-WAY LINE
- LOT LINES
- XXX.XX' (M) MEASURED BEARING AND DISTANCE
- XXX.XX' (P) PLATTED BEARING AND DISTANCE



OWNER/DEVELOPER

HY-VEE, INC.
ATTN: JOHN BREHM
5820 WESTOWN PARKWAY
WEST DES MOINES, IOWA 50266
PHONE: 515-267-2800

SURVEYOR

SHIVE-HATTERY, INC.
ATTN: MURRAY BERTING
4125 WESTOWN PARKWAY, SUITE 100
WEST DES MOINES, IA 50266
PHONE: 515-223-8104
EMAIL: MBERTING@SHIVE-HATTERY.COM

LEGAL DESCRIPTION

THAT PART OF LOTS 2 AND 3 IN LINNWILL PLAT 2, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA, AS SHOWN IN PLAT OF SURVEY #2018-18 RECORDED OCTOBER 15, 2019 IN BOOK 17544 AT PAGE 254

AND

LOTS 4, 5, 6, 7, AND THE NORTH 79.3 FEET OF THE EAST 60.0 FEET OF LOT 8 IN LINNWILL PLAT 2, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA

AND

THAT PART OF LOTS 10 AND 11 IN LINNWILL PLAT 2, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA, AS SHOWN IN PLAT OF SURVEY #2020-15 RECORDED APRIL 13, 2020 IN BOOK 17776 AT PAGE 917

EXCLUDING

THE NORTH 10 FEET OF LOTS 3, 4, 5, 6, AND 7 OF LINNWILL PLAT 2, AN OFFICIAL PLAT, NOW INCLUDED IN AN FORMING A PART OF THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA, AS SHOWN IN THE ACQUISITION PLAT RECORDED DECEMBER 10, 2020 IN BOOK 18242 AT PAGE 384.

CONTAINING 74,581 SQUARE FEET (1.712 ACRES) MORE OR LESS.

FLOODPLAIN NOTE

ACCORDING TO THE FLOOD INSURANCE RATE MAP - MAP NUMBER 19153C0329F PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND WITH AN EFFECTIVE DATE OF FEBRUARY 1, 2019, THIS SITE APPEARS TO BE LOCATED IN ZONES "X" (AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN). THE ENGINEER UTILIZED THE ABOVE REFERENCED FLOODPLAIN PANEL FOR THIS DETERMINATION; FURTHERMORE, THE ENGINEER DOES NOT CERTIFY THAT REVISED FLOODPLAIN INFORMATION HAS NOT BEEN PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY OR SOME OTHER SOURCE.

PROPERTY ADDRESSES

LOT 1	300 GRAND AVENUE

ZONING

PUD - LINNWILL HY-VEE PLANNED UNIT DEVELOPMENT

COMPREHENSIVE LAND USE

CMC - COMMUNITY COMMERCIAL

SURVEYOR NOTES

1. ALL BEARINGS ARE BASED ON AN ASSUMED MERIDIAN FOR COMPUTATION PURPOSES.
2. I, MURRAY B. BERTING, A LICENSED SURVEYOR IN THE STATE OF IOWA, CERTIFY THAT THE ERROR OF CLOSURE IS WITHIN THE ALLOWABLE LIMITS OF 1:10,000 FOR THE PLAT BOUNDARY AND 1:5,000 FOR INDIVIDUAL LOTS. THE ERROR OF CLOSURE FOR "LINNWILL HY-VEE" PLAT BOUNDARY IS 1:194,372.88.

LAND SURVEYOR

LICENSED LAND SURVEYOR
MURRAY B. BERTING
13148
IOWA

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

Signature: Murray B. Berting Date: 8-10-22

Printed or typed name: MURRAY B. BERTING
License Number: 13148
My License Renewal Date is: DECEMBER 31, 2022
PAGES, SHEETS OR DIVISIONS COVERED BY THIS SEAL:
ALL SHEETS

SHIVEHATTERY
ARCHITECTURE + ENGINEERING
4125 Westown Pkwy, Suite 100 | West Des Moines, Iowa 50266
515.223.8104 | www.shive-hattery.com
Iowa | Illinois | Indiana

LINNWILL HY-VEE FINAL PLAT
HY-VEE, INC.
300 GRAND AVE, WEST DES MOINES, IA

DRAWN: –
APPROVED: MBB
ISSUED FOR: FINAL
DATE: 08/09/2022
PROJECT NO: 4165316-0
FIELD BOOK: –
CLIENT NO: –

FINAL PLAT

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Printed: 8/9/2022 7:45:28 PM

Prepared by: Jenna Gilliam, City of West Des Moines Development Services Dept., PO Box 65320, West Des Moines, Iowa 50265-0320 515-222-3620
When Recorded, Return to: City Clerk, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265-0320

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, APPROVING AND RELEASING THE LINNWILL HY-VEE FAST & FRESH FINAL PLAT FOR THE PURPOSE OF CREATING ONE (1) LOT FOR COMMERCIAL DEVELOPMENT

WHEREAS, pursuant to the provisions of Title 9, Zoning and Title 10, Subdivision Regulations, of the West Des Moines Municipal Code, Hy-Vee, Inc. requests approval of a Final Plat for the approximately 1.712-acre property located at 300 Grand Avenue and legally described in attached Exhibit 'B'. The applicant proposes to create one (1) lot for commercial development; and

WHEREAS, studies and investigations were made, and staff reports and recommendations were submitted which is made a part of this record and herein incorporated by reference;

WHEREAS, this Final Plat complies with Iowa Code Chapters 354 and 414, the Comprehensive Plan and City Code; and

WHEREAS, the West Des Moines Planning and Zoning Commission reviewed the associated Preliminary Plat and recommended approval on October 11, 2021; and

WHEREAS, this Final Plat has been reviewed and determined to be generally consistent with the associated Preliminary Plat that was approved by the City Council on October 18, 2021; and

WHEREAS, on this day the City Council held a duly noticed meeting to consider the Final Plat application; and

WHEREAS, there are no public improvements required of this Final Plat; and

WHEREAS, the necessary easements have been established for streetscape and utility easement and ingress/egress cross access easement; and

WHEREAS, the City Council approves of the address assignment of 300 Grand Avenue for the subject property; and

WHEREAS, property subject of this action is zoned Linnwill Hy-Vee PUD with underlying zoning designated as Community Commercial (CMC) and meets all requirements of the City's Zoning Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1: Linnwill Hy-Vee Fast & Fresh Final Plat (FP-005422-2021), is approved subject to compliance with all of the conditions of approval, including any conditions added at the meeting, attached hereto as Exhibit "A". Violation of any such conditions shall be grounds for revocation of the permit, as well as any other remedy which is available to the City.

SECTION 2: This resolution does release the Final Plat for recordation. The City Council of West Des Moines, Iowa directs the City Clerk to release said document for recordation.

PASSED AND ADOPTED on August 15, 2022.

_____
Russ Trimble, Mayor

ATTEST:

_____
Ryan Jacobson, City Clerk

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the City Council of the City of West Des Moines, Iowa, at a regular meeting held on August 15, 2022, by the following vote.

Exhibit A: Conditions of Approval

None

Exhibit B: Legal Description

THAT PART OF LOTS 2 AND 3 IN LINNWILL PLAT 2, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA, AS SHOWN IN PLAT OF SURVEY #2018-18 RECORDED OCTOBER 15, 2019 IN BOOK 17544 AT PAGE 254

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