

Date March 12, 2007

RESOLUTION DENYING APPLICATION FOR TAX ABATEMENT
(5680 SE 19th Street)

WHEREAS, the Iowa Urban Revitalization Act, Iowa Code Chapter 404 (the "Act"), provides for partial exemption from property tax for the actual value added by improvements to property located in a designated Urban Revitalization Area which are consistent with the Urban Revitalization Plan for such Area; and,

WHEREAS, the Act provides that persons making improvements must apply to the City Council for tax abatement, and the City Council shall approve the application by resolution, subject to review by the Assessor, only if it finds (a) the project is located in a designated Urban Revitalization Area; (b) the project is in conformance with the Urban Revitalization Plan for such Area; and (c) the improvements were made during the time the area was so designated; and,

WHEREAS, the City Staff recommends that the application for tax abatement on the value added by the construction of a new single-family dwelling at 5680 SE 19th Street be denied for the reason that the dwelling is not served by the public sewer system as required by the Urban Revitalization Plan, and the property is not eligible for a waiver of the requirement under the Plan.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the application for tax abatement on the value added by improvements to 5680 SE 19th Street is hereby DENIED.

(Council Communication No. 07- 128)

MOVED by _____ to adopt.

FORM APPROVED:

Roger K. Brown

Roger K. Brown, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
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

Minutes From the Pre Application Meeting of November 22, 2005

PRE-APPLICATION SITE PLAN CONFERENCE MINUTES

DATE: November 22nd, 2005

SUBJECT: 5700 SE 19th Street-Platting of Land

ATTENDEES: Tim & Lorraine Kinney
1260 E. 23rd Street
Des Moines, IA 50317

ATTENDING CITY STAFF REPRESENTATIVES:

Phillip Delafield	PDC – Building Code/PDC Administration	283-4239
Ross Stafford	PDC – Engineering	283-4517
Phil Poorman	PDC – Site Planning/Subdivision Review	283-4751
Ryan Moffatt	PDC – Site Planning/Subdivision Review	283-4975
Erik Lundy	Planning and Urban Design	283-4144
Mark Garrett	Traffic and Transportation	283-4973

These minutes were developed as a result of a preliminary meeting to discuss site conditions of this proposed project only. The comments included herein represent only issues discovered during a preliminary review of the plans presented at this meeting. These comments should not be considered a list of all code-related requirements or concerns for this project. It is suggested that the designer of this project carefully review applicable codes and standards during the design and development of this project.

Thank you for visiting with us about your project. We look forward to working with you. If you have any questions regarding these Minutes, please contact the staff representative(s) listed above.

PDC – Building Code

1. If the proposed existing garage building is closer than 3 ft. to a property line, the adjacent exterior building wall will be required to be designed and constructed as a fire rated wall in accordance with applicable building code provisions.
2. The area of this building must comply with the maximum allowable areas specified in the building code for the proposed use and type of construction. It is advisable that the designer review building code provisions and determine compliance prior to submittal of the plans.
3. The combined area, including the area of the existing building and the area of the proposed addition, must comply with the maximum allowable area specified in the building code for the proposed uses and the type of construction. If this building consists of various types of construction, as classified in the building code, and these construction types are unseparated, the least type of construction must be used to determine the allowable areas.
4. This building may be/ is required to be provided with an automatic sprinkler system in accordance with chapter 9 of the IBC. Other design options exist that may require or suggest or allow relaxation of

certain code provision based on the installation of a sprinkler system. It is suggested that the designer review these provisions prior to submittal.

5. This building and its site are required to be designed and constructed to be accessible to persons with physical disabilities in accordance with ADAAG, the Iowa Accessibility Code and IBC Chapter 11. Sufficient details must be presented on the site plan that show how this access is provided. The site plan must specify the location, signage, dimensions and grade of accessible site access, parking stalls and access aisles. (Please note that accessible parking must be on the shortest possible route to the main entrance, and that appropriate van accessible stalls are required, and that such stalls require appropriate signs and markings) The site plan must also specify the grade, cross grade, and width of accessible sidewalks, curb ramps, and ramps on the accessible routes.
6. This building is required to be provided with sufficient and adequate sanitary toilet facilities, unless such facilities are available somewhere on this site. These facilities must be permanent facilities and comply with the provisions of the building, accessibility and plumbing codes. The total number of fixtures must conform to the fixture count requirements of the state plumbing code (2003 UPC).
7. Floor drains connecting to the city sewers are required to be protected by an approved sand and oil interceptor. A copy of the approved design was provided at the pre-app meeting.
8. The portion of the facility housing the restaurant must be designed to conform to the standards applicable to other food service facilities. These standards include a grease interceptor, three or four-compartment sink (depending on the facilities available for sanitizing and dishwashing), floor sink, and mop sink. If commercial cooking facilities are intended, a class I hood system with fire suppression system in accordance with the mechanical code will also be necessary.
9. Restaurant facilities must also conform to the requirements of the Iowa Department of Inspections and Appeals. It is suggested that the designer consult with that department prior to submittal to the Des Moines Permit and Development Center.
10. Building plan review is a separate process from the site plan/ plat/ annexation review process. To initiate the building code review, please prepare and submit two complete sets of construction documents to the Permit and Development Center. Include with your documents the appropriate contact information (company name, applicant individual name, address, and phone numbers) for the applicant, contractor, owner and designers.
11. The City of Des Moines has adopted the following codes: 2003 International Building Code; 2003 International Residential Code; 2003 International Existing Buildings Code; 2003 International Mechanical Code; 2005 National Electric Code; 2003 Uniform Plumbing Code.

Design data is available at this link: <http://www.dmgov.org/departments/CD/P D C/descriptionofcodes.htm>

12. This building plan review may occur consecutively or concurrently with the site plan/ plat/ review and annexation review process. However, the permit cannot be issued until such time as the site plan/ plat/ annexation processes are complete. A plan submittal matrix was presented at the site plan pre-application meeting that outlines the typical construction documents necessary for this review. Additional copies are available on the city web site at this location:
<http://www.dmgov.org/departments/CD/P D C/planreview.htm>

13. Based on the description of this project during this preliminary site plan meeting, it appears that this project may be required to be designed by a design professional (Architect/Engineer) licensed in the state of Iowa. This requirement will include mechanical, electrical and plumbing systems design, as well as structural and architectural design. This is based on the Iowa State Architectural Practice Act. For specific questions, we suggest that you contact the Department of Commerce - Professional Licensing Division at 281-4126.
14. Although it appears that it may not be required, we suggest that the design of this building be prepared by a licensed design professional (architect) who is knowledgeable of applicable code provisions specific to this type of project. We have found that including individuals who are knowledgeable of applicable requirements early in the design of a project helps prevent significant code related discoveries during plan review and inspection. In addition, we are available for preliminary meetings specific to the building design. In order to schedule this type of meeting, please contact Phil Delafield at 283-4239, or Rod Van Wart, at 283-4226.
15. We are available for preliminary meetings specific to the building design. In order to schedule this type of meeting, please contact Phil Delafield at 283-4239.

PDC - Permit Administration

1. Separate Building, Electrical, Mechanical, and Plumbing Permits are required for each building or structure involved in this project. Work cannot be initiated until such time as these permits have been obtained from the Permit and Development Center. Review process for compliance with adopted codes will be initiated when appropriate plans and supporting documents are submitted to the Permit and Development Center. This review is separate from the site plan review, plat or rezoning process. Two complete sets of construction documents are necessary for this review. Licensed contractors are required for electrical, mechanical and plumbing trades. Please contact the Permit and Development Center for additional information.
2. Building Permits for the individual sites within this plat can be approved upon final approval and recording of this plat. A single model building may be permitted under the circumstances outlined in section 106-72 (h) of the subdivision ordinance upon preliminary approval of the preliminary plat by the Planning and Zoning Commission.
3. The existing structures on this site must not be converted to any other use without bringing the structure into compliance with appropriate codes applicable to the new use. A new Certificate of Occupancy must be obtained prior to conversion to any new use. Adequate documents showing compliance with these standards must be developed and presented to the Permit and Development Center in order to convert this existing structure.
4. Records do not appear to show current Building Permits issued to this address. Work underway must be authorized under appropriate permit. Please contact the Permit and Development Center to make application for review and permit.

Engineering

1. The plat as presented appears acceptable as a Plat of Survey.
2. The minimum allowable area for each parcel is one acre.
3. No public storm sewer is available to serve this property.

4. No public sanitary sewer is available to serve this property.
5. A private wastewater treatment system designed by an Iowa licensed Professional Engineer is required for any new single-family dwelling.
6. The existing house private wastewater treatment system must be located on the remaining parcel in conformance with Chapter 69 of the State Code.

Planning/Community Development

1. Plat review fee of \$300 is required.
2. A front yard building setback of 30 ft., or the average calculated amount is required from the property line.
3. A side yard building setback of 20 ft. is required, and a 10 ft. minimum on at least one side of the property is required from the property line.
4. A rear yard building setback of 30 ft. is required from the property line.
5. Both lots must have a minimum square footage of 10,000 sq. ft.
6. Each lot must have the proper amount of street frontage (80 ft.), otherwise Board of Adjustment relief will need to be sought.
7. 4 copies of the plat are required.
8. Zoning of the property is R1-80, Single Family Residential.
9. First review of the project takes 15 calendar days. Every submittal thereafter takes 7 calendar days.
10. Project use does conform to what is allowed in the zoning district. Project proposes to be residential in nature.
11. Parking requirements for the project are 1 space per home.
12. Transformers, junction boxes, air conditioners, or other such items may not be located in the required setback areas.
13. This project may be eligible for Tax Abatement if the property is on the city sewer system.

Traffic and Transportation

1. The plat appears acceptable, as presented.

Fire

1. Representation from this department was not available for this meeting. Please call the Des Moines Fire Department at 237-1317 for more information.

Des Moines Water Works (DMWW)

1. All new water services must comply with DMWW Rules & Regulations. Copies of DMWW Rules & Regulations are available for a fee of \$10 each.
2. All new water services 2 in. in diameter or larger require submittals for review by DMWW Engineering Department. A handout is provided at this meeting which outlines the required materials for review.
3. Water is available to this site through the existing ??? in. water main in ???. A map is provided at this meeting showing the location of the above referenced water main. Additional water mains available to this site are ???.
4. Any existing water service stubs which front the site being developed must be cut at the main if they are not to be reused for this project. Water service stubs may only be reused if approved by DMWW Engineering and DMWW Distribution Departments.
5. System Development Fees are required for all new water services in the City of Des Moines after June 1, 1998. System Development Fees will be based on tap size and are as follows:

	<u>1 inch</u>	<u>2 inch</u>	<u>4 inch</u>	<u>6 inch</u>	<u>8 inch</u>	<u>12 inch.</u>
Domestic Services:	\$320	\$790	\$2,545	\$18,725	\$39,025	\$62,350
Fire Services:	\$100	\$260	\$840	\$ 6,280	\$13,020	\$20,750

System Development Fees for projects with both fire and domestic, or any combination of multiple services, will be the total of all services added together. Projects with metered combination fire and domestic services (master metered) shall be considered domestic services with fees being charged accordingly.

Ryan Moffatt
Assistant Planner

TAX 2006 - 00505

Date Received : _____

REC 06- _____

190758
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2006

Tax Abatement Application - Des Moines, Iowa

Property & Owner/ Authorized Agent Info	Address: <u>5680 SE 19th Street</u>
	Legal description: _____
	Polk Co. Assessor's District & Parcel #: <u>120/03367-</u> (Go to: http://www.assess.co.polk.ia.us/) district parcel #
	Title holder or contract holder name: <u>Tim Kinney</u> Address of owner if different than above: _____
Use Classification	Authorized Agent: _____ Phone #: (____) _____ if different than above
	<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial
	Owner-Occupied? Renter-Occupied?
	<input checked="" type="checkbox"/> Single Family <input type="checkbox"/> Single Family <input type="checkbox"/> Duplex or Triplex <input type="checkbox"/> Duplex or Triplex <input type="checkbox"/> Condo or Townhouse <input type="checkbox"/> Condo or Townhouse <input type="checkbox"/> Multi-Family
Project Type	<input checked="" type="checkbox"/> New structure <input type="checkbox"/> Addition <input type="checkbox"/> Renovation
On City Sewer ?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Describe Improvements	<u>New home</u>
Completion Date	<u>Sept. 2006</u> <input checked="" type="checkbox"/> Estimated date <input type="checkbox"/> Actual date <small>month / year</small>
Estimated Cost of Improvements	<u>\$ 170,000</u>
Abate. Schedule	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4A <input checked="" type="checkbox"/> 4B See reverse side for schedule information
Tenant Information	If project was rehabilitation of residential property, were there tenants when project started? <input type="checkbox"/> Yes <input type="checkbox"/> No If you answered yes, list the tenant's name, date the tenant occupancy began and relocation benefits paid to each tenant on the reverse side of this form

Return application to:

City of Des Moines /
Permit & Development Center
602 Robert Ray Dr.
Des Moines, IA 50309

Questions:

Phil Poorman at 515-283-4751 or taxabate@dmgov.org

Filing this Application Does NOT Signify Approval

19
07-3398

Date Received : _____

06- _____

<i>Abatement Schedule #</i>	<i>Use</i>	Must increase building assessment by: <u>Residential:</u> at least 5% <u>Commercial:</u> at least 15% <i>Amount eligible for abatement</i>	<i>How much of improvement's value is abated?</i>	Improvement must qualify with applicable - zoning, - building and - fire codes <i>Where?</i>
1 (for improvements)	Residential only	Up to \$20,000	115% for 10 years	Anywhere in city, provided zoning is appropriate
2 (for new construction & major improvements)	Residential, Commercial and/or Industrial	No limit	1 st year - 80% 2 nd year - 70% 3 rd year - 60% 4 th year - 50% 5 th & 6 th year - 40% 7 th & 8 th year - 30% 9 th & 10 th year - 20%	<u>Industrial</u> permitted in Central Place & Guthrie Ave. urban renewal areas.
3 (new construction & major improvements)	Residential, Commercial and/or Industrial	No limit	100% for 3 years	Anywhere in city provided zoning is appropriate.
4A (new construction & major improvements)	Residential & Commercial with 75% of space for residential	No limit	100% for 10 years	Must be in specified area which are generally located in the downtown and near-downtown
4B (new construction & major improvements)	Residential & Commercial with 75% of space for residential	No limit	100% for 5 years	Anywhere in city. Not permitted in area generally west of the airport where public sewer is unavailable.

Tenant Relocation: If this project is rehabilitation of residential property, list the tenant's name, date the tenant occupancy began and relocation benefits paid to each tenant. Attach additional paper if needed.

<i>Tenant Name</i>	<i>Unit #</i>	<i>Date Tenancy Began</i>	<i>Relocation Benefits</i>	
			<i>Amt. Paid</i>	<i>Date of Payment</i>

Signature

I certify these statements are true to the best of my knowledge.


Signature

Tim Kinney
Printed Name

12-08-06
Date

Abatement Consideration for 5680 SE19th

19
07-338

October '05, we went to the city and asked about tax abatement if we were to build a new house (Modular) on land I could purchase from my brothers in-laws. They (Phil Staford, Phil Poorman and Terry Hawthorn) said there should be no problem. November '05, we finished the purchase. 50

We played the city games to the tee; divided the lots, removed an existing garage that "sat too close to the lot-line" and jumped through every petty "hoop" they created.

Shortly thereafter, I went down to get my permits; Phil Poorman said we wouldn't get an abatement because of our required septic system. {As a side note: we paid well over a thousand dollars for these permits with receipts that the city managed to lose records of and wanted me to "bring them down and prove we had them". I showed them to Jason (inspector) during an inspection and told the lady downtown they could come here and see them if they wanted to because I'm tired of playing these stupid games. I lost enough vacation from work trying to jump through the city hoops as it was}.

Later we found a clause that stated we were far enough away from city sewer and the city had no short term plans to put sewer in that we should be able to qualify. Asked Phil about it and he agreed and said we could fight it at a city council meeting and even accepted our application and presumably turned in to the council. {Note: Poorman said city has no plans to install sewer until 2011 or until it changes again. Talking to Dave Miller (sewer guy), he said the city keeps a 10-year projection and due to the "horrendous" cost involved, there are NO plans (nor ever were) to put in any system}.

2/6/07, we looked at the web site of our house via the city assessors and found how badly screwed up the city had our place. They took away the 5700 address completely and placed BOTH houses at 5680. On 2/16/07, we went to the Armory and confronted Poorman about this problem figuring our tax abatement; homestead and who knows what WILL get all screwed up this time.

At this time, he contacted someone to get this problem fixed and said we need to talk about this tax thing. We sat down (away from where other people could hear us) and he explained that beings we split the lot after 1999, we wouldn't be eligible for abatement. Nobody said anything like this before now, nor when THEY said we had to divide the lot into two.

This splitting the lots after '99 thing is bogus: It doesn't seem to stop Jerry's Homes, Regency or others in our area from getting it. What exactly do they do different to qualify besides doing a bunch of them and selling, passing them onto others that will move out before the abatement runs out???

We were in our last house for 22 years before making this rather large change. We are not planning any moves and/or definitely no new houses in the future.

From the time we started this project, every time something happened in a record (homestead filing, permits, dividing the lots etc), the computer system was going through some sort of updating or whatever or so they said. (From November '05 to February '07???)

This is clearly a case of miss-representation!

What's going to change next?

6120 (2004) and 6160 (2003) SE19th (just south of our place) were both granted abatements. Both are obviously on septic systems and both are Modular homes.

Thank you for your time and consideration to this matter.

Tim & Lorraine Kinney
5680 SE19th
Home 262-0298, cell 314-5675
Des Moines, IA 50320.