

★ Roll Call Number

Agenda Item Number

44 A

Date December 3, 2012

COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING THE PROPOSED FIRST AMENDMENT TO THE SECOND RESTATED CITY-WIDE URBAN REVITALIZATION PLAN

COMMUNICATION from the City Plan and Zoning Commission advising that at a public hearing held on November 15, 2012, the members recommended by a vote of 12-0 to find the proposed First Amendment to the Second Restated Urban Revitalization Plan for the City-Wide Urban Revitalization Area in conformance with the Des Moines' 2020 Community Character Plan.

MOVED by \_\_\_\_\_ to receive and file.

FORM APPROVED:

Roger K. Brown
Roger K. Brown
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GRIESS, HENSLEY, MAHAFFEY, MEYER, MOORE, and TOTAL.

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.

MOTION CARRIED APPROVED

Mayor

City Clerk

Date \_\_\_\_\_

November 21, 2012

Agenda Item 44 A

Call # \_\_\_\_\_

Honorable Mayor and City Council  
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held November 15, 2012, the following action was taken regarding the proposed First Amendment to the Second Restated Urban Revitalization Plan for the City-Wide Urban Revitalization Area, to designate the Riverpoint West Area bounded by Southwest 9th Street on the east, Martin Luther King Jr. Parkway on the north, and the Raccoon River on the south and west as a new subarea within the Downtown Overlay District.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 12-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Tim Fitzgerald	X			
Dann Flaherty	X			
John "Jack" Hilmes				X
Ted Irvine	X			
Greg Jones	X			
William Page	X			
Christine Pardee	X			
Mike Simonson	X			
CJ Stephens	X			
Vicki Stogdill	X			

**APPROVAL** of a motion finding the proposed amendment to the Second Restated Urban Revitalization Plan for the City-Wide Urban Revitalization Area is in conformance with the Des Moines' 2020 Community Character Plan.

**STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Staff recommends that the Commission find the proposed amendment to the Second Restated Urban Revitalization Plan for the City-Wide Urban Revitalization Area in conformance with the Des Moines' 2020 Community Character Plan.

**STAFF REPORT**

On November 5, 2012 the City Council set a hearing for November 19, 2012 to consider the First Amendment to the Second Restated City-Wide Urban Revitalization Plan. The Plan would allow qualified improvements to commercial property in the Riverpoint West Area to receive tax abatement. The area to which this amendment would apply is bounded by Southwest 9th Street on the



CITY PLAN AND ZONING COMMISSION  
ARMORY BUILDING  
602 ROBERT D. RAY DRIVE  
DES MOINES, IOWA 50309 -1881  
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ALL-AMERICA CITY  
1949, 1976, 1981  
2003

44A

east, West Martin Luther King Jr. Parkway on the north, and the Raccoon River on the south and west. The intent is to encourage mixed-use redevelopment projects within the area where the value added by qualified improvements to real estate assessed as commercial property may qualify for a temporary exemption from taxation under the 3-year 100% tax abatement schedule or a new 5-year declining tax abatement schedule.

On December 5, 2011, by Roll Call No. 11-2085, the City Council approved and adopted the 2011-1 Omnibus Amendment to the City's Urban Revitalization Plans which consolidated all of the City of Des Moines, as it then existed and as thereafter expanded by future annexations, into the City-wide Urban Revitalization Area and approved the Second Restated Urban Revitalization Plan as a completed and restated urban revitalization plan for the City-wide Urban Revitalization Area. This amendment removed an area known as the Downtown Overlay District from eligibility for commercial tax abatement. This proposed amendment would reinstate commercial tax abatement for the described targeted area in Riverpoint West.

**II. DES MOINES' 2020 COMMUNITY CHARACTER PLAN**

Staff believes the amendment is in conformance with the goals of the Des Moines' 2020 Community Character Plan. Eligibility for use of tax abatement would only be given to projects that are in conformance with the Zoning, Site Plan, and the Subdivision Ordinances as well as the Comprehensive Plan.

**SUMMARY OF DISCUSSION**

*There was no discussion.*

**CHAIRPERSON OPENED THE PUBLIC HEARING**

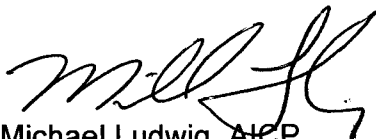
*There was no one in the audience to speak in favor or in opposition.*

**COMMISSION ACTION**

Shirley Daniels moved staff recommendation to find the proposed amendment to the Second Restated Urban Revitalization Plan for the City-Wide Urban Revitalization Area in conformance with the Des Moines' 2020 Community Character Plan.

Motion passed 12-0.

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:clw

cc: File

**FIRST AMENDMENT TO THE  
SECOND RESTATED URBAN REVITALIZATION PLAN  
FOR THE CITY-WIDE URBAN REVITALIZATION AREA  
CITY OF DES MOINES, IOWA**

The purpose of the First Amendment to the Second Restated Urban Revitalization Plan for the City-wide Urban Revitalization Area is to designate the Riverpoint West Area bounded by SW 9th Street on the east, Martin Luther King Jr. Parkway on the north, and the Raccoon River on the south and west as a new subarea within the Downtown Overlay District wherein the value added by qualified improvements to real estate assessed as commercial property may qualify for a temporary exemption from taxation under the 3-year 100% tax abatement schedule or a new 5-year declining tax abatement schedule.

**Approved:**

Date: \_\_\_\_\_, 2012

Roll Call No. 12-\_\_\_\_\_

## HISTORY

The City Council approved the original Urban Revitalization Plan for the City-wide Urban Revitalization Area by Roll Call No. 87-4009 on September 28, 1987. The original City-wide Urban Revitalization Area was comprised of the entire area within the boundaries of the City of Des Moines on July 7, 1987. The original Urban Revitalization Plan for the City-wide Urban Revitalization Area was amended twenty-one times as identified below:

### **Adoption and Amendment of the original City-wide Urban Revitalization Plan**

<i>Action</i>	<i>Date</i>	<i>Roll Call/Ordinance Number</i>
Designation of Area	07/06/87	Ordinance No. 11,026
Amendment of Area	09/21/87	Ordinance No. 11,065
"Original" Plan Adopted	09/28/87	87-4009
First Amendment	06/05/89	89-2438
Second Amendment	07/24/89	89-3209 (expanded area)
Third Amendment	01/15/90	90-191
Fourth Amendment	06/25/90	90-2793
Fifth Amendment	08/26/91	91-3664
Sixth Amendment	09/08/92	92-3497
Seventh Amendment	03/15/93	93-973
Eighth Amendment	03/15/93	93-971
Ninth Amendment	05/17/93	93-1868
Tenth Amendment	01/03/94	94-114
Eleventh Amendment	08/01/94	94-3024
Twelfth Amendment	11/07/94	94-4273
Thirteenth Amendment	12/19/94	94-4781
Fourteenth Amendment	02/20/95	95-644/ Ord. No. 13,149
Fifteenth Amendment	03/06/95	95-869
Sixteenth Amendment	05/22/95	95-2087
Seventeenth Amendment	07/10/95	95-2659
Nineteenth Amendment	10/16/95	95-3949
Nineteenth Amendment	12-02-96	96-4031
Twentieth Amendment	06/02/97	97-1975 (expanded area)
Twenty First Amendment	06-16-97	97-2126 (expanded area & adopted Restated Plan)

The Twenty First Amendment to the Original Plan adopted the Restated Urban Revitalization Plan for the City-wide Urban Revitalization Area (the "First Restated Plan") which was amended twenty-four times as identified below:

### **Amendments to the First Restated Urban Revitalization Plan**

<i>Action</i>	<i>Date</i>	<i>Roll Call Number</i>
First Amendment	02-23-98	98-549 (expanded area)
Second Amendment	05-18-98	98-1628
Third Amendment	10-19-98	98-3272

Fourth Amendment	03-15-99	99-747
Fifth Amendment	07-12-99	99-2221
Sixth Amendment	10-18-99	99-3258
Seventh Amendment	02-07 -00	00-361
Eighth Amendment	02-07 -00	00-364
Ninth Amendment	12-18-00	00-4680
Tenth Amendment	07-23-01	01-2329
Eleventh Amendment	09-24-01	01-2932
Twelfth Amendment	06-03-02	02-1447
Thirteenth Amendment	10-21-02	02-2546
Fourteenth Amendment	02-09-04	04-315
Fifteenth Amendment	02-28-05	05-476
Sixteenth Amendment	02-28-05	05-478
Seventeenth Amendment	04-24-06	06-847
Eighteenth Amendment	08-07-06	06-1599
Nineteenth Amendment	09-10-07	07-1762
Twentieth Amendment	02-11-08	08-250
Twenty First Amendment	08-21-08	08-1451
Twenty Second Amendment	05-18-09	09-896
Twenty Third Amendment	03-28-11	11-0517
Twenty Fourth Amendment	12-05-11	11-2085

The Twenty Fourth Amendment to the First Restated Urban Revitalization Plan for the City-wide Urban Revitalization Area adopted the Second Restated Urban Revitalization Plan for the City-wide Urban Revitalization Area (the "Second Restated Plan"). This is the first amendment to the Second Restated Plan.

**PURPOSE OF FIRST AMENDMENT**

The purpose of the First Amendment to the Second Restated Urban Revitalization Plan for the City-wide Urban Revitalization Area is to designate the Riverpoint West Area bounded by SW 9th Street on the east, Martin Luther King Jr. Parkway on the north, and the Raccoon River on the south and west as a new subarea within the Downtown Overlay District wherein the value added by qualified improvements to real estate assessed as commercial property may qualify for a temporary exemption from taxation under the 3-year 100% tax abatement schedule or a new 5-year declining tax abatement schedule.

**FIRST AMENDMENT**

The Second Restated Urban Revitalization Plan for the City-wide Urban Revitalization Area is hereby amended as follows:

1. Section 4, of Article G, of the Second Restated Plan is hereby amended as follows:

## ARTICLE G. APPLICABILITY OF PLAN

### 4. Property Assessed As Commercial Or Industrial

The taxable value added by new construction or by rehabilitation and additions to existing structures assessed as commercial or industrial property (exclusive of multiple-family commercial property) which satisfies the qualification requirements of Article H of this plan and the additional requirements under one or more of the subcategories of commercial and industrial property listed below is eligible for a temporary exemption from taxation pursuant to Article I.

*NOTE: Improvements to property assessed as commercial or industrial property (exclusive of multiple-family commercial property) within the Downtown Overlay District identified on Map 5 are not eligible for a temporary exemption from taxation under this Second Restated Plan as initially adopted. It is anticipated that future amendments to this Second Restated Plan will identify classes of commercial and industrial property within the Downtown Overlay District that will then be eligible for a temporary exemption from taxation.*

**A. Commercially and Industrially Zoned Districts:** Improvements to property within a commercially and industrially zoned district and outside the Downtown Overlay District, which comply with the following standards:

- 1) ~~Location~~Access. The improvements must be to property having a primary vehicular access from street frontage properly zoned for commercial or industrial use.
- 2) *Landscaping*. The improvements must be to property which conforms with the site plan landscape standards applicable to development within the C-2 District, as the same may be amended from time to time. However, any higher level of landscaping required by any other applicable requirement shall continue to apply.
- 3) *Site Plan and Design Standards*. If the improvements include a new building, a building addition over 50% of the existing building area, or renovations to a building that have an estimated cost for building permit purposes that exceeds 50% of the assessed value of the existing building, then the property must also conform with:
  - (a) An approved site plan.
  - (b) The Commercial Construction and Sustainability Design Standards set forth in Appendix A-1, together with any of the following design standards that apply to such property:
    - (1) Improvements to any such property within the Court Avenue Historic Area as shown by Map 5, must substantially comply with the Court Avenue Design Standards attached hereto as Appendix A-2.
    - (2) Improvements to any such property within the Eastern Gateway District Area 1 as shown by Map 7 shall comply with the Eastern Gateway District Area 1 Design Standards set forth in Appendix A-3.

**B. Riverpont West Area:** Improvements to property located within the Riverpont West Area bounded by SW 9th Street on the east, Martin Luther King Jr. Parkway on

the north, and the Raccoon River on the south and west, which comply with following standards:

- 1) Access. The improvements must be to property having a primary vehicular access from street frontage properly zoned for commercial or industrial use.
- 2) Landscaping. The improvements must be to property which conforms with the site plan landscape standards applicable to development within the C-2 District, as the same may be amended from time to time. However, any higher level of landscaping required by any other applicable requirement shall continue to apply.
- 3) Site/Development Plan and Design Standards. The improvements must consist of one or more new structures assessed as commercial property (exclusive of multiple-family commercial property) which comply with the following standards:
  - (a) The Commercial Construction and Sustainability Design Standards set forth in the Second Restated Urban Revitalization Plan for the City-wide Urban Revitalization Area; and,
  - (b) The improvements must either conform with an approved Planned Unit Development Conceptual Plan, or satisfy the following criteria:
    - Be within a building having at least three stories; and,
    - Be part of a development parcel with a minimum building coverage of 50% when viewed from above.
- 4) Construction window. Construction of the improvements must be commenced under authority of a building permit issued after July 1, 2012, and prior to July 1, 2017, and the improvements must be completed by December 31, 2017.

2. Article I, of the Second Restated Plan is hereby amended by amending Section 2 thereof, and by adding a new Section 2A thereto, as follows:

## **ARTICLE I. TAX ABATEMENT SCHEDULE**

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2. **Ten-Year Declining Abatement Schedule.** All qualified real estate not located within the Riverpoint West Area bounded by SW 9th Street on the east, Martin Luther King Jr. Parkway on the north, and the Raccoon River on the south and west, is eligible to receive a partial exemption from taxation on the actual value added by the improvements. The exemption is for a period of ten years. The amount of the partial exemption is equal to a percent of the actual value added by the improvements, determined as follows:
  - a. For the first year, 80 percent.
  - b. For the second year, 70 percent.
  - c. For the third year, 60 percent.
  - d. For the fourth year, 50 percent.
  - e. For the fifth year, 40 percent.
  - f. For the sixth year, 40 percent.
  - g. For the seventh year, 30 percent.
  - h. For the eighth year, 30 percent.
  - i. For the ninth year, 20 percent.
  - j. For the tenth year, 20 percent.

- 2A. Five -Year Declining Abatement Schedule.** All qualified real estate located within the Riverpoint West Area bounded by SW 9th Street on the east, Martin Luther King Jr. Parkway on the north, and the Raccoon River on the south and west, is eligible to receive a partial exemption from taxation on the actual value added by the



improvements. The exemption is for a period of five years. The amount of the partial exemption is equal to a percent of the actual value added by the improvements, determined as follows:

- a. For the first year, 75 percent.
- b. For the second year, 60 percent.
- c. For the third year, 45 percent.

- d. For the fourth year, 30 percent.
- e. For the fifth year, 15 percent.

...