

Date October 7, 2013

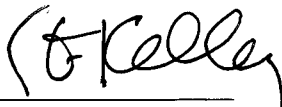
**MOTION TO RECEIVE AND FILE THE REPORT AND RECOMMENDATION OF  
THE PLAN AND ZONING COMMISSION REGARDING A PETITION TO  
ESTABLISH THE BEAVERDALE SELF-SUPPORTED MUNICIPAL  
IMPROVEMENT DISTRICT FOR MAINTENANCE OF THE PROPOSED  
BEAVER AVENUE STREETScape IMPROVEMENTS**

WHEREAS, on September 23, 2013, by Roll Call No. 13-1495, the City Council received a Petition to establish Beaverdale Self-Supported Municipal Improvement District (SSMID), and referred the Petition to the City Plan and Zoning Commission for preparation of an evaluative report for the Council on the merit and feasibility of the proposed SSMID as required by Iowa Code Chapter 386; and

WHEREAS, the City Plan and Zoning Commission has advised in the accompanying letter that at a public hearing held October 3, 2013, the members considered the Petition and an evaluative report on the merit and feasibility of the Beaverdale Self-Supported Municipal Improvement District (SSMID) and voted 13-0 in support of a motion to recommend approval of the evaluative report and petition.

THEREFORE, it is MOVED by \_\_\_\_\_ to receive and file the report and recommendation of the Plan and Zoning Commission.

FORM APPROVED:



Michael F. Kelley  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
<b>TOTAL</b>				

MOTION CARRIED APPROVED

**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.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

October 4, 2013

Date \_\_\_\_\_

Agenda Item 22A

Roll 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 October 3, 2013, the following action was taken regarding the Beaverdale Self-Supported Municipal Improvement District (SSMID).

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 13-0 as follows:

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

**APPROVAL** of the evaluative report and establishment of the proposed Beaverdale Self-Supported Municipal Improvement District (SSMID).

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

Staff recommends approval of the evaluative report and establishment of the proposed Beaverdale Self-Supported Municipal Improvement District (SSMID).

**STAFF REPORT**

**I. GENERAL INFORMATION**

Property owners adjoining Beaver Avenue from Fagen Drive to Beaver Crest Drive have submitted a petition to the City Council seeking to establish the Beaverdale Self-Supported Municipal Improvement District (SSMID). The purpose of the SSMID is to undertake the acquisition, construction, installation, operation and maintenance of "improvements" within the public



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

rights-of-way of Beaver Avenue within the Proposed District. Improvements include improved sidewalks, curbs and cross-walks, landscaping, planters, decorative lighting, utility relocation, traffic signage, and related pedestrian improvements. The improvements may also be funded utilizing proceeds of the combined Capital Improvement and Operation Fund, City funds designated in the Capital Improvement Program of the City for such purposes, and any other available funds.

**II. ADDITIONAL APPLICABLE INFORMATION**

Pursuant to Section 386.3 of the Iowa Code, the Plan and Zoning Commission is to prepare an evaluative report for the City Council based on the "merit" and "feasibility" of the SSMID. The Commission is to make recommendations to the City Council with respect to establishment of the SSMID. Further, the Commission is directed to determine the validity of the petition.

Staff has prepared an evaluative report for the Commission's review and consideration (see attached).

**CHAIRPERSON OPENED THE PUBLIC HEARING**

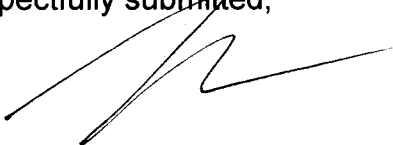
*There was no one in the audience to speak in favor or in opposition of the applicant's request.*

**COMMISSION ACTION**

Greg Jones moved staff recommendation for approval of the evaluative report and establishment of the proposed Beaverdale Self-Supported Municipal Improvement District (SSMID).

Motion passed 13-0.

Respectfully submitted,



Jason Van Essen, AICP  
Senior City Planner

JMV:clw

cc: File

**Evaluation of Petition to Establish the "Beaverdale Self-Supported Municipal Improvement District" and Recommendation to City Council**

Property owners adjoining Beaver Avenue within the Proposed District have submitted a petition to the City Council to establish the Beaver Avenue Self-Supported Municipal Improvement District (SSMID). The purpose of the SSMID is to undertake the acquisition, construction, installation, operation and maintenance of "improvements" within the public rights-of-way of Beaver Avenue within the Proposed District consisting of improved sidewalks, curbs and cross-walks, landscaping, planters, decorative lighting, utility relocation, traffic signage, and related pedestrian improvements utilizing proceeds of the combined Capital Improvement and Operation Fund, City funds designated in the Capital Improvement Program of the City for such purposes, and any other available funds.

The petition states that the property owners agree to an annual Capital Improvement and Operation Tax levy upon properties within the district for an initial period of fifteen (15) years commencing with the maximum levy of taxes for collection in the fiscal year beginning July 1, 2014 and possible renewal for subsequent five (5) year periods in accordance with the following schedule:

<u>Fiscal Years of Levy</u>	<u>Max. levy per thousand dollars taxable value</u>
2014/15 to 2020/21	1.75
2021/22 and later	2.00

The City anticipates that a Beaverdale SSMID Board will be established to make a recommendation to the City Council regarding the annual budget and levy for the District. The SSMID Board will have members representative of the property owners and tenants in the District and will receive technical assistance from City Staff in the preparation of the recommended budget.

**Plan and Zoning Commission Role**

The City Council has referred the petition to the Plan and Zoning Commission in accordance with Section 386.3(3) of the Iowa Code. The Plan and Zoning Commission is to prepare an evaluative report for the City Council addressing the "merit" and "feasibility" of the proposed District. Further, it would be appropriate for the Commission to make a recommendation on the validity of the petition. After the Plan and Zoning Commission has evaluated the petition, the City Council will set a time and place for the public hearing at which the City Council will consider the establishment of the District. If the City Council decides that it is appropriate to establish the District, the City Council must wait another 30 days after that hearing before it may adopt an ordinance establishing the District.

**Validity of the Petition**

The petition submitted to the City Council and referred to the Plan and Zoning Commission has been evaluated for the following:

1. The SSMID District meets all the criteria set forth in Section 386.3(1) of the Iowa Code including:
  - a. The SSMID is comprised of contiguous property wholly within the boundaries of the City. The entire District is zoned for commercial uses.
  - b. The SSMID has been given a descriptive name: "Beaverdale Self-Supported Municipal Improvement District."
  - c. The property in the District is comprised of properties adjoining the Beaver

Avenue right-of-way and the property within the District is zoned C-2, General Retail and Highway-Oriented Commercial and NPC, Neighborhood Pedestrian Commercial District. The current uses and intended future uses of the property in the District include a variety of retail shopping and office uses. The Des Moines 2020 Community Character Plan designates Beaver Avenue as a Pedestrian-Oriented Commercial Corridor and recommends that such corridors have a well designed, human scale streetscape that provides compatibility and continuity along the street and enhances the neighborhood image. Accordingly, the property in the District is similarly related so that the present and potential use or enjoyment of the property is benefited by the condition, performance of administration, redevelopment, revitalization and maintenance of the District. Further, the owners of property in the District have a present and potential benefit from the condition, performance of administration, redevelopment, revitalization and maintenance of the District.

2. The intent and purposes of the SSMID are stated in the petition. The petition contains signatures from more than 25% of the owners of properties within the District. As of September 23, 2013, the petition has been signed by 43.8% of the owners of property in the district (7 of 16). The signatures also represent ownership of property with an assessed value of more than 25% of the assessed value of all property in the District. As of September 23, 2013, the signatures represent property ownership with an assessed value of 59.5% of the total assessed value for property in the District (\$4.212M of \$7.083M).
3. The petition sufficiently describes the boundaries of the District. It includes a consolidated list of all properties within the proposed District.
4. The petition states that the property owners agree to an annual maximum Capital Improvement and Operation Tax levy upon properties within the district for an initial period of fifteen (15) years commencing with the levy of taxes for collection in the fiscal year beginning July 1, 2014 and possible renewal for subsequent five (5) year periods in accordance with the following schedule:

<u>Fiscal Years of Levy</u>	<u>Max. levy per thousand dollars taxable value</u>
2014/15 to 2020/21	1.75
2021/22 and later	2.00

5. The petition states that the purpose of the SSMID is to undertake the acquisition, construction, installation, operation and maintenance of "improvements" defined in Chapter 386 within the public rights-of-way of Beaver Avenue and Urbandale Avenue and within the proposed District consisting of improved sidewalks, curbs and cross-walks, landscaping, planters, decorative lighting, utility relocation, traffic signage, and related pedestrian improvements utilizing proceeds of the combined capital improvement and operation fund, City funds designated in the Capital Improvement Program of the City for such purposes, and any other available funds and any and all actions and improvements are intended to benefit the property within the district.
6. The petition also states that proceeds of the Capital Improvement and Operation

Tax may be used for the purposes of paying (or reimbursing the City with respect thereto) all or part of the costs incurred in connection with the acquisition, construction, installation, operation and maintenance of the Improvements, any administration expenses (as defined and authorized by the Chapter 386) of the proposed District, including legal and engineering fees, and any other expenses reasonably incurred in fulfilling the purposes of the proposed District, all as may be determined from time to time by the City Council.

7. The activities identified in the purposes of the SSMID, further the objectives of the Des Moines 2020 Community Character Plan by assisting with the development of a well-designed, human scale streetscape that provides compatibility and continuity along the street and enhances the neighborhood image.

#### **Feasibility of the Project**

In fiscal years 2014/15 through 2020/21, the proposed maximum Capital Improvement and Operation Tax levy of \$1.75/\$1000 of assessed value will generate revenues of approximately \$12,395.25 annually based on assessed values as of September 2013. In fiscal years 2021/22 and beyond the proposed maximum Capital Improvement and Operation Tax levy of \$2.00/\$1000 of assessed value will generate revenues of approximately \$14,166.00 annually based on assessed values as of September 2013. The actual levy will be set annually by the City Council after receiving a recommendation from the Beaverdale SSMID Board.

Proceeds from the SSMID Capital Improvement and Operation Fund will be combined with proceeds from other City funds designated in the Capital Improvement Program of the City for such purposes and any other available funds to pay the anticipated costs and other expenses for the SSMID activities and services in the District.

#### **Recommendation**

The petition to establish the "Beaverdale Self-Supported Municipal Improvement District" meets the criteria as outlined in Chapter 386 of the Iowa Code for such districts. The petition is valid and the Beaverdale SSMID has merit and is feasible. The Commission forwards this report to City Council and the City Council may set the date of public hearing for establishment of the District for November 4, 2013.