

Date August 25, 2014

RESOLUTION CLOSING HEARING ON THE SECOND AMENDMENT
TO THE SECOND RESTATED URBAN REVITALIZATION PLAN FOR THE
CITY-WIDE URBAN REVITALIZATION AREA AND APPROVING SAME

WHEREAS, by Ordinance No. 11,026 passed July 6, 1987, as amended by Ordinance No. 11,065 passed September 21, 1987, the City Council designated the entire area within the corporate boundaries of the City of Des Moines as established on July 7, 1987, as the City-wide Urban Revitalization Area; and,

WHEREAS, on September 28, 1987, by Roll Call No. 87-4009, the Des Moines City Council adopted a resolution, in accordance with the provisions of Section 404.2(6) of the Act, approving the Urban Revitalization Plan for the City-wide Urban Revitalization Area, which plan (the "original City-wide Plan") was repeatedly amended; and,

WHEREAS, on June 16, 1997, by Roll Call No. 97-2126, the City Council approved and adopted the Twenty-first Amendment to the original City-wide Plan, which adopted a restated plan which incorporated all prior amendments to the original City-wide Plan; and,

WHEREAS, 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 complete and restated urban revitalization plan for the City-wide Urban Revitalization Area; and,

WHEREAS, the Second Restated Urban Revitalization Plan established new eligibility requirements for tax abatement, including the Commercial Construction and Sustainability Design Standards in Appendix A-1 of the Plan which are applicable to all improvements to property classified as commercial and industrial property for tax purposes, including commercial property containing 3 or more dwelling units; and,

WHEREAS, on June 9, 2014, by Roll Call No. 14-0908, the City Council directed the Community Development Department to prepare an amendment to the Second Restated Urban Revitalization Plan to allow multi-phase projects commenced before adoption of the Second Restated City-wide Plan, to satisfy the sustainability requirements in the Commercial Construction and Sustainability Design Standards by conforming to at least 3, instead of 4 of the listed sustainability measures; and,

WHEREAS, the purpose of the proposed Second Amendment to the Second Restated Urban Revitalization Plan for the City-wide Urban Revitalization Area is to amend the Commercial Construction and Sustainability Design Standards in Appendix A-1 of the Plan, by: 1) amending the sustainability requirements to separately address multi-phase multi-family residential projects commenced before the adoption of the Second Restated City-wide Plan; 2)

Date August 25, 2014

adding an additional sustainability option; and 3) making other and further changes to the standards.

WHEREAS, on August 11, 2014, by Roll Call No. 14-1219, the City Council scheduled a public hearing on the proposed Second Amendment to be held at 5:00 p.m., on August 25, 2014, in the City Council Chambers; and,

WHEREAS, public notice of the hearing was published in the Des Moines Register on August 14, 2014; and,

WHEREAS, all persons appearing at the hearing and desiring to be heard regarding the said Second Amendment have been given the opportunity to be heard; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that:

1. The public hearing on the proposed Second Amendment to the Second Restated Urban Revitalization Plan for the City-wide Urban Revitalization Area is hereby closed, and all objections to the proposed Second Amendment are hereby overruled.
2. The proposed Second Amendment is hereby found to be in conformance with the Des Moines 2020 Community Character Plan.
3. The Second Amendment to the Second Restated Urban Revitalization Plan for the City-wide Urban Revitalization Area, attached hereto as Exhibit A, is hereby approved and adopted.

MOVED by _____ to adopt.

FORM APPROVED:

Roger K. Brown

Roger K. Brown, Assistant City Attorney

G:\USERS\RKBrown\Rog Docs\Revit\2nd to 2nd Amend\RC Hrg.doc

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
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

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

The purpose of the proposed Second Amendment is to the Second Restated Urban Revitalization Plan for the City-wide Urban Revitalization Area is to amend the Commercial Construction and Sustainability Design Standards in Appendix A-1 of the Plan, by: 1) amending the sustainability requirements to separately address multi-phase multi-family residential projects commenced before the adoption of the Second Restated City-wide Plan; 2) adding an additional sustainability option; and 3) making other and further changes to the standards.

Approved:

Date: August 25, 2014

Roll Call No. 14-_____

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"), which has been amended once, as identified below:

Amendments to the First Restated Urban Revitalization Plan

<i>Action</i>	<i>Date</i>	<i>Roll Call Number</i>
First Amendment	12-03-2012	12-1880

PURPOSE OF SECOND AMENDMENT

The purpose of the proposed Second Amendment to the Second Restated Urban Revitalization Plan for the City-wide Urban Revitalization Area is to amend the Commercial Construction and Sustainability Design Standards in Appendix A-1 of the Plan, by: 1) amending the sustainability requirements to separately address multi-phase multi-family residential projects commenced before the adoption of the Second Restated City-wide Plan; 2) adding an additional sustainability option; and 3) making other and further changes to the standards.

FIRST AMENDMENT

The Second Restated Urban Revitalization Plan for the City-wide Urban Revitalization Area is hereby amended by repealing Appendix A-1, *Commercial Construction and Sustainability Design Standards*, in its entirety and replacing it with the attached Appendix A-1 (Rev. 1), *Commercial Construction and Sustainability Design Standards*.

Appendix A-1 (Rev. 1)

Commercial Construction and Sustainability Design Standards

OVERVIEW

Tax abatement is offered as an incentive to commercial and industrial projects that demonstrate a commitment to the quality of Des Moines' commercial and industrial areas that is comparable with requirements of our metropolitan counterparts and over time, will improve the character of the commercial and industrial areas throughout the City.

Except where otherwise noted, if the improvements to multiple-family residential property or to commercial or industrial property 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 the design standards set forth in this appendix to qualify for a partial exemption from taxation under the Restated Plan.

It is intended that these eligibility standards for tax abatement will be phased in as development regulations in the future.

These eligibility standards are intended to be applied collectively. The determination of whether these standards have been satisfied shall be based upon the level of compliance with these standards as a whole, and any deficiency in satisfying one or more individual standards may be offset by an elevated level of compliance with the standards as a whole.

Compliance with the standards will be reviewed by the Community Development Director or the Director's designee for recommendation to the City Council. An application for tax abatement must be approved by the City Council before it may be forwarded to the Polk or Warren County Assessor to allow the abatement.

DEVELOPMENT STANDARDS

1. Landscaping

Landscaping must be provided in compliance with the City of Des Moines Landscape Standards for the C-2 District. This requirement does not relieve higher levels of landscaping that may be required by other measures.

2. Sidewalks

- a) Public sidewalk must be installed along all perimeter streets in conformance with the approved site plan.
- b) Pedestrian sidewalk access must be provided between the public right-of-way and the primary building entry(s) in accordance with the approved site plan.
- c) All required sidewalks must be in good repair and not contain any defects as defined in Section 102-43 of the Des Moines Municipal Code.

3. Screening

- a) Trash containers shall be fully enclosed with 100% opaque walls and gate(s) constructed of masonry, steel panels, or other durable materials approved by the Community Development Director. Wood, vinyl or chain link are not durable materials for the purposes of this requirement.
- b) Outside storage of materials or equipment must be enclosed by opaque wood or masonry fence. No stored materials may be stacked higher than the perimeter fence.
- c) Roof-mounted utilities must be screened on all sides by an architectural screen wall with a height equal to the height of the equipment, and constructed with an exterior finish and color matching the primary building exterior. Roof-mounted utilities may also be screened by a parapet wall or by setback from the edge of the building equal to five times the height of the equipment, or any combination of the above.
- d) Wall-mounted utilities must be screened on all sides by an architectural screen wall or painted to match the adjoining building finish.
- e) Ground-mounted and wall-mounted utilities and meters shall be screened, or not visible from public streets.

4. Building Materials

- a) Minimum of 75% of the surface area (exclusive of windows and doors) of facades fronting and perpendicular to a public street must be glass, brick, concrete panels, architectural concrete block (such as split-face or burnished block), architectural metal panels or stone.
- b) All buildings shall have window and door openings comprising at least 20% of the surface area of each facade fronting public streets. However, those portions of such a facade adjoining areas of a building devoted to processing, manufacturing or storage uses associated with an industrial use of the building need only have window and door openings comprising at least 20% of the area of first floor such facade, up to a maximum elevation of 14 feet.
- c) No building elevation should have exterior insulation and finish system (EIFS) within 5' of the finished grade.
- d) As an alternative to conforming with the requirements set forth above in this paragraph 4, all facades fronting and perpendicular to a public street must be constructed of materials and with a design approved by the Community Development Director as being consistent with the overall intent and purpose of these Commercial Construction and Sustainability Design Standards, and providing an equivalent level of quality and durability.

5. Underground Utilities

All utility service lines to the property shall be underground, unless otherwise allowed by an approved site plan.

6. Signage

Free standing signs must be monument signs or directory signs as defined in Chapter 134, Zoning, of the Des Moines City Code (no pole-mounted signage).

7. Site Custodial

- a) All obsolete unneeded curb cuts, drive approaches, signs, sign poles, sign bases, concrete and paving islands shall be removed.
- b) Drive approaches shall be in good repair, properly sized and located.

8. Sustainability

Except as provided below, the development must provide a minimum of four (4) of the following sustainable features:

- a) Bike racks for public use that provide a minimum of 10% of the automobile parking provided.
- b) Permeable pavement for a minimum of 30% of the paved area.
- c) Green roof on 50% of the rooftop area.
- d) Rain garden(s) that absorb 25% of runoff from impervious surfaces during a 1 ¼ "rain event over 24 hours.
- e) Exceed applicable energy code by 15%.
- f) 50% increase in required landscaping.
- g) 90% of exterior building elevations constructed from renewable materials.
- h) Primary entry within ¼ mile of a DART transit stop.
- i) Redevelopment of a previously-developed site.
- j) Renovation of an existing building.
- k) Uses wind or solar electric generation systems reasonably estimated to annually provide at least 20% of the electric power consumed by the development.

Residential projects in conformance with a site plan approved prior to December 31, 2011, and consisting of three or more multi-family residential structures where at least two such structures were commenced on or before December 31, 2011, and completed on or before December 31, 2012, must provide a minimum of three of the above sustainable features.

9. Historic and Cultural Resources

If the project includes a site with a historic building that is on the National Register of Historic Places or deemed eligible for the Register of Historic Places, the building must be retained if feasible, considering the condition of the property.

History Note:

As amended by the Second Amendment to the Second Restated City-wide Urban Revitalization Plan approved on August 25, 2014, by Roll Call No. 14-_____.