



Date October 23, 2017

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

WHEREAS, on June 15, 1987, by Roll Call No. 87-2630, the Des Moines City Council adopted a resolution, in accordance with the provisions of Section 404.2(1) of the Urban Revitalization Act, finding that the rehabilitation, conservation, redevelopment, or a combination thereof of the entire area then within the corporation boundaries of the City of Des Moines is necessary in the interest of the public health, safety, or welfare of the residents of the City and the area meets the criteria of Section 404.1 of the Code of Iowa; 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 has been repeatedly amended; and,

WHEREAS, on October 26, 2015, by Roll Call Nos. 15-1816 and 15-1818, the City Council approved and adopted the Third Restated Urban Revitalization Plan for the City-wide Urban Revitalization Area (the "Third Restated Plan"); and,

WHEREAS, on October 9, 2017, by Roll Call No. 17-1740, the City Council scheduled a public hearing on the proposed third Amendment to the Third Restated Plan, to be held on October 23, 2017, at 5:00 p.m., at the Richard A. Clark Municipal Service Center; and,

WHEREAS, the purpose of the proposed Third Amendment to the Third Restated Plan is to:

- Delete the July 1, 2017, expiration date for the 3-year 100% abatement schedule for improvements to commercial property within the Riverpoint West Area;
- Extend the December 31, 2020, expiration of the entire Plan by 5 years;
- Replace Map 5 - Court Avenue Historic Area, with a new Map 5 that removes The Fifth site (currently occupied by the Fifth and Walnut Parking Garage) from the Court Avenue Historic Area; and,
- Update all references to the City's comprehensive plan; and,

WHEREAS, a copy of the proposed Third Amendment to the Third Restated Plan is on file and available for inspection by the public in the office of the City Clerk; and,

WHEREAS, public notice of the hearing was published in the Des Moines Register on October 12, 2017; and,

WHEREAS, all persons appearing at the hearing and desiring to be heard regarding the said Third Amendment have been given the opportunity to be heard.

**Roll Call Number**17-1853**Agenda Item Number**50**Date** October 23, 2017

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NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, as follows:

1. The public hearing on the proposed Third Amendment to the Third Restated Urban Revitalization Plan for the City-wide Urban Revitalization Area is hereby closed, and all objections to the proposed Third Amendment are hereby overruled.
2. The proposed Third Amendment is hereby found to be in conformance with the Des Moines Comprehensive Plan, Plan DSM.
3. The Third Amendment to the Third Restated Urban Revitalization Plan for the City-wide Urban Revitalization Area is hereby approved and adopted.

( Council Communication No. 17- 750 )

MOVED by *Gatto* to adopt.

**FORM APPROVED:**

*Roger K Brown*

Roger K. Brown

Assistant City Attorney

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**Exhibits:**

"A" – Third Amendment

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				✓
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY				✓
MOORE	✓			
WESTERGAARD	✓			
TOTAL	5			2
MOTION CARRIED				APPROVED

*T. McFadden* 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.

*Diane Rauh* City Clerk

**THIRD AMENDMENT TO THE  
THIRD RESTATED URBAN REVITALIZATION PLAN  
FOR THE CITY-WIDE URBAN REVITALIZATION AREA**

**City of Des Moines, Iowa**

The purpose of the Third Amendment to the Third Restated Urban Revitalization Plan for the City-wide Urban Revitalization Area is to:

- Delete the July 1, 2017, expiration date for the 3-year 100% abatement schedule for improvements to commercial property within the Riverpoint West Area;
- Extend the December 31, 2020, expiration of the entire Plan by 5 years;
- Replace Map 5 - Court Avenue Historic Area, with a new Map 5 that removes The Fifth site (currently occupied by the Fifth and Walnut Parking Garage) from the Court Avenue Historic Area; and,
- Update all references to the City's comprehensive plan.

**Approved:**

Date: October 23, 2017

Roll Call No. 17- 1853

## **HISTORY**

The City Council approved the original Urban Revitalization Plan for the City-wide Urban Revitalization Area (the "Original Plan") 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 Plan was amended twenty-one times as identified below:

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

<i><b>Action</b></i>	<i><b>Date</b></i>	<i><b>Roll Call/Ordinance Number</b></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"). The First Restated Plan was amended twenty-four times as identified below:

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

<i><b>Action</b></i>	<i><b>Date</b></i>	<i><b>Roll Call Number</b></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 Plan adopted the Second Restated Urban Revitalization Plan for the City-wide Urban Revitalization Area (the "Second Restated Plan"). The Second Restated Plan was amended three times, as identified below:

**Amendments to the Second Restated Urban Revitalization Plan**

<i><b>Action</b></i>	<i><b>Date</b></i>	<i><b>Roll Call Number</b></i>
First Amendment	12-03-2012	12-1880
Second Amendment	08-25-2014	14-1319
Third Amendment	01-26-2015	15-0139

On October 26, 2016, by Rolls Call No. 15-1816 and 15-1818, the City Council approved the Third Restated Urban Revitalization Plan for the City-wide Urban Revitalization Area (the "Third Restated Plan"). The Third Restated Plan has been amended twice, as identified below:

**Amendments to the Third Restated Urban Revitalization Plan**

<i><b>Action</b></i>	<i><b>Date</b></i>	<i><b>Roll Call Number</b></i>
First Amendment	12-07-2015	15-2080
Second Amendment	7-25-2016	16-1256

## **PURPOSE OF THIRD AMENDMENT**

The purpose of the Third Amendment to the Third Restated Urban Revitalization Plan for the City-wide Urban Revitalization Area is to: i) delete the July 1, 2017, expiration date for the 3-year 100% abatement schedule for improvements to commercial property within the Riverpoint West Area; ii) extend the December 31, 2020, expiration of the entire Plan by 5 years; iii) replace Map 5 - Court Avenue Historic Area, with a new Map 5 that removes The Fifth site (currently occupied by the Fifth and Walnut Parking Garage) from the Court Avenue Historic Area; and, iv) update all references to the City's comprehensive plan.

## **THIRD AMENDMENT**

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

1. ARTICLE E. PROPOSED LAND USE of the Third Restated Urban Revitalization Plan for the City-wide Urban Revitalization Area to read as follows:

### **ARTICLE E. PROPOSED LAND USE**

~~On April 25, 2016, by Roll Call No. 16-0717, the City Council adopted the PlanDSM: Creating our Tomorrow plan as the City's Comprehensive Plan. That plan includes a PlanDSM Future Land Use Map, a copy of which is incorporated herein as Map 3. Together that plan and map show how and where the City will provide for a variety of housing densities and types as well as commercial and industrial uses. The PlanDSM Future Land Use Map is subject to change in the manner established by Iowa Code 414 and Article III of Chapter 82 of the Des Moines City Code. On August 7, 2000, by Roll Call 00-3381, the City Council adopted the Des Moines 2020 Community Character Land Use Plan. The Des Moines 2020 Community Character Land Use Plan portrays desirable patterns of land uses and densities within the City of Des Moines. The Des Moines 2020 Community Character Land Use Plan, as amended from time to time, is on file and available for public inspection in the offices of the Community Development Department. A copy of the Des Moines 2020 Community Character Plan, as amended to the date of this Third Restated Plan, is incorporated herein as Map 3. The Des Moines 2020 Community Character Land Use Plan is subject to change in the manner established by Iowa Code 414 and Article III of Chapter 82 of the Municipal Code.~~

2. Subsection B, of Section 4, of ARTICLE G. QUALIFIED PROPERTY of the Third Restated Urban Revitalization Plan for the City-wide Urban Revitalization Area is hereby amended to read as follows:

#### **B. Riverpoint West Area:**

1. Improvements to property 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, which satisfy the qualification requirements of Article H of this plan and the

additional requirements set forth in paragraph 2, below, are eligible for a temporary exemption from taxation pursuant to any of the following which is more specifically described in Article I.

Schedule 2A 5-year 75-60-45-30-15%
Schedule 3 3-years 100% each year

2. Such improvements are also subject to compliance with the following additional requirements:

- a) *Access.* The improvements must be to property having a primary vehicular access from street frontage properly zoned for commercial or industrial use.
- b) *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.
- c) *Site/Development Plan and Design Standards.* The improvements must consist of one or more new structures assessed as commercial property which comply with the following standards:
  - (1) The Construction and Sustainability Design Standards set forth in the Second Restated Urban Revitalization Plan for the City-wide Urban Revitalization Area; and,
  - (2) 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.
- d) ~~*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. However, this shall not be interpreted as extending the duration of this Plan as provided in Article M, below.~~

3. Paragraph 5 of ARTICLE H. QUALIFICATION FOR ELIGIBILITY of the Third Restated Urban Revitalization Plan for the City-wide Urban Revitalization Area is hereby amended to read as follows:

5. If the improvements are devoted to a non-conforming use, as defined by the zoning regulations of the City of Des Moines, then such use must comply with the applicable proposed land use shown on the PlanDSM Future Land Use Map then in effect. ~~Des Moines 2020 Community Character land Use Plan.~~

4. Section 1 of ARTICLE M. DURATION OF PLAN/TERMINATION of the Third Restated Urban Revitalization Plan for the City-wide Urban Revitalization Area is hereby amended to read as follows:

**1. Third Restated Plan.** Except as more specifically described below, a temporary exemption from taxation under this Third Restated Plan shall be available for qualified improvements added during the period beginning on the later of:

- a) January 1, 2016; or
- b) The effective date of designation of the affected property as part of the City-wide Urban Revitalization Area,

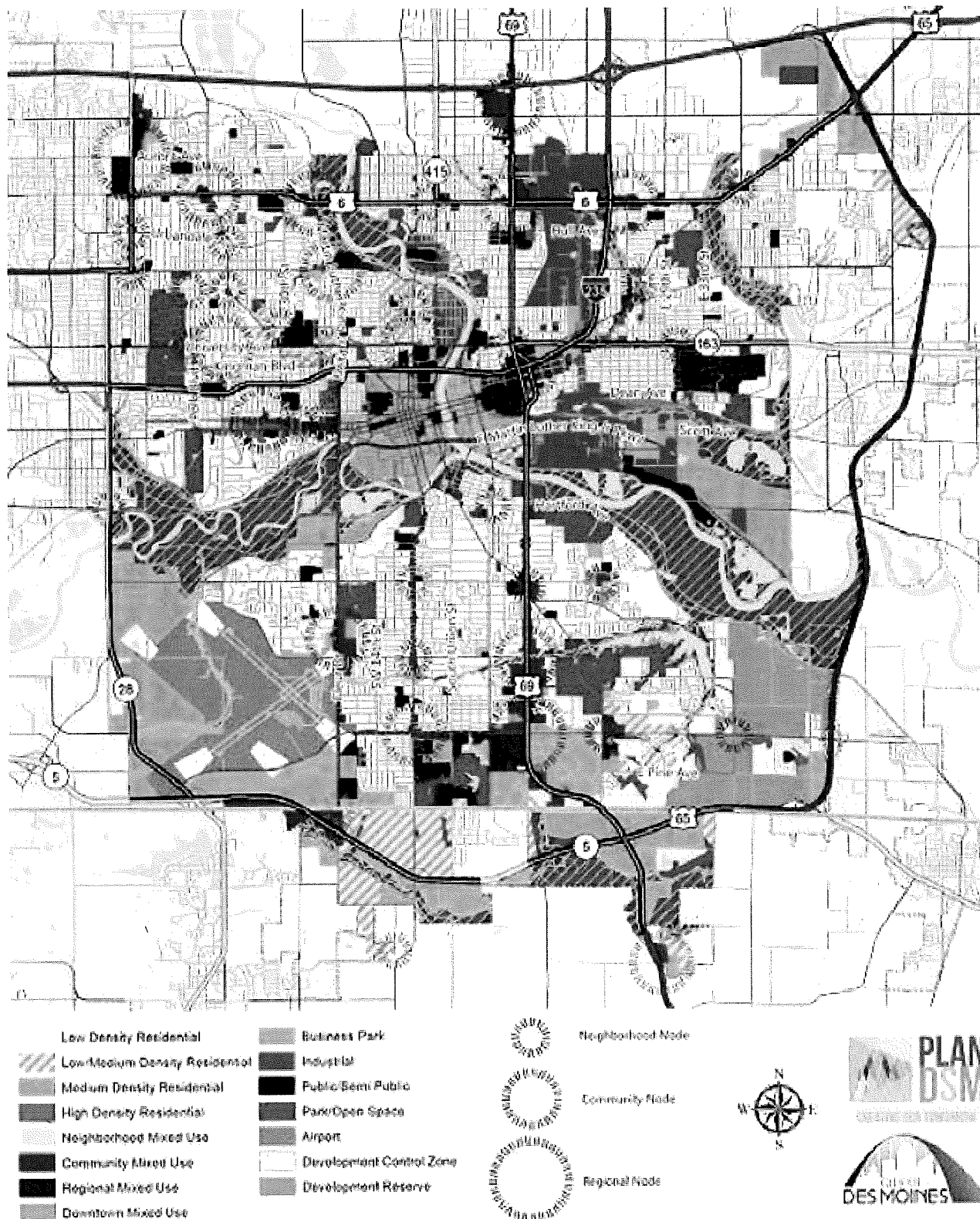
and continuing through December 31, ~~2025~~, ~~2020~~. Tax abatement under this Third Restated Plan shall also be available for qualified improvements added on or before December 31, ~~2026~~, ~~2021~~, which are part of a building project on a single subdivided lot or unsubdivided parcel of property under unified ownership, provided, that necessary building permits for the project are obtained and construction on the project has commenced on or before December 31, ~~2025~~, ~~2020~~.

5. The Third Restated Urban Revitalization Plan for the City-wide Urban Revitalization Area is hereby amended by deleting Map 3 – Des Moines 2020 Community Character Plan, and replacing it with the accompanying Map 3 (Rev 2017) – PlanDSM Future Land Use Map.
6. The Third Restated Urban Revitalization Plan for the City-wide Urban Revitalization Area is hereby amended by deleting Map 5 – Court Avenue Historic Area, and replacing it with the accompanying Map 5 (Rev 2017) – Court Avenue Historic Area.



# Map 3 (Rev. 2017)

## PLANDSM FUTURE LAND USE MAP



Community Development Department, Argonne Armory Building, 602 Robert D. Ray Drive, Des Moines, Iowa, 50309-1691

Map  
0 25 50 100 150 200  
Feet

**Map 5 (Rev 2017)**  
**Court Avenue Historic District**

