

Date June 23, 2008

RESOLUTION APPROVING AN AMENDED CONCEPTUAL DEVELOPMENT PLAN FOR THE FLEUR DRIVE COMMERCIAL URBAN RENEWAL AREA

WHEREAS, on June 7, 2004 by Roll Call No. 04-1236, and on March 7, 2005, by Roll Call No. 05-555, the City Council approved an Urban Renewal Development Agreement and a First Amendment to Development Agreement (collectively the "Agreement") with Raccoon Valley Investment Company, L.C. ("Developer"), represented by Michael Coppola, Manager, whereby the Developer undertook redevelopment of substantial portion of the Fleur Drive Commercial Urban Renewal Area, located at the northeast corner of Fleur Drive and McKinley Avenue, by demolishing or renovating the existing buildings and constructing new buildings for commercial use in compliance with specified Minimum Development Requirements and an approved Conceptual Development Plan; and,

WHEREAS, the Conceptual Development Plan for the Property was approved by the City Council on October 10, 2005, by Roll Call No. 05-2451; and,

WHEREAS, on January 8, 2007, by Roll Call No. 07-049, the City Council issued a Certificate of Completion for Phase 1 development consisting of the restaurant located at 4503 Fleur Drive; and,

WHEREAS, the Developer has requested the Conceptual Development Plan be amended to reflect the substantial completion of the first and second phases of the development, and to acknowledge the conceptual development plan for the third phase will be identified in a future amendment to the plan, all as more fully set forth in the Amended Conceptual Development Plan for the Fleur Drive Commercial Urban Renewal Area, attached herein as Exhibit 1;

WHEREAS, the City Manager has recommended approval of the proposed Amended Conceptual Development Plan; NOW THEREFORE,

BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the Amended Conceptual Development Plan described above is hereby approved.

(Council Communication No. 08- 365)

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

Amended Conceptual Development Plan Fleur Drive Commercial Urban Renewal Area

The City of Des Moines, Iowa (the "City"), and Raccoon Valley Investment Company, L.C. (the "Developer"), have entered into an Urban Renewal Development Agreement dated June 7, 2004, and a First Amendment to Development Agreement dated March 7, 2005 (collectively the "Agreement"), for the redevelopment of a substantial portion of the Fleur Drive Commercial Urban Renewal Area by Developer in conformance with an approved Conceptual Development Plan.

On October 10, 2005, by Roll Call No. 05-2451, the City Council conditionally approved a Conceptual Development Plan for the redevelopment of the Fleur Drive Commercial Urban Renewal Area. This plan is intended to replace that plan in its entirety.

The portions of the Fleur Drive Commercial Urban Renewal Area under the Developer's control and to be redeveloped pursuant to the Agreement are divided into three phases. Each phase is for a separate portion of the Urban Renewal Area. The third phase is not defined at this point and must be defined by a future amendment to Conceptual Development Plan before any redevelopment occurs within the land included in that phase. The boundaries of the Phase 1 and Phase 2 Development Parcels and the anticipated boundary for the Phase 3 Development Parcel are illustrated on the Map attached hereto as Exhibit "1".

Phase 1 Development Parcel:

The Phase 1 Development Parcel consists of the following tax parcels:

Address	GeoParcel No.	Current Use
4503 Fleur Drive	7824-20-451-001	Starbucks

Redevelopment of the Phase 1 Development Parcel has been substantially completed by the construction of a Starbucks restaurant and the associated parking and landscaping improvements. A Certificate of Completion was issued for the Phase 1 Development Parcel on January 8, 2007, by Roll Call No. 07-049.

Phase 2 Development Parcel:

The Phase 2 Development Parcel consists of the following tax parcels:

Address	GeoParcel No.	Current Use
4701 Fleur Drive	7824-20-451-007	Hy-Vee Convenience Store
4605 Fleur Drive	7824-20-451-901	Hy-Vee Store (old Target)
4707 Fleur Drive	7824-20-451-902	Vacant (former Hy-Vee)

Redevelopment of the Phase 2 Development Parcel has been substantially completed by the rehabilitation of the former Target building into the new Hy-Vee grocery store, and the construction of the Hy-Vee convenience store and the associated parking and landscaping

improvements. Developer may immediately seek a Certificate of Completion for the Phase 2 Development Parcel, or may wait until the vacant former Hy-Vee store building is rehabilitated. Only one Certificate of Completion shall be issued for this or any other phase of the project.

Phase 3 Development Parcel:

The Phase 3 Development Parcel is anticipated to consist of the following tax parcels:

Address	GeoParcel No.	Current Use
4413 Fleur Drive	7824-20-451-002	All in the Family tavern
not assigned	7824-20-451-009	parking lots & vacant land
not assigned	7824-20-451-013	vacant land east of Fleur Cinema

No conceptual development plan for the Phase 3 Development Parcel is established at this time. Prior to any redevelopment of the Phase 3 Development Parcel, Developer shall obtain City approval of a plan for the redevelopment of such parcel as a material amendment to this Plan pursuant to the procedures set forth in Section 13 of the Agreement. At the time of that amendment, the Developer may seek to have the third phase divided into a third and fourth phase for good cause shown.

Any conceptual development plan submitted for the Phase 3 Development Parcel must address how the existing business at 4413 Fleur Drive known as the All in the Family Pub will be brought into compliance with the Minimum Development Requirements set forth in Exhibit "B" to the Agreement.

Developer may construct an interim driveway across a portion of the Phase 3 Development Parcel in the general location identified on Exhibit "1" prior to seeking City approval of a plan for the redevelopment of such parcel.

Not part of any Development Phase:

The following tax parcels are not anticipated to be redeveloped pursuant to the Agreement. However, for good cause shown Developer may request that any of the following parcels then under its control be included in a future phase of the development.

Address	GeoParcel No.	Current Use
4515 Fleur Dr	7824-20-451-003	Firstar Bank
4519 Fleur Dr	7824-20-451-004	Mezzodi's Restaurant
4521 Fleur Dr	7824-20-451-005	Strip Mall
4545 Fleur Dr	7824-20-451-012	Fleur Cinema
4547 Fleur Dr	7824-20-451-011	Dentist & Aspen Fitness
4555 Fleur Dr	7824-20-451-006	Walgreens
4541 Fleur Dr	7824-20-451-010	Little Sprouts Day Care
1801 McKinley Ave	7824-20-451-014	Stemma D'Italia

Request for City Approval:

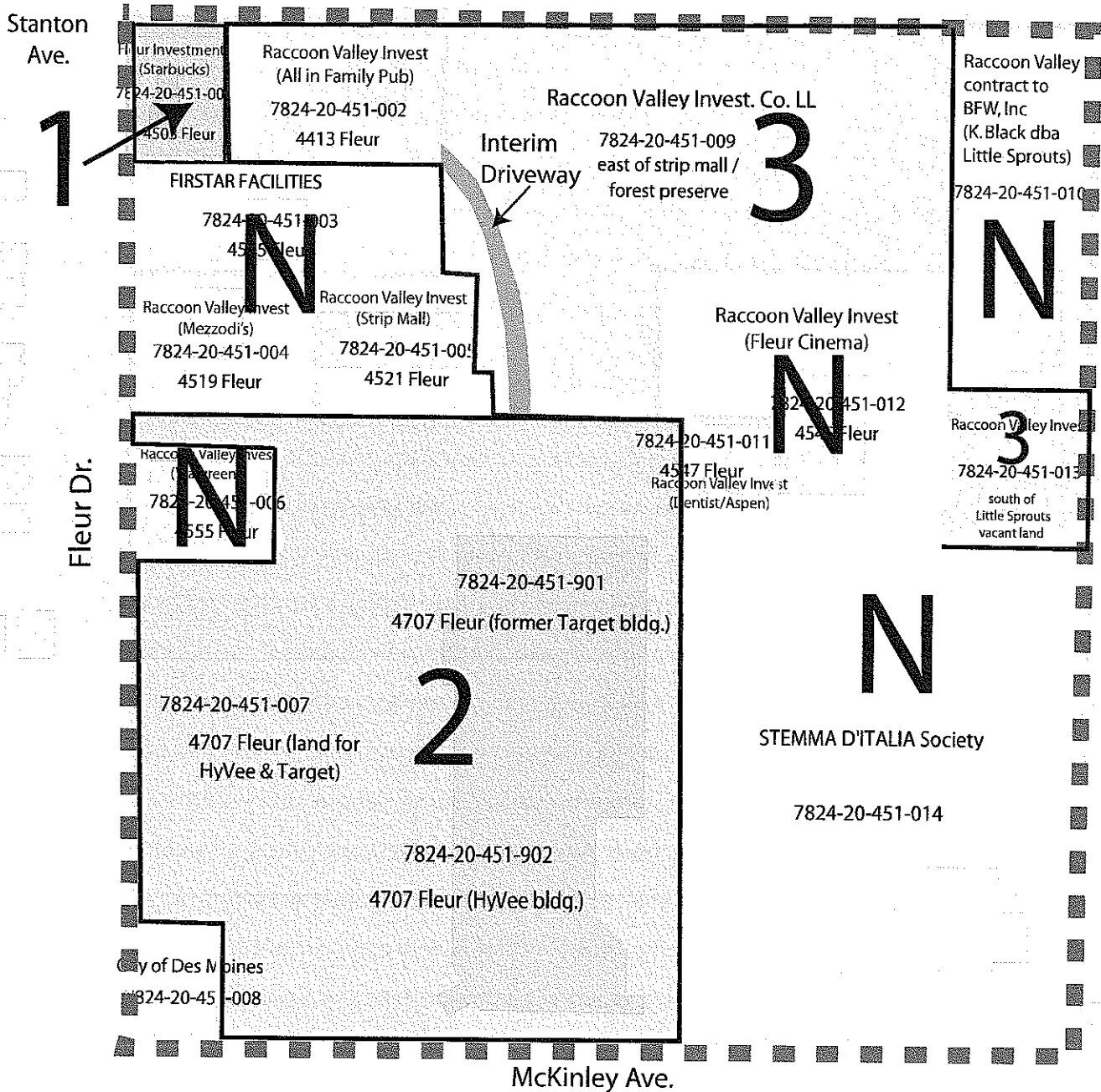
Raccoon Valley Investment Co. L.C., hereby requests that the City of Des Moines approve the foregoing Amended Conceptual Development as the Conceptual Development Plan contemplated by the Agreement identified above.

Raccoon Valley Investment Company, L.C.,

By: 
Michael A. Coppola, Manager

Approved by the City Council of the City of Des Moines on June _____, by Roll Call No. 08-
_____.

Exhibit 1 to Amended Conceptual Design Plan by Raccoon Valley Investment Co., L.C. Fleur Drive Commercial Urban Renewal Area



Legend	
Phases	
	1 Certificate of Completion Issued (2007)
	2 Development Underway (2008)
	3 Development Plan to be Submitted and Approved
	N No development planned at this time
	Urban Renewal Area Boundary