

Date..... August 7, 2006

RESOLUTION CLOSING HEARING ON THE EIGHTEENTH AMENDMENT  
TO THE 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, 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") has been 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 (the "Restated City-wide Plan") which incorporated all prior amendments to the original City-wide Plan; and,

WHEREAS, the Restated City-wide Plan has been amended seventeen times; and,

WHEREAS, Section 404.2(6) of the Act authorizes a city to make amendments to urban revitalization plans after a public hearing; and,

WHEREAS, the purpose of the Eighteenth Amendment to the Restated Urban Revitalization Plan for the City-wide Urban Revitalization area is to encourage the development and redevelopment of an area designated as the E. 14th and Broadway Business Park located west of E. 14th Street, south of Interstate 35/80, and east of NE 7th Street, for commercial and light industrial uses meeting specified minimum standards for landscaping, screening and building materials; and,

( continued )

Date August 7, 2006

WHEREAS, on July 24, 2006, by Roll Call No. 06-1454, the City Council scheduled a public hearing on the proposed Eighteenth Amendment to be held on August 7, 2006, at 5:00 p.m., in the City Council Chambers; and,

WHEREAS, public notice of the hearing was published in the Des Moines Register on July 28, 2006; and,

WHEREAS, all persons appearing at the hearing and desiring to be heard regarding the said Eighteenth 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 Eighteenth Amendment to the Restated Urban Revitalization Plan for the City-wide Urban Revitalization Area is hereby closed, and after due consideration, all objections to the proposed Eighteenth Amendment are hereby overruled.
2. The City Council hereby finds the proposed Eighteenth Amendment to be in conformance with the Des Moines 2020 Community Character Plan.
3. The Eighteenth Amendment to the Restated Urban Revitalization Plan for the City-wide Urban Revitalization Area, attached hereto as Exhibit A, is hereby approved and adopted.

( Council Communication No. 06- 487 )

MOVED by \_\_\_\_\_ to adopt.

FORM APPROVED:

*Roger K. Brown*  
 Roger K. Brown  
 Assistant City Attorney  
 C:\Rog\Revit\18th Amend\RC Hrg.doc

Exhibits:  
 "A" - Eighteenth Amendment

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BROOKS				
COLEMAN				
HENSLEY				
MAHAFFEY				
KIERNAN				
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

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

The purpose of the Eighteenth Amendment to the Restated Urban Revitalization Plan for the City-wide Urban Revitalization area is to encourage the development and redevelopment of an area designated as the E. 14th and Broadway Business Park located west of E. 14th Street, south of Interstate 35/80, and east of NE 7th Street for commercial and light industrial uses meeting specified minimum standards.

Approved by City Council:  
Date: August 7, 2006  
Roll Call No. 06-\_\_\_\_\_

## 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 Citywide 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. The Twenty First Amendment to the original Plan adopted a Restated Urban Revitalization Plan (the "Restated Plan"). This is the Eighteenth Amendment to the Restated Plan.

### Adoption and amendment of the original Citywide Urban Revitalization Plan

<u>Action</u>	<u>Date</u>	<u>Roll Call/Ordinance No.</u>
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
Eighteenth 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)

### Amendments to the Restated Urban Revitalization Plan

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

Amendments to the Restated Urban Revitalization Plan *(continued)*

<u>Action</u>	<u>Date</u>	<u>Roll Call/Ordinance No.</u>
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

**PURPOSE OF THE EIGHTEENTH AMENDMENT**

The purpose of the Eighteenth Amendment to the Restated Urban Revitalization Plan for the City-wide Urban Revitalization area is to encourage the development and redevelopment of an area designated as the E. 14th and Broadway Business Park located west of E. 14th Street, south of Interstate 35/80, and east of NE 7th Street for commercial and light industrial uses meeting specified minimum standards for landscaping, screening and building materials.

**EIGHTEENTH AMENDMENT**

Amend the Restated Urban Revitalization Plan for the City-wide Urban Revitalization Area as follows:

1. Amend the CRITERIA FOR DESIGNATION AND EXISTING CONDITIONS AT TIME OF DESIGNATION, by amending section 4 thereof titled ADDITIONAL COMMERCIAL REVITALIZATION AREAS, by adding a new paragraph i. thereto, stating as follows:

- i. E. 14th and Broadway Business Park.

The E. 14th and Broadway Business Park is an area located west of E. 14th Street and south of Interstate 35/80 that is appropriate for economic development for commercial and light industrial enterprises. The designation of the area is intended to encourage the development and redevelopment of the area for commercial and light industrial uses meeting specified minimum standards for landscaping, screening and building materials.

2. Amend subsection H.1.c. of the Restated Plan by adding thereto a new subsection H.1.c.xiii to read as follows:

**H. APPLICABILITY OF PLAN**

1. ELIGIBLE IMPROVEMENTS. The following improvements are eligible for tax abatement, provided they satisfy the qualification requirements of Section I of the Plan:

- viii. N.E. 14th and Broadway Business Park - New construction of buildings and rehabilitation and additions to existing buildings within the boundaries of the E. 14th and Broadway Business Park as shown by the map thereof in Appendix A1, and as

more specifically described in Appendix A2, which meets the following criteria:

- a. General Standards: Any parcel containing an improvement for which tax abatement is sought must satisfy the following development standards:
  - 1) The improvements are by their design and manner of construction intended for one of the following categories of uses:
    - a. Office, research, education and development facilities, light manufacturing and assembly, warehousing or similar use of a type that would be a principal permitted use in the "PBP" Planned Business Park, and are not used or intended to be used for a use allowed in the "C-1" Neighborhood Retail Commercial District;
    - b. The display of merchandise for retail sale, with at least 70% of the total floorspace of the building devoted to the display of merchandise for retail sales at the time the City Council reviews the application for exemption from taxation.; or,
    - c. A Planned Commercial Development.

The term "Planned Commercial Development" as used above means one or more contiguous parcels which is: 1) subject to the "PUD" Planned Unit Development District regulations in the Zoning Ordinance; 2) is at least twenty-five (25) acres in size, excluding public rights-of-way; and, 3) has an approved "PUD" conceptual plan which provides for the construction of at least 250,000 square feet of finished interior space for commercial use.

- 2) Landscaping shall be provided to satisfy the minimum landscape standards applicable to development in the "C-2" District under the adopted Des Moines Landscape Standards, unless a higher standard is otherwise imposed by the applicable site plan and zoning regulations.
- 3) A six (6') foot wide public sidewalk shall be provided in any adjoining portion of the E. Broadway Avenue or E. 14th Street rights-of-way.
- 4) All outside trash containers must be enclosed with an enclosure matching the primary building materials of the habitable structures.
- 5) The perimeter of any outdoor storage area shall be enclosed by a 100% opaque wood or masonry fence. No materials may be stacked higher than the height of the perimeter fence of the outdoor storage area.
- 6) Pole construction buildings are prohibited.
- 7) The Community Development Director may, upon application, approve alternate exterior materials within the E. 14th and Broadway Business Park which provide an exterior appearance and durability equivalent to the

permitted materials, which approval shall not be unreasonably withheld.

b. Additional standards applicable north of E. Broadway: Any parcel north of E. Broadway Avenue and containing an improvement for which tax abatement is sought must be within a portion of the "PUD" Planned Unit Development District or "PBP" Planned Business Park District designated for commercial or light industrial use, and all improvements to the parcel must be constructed in conformance with the approved development plan; or the improvements must satisfy each of the following conditions:

- 1) The improvements must be within the C-2 or C-4 commercial zoning districts;
- 2) Each habitable building upon the property must have one hundred percent (100%) of its exterior facade facing any public or private street (including Interstate 35/80), excluding windows and doors, covered with stone, brick, exterior insulation and finish systems ("EIFS"), architectural tilt-up concrete panels, tile, or architectural block such as split-face block, or a combination of such materials. Provided however, that EIFS shall not be permitted upon any such facade below an elevation of four feet above grade. Wood shall not be permitted as an exterior building material. No part of the exterior facade facing any public or private street shall be metal, except that metal materials may be used as an accent or trim.
- 3) The facade requirements shall apply to each street facade of habitable buildings on corner or multiple frontage lots. The primary building material must also wrap around the sides of the building in either a wainscot application across the entire side or extend the entire elevation of the side facade a distance of at least four feet back from the street facade.

c. Additional standards applicable to parcels fronting on E. 14th Street south of Broadway. Any parcel with frontage upon E. 14th Street south of E. Broadway Avenue, and containing an improvement for which tax abatement is sought shall satisfy the following development standards:

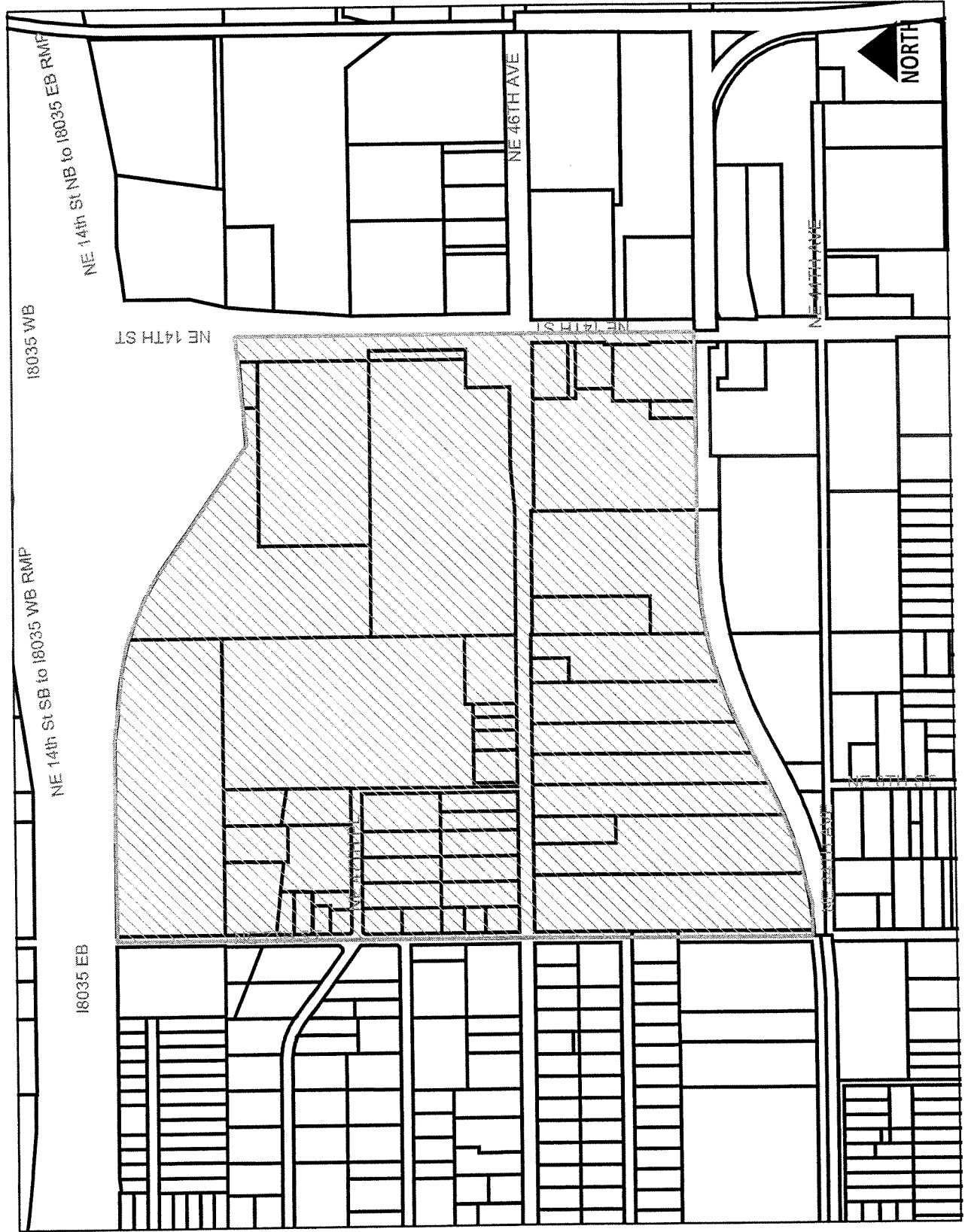
- 1) Outdoor storage of equipment and materials shall be located entirely behind the northernmost and westernmost walls of the principal building.
- 2) All buildings constructed or placed on the parcel shall satisfy the following architectural design requirements:
  - a. At least 60% of each exterior facade facing an adjoining public street, excluding windows and doors, shall be covered with stone, brick, architectural tilt-up concrete panels, tile or architectural block such as split-face block.
  - b. Not more than 40% of the exterior facade facing an adjoining public street shall be metal or synthetic stucco (such as EFIS or Dryvit).

- c. No metal or synthetic stucco material (such as EFIS or Dryvit) shall be used as an exterior material below 4 feet above grade on any exterior facade.
  - d. The required materials used for the exterior facades facing a public street must wrap around the sides of the building in either a wainscoat application across the entire side or extend the entire height of the facade a distance of at least four (4) feet back from the street facade.
  - e. No overhead doors or loading docks shall face an adjoining public street.
- d. Additional standards applicable to parcels south of E. Broadway without frontage on E. 14th Street. Any parcel south of E. Broadway Avenue without frontage upon E. 14th Street, and containing an improvement for which tax abatement is sought shall satisfy the following development standards:
- 1) Any parcel having frontage upon E. Broadway Avenue (NE 46th Avenue) shall have a 25 foot wide landscaped strip adjacent to E. Broadway Avenue, consisting at a minimum of a 2 foot high berm with 4:1 side slopes and one (1) overstory tree and three (3) shrubs from the approved species in the adopted Des Moines Landscape standards per 30 lineal feet of frontage.
  - 2) Any outdoor storage of equipment and materials shall be restricted to an area located south of the southernmost wall of a building on the parcel (extended to the east and west lot lines of the parcel). In no event shall any outdoor storage of equipment and materials be setback less than 250' from the south line of the E Broadway Avenue right-of-way.
  - 3) All buildings upon the parcel shall satisfy the following architectural design requirements:
    - a. No metal or synthetic stucco material (such as EFIS or Dryvit) shall be used as an exterior material below 4 feet above grade on any exterior facade.
    - b. No overhead doors or loading docks shall face E Broadway Avenue unless the building is setback at least 400 feet from the E Broadway Avenue right-of-way.
  - 4) All buildings upon parcels with frontage upon E. Broadway Avenue shall satisfy the following additional architectural design requirements:
    - a. At least 60% of the exterior facade facing E. Broadway Avenue, excluding windows and doors, shall be covered with stone, brick, architectural tilt-up concrete panels, tile or architectural block such as split-face block.
    - b. Not more than 40% of the exterior facade facing E. Broadway Avenue shall be metal or synthetic stucco (such as EFIS or Dryvit).



- c. The required materials used for the exterior facades facing E. Broadway Avenue must wrap around the sides of the building in either a wainscoat application across the entire side or extend the entire height of the facade a distance of at least four (4) feet back from the facade facing E. Broadway Avenue.
3. Supplement Map 1 - BOUNDARIES OF CITY-WIDE URBAN REVITALIZATION AREA, by adding thereto Map 1, (Supp. 2), attached hereto which shows the addition of the E. 14th and Broadway Business Park.
4. Amend Appendix A1 - Maps Showing Formerly Designated Urban Revitalization Areas and Designated Industrial and Commercial Park Areas, by adding thereto the attached map titled "E. 14th and Broadway Business Park" and attached hereto as Exhibit "1".
5. Amend Appendix A2 - Legal Descriptions of Formerly Designated Urban Revitalization Areas and Designated Industrial and Commercial Park Areas, by adding thereto the legal description of the E. 14th and Broadway Business Park, attached hereto as Exhibit "2".

"Exhibit 1" - East 14th and Broadway Business Park



**Exhibit "2"**  
**Legal Description of the**  
**E. 14th and Broadway Business Park**

The E. 14th and Broadway Business Park contains land within the City of Des Moines, Polk County, Iowa, and unincorporated land in Polk County that is anticipated to be annexed into the City of Des Moines at some time in the future. The boundaries of the E. 14th and Broadway Business Park are more specifically described as follows:

Beginning at a Point at the intersection of the centerline of E. 14th Street and the North line of the Union Pacific Railroad right-of-way located North of NE 44th Avenue; thence West along the North line of the Union Pacific Railroad right-of-way to the centerline of NE 7th Street; thence North on the centerline of NE 7th Street and the northerly extension of the NE 7th Street right-of-way to the South right-of-way line of Interstate 35/80; thence East on the South right-of-way line of Interstate 35/80 to the centerline of E. 14th Street; thence South on the centerline of E. 14th Street to the Point of Beginning, in Polk County, Iowa.