



Date May 20, 2019

**RESOLUTION HOLDING HEARING ON REQUEST FROM WE CAN BUILD IT, LC  
TO REZONE AND APPROVE PUD CONCEPTUAL PLAN FOR PROPERTY  
LOCATED AT 4801 FRANKLIN AVENUE**

**WHEREAS**, on April 22, 2019, by Roll Call No. 19-0634, the City Council received a recommendation from the City Plan and Zoning Commission advising that at a public hearing held on April 4, 2019, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from We Can Build It, LC (contract buyer), represented by Jeff Young (officer), to rezone property located at 4801 Franklin Avenue ("Property") from Limited "C-1" Neighborhood Retail Commercial District to "PUD" Planned Unit Development, and to approve the proposed "Franklin Junior High School PUD Conceptual Plan", to allow a mixed-use renovation of the existing school and church building for uses which may include the following or similar uses, with estimated areas of approximately 29,609 square feet 30-room boutique hotel; an approximately 38,275 square feet auditorium; an approximately 8,450 square foot auditorium; an approximately 4,144 square feet "blackbox" theater; approximately 9,762 square feet of athletic/gymnasium space; an approximately 6,033 square feet micro-brewery; an approximately 1,346 square feet small event venue; an approximately 1,286 square feet small event venue; an approximately 5,634 square feet restaurant; an approximately 2,849 square feet restaurant or bar/tavern; an approximately 1,362 square feet bar/tavern; an approximately 800 square feet café or outbuilding; approximately 3,410 square feet of personal and business services/meeting/event rental space; approximately 2,687 square feet of retail space; an approximately 5,586 square feet Montessori school; approximately 25,834 square feet of office space; an outdoor movie venue and approximately 1,537 total square feet of interior concession vendor space allowing alcohol sales within the building for auditorium and event venues; subject to the following conditions on the Conceptual Plan:

1. The PUD Conceptual Plan shall be updated to reflect the floor area and parking calculations for the proposed uses submitted by the applicant and included in Section II, subparagraph 2 of the Staff Report and Recommendation to the Plan and Zoning Commission dated April 4, 2019.
2. The PUD Conceptual Plan shall be updated to reflect the additional project description information submitted by the applicant and included in Section I, subparagraph 1 of the Staff Report and Recommendation to the Plan and Zoning Commission dated April 4, 2019.
3. Provision of easements for all existing utilities to the satisfaction of the City Engineer.
4. Provision of a note on the PUD Conceptual Plan that states, "all site lighting shall be directed downward and shielded from adjoining properties. Any pole mounted lighting along private walkways shall not exceed 15 feet in height and any pole mounted lighting in a parking area shall not exceed 20 feet in height."
5. Provision of a note on the PUD Conceptual Plan that states, "direct light trespass beyond property lines is prohibited. The maximum horizontal illuminance at grade and the maximum vertical illuminance at five feet above grade measured at the property line should not exceed Illuminating Engineering Society of North America (IESNA) recommended practices for light trespass. (0.5 footcandles for residential, 2.0 footcandles for commercial). The Development Plan must contain illuminance models showing light levels throughout the site."
6. Provision of a note on the PUD Conceptual Plan that states, "all utility and similar service lines to buildings shall be located underground."
7. Provision of a note on the PUD Conceptual Plan that states, "all rooftop mechanical equipment shall be screened with material that is architecturally compatible with the building to the satisfaction of the City's Planning Administrator."
8. Provision of a note on the PUD Conceptual Plan that states, "all utility meters, transformers, ground-mounted equipment, and other utilities shall be placed along rear facades or facades that are internal to the site to the satisfaction of the City's Planning Administrator."



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9. Provision of a note on the PUD Conceptual Plan that states, “landscaping and buffering shall be provided in accordance with the City’s Landscaping Standards for the ‘C-2’ District or exceeded as illustrated on the Conceptual Plan or determined necessary by the City’s Planning Administrator.”
10. Provision of a note on the PUD Conceptual Plan that states, “additional building mounted signage may be provided for individual tenants so long as the signage complies with the ‘C-1’ District standards to the satisfaction of the City’s Planning Administrator.”
11. Provision of a note on the PUD Conceptual Plan that states, “sidewalk connections to the adjoining park shall be provided to the satisfaction of the City’s Planning Administrator, and Park and Recreation Director.”
12. Provision of a note on the PUD Conceptual Plan that states, “all uses of the property shall comply with article IV of chapter 42 of the City Code pertaining to noise control. Outside speakers or amplified sound is prohibited except when used in compliance with a type E sound permit.”
13. Provision of a note on the PUD Conceptual Plan that states, “litter and trash receptacles shall be located at convenient locations inside and outside the premises, and operators of such business shall remove all trash and debris from the premises and adjoining public areas on a daily basis.”
14. Provision of a note on the PUD Conceptual Plan that states, “the PUD Conceptual Plan shall be subject to a legislative amendment to preclude the sale of liquor, wine and/or beer if the Zoning Enforcement Officer determines that the operation of the business becomes a nuisance or exhibits a pattern of violating the conditions of approval.”
15. Review and approval of the Final Development Plan by the Plan and Zoning Commission and the City Council; and

**WHEREAS**, on April 22, 2019, by Roll Call No. 19-0634, it was duly resolved by the City Council that the application from We Can Build It, LC to rezone the Property and for approval of the PUD Conceptual Plan, be set down for hearing on May 20, 2019 at 5:00 P.M., in the Council Chamber at City Hall; and

**WHEREAS**, due notice of said hearing was published in the Des Moines Register, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance; and

**WHEREAS**, in accordance with said notice, those interested in said proposed rezoning and PUD Conceptual Plan, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and

**WHEREAS**, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property in the vicinity of 4801 Franklin Avenue, legally described as:

THE SOUTH 685.6 FEET OF THE EAST 608.3 FEET AND THE NORTH 220.8 FEET OF THE EAST 500 FEET OF LOT 2 IN FRANKLIN PLAZA, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

from Limited “C-1” Neighborhood Retail Commercial District to “PUD” Planned Unit Development, and to approve the proposed “Franklin Junior High School PUD Conceptual Plan”, to allow a mixed-use renovation of the existing school and church building as described above.



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

1. Upon due consideration of the facts, and any and all statements of interested persons and arguments of counsel, any objections to the proposed rezoning of the Property to "PUD" Planned Unit Development District, and any objections to the proposed "Franklin Junior High School PUD Conceptual Plan" with revisions as set forth above, are hereby overruled, and the hearing is closed.

2. The proposed rezoning of the Property, as legally described above, to "PUD" Planned Unit Development District, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

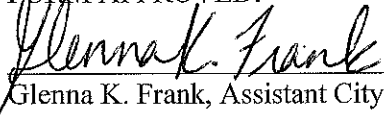
3. The proposed "Franklin Junior High School PUD Conceptual Plan", as on file in the Community Development Department, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein, and subject to the revisions identified below, and subject to the Community Development Director finding that such revisions have been satisfied by amendments to the Plan:

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15. Review and approval of the Final Development Plan by the Plan and Zoning Commission and the City Council.

FORM APPROVED:

  
 Glenna K. Frank, Assistant City Attorney

MOVED BY \_\_\_\_\_ TO ADOPT.

(ZON2019-00040)

NOTE: Six affirmative votes are required to approve the proposed rezoning due to the written protest of twenty percent or more of the property which is located within 200 feet of the exterior boundaries of 4801 Franklin Avenue. Des Moines City Code §134-4(b)(3)(ii).

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
TOTAL				

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