



Roll Call Number

Agenda Item Number

65E

June 24, 2019

Date

Communication from Larry James, Jr., regarding Franklin Jr. High rezoning.

Moved by _____ to

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

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.

MOTION CARRIED

APPROVED

Mayor

City Clerk

65E

Richey, Trisha L.

From: James, Jr., Larry
Sent: Thursday, June 20, 2019 10:54 AM
To: Richey, Trisha L.
Subject: FW: Franklin Jr. High - South Garden rendering and PUD Conditions
Attachments: ATT00001.htm; ATT00002.htm; Franklin Jr. High - Des Moines City Council - June 24, 2019 - PUD Conditions.pdf

Can you have the attached document and the documents shown on the link below printed and dropped off early this afternoon at the DSM City Clerk's office? It's for Monday's City Council Agenda.

Larry James, Jr.

Partner

larry.james@FaegreBD.com Download vCard
D: +1 515 447 4731

Faegre Baker Daniels LLP

801 Grand Avenue, 33rd Floor | Des Moines, IA 50309-8003, USA
Connect: LinkedIn

From: James, Jr., Larry
Sent: Tuesday, June 18, 2019 2:43 PM
To: ryan@hanser.com
Subject: Fwd: Franklin Jr. High - South Garden rendering and PUD Conditions

See attached and below.

Larry James, Jr.

Partner

larry.james@FaegreBD.com Download vCard
D: [+1 515 447 4731](tel:+15154474731)

Faegre Baker Daniels LLP

801 Grand Avenue, 33rd Floor | Des Moines, IA 50309-8003, USA
Connect: LinkedIn

Begin forwarded message:

From: "James, Jr., Larry" <larry.james@FaegreBD.com>
Date: June 18, 2019 at 1:30:53 PM CDT
To: "ColemanSeven@mchsi.com" <ColemanSeven@mchsi.com>, "ccoleman@dm.bbb.org" <ccoleman@dm.bbb.org>, "ccoleman@dmgov.org" <ccoleman@dmgov.org>
Subject: Franklin Jr. High - South Garden rendering and PUD Conditions

Chris,

Thank you for meeting with my on Friday. As we discussed, please find attached the revised draft Franklin Jr. High PUD Conditions my client agrees to. A link to the conceptual renderings of the South Garden may be found here:

<https://www.dropbox.com/sh/0e98z2egiwtryso/AADoSYtQVJOf1m6FtHIm3imXa?dl=0>

Please let me know if you have any additional questions or concerns.

It is my understanding that Mayor Cownie will not be present, but will call into the meeting. We need 6 votes to both approve this rezoning and waive the 2nd and 3rd readings.

Thank you for your continued support for this exciting project.

Best,

Larry James, Jr.

Partner

larry.james@FaegreBD.com Download vCard

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Connect: [LinkedIn](#)

WHEREAS, the City Plan and Zoning Commission has advised 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 (owner), 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 ("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: an approximately 26,072 square foot 30-room boutique hotel; an approximately 38,275 square foot auditorium ("Large Auditorium"); an approximately 8,450 square foot auditorium; an approximately 4,144 square foot "black box" theater; an approximately 1,346 square foot event venue; an approximately 1,286 square foot event venue; an approximately 3,410 square foot conference space; approximately 9,762 square feet of athletic/gymnasium space; an approximately 6,033 square foot micro-brewery for production only; an approximately 3,839 square foot restaurant; an approximately 800 square foot outbuilding for restaurant use; an approximately 1,362 square foot bar/tavern; three (3) concession spaces allowing alcohol sales within the building, which shall be open only during events to serve event patrons: a) an approximately 2,849 square foot concession space, b) an approximately 1,207 square foot concession space, and c) an approximately 7,824 square foot concession space (Large Auditorium lobby); approximately 2,867 square feet of retail space; an approximately 5,586 square foot Montessori school; approximately 25,824 square feet of office space; and an outdoor movie venue; 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 foot-candles for residential, 2.0 foot-candles 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."
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 daily."
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. Provision of a note on the PUD Conceptual Plan that states, "Franklin Garden shall close at 10 pm daily."
16. Provision of a note on the PUD Conceptual Plan that states, "no more than eight (8) events per month in the Large Auditorium shall extend past 9 pm. Such events shall end by 11:00 pm."
17. Provision of a note on the PUD Conceptual Plan that states, "outdoor alcohol sales shall be limited to the Franklin Garden, except under special permit."
18. Review and approval of the Final Development Plan by the Plan and Zoning Commission and the City Council.

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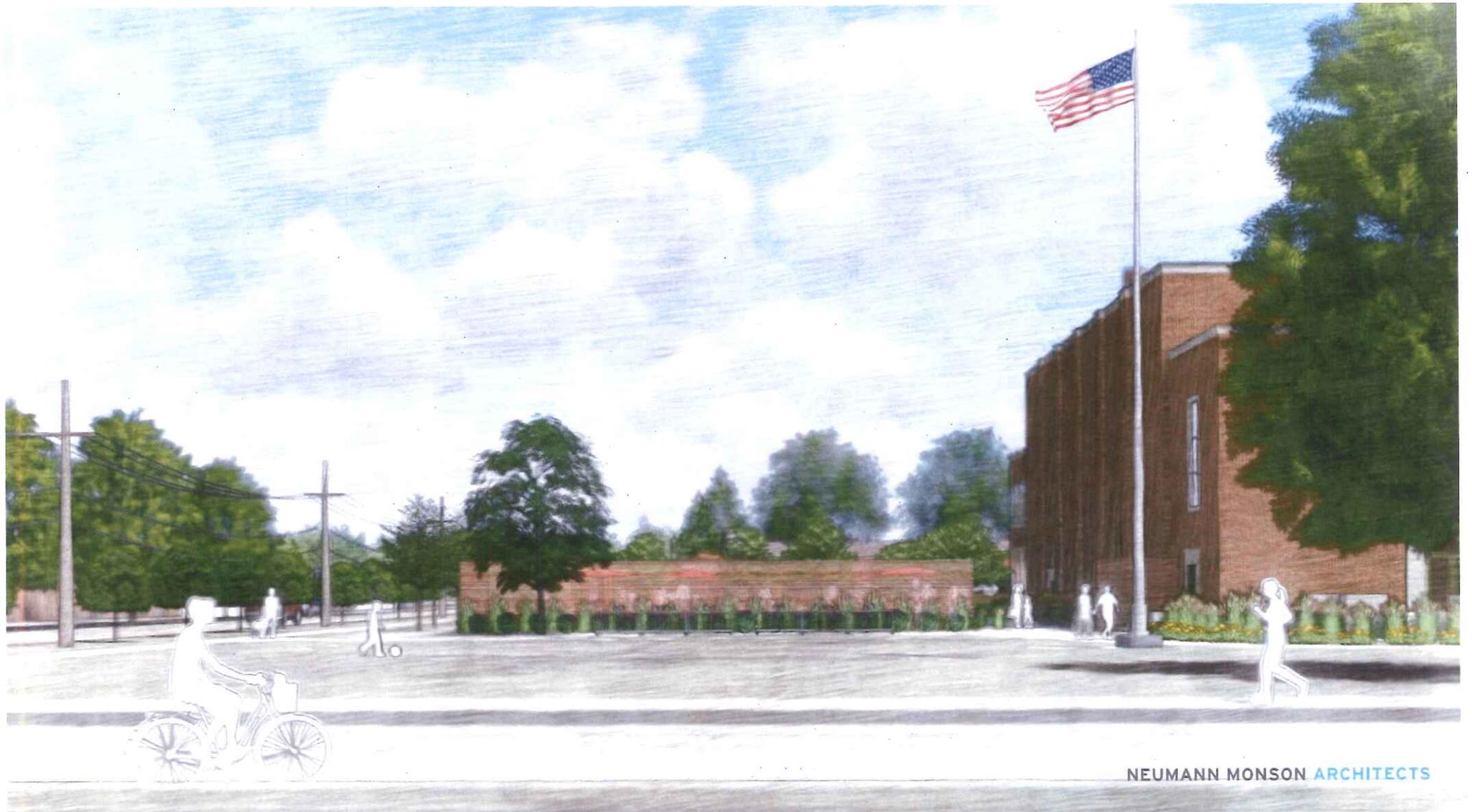
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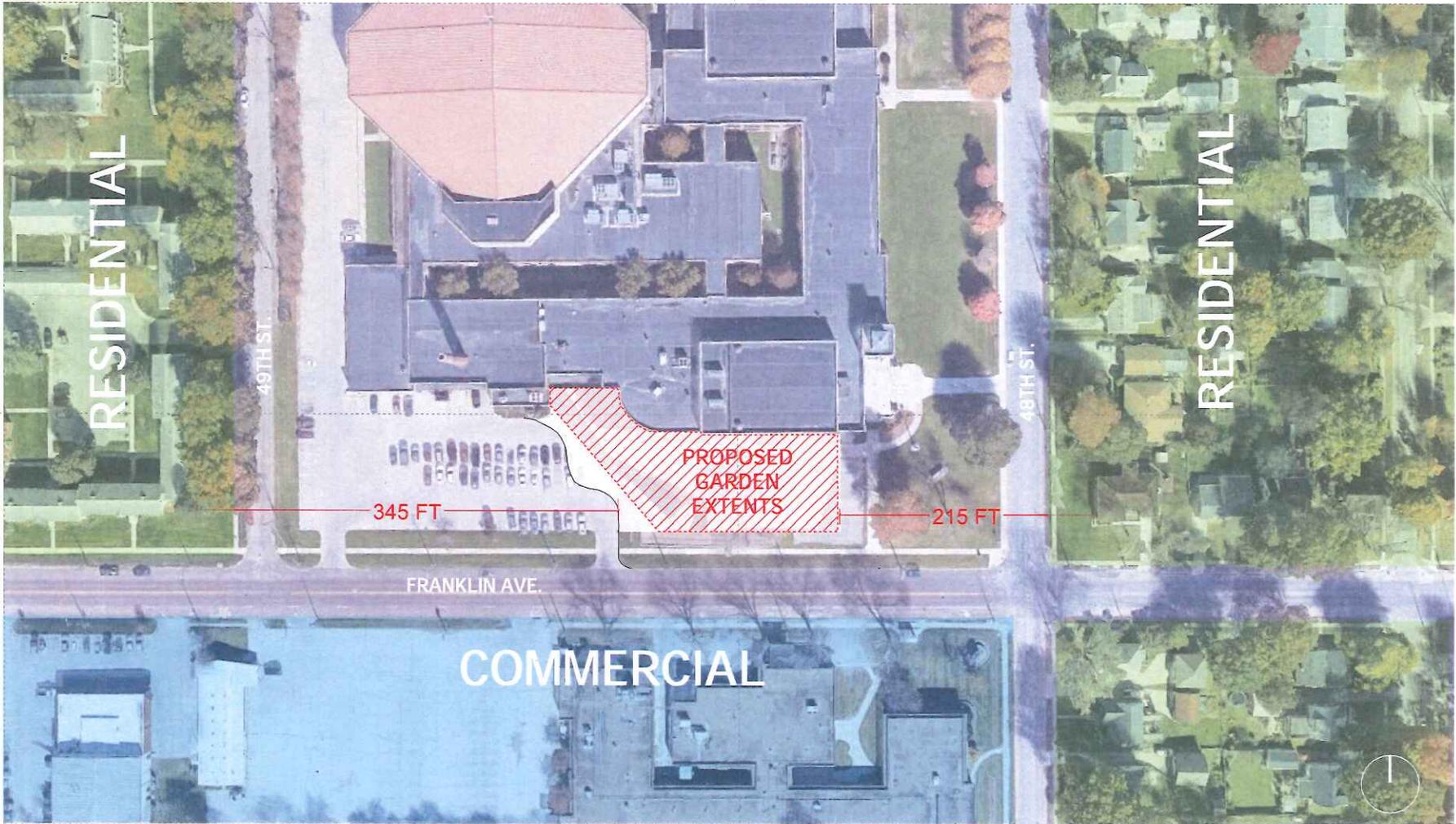


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SOUTH GARDEN CONTEXT
PLAN

FRANKLIN JUNIOR HIGH

19.002

08.18.19