

Date May 8, 2023

**RESOLUTION REGARDING REQUEST FOR OUTDOOR SPECIAL EVENT
(BEAVERDALE FARMERS MARKET) IN ACCORDANCE WITH “FRANKLIN
JUNIOR HIGH SCHOOL” PUD CONCEPTUAL PLAN FOR PROPERTY AT 4801
FRANKLIN AVENUE**

WHEREAS, on June 24, 2019, by Roll Call No. 19-1053, the City Council held a public hearing regarding the proposed rezoning of real property located at 4801 Franklin Avenue ("Property") to "PUD" Planned Unit Development District, and We Can Build It, LC's "Franklin Junior High School" PUD Conceptual Plan for said Property, to allow a mixed-use renovation of the existing school and church building for uses identified in said resolution, and approved said rezoning and PUD Conceptual Plan subject to final passage of an ordinance rezoning the Property and subject to the developer submitting a PUD Development Plan for review and approval by the Plan and Zoning Commission and the City Council; and

WHEREAS, on July 15, 2019, by Roll Call No. 19-1136, the City Council approved Ordinance No. 15,787 rezoning the Property from "Limited "C-1" Neighborhood Retail Commercial District to "PUD" Planned Unit Development District; and

WHEREAS, on December 19, 2019, by Roll Call No. 19-2029, the City Council conditionally approved We Can Build It, LC's "Franklin Junior High School" PUD Development Plan consistent with the previously approved PUD Conceptual Plan; and

WHEREAS, the Property is legally described as follows:

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; and

WHEREAS, the "Franklin Junior High School" PUD Conceptual Plan, and the Council approval thereof, contain a requirement as follows:

- "Outdoor special events shall only be allowed by resolution of the Des Moines City Council...."; and

WHEREAS, on December 20, 2021, by Roll Call No. 21-1948, the City Council approved the request from the former developer/owner, We Can Build It, LC, to operate an outdoor special event, Beaverdale Farmers Market, at the Property in accordance with the “Franklin Jr. High School” PUD Conceptual Plan subject to conditions set forth in said resolution; and

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WHEREAS, 4801 Franklin, LLC ("Current Owner") have submitted a request to operate the weekly Beaverdale Farmers Market on the Property in the calendar year 2023, with a noise control permit and signage, which request requires Council consideration in accordance with the "Franklin Jr. High School" PUD Conceptual Plan; and

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

1. The request from 4801 Franklin, LLC ("Owner") in accordance with the "Franklin Jr. High School" PUD Conceptual Plan, to operate the outdoor special event, Beaverdale Farmers Market, during calendar year 2023, is hereby received and filed.
2. Any outdoor special event use of the Property other than such use approved herein shall require separate City Council consideration in accordance with the "Franklin Junior High School" PUD Conceptual Plan.

Said request to operate the outdoor special event, Beaverdale Farmers Market, is hereby approved subject to the following conditions:

- a. The Beaverdale Farmers Market may only occur once per week, on Tuesdays, between the hours of 4:00 p.m. and 7:00 p.m. beginning June 6, 2023 until September 12, 2023.
- b. All associated amplified music on the Property and adjoining Tower Park and Hazen Water Tower is subject to compliance with issuance of a Type "B" Sound Permit with a 65 dBC sound level limit and no additional signage.

3. Any outdoor special event use of the Property other than such use approved herein shall require separate City Council consideration in accordance with the "Franklin Junior High School" PUD Conceptual Plan.

MOVED BY _____ TO ADOPT.

SECOND BY _____.



Roll Call Number

Agenda Item Number

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Date May 8, 2023

APPROVED AS TO FORM:

/s/ Chas M. Cahill
Chas M. Cahill
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
MANDELBAUM				
SHEUMAKER				
VOSS				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

CERTIFICATE

I, LAURA BAUMGARTNER, 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