



Roll Call Number

19-0634

Agenda Item Number

19

Date April 22, 2019

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

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 (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



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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."
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



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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, 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.

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

1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.
2. That the meeting of the City Council at which the proposed rezoning and PUD Conceptual Plan is to be considered shall be held at the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on May 20, 2019, at which time the City Council will hear both those who oppose and those who favor the proposal.
3. That the City Clerk is hereby authorized and directed to cause notice of said proposals in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

MOVED BY Gatto TO ADOPT.

FORM APPROVED:

Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(ZON2019-00040)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

J. M. Franklin Cownie 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.

Diane Rauh City Clerk