



Date July 20, 2020

**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 conditionally approved We Can Build It, LC’s “Franklin Junior High School” PUD Conceptual Plan for real property located at 4801 Franklin Avenue (“Property”) to allow a mixed-use renovation of the existing school and church building for uses identified in said resolution, which approval required the developer to submit 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, We Can Build It, LC has submitted a request to operate the weekly Beaverdale Farmers Market upon the Property, which collectively constitutes an “outdoor special event” requiring City Council resolution as set forth in the PUD Conceptual Plan and Council approval thereof.

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

★ **Roll Call Number**
20-1176

Agenda Item Number
3

Date July 20, 2020

1. The request from We Can Build It, LC to operate the outdoor special event, Beaverdale Farmers Market, at the Property in accordance with the “Franklin Jr. High School” PUD Conceptual Plan is hereby received and approved, subject to the following conditions:

- The Beaverdale Farmers Market is allowed for the 2020 season only, from July 20, 2020 through September 8, 2020;
- The Beaverdale Farmers Market shall occur only once per week on Tuesdays between the hours of 4:00 pm to 7:30 pm;
- The property owner, We Can Build It, LC, and the owner/operator of the Beaverdale Farmers Market shall require vendors and attendees to comply with all federal Center for Disease Control recommendations and guidance related to prevention of spread of COVID-19, and/or any State or local requirements, recommendations, or guidance if applicable, including requirements of social distancing (maintaining six feet of separation between persons), and wearing of a face-covering or mask covering nose and mouth in all public places.

2. Any outdoor special event use of the Property other than the Beaverdale Farmers Market, pursuant to the conditions set forth above, shall require separate Council consideration in accordance with the “Franklin Junior High School” PUD Conceptual Plan.

MOVED BY Gray TO ADOPT.

FORM APPROVED:

/s/ Glenna K. Frank
 Glenna K. Frank, Assistant City Attorney

(10-2020-7.43)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED			APPROVED	

CERTIFICATE

I, P. KAY CMELIK, 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.

J. M. Franklin Cownie
 Mayor

P. Kay Cmelik City Clerk