



Roll Call Number

21-0282

Agenda Item Number

34

Date February 22, 2021

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 July 20, 2020, by Roll Call No, 20-1176, the City Council approved a request from developer/owner We Can Build It, LC (“Developer”) 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

WHEREAS, Developer has again submitted a request to operate the weekly Beaverdale Farmers Market on the Property in calendar year 2021, with proposed additional special events sponsored by Developer to promote different organizations associated with Franklin Jr. High School, which request requires Council consideration in accordance with the “Franklin Jr. High School” PUD Conceptual Plan; and

WHEREAS, Neighborhood Services staff recommends that in the event that the City Council approves the



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Developer's request to hold additional special events sponsored by Developer concurrently with the Beaverdale Farmers Market, that Developer be required to provide a complete calendar of proposed events at least 30 days in advance of the first such event for Council consideration.

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

- 1. The request from We Can Build It, LC ("Developer") in accordance with the "Franklin Jr. High School" PUD Conceptual Plan, to operate the outdoor special event, Beaverdale Farmers Market, with additional special events at the Property, during calendar year 2021, 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.

Alternative A

MOVED by _____ to adopt and APPROVE Developer's request to operate the outdoor special event, Beaverdale Farmers Market, with additional special events at the Property sponsored by Developer, as follows:

- a. The Beaverdale Farmers Market and additional special events may occur only once per week, on Tuesdays, between the hours of 4:00 p.m. to 7:00 p.m. beginning June 1, 2021 until September 14, 2021.
b. The additional special events planned by Developer may only be held during and concurrently with the Beaverdale Farmers Market, as described above in (a), and located on the Property adjacent to the west wall of the existing building.
c. Developer 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 until and unless the restrictions are lifted by state and local authorities.
d. Amplified speech or music is prohibited.
e. Developer shall provide a complete and specific calendar of additional special events described herein to the Neighborhood Services Director, a minimum of 30 calendar days prior to the first proposed additional special event, for submission to the City Council for consideration.

Alternative B

MOVED by [Signature] to adopt and APPROVE Developer's request to operate the outdoor special event, Beaverdale Farmers Market, as follows:

- a. The Beaverdale Farmers Market may occur only once per week, on Tuesdays, between the hours of 4:00 p.m. to 7:00 p.m. beginning June 1, 2021 until September 14, 2021.
b. Developer and the owner/operator of the Beaverdale Farmers Market shall require vendors and

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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 until and unless the restrictions are lifted by state and local authorities.

- c. Amplified speech or music is prohibited.

(Council Comm. No. 21- 083)

APPROVED AS TO FORM:

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

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

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.

T. M. Franklin Cownie
Mayor

P. Kay Cmelik
City Clerk