



Roll Call Number

21.1948

Agenda Item Number

62I

Date December 20, 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 and on February 22, 2021, the City Council approved requests from the 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



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**WHEREAS**, Developer has again submitted a request to operate the weekly Beaverdale Farmers Market on the Property in calendar year 2022, with a noise control permit and signage, which request requires Council consideration in accordance with the “Franklin Jr. High School” PUD Conceptual Plan.

**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, during calendar year 2022, 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.

MOVED BY Boesen 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 May 31, 2022 until September 13, 2022.
- b. Developer and the owner/operator of the Beaverdale Farmers Market shall require vendors and attendees to comply with any future Mayor proclamation relating to prevention of spread of COVID-19.
- c. Amplified speech or music is allowed with a type “B” parks permit that limits the amplified sound to 65 dBCs and no additional signage.

APPROVED AS TO FORM:

/s/ Lawrence R. McDowell

Lawrence R. McDowell, Deputy 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.

MOTION CARRIED

APPROVED

J. M. Franklin Cownie Mayor

P. Kay Cmelik City Clerk