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**Date** March 21, 2022

**RESOLUTION REGARDING REQUEST FOR OUTDOOR SPECIAL EVENT (KNOCK AND DROP IOWA FUNDRAISER) 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**, Developer has submitted a request to operate a weekly fundraiser for Knock and Drop Iowa, a non-profit food pantry, on the Property in calendar year 2022, which request requires Council consideration in accordance with the "Franklin Jr. High School" PUD Conceptual Plan; and

**WHEREAS**, Neighborhood Services staff recommend that the City Council approve the Developer's request to allow said fundraising events in accordance with the conditions stated below, insofar as no additional rent is charged for said events.



**Roll Call Number**

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**Agenda Item Number**

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**Date** March 21, 2022

**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, weekly fundraisers for Knock and Drop Iowa, during calendar year 2022, is hereby received and filed.
2. Said request to operate the outdoor special event, weekly fundraisers for Knock and Drop Iowa, is hereby approved subject to the following conditions:
  - a. The fundraising events may occur only once per week, on Sunday, between the hours of 12:00 p.m. and 7:00 p.m. and beginning May 1, 2022 until October 30, 2022.
  - b. Developer and the event coordinator shall follow all federal Center for Disease Control and State of Iowa recommendations and guidance related to prevention of COVID-19.
  - c. Amplified speech or music is prohibited.
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.

**(Council Communication No. 22-123)**

MOVED BY \_\_\_\_\_ TO ADOPT- SECONDED BY \_\_\_\_\_.

APPROVED AS TO FORM:

*Judy K Parks-Kruse*

Judy K. Parks-Kruse  
Assistant City Attorney

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

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.

\_\_\_\_\_ Mayor

\_\_\_\_\_ City Clerk