



Roll Call Number

24-0677

Agenda Item Number

41 C

Date May 6, 2024

**RESOLUTION REGARDING REQUEST FOR OUTDOOR SPECIAL EVENT
(BEAVERDALE BLUEGRASS MUSIC FESTIVAL) 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 May 8, 2023, by Roll Call No. 23-0655, the City Council approved the request from the current owner, 4801 Franklin, LLC and the Beaverdale Neighborhood Association, to operate an outdoor special event, Beaverdale Bluegrass Music Festival, at the Property in accordance with the "Franklin Jr. High School" PUD Conceptual Plan subject to conditions set forth in said resolution; and



Roll Call Number

84-0677

Agenda Item Number

41 C

Date May 6, 2024

WHEREAS, 4801 Franklin, LLC and the Beaverdale Neighborhood Association have submitted a request to operate the Beaverdale Bluegrass Music Festival on the Property in the calendar year 2024, with a noise control permit and signage, 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 Owner and Beaverdale Neighborhood Association's request to allow said event in accordance with the conditions stated below.

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

1. The request from 4801 Franklin, LLC ("Owner") and the Beaverdale Neighborhood Association is in accordance with the "Franklin Jr. High School" PUD Conceptual Plan, to operate the outdoor special event, Beaverdale Bluegrass Music Festival, during calendar year 2024, is hereby received and filed.
2. Said request to operate the outdoor special event, Beaverdale Bluegrass Music Festival, is hereby approved subject to the following conditions:
 - a. The event may occur, between the hours of 3:00 p.m. and 10:00 p.m. on July 20, 2024.
 - b. All associated amplified music on adjoining Tower Park and Hazen Water Tower is subject to compliance with issuance of a Type "B" Sound Permit with a 65 dBC sound level limit.
 - c. Use of adjoining Tower Park and Des Moines Water Works Hazen Water Tower property is subject to obtaining necessary use permits from the City of Des Moines Parks and Recreation Department and Des Moines Water Work.
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.

★ Roll Call Number

24-0677

Agenda Item Number

41 C

Date May 6, 2024

MOVED BY Coleman TO ADOPT.

SECOND BY Gatto

APPROVED AS TO FORM:

/s/ Chas M. Cahill
Chas M. Cahill
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, MANDELBAUM, SHEUMAKER, VOSS, WESTERGAARD, and TOTAL.

MOTION CARRIED APPROVED
Conie Boesen Mayor

CERTIFICATE
I, LAURA BAUMGARTNER, 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.
Laura Baumgartner City Clerk