



**Date** May 8, 2023

**RESOLUTION REGARDING REQUEST FOR OUTDOOR SPECIAL EVENT  
(BEVERDALE BLUEGRASS 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**, 4801 Franklin, LLC ("Owner") and Beaverdale Neighborhood Association have submitted a request to operate a Bluegrass music festival on the Property on July 15, 2023 from 3:00 PM to 10:00 PM, which request requires Council consideration in accordance with the "Franklin Jr. High School" PUD Conceptual Plan; and



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**WHEREAS**, Neighborhood Services staff recommend that the City Council approve the Owner'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 Beaverdale Neighborhood Association in accordance with the "Franklin Jr. High School" PUD Conceptual Plan, to conduct the Beaverdale Bluegrass Music Festival, on July 15, 2023 from 3:00 PM to 10:00 PM, is hereby received and filed.

2. Said request to operate the outdoor special event, Beaverdale Bluegrass 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 15, 2023.

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.

MOVED BY \_\_\_\_\_ TO ADOPT.

SECOND BY \_\_\_\_\_.



**Roll Call Number**

**Agenda Item Number**

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APPROVED AS TO FORM:

/s/ Chas M. Cahill

Chas M. Cahill  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
MANDELBAUM				
SHEUMAKER				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED		APPROVED		
_____ 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.

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