



Date May 19, 2025

RESOLUTION GRANTING LIMITED EXEMPTION FROM THE NOISE CONTROL ORDINANCE FOR 24-HOUR CONSTRUCTION ACTIVITY, LIMITED TO CONCRETE POURING OF FLOOR DECKS ON A PERMITTED 33 FLOOR, 390 UNIT HIGH RISE APARTMENT BUILDING LOCATED AT 515 WALNUT STREET

WHEREAS, 515 Walnut, LLC (“Developer”), represented by Joseph Teeling, Manager, proposes to undertake construction of a 33-floor high rise apartment building at 515 Walnut Street, which will consist of 390 multi-family units; and

WHEREAS, construction of the 33-floor high rise apartment building at 515 Walnut Street has commenced, and the total project is scheduled to be completed by December 31, 2027; and

WHEREAS, the Developer and Beal Derkenne Construction (“Contractor”), represented by Andy Beal, seek to conduct limited construction activities related to the pouring of the concrete floor decks for the 33-floor high rise apartment building at 515 Walnut Street, to occur outside the hours generally limiting construction activity between 10:00 PM and 7:00 AM by the Des Moines Municipal Code Section 42-260, to allow for optimal concrete setting conditions and reduce safety and traffic impacts, as further described in the accompanying Council Communication; and

WHEREAS, the Noise Control Ordinance of the City of Des Moines, codified as Chapter 42, Article IV of the Des Moines Municipal Code, establishes standards for the control of excessive noise in the city by setting maximum permissible sound levels for various activities to protect the public health, safety and general welfare; and

WHEREAS, Des Moines Municipal Code Section 42-250 of the Noise Control Ordinance authorizes the City Council to exclude specific activities from the sound limitations imposed by the ordinance when the City Council "has determined that, because of public acceptance of the activity producing a particular noise, such noise is deemed acceptable to the city residents"; and

WHEREAS, the Developer and Contractor, have requested that the City Council exercise its authority under Des Moines Municipal Code Section 42-250 to exempt the 24-hour construction activity, limited to concrete pouring of floor decks on a permitted 33-floor high rise apartment building at 515 Walnut Street from the Noise Control Ordinance.

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

1. That the attached request from the Developer and Contractor for the exemption from the Noise Control Ordinance is hereby received and filed.



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2. The City Council hereby makes the following findings regarding the 24-hour construction activity, limited to concrete pouring of floor decks on a permitted 33-floor high rise apartment building at 515 Walnut Street:
 - a) The construction of the 33-floor high rise apartment building at 515 Walnut Street is of significant importance, and an overall benefit to the citizens of Des Moines.
 - b) The successful construction of this residential building will provide additional, diverse housing options for current citizens and perspective citizens seeking housing in the City of Des Moines downtown area.
 - c) The activity described in the attached request does not comply with Des Moines Municipal Code Section 42-250; however, the activity will be limited to:
 - i) The exemption is only applicable to construction activities specific to concrete floor deck pouring on the 33-floor high rise apartment building at 515 Walnut Street.
 - ii) The exemption shall expire upon the completion of all construction activities specific to concrete floor deck pouring, as determined by the Neighborhood Services Director or on December 31, 2026; which ever occurs first.
 - d) It is expected that the construction activities specific to concrete floor deck pouring on the 33-floor high rise apartment building at 515 Walnut Street will be completed by June 2026, depending on any unforeseen construction delays or interruptions.
3. The City Council hereby finds that subject to the limitations in paragraph 4, below, and in consideration of the valuable benefit provided to the community from the construction of this 33-floor high rise apartment building at 515 Walnut Street, it is deemed to be acceptable to the city residents and shall be exempt from the limitations imposed by the Noise Control Ordinance, codified as Article IV of the Des Moines Municipal Code.
4. The exemption to the Noise Control Ordinance hereby granted shall be subject to the following limitations:
 - a) This exemption is only applicable to construction activities specific to concrete floor deck pouring on the 33-floor high rise apartment building at 515 Walnut Street.
 - b) The exemption shall expire upon the completion of all construction activities specific to concrete floor deck pouring, as determined by the Neighborhood Services Director or on December 31, 2026; which ever occurs first.
 - c) The City Council reserves the right to reconsider the granting of this exemption, if it is determined that the overnight concrete floor deck pouring activities are not



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being operated in substantial compliance with these limitations, or that such activities have become unacceptable to city residents.

(Council Communication No. 25-202)

MOVED BY TO ADOPT.

SECOND BY

APPROVED AS TO FORM:

/s/ Chas M. Cahill

Chas M. Cahill

Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
SIMONSON				
VOSS				
COLEMAN				
WESTERGAARD				
MANDELBAUM				
GATTO				
TOTAL				
MOTION CARRIED		APPROVED		

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.

Mayor

City Clerk



DATE: 5/2/25

TO: Mayor Boesen and Members of Council

PROJECT: 515 WALNUT TOWER

PROJECT ADDRESS: 515 WALNUT ST, DES MOINES, IA 50309

CONTACT: ANDY BEAL (CO-OWNER) andy@bdconstruct.com 515-650-7807

NARRATIVE:

Requesting permission to conduct elevated deck concrete pouring operations after hours, pursuant to Section 42-250, item 2.

REASON:

The reason for the request is to facilitate concrete deck pours at the site. There will be 33 concrete deck pours while constructing the tower. With the fast setting, high cementitious concrete mixes, it is optimal to pour the concrete when the outside temperatures are at their lowest point, to allow for an optimal concrete finishing process. If decks were poured during peak heat times, the concrete will harden quicker and will result in poor quality.

In addition to this, pouring after hours will further reduce impacts to local streets and traffic. BDC expects upwards of 1,500 concrete trucks for deck construction over the course of the project, so this will provide some relief to downtown traffic by completing after hours.

These types of requests are commonplace on vertical projects of this nature across the nation. It is important to separate as much congestion to the City as possible from a traffic perspective and a public safety perspective, which in turn further facilitates BDC's ability to maintain a safe and on time project and deliver it successfully, for the betterment of our city.

TIMING:

The construction team is requesting the ability to commence after hours work between 1AM through 7AM, for the 33 pours concrete deck pour listed below.

FREQUENCY:

This will happen approximately 33 times across the next 12 months. An **approximate** schedule is as follows:

• Level 2	6/11/25	• Level 5	7/21/25
• Level 3	6/25/25	• Level 6	7/31/25
• Level 4	7/9/25	• Level 7	8/12/25

• Level 8	8/22/25	• Level 22	1/30/26
• Level 9	9/4/25	• Level 23	2/11/26
• Level 10	9/16/25	• Level 24	2/23/26
• Level 11	9/26/25	• Level 25	3/5/26
• Level 12	10/8/25	• Level 26	3/17/26
• Level 13	10/20/25	• Level 27	3/27/26
• Level 14	10/30/25	• Level 28	4/8/26
• Level 15	11/11/25	• Level 29	4/20/26
• Level 16	11/21/25	• Level 30	4/30/26
• Level 17	12/3/25	• Level 31	5/12/26
• Level 18	12/16/25	• Level 32	5/22/26
• Level 19	12/26/25	• Level 33	6/3/26
• Level 20	1/8/26	• Level roof	6/25/26
• Level 21	1/20/26		

NOTE: Highlighted months typically have higher outside temps, where there is greater concern.
BDC preference is to obtain permission for all deck pours listed, regardless if highlighted or not.