



Roll Call Number

25-0760

Agenda Item Number

34

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 Gatto TO ADOPT.

SECOND BY Voss.

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	7			

MOTION CARRIED

APPROVED

Connie Bassen

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