



Roll Call Number

23-0655

Agenda Item Number

32

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 [Signature] TO ADOPT.

SECOND BY [Signature]



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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 | 6 | | | 1 |

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.

J. M. Franklin Cownie Mayor

Laura Baumgartner City Clerk