

Date April 1, 2024

**RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM WAT LAO BUDDHAVATH OF IOWA (OWNER), REPRESENTED BY PHETSAMONE DARY (OFFICER), REGARDING TWO (2) PARCELS LOCATED IN THE VICINITY OF 1806 EAST PARK AVENUE, TO REZONE APPROXIMATELY THE NORTHERNMOST 50 FEET OF THE TWO (2) PARCELS FROM “N3A” NEIGHBORHOOD DISTRICT TO LIMITED “P2” PUBLIC, CIVIC, AND INSTITUTIONAL DISTRICT**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on March 7, 2024, its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from Wat Lao Buddhavath of Iowa (Owner), represented by Phetsamone Dary (Officer), for the proposed rezoning from “N3a” Neighborhood District to Limited “P2” Public, Civic, and Institutional District, be found in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Low Density Residential; and

**WHEREAS**, the City Plan and Zoning Commission has further advised that at a public hearing held on March 7, 2024, its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from Wat Lao Buddhavath of Iowa (Owner), represented by Phetsamone Dary (Officer), to rezone approximately the northernmost 50 feet of the two (2) parcels from “N3a” Neighborhood District to Limited “P2” Public, Civic, and Institutional District, to allow construction of an open-air accessory building for meditation and other uses associated with an “Assembly, Place of Worship” use, subject to the following condition:

1. The subject property shall be combined with the property adjacent to the north in accordance with a Plat of Survey that provides easements for all existing utilities.; and

**WHEREAS**, the Property is legally described as follows:

**THE NORTH 50.00 FEET OF THE SOUTH 200.00 FEET OF THE WEST 234.00 FEET OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 14, TOWNSHIP 778 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M., DES MOINES, POLK COUNTY, IOWA.;**  
and

**WHEREAS**, on March 18, 2024, by Roll Call No. 24-0417, it was duly resolved by the City Council that the request for approval of the proposed rezoning be set down for hearing on April 1, 2024, at 5:00 p.m., at the City Council Chambers; and

**WHEREAS**, due notice of said hearing was published in the Des Moines Register, as provided by law, setting forth the time and place for hearing on said proposal; and

**WHEREAS**, in accordance with said notice, those interested in said proposal, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council.



**Roll Call Number**

**Agenda Item Number**

44

**Date** April 1, 2024

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Des Moines, Iowa, as follows:

1. Upon due consideration of the facts, and any and all statements of interested persons and arguments of counsel, any objections to the proposed rezoning are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, of the northernmost 50 feet of the two (2) parcels from "N3a" Neighborhood District to Limited "P2" Public, Civic, and Institutional District, to allow construction of an open-air accessory building for meditation and other uses associated with an "Assembly, Place of Worship" use, subject to the condition set forth above, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

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

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill  
Assistant City Attorney

(ZONG-2024-000002) (COMP-2024-000004)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
SIMONSON				
VOSS				
COLEMAN				
WESTERGAARD				
MANDELBAUM				
GATTO				
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

Date April 1, 2024

Agenda Item 44

Roll Call # \_\_\_\_\_

March 12, 2024

Communication from the City Plan and Zoning Commission advising that at their March 7, 2024 meeting, the following action was taken for request from Wat Lao Buddhavath of Iowa (owner), represented by Phetsamone Dary (officer), for the following regarding two (2) parcels located in the vicinity of 1806 East Park Avenue:

- A) Determination as to whether the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan.
- B) Rezone approximately the northernmost 50 feet of the two (2) parcels from "N3a" Neighborhood District to "P2" Public, Civic, and Institutional District, to allow construction of an open-air accessory building for meditation and other uses associated with an "Assembly, Place of Worship" use

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 14-0-0 as follows.

Commission Action:	Yes	Nays	Pass	Abstain	Absent
Francis Boggus	X				
Leah Rudolphi	X				
Abby Chungath	X				
Kayla Berkson	X				
Chris Draper	X				
Laura Kessel	X				
Todd Garner	X				
Johnny Alcivar	X				
Justyn Lewis					X
Carolyn Jenison	X				
William Page	X				
Andrew Lorentzen	X				
Emily Webb	X				
Katie Gillette	X				
Rick Trower	X				

**Approval of Part A)** Approval that requested “P2” District is found in conformance with the existing PlanDSM future land use designation of Low Density Residential.

Part B) Approval of the request to rezone the property from “N3a” Neighborhood District to “P2” Public, Civic, and Institutional District, subject the condition that the subject property shall be combined with the property adjacent to the north in accordance with a Plat of Survey that provides easements for all existing utilities.

### **STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Part A) Staff recommends that the requested “P2” District be found in conformance with the existing PlanDSM future land use designation of Low Density Residential..

Part B) Staff recommends approval of the request to rezone the property from “N3a” Neighborhood District to “P2” Public, Civic, and Institutional District, subject the condition that the subject property shall be combined with the property adjacent to the north in accordance with a Plat of Survey that provides easements for all existing utilities.

### **STAFF REPORT TO THE PLANNING COMMISSION**

#### **I. GENERAL INFORMATION**

- 1. Purpose of Request:** The applicant is proposing to construct a 3,200-square foot open-air accessory building for meditation and other uses associated with an existing temple immediately to the north of the site. The proposed structure would encroach onto two (2) one-household residential properties currently zoned “N3a” Neighborhood District. Therefore, the northernmost 50 feet of these properties must be rezoned “P2” District in order to allow the proposed building accessory to the “Assembly, Place of Worship” use, to extend into the properties to the south.

Any future construction or redevelopment of the subject properties must comply with all applicable site plan and design regulations contained in the Planning and Design Ordinance (Chapter 135 of City Code).

- 2. Size of Site:** 0.28 acres (12,083 square feet).
- 3. Existing Zoning (site):** “N3a” Neighborhood District.
- 4. Existing Land Use (site):** The site is comprised of the rear yard areas of two (2) one-household residential lots, and includes part of a driveway, an accessory structure, and part of an outdoor ball court.
- 5. Adjacent Land Use and Zoning:**
  - North** – “P2”; Use is a place of worship.
  - South** – “N3a”; Use is one-household residential.
  - East** – “N3a”; Use is one-household residential.
  - West** – “N3a”; Use is one-household residential.

6. **General Neighborhood/Area Land Uses:** The subject property is located to the north of East Park Avenue. The surrounding area is predominantly residential and consists of one-household residential dwelling units.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Pioneer Park Neighborhood Association. All neighborhood associations were notified of the March 7, 2024, public hearing by emailing the Preliminary Agenda on February 16, 2024, and the Final Agenda on March 1, 2024. Additionally, separate notifications of the hearing for this specific item were mailed on February 16, 2024 (20 days prior to the public hearing) and February 26, 2024 (10 days prior to the public hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

All notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Services Department on the date of the mailing. The Pioneer Park Neighborhood mailings were sent to Scott Jimmerson, 1907 East Lacona Avenue, Des Moines, IA 50320.

The applicant can provide a summary of the neighborhood meeting at the public hearing.

8. **Relevant Zoning History:** On August 22, 2018, The Zoning Board of Adjustment, by Docket Number ZON-2018-00156, granted the applicant a Special Permit for an institution of religious character, an Exception of 2,000 square feet of lot area less than the minimum 10,000 square feet of lot area required for a single-family residential use, and an Exception of 15 feet less than the minimum 30-foot rear yard setback required for each single-family dwelling. The appeals would have allowed reconfiguration of four (4) existing parcels, subject to the following conditions:
1. Any assembly building must comply with all applicable Building Codes and Site Plan regulations with all necessary permits issued by the Permit and Development Center.
  2. Any division of property must comply with the applicable provisions in Chapter 106 of the City Code.
  3. Any assembly building shall have a design and materials reviewed by the Planning Director prior to issuance of any permit to ensure compatibility with the existing campus and surrounding residential neighborhood.

However, the relief granted by the Board to the applicant has since expired since the applicant did not commence that project within two (2) years of the Zoning Board of Adjustment's approval.

9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Low Density Residential.
10. **Applicable Regulations:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, the Commission reviews all proposals to amend zoning boundaries or regulations within the City of Des Moines. Such amendments must be in conformance with the comprehensive plan for the City and designed to meet the criteria in 414.3 of the Iowa Code. The Commission may make recommendations to the City Council on conditions to be made in addition to the existing regulations so long

as the subject property owner agrees to them in writing. The recommendation of the Commission will be forwarded to the City Council.

## II. ADDITIONAL APPLICABLE INFORMATION

1. **PlanDSM: Creating Our Tomorrow:** The subject property is designated as “Low Density Residential” on the Comprehensive Land Use Map. PlanDSM describes the designation as follows:

*Low Density Residential: Areas developed with primarily single family and two-family residential units with up to 6 dwelling units per net acre.*

The applicant is proposing to rezone the northernmost 50 feet of two (2) parcels from “N3a” Neighborhood District to “P2” Public, Civic, and Institutional District to allow encroachment of the proposed accessory structure. The Zoning Ordinance describes the “N3a” District as, “intended to preserve the scale and character of residential neighborhoods developed predominantly during the 1950s, 1960s, and 1970s, typically in the ranch or split-level style pursuant to House B building type in section 135-2.14 of this code.” The Zoning Ordinance describes the “P2” District as, “intended for civic and institutional facilities, such as religious assembly places, cultural or arts centers, community centers, schools, infrastructure, recreational facilities, and other institutional facilities. Infrastructure includes public or private infrastructure, including rail corridors and utility corridors or sites.”

Staff believes the proposed rezoning to “P2” District is in conformance with the existing land use designation. The proposed rezoning is to allow an accessory structure for an existing use. The subject property is located in an area that is primarily low density residential. The proposed accessory building to an existing use would not have a negative impact on the surrounding properties so long as the structure is designed and built according to applicable City Design and Building Codes.

2. **Utilities:** There is an existing City of Des Moines owned 8-Inch gravity sanitary sewer running northeast/southwest across the western parcel. A 30-foot wide sanitary sewer easement should be provided. No structure should be constructed over this existing sanitary sewer or sanitary sewer easement.
3. **Planning and Design Ordinance:** Any future construction or redevelopment of the subject properties must comply with all applicable site plan and design regulations contained in the Planning and Design Ordinance (Chapter 135 of City Code). Following rezoning, the two (2) parcels should be platted to be combined with the parcel to the north.

## SUMMARY OF DISCUSSION

Michael Delp presented the staff report and recommendation.

Chris Draper stated that this structure is just an open-air shelter and asked what has triggered the need to come before commission.

Michael Delp noted that it is a permanent structure, and the trigger is related to the location of the structure and the existing zoning of that parcel not supporting the proposed use.

### **CHAIRPERSON OPENED THE PUBLIC HEARING**

Tim Hielkema with TH2 ArchPlan, 1405 SE 1<sup>st</sup> Street explained the layout of the property. The shelter is to be used for educational purposes along with shelter from rain during their June festivals. He noted that only one of the three homes on the property was rented and the other two are used by the temple for guests. Overall, they continue to maintain a nice area for the Buddhist community.

George Foertse of 1836 East Park Avenue shared concerns with adding a new building and controlling storm run off to the south area as a result.

Tim Hielkema responded they are going through the site plan review process. He does not believe that the project will change any of the current storm runoff. They are willing to work on the site plan to address any future concerns.

### **CHAIRPERSON CLOSED THE PUBLIC HEARING**

#### **COMMISSION ACTION:**

Chris Draper made a motion approval of the following:

Part A) Approval that requested "P2" District is found in conformance with the existing PlanDSM future land use designation of Low Density Residential.

Part B) Approval of the request to rezone the property from "N3a" Neighborhood District to "P2" Public, Civic, and Institutional District, subject the condition that the subject property shall be combined with the property adjacent to the north in accordance with a Plat of Survey that provides easements for all existing utilities.

#### **THE VOTE 14-0-0**

Respectfully submitted,

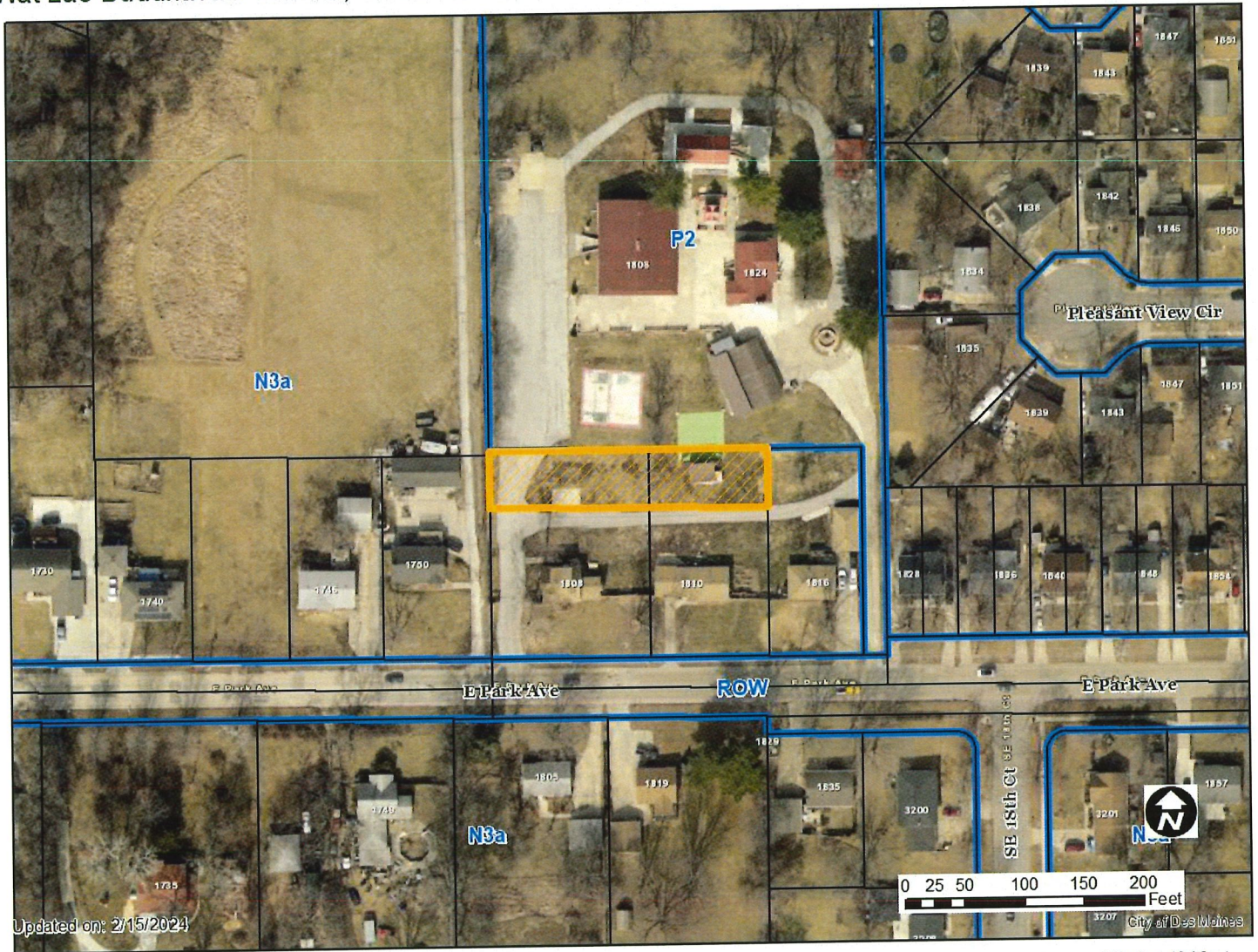


Jason Van Essen, AICP  
Planning & Urban Design Administrator

JMV:mrw

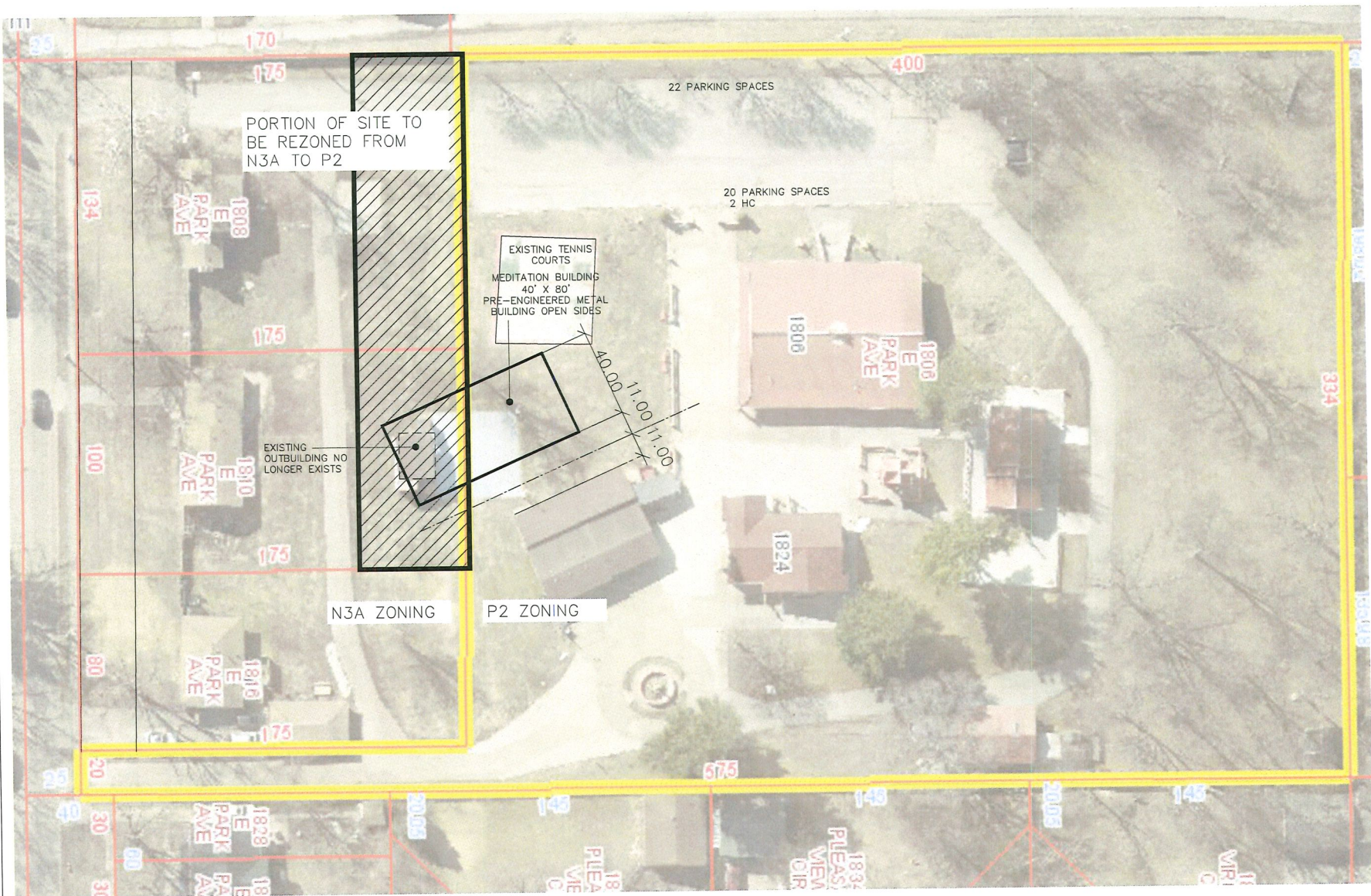
Wat Lao Buddhavath of Iowa, Three Parcels in Vicinity of 1806 East Park Avenue

ZONG-2024-000005



1 inch = 104 feet





PORTION OF SITE TO BE REZONED FROM N3A TO P2

EXISTING TENNIS COURTS  
MEDITATION BUILDING  
40' X 80'  
PRE-ENGINEERED METAL BUILDING OPEN SIDES

EXISTING OUTBUILDING NO LONGER EXISTS

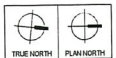
N3A ZONING

P2 ZONING

22 PARKING SPACES

20 PARKING SPACES  
2 HC

40.00' 11.00' 11.00'



A1 Rezoning Plan  
Not to Scale

NOTE: 11X17 SHEETS ARE NOT TO SCALE - 12X18 SHEETS ARE HALF SCALE - 24X36 SHEETS ARE FULL SCALE



TH2 Arch+Plan  
Architecture and Planning  
1000 East Park Avenue  
Des Moines, Iowa 50319  
515.281.1111

Site Rezoning Plan  
Meditation Building  
Wat Lao Buddhavath  
1000 East Park Avenue  
Des Moines, Iowa

TH2 Arch+Plan #: 2023.10  
Issued: 15 February 2024

RZ001







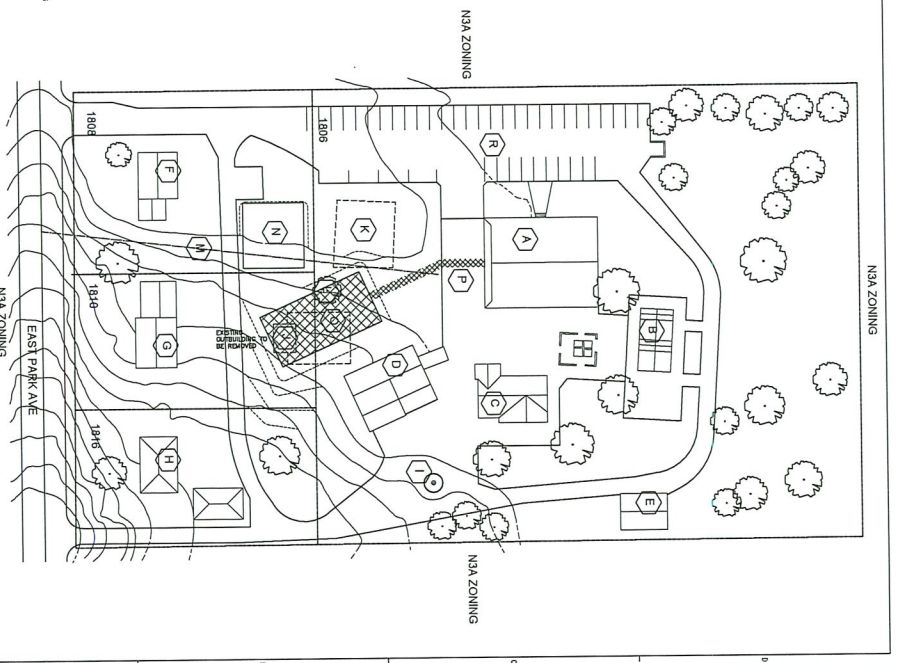
**The Arch+Plan**  
 ARCHITECTS  
 1000 East Park Avenue  
 Suite 100  
 Oak Grove, IL 60452  
 Phone: 847.580.2200  
 Fax: 847.580.2201  
 Website: www.thearchplan.com

**Preliminary Site Plan**  
 Meditation Building  
**Wat Lao Buddhavath**  
 1000 East Park Avenue  
 Oak Grove, IL 60452

11/24/2010  
 11/24/2010  
 11/24/2010

A101

NOTE: THIS SHEET IS NOT TO SCALE - 1/2"=1'-0" SHEET  
 ANNEAUF SCALE - 1/2"=1'-0" SHEET'S ANNEAUF SCALE



- PLAN KEYNOTES:**
- A. EXISTING 3000 SF RELIGIOUS BUILDING
  - B. EXISTING 800 SF RELIGIOUS BUILDING
  - C. EXISTING 1525 SF RELIGIOUS BUILDING
  - D. EXISTING 2455 SF STORAGE BUILDING
  - E. EXISTING GARAGE
  - F. EXISTING 1.5 STORY 819 SF SINGLE FAMILY HOME
  - G. EXISTING 1 STORY 618 SF SINGLE FAMILY HOME
  - H. EXISTING 1 STORY 899 SF SINGLE FAMILY HOME
  - I. EXISTING FOUNTAIN
  - J. NEW STORAGE & PAVED AREA TO BE REMOVED
  - K. EXISTING TENNIS COURT TO BE REMOVED
  - L. EXISTING TREE TO BE REMOVED
  - M. EXISTING TENNIS COURT
  - N. EXISTING WATER LINE
  - O. NEW 40' x 80' MEDITATION BUILDING
  - P. ACCESSIBLE PATH TO RESTROOMS & NEW BUILDINGS
  - R. EXISTING PARKING FOR 42 CARS



A1 Preliminary Site Plan  
 Date: 11/24/10

# NEIGHBORHOOD MEETING FOR THE REZONING OF A PORTION OF THE WAT LAO BUDDHAVATH CAMPUS

Location: At the Sala (Main Worship Hall)  
1806 East Park Avenue

Date: February 29, 2024

Time: 5:30-6:30 pm

## Explanation of Why the Rezoning is Being Requested

As a neighbor within close proximity to the Wat Lao Buddhavath, you are cordially invited to give your opinions on the proposed zoning of their property. They are requesting a zoning change from N3a to P2 to a portion of their campus to facilitate the building of an 80' x 40' open-air mediation/gathering building on the south side of their main campus.

The placement of this structure is based upon an interpretation of Buddhist beliefs that will keep the current central open space as open as possible to avoid crowding of the buildings and to provide an unobstructed view to the rest of the campus when entering from the main western entrance.

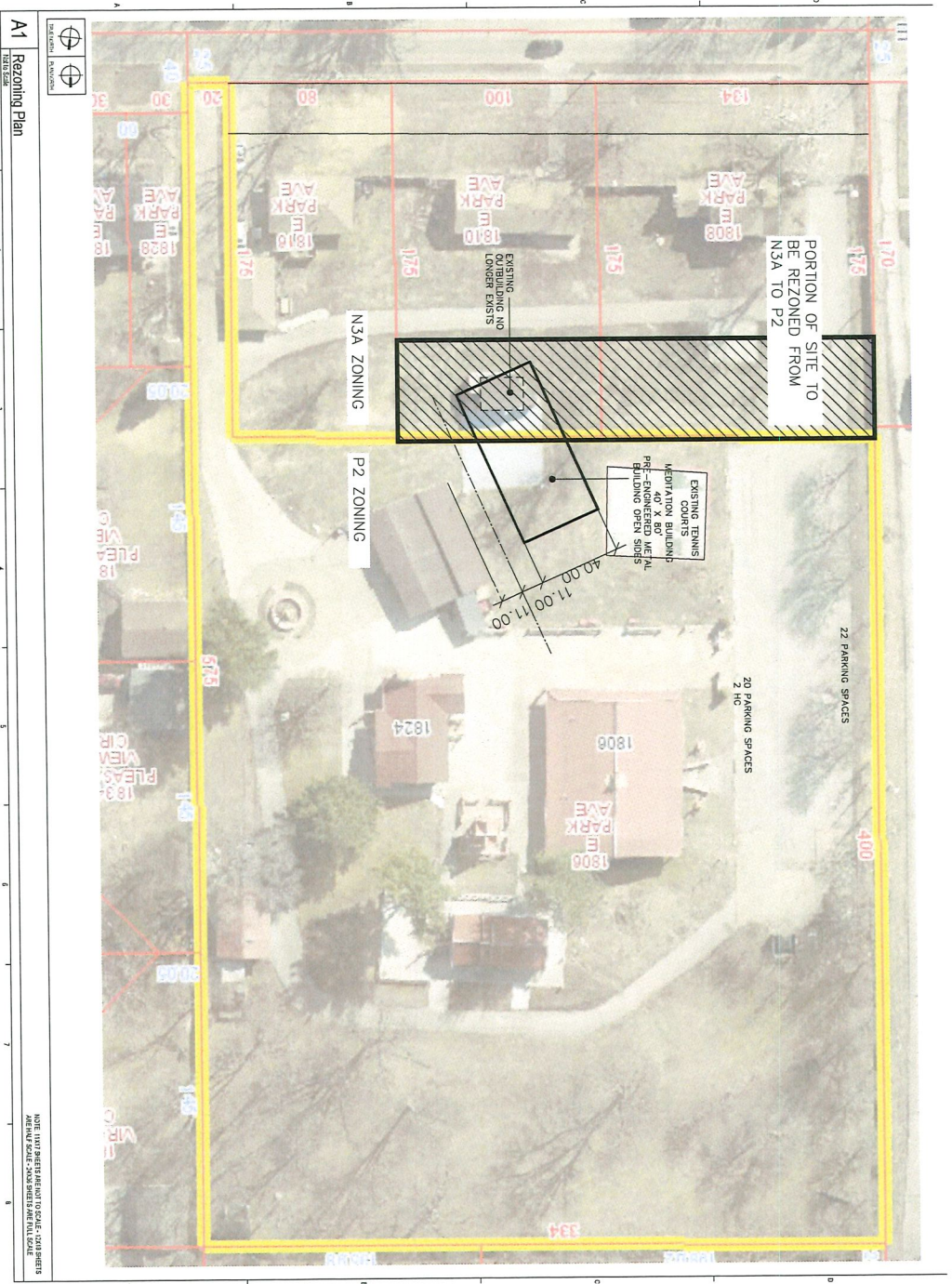
This will remove the rear 50' from the 2 most westerly residential lots to provide a proper setting for this building and so that it is zoned P2, like the rest of the Main Campus. In so doing, the residential lots along East Park Avenue will remain residentially zoned.

We believe that this is a reasonable request, and we hope that you agree.

## Moderators of Meeting

Mao (Phetsamone) Dary – Representative of Wat Lao Buddhavath

Tim Hielkema, AIA – TH2 Architecture and Planning



A1  
Rezoning Plan  
DATE 05/18/2010

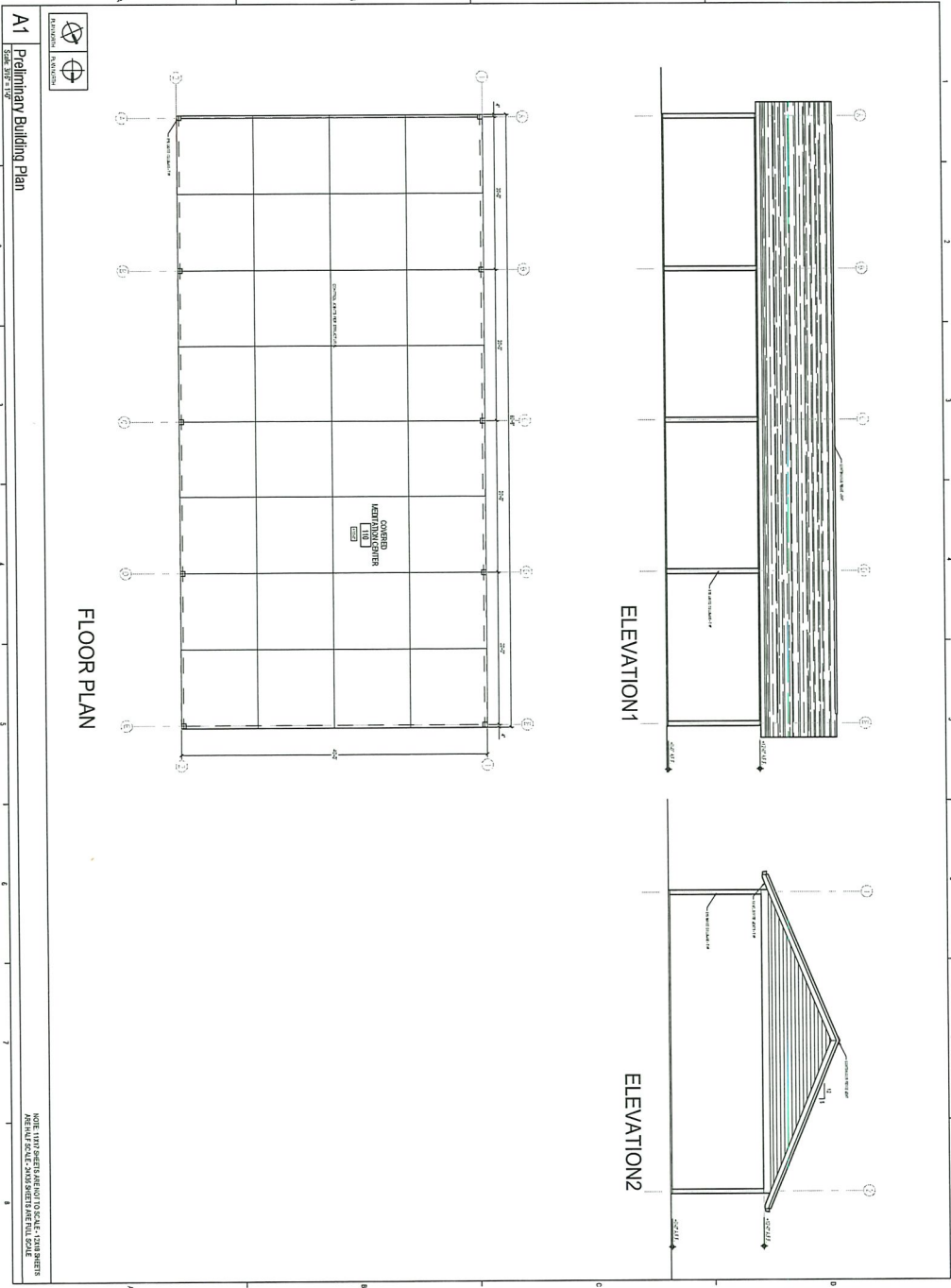
NOTE: THIS SHEET IS A PART OF A SET OF SHEETS. ALL SHEETS MUST BE REVIEWED TOGETHER TO OBTAIN THE COMPLETE PLAN. SCALE: AS SHOWN ON EACH SHEET.



TH2 Arch+Plan  
2010 North 1st Street, Suite 100  
Des Moines, Iowa 50319  
Phone: 515.281.1111  
www.th2arch.com

Site Rezoning Plan  
Meditation Building  
Wat Lao Buddhavath  
1805 East Park Avenue  
Des Moines, Iowa

RZ001



**TH2 Architects + Planners**  
 1505 East Park Avenue  
 Des Moines, Iowa 50319  
 Phone: 515.281.1234  
 Fax: 515.281.1235  
 Email: info@th2.com

**Preliminary Building Plans**  
 Meditation Building  
**Wat Lao Buddhavath**  
 1505 East Park Avenue  
 Des Moines, Iowa

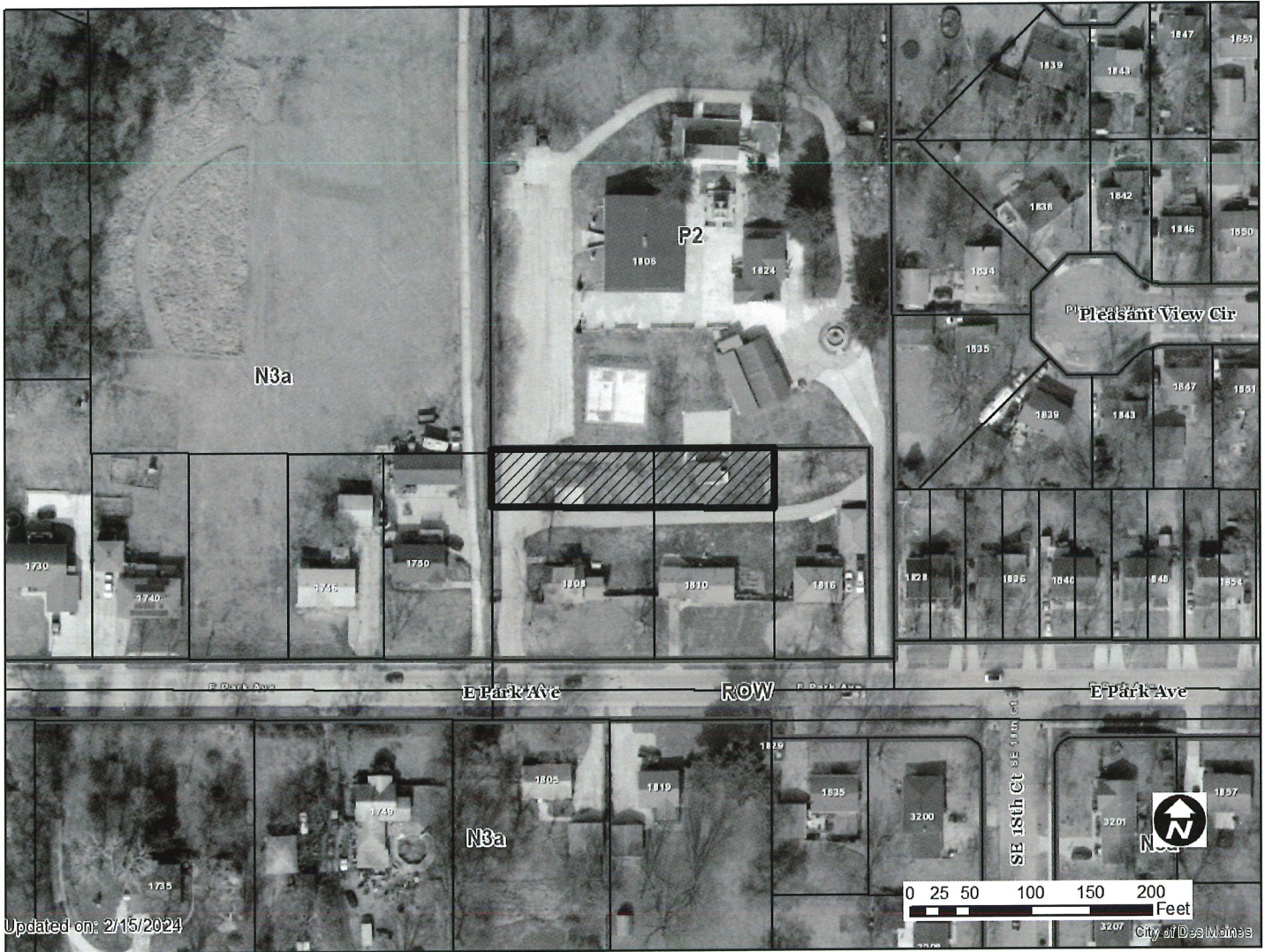
**A101**





Wat Lao Buddhavath of Iowa, Three Parcels in Vicinity of 1806 East Park Avenue

ZONG-2024-000005



1 inch = 104 feet