

**Date** December 23, 2024

**RESOLUTION SETTING PUBLIC HEARING REGARDING REQUEST FROM ASOKARAMA ARKAKKA BUDDHIST SOCIETY (OWNER), REPRESENTED BY U THEIN MAUNG ZAW (OFFICER), FOR THE FOLLOWING REGARDING PROPERTY LOCATED IN THE VICINTY OF 4211 EAST 38TH STREET, TO AMEND PLANDSM CREATING OUR TOMORROW PLAN TO REVISE THE FUTURE LAND USE CLASSIFICATION FROM LOW DENSITY RESIDENTIAL AND PARKS AND OPEN SPACE TO PUBLIC/SEMI-PUBLIC, AND TO REZONE THE PROPERTY FROM “N2A” NEIGHBORHOOD DISTRICT AND “F” FLOOD DISTRICT TO LIMITED “P2” PUBLIC, CIVIC, AND INSTITUTIONAL DISTRICT, TO ALLOW USE OF THE PROPERTY FOR AN “ASSEMBLY/PLACE OF WORSHIP” USE**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on December 5, 2024, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Asokarama Arkakka Buddhist Society (Owner), represented by U Thein Maung Zaw (Officer), for the proposed rezoning from “N2a” Neighborhood District and “F” Flood District to Limited “P2” Public, Civic, and Institutional District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Low Density Residential and Parks and Open Space; and

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on December 5, 2024, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Asokarama Arkakka Buddhist Society (Owner), represented by U Thein Maung Zaw (Officer), to amend the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Low Density Residential and Parks and Open Space to Public/Semi-Public; and

**WHEREAS**, the City Plan and Zoning Commission has further advised that at a public hearing held on December 5, 2024, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Asokarama Arkakka Buddhist Society (Owner), represented by U Thein Maung Zaw (Officer), to rezone the Property from “N2a” Neighborhood District and “F” Flood District to Limited “P2” Public, Civic, and Institutional District, to allow the use of the property for an “Assembly/Place of Worship” use, subject to the following condition:

1. Any use upon the property shall comply with Chapter 50 of the Municipal Code relating to Floodplains, so long as any portion of the subject property is within a FEMA designated floodplain.; and

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

**LOT 11 AND THAT PART OF LOT "B" DESCRIBED AS LYING WEST OF A LINE PROJECTED DUE NORTH OF NORTHEAST CORNER OF SAID LOT 11**



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**AND EAST OF A LINE PROJECTED DUE NORTH OF NORTHEAST CORNER OF LOT 10, ALL IN OFFICIAL PLAT, OF NORTHWEST 1/4 OF SECTION 21, TOWNSHIP 79, RANGE 23, WEST OF THE 5TH P.M., IOWA.; EXCEPT BEGINNING AT NW CORNER OF SAID LOT 11, THENCE NORTHEASTERLY ALONG LOT LINE OF SAID LOT 11, 260 FEET, THENCE EASTERLY ALONG NORTH LINE SAID LOT 11, 299.5 FEET, THENCE SOUTH 187 FEET, THENCE WEST 545 FEET TO WEST LINE SAID LOT 11, THENCE NORTH ALONG WEST LINE SAID LOT11, 100 FEET TO BEGINNING.**

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

1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.
2. That the meeting of the City Council at which the proposed amendments to PlanDSM Creating Our Tomorrow comprehensive Plan and proposed rezoning are to be considered, and at which time the City Council will hear both those who oppose and those who favor the proposals, shall be held at City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on January 13, 2025, at which time the City Council will hear both those who oppose and those who favor the proposals.
3. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

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MOVED BY Coleman TO ADOPT

SECOND BY Gatto

FORM APPROVED:

/s/ Chas M. Cahill  
Chas M. Cahill  
Assistant City Attorney

(ZONG-2024-000031) (COMP-2024-000027)

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

MOTION CARRIED

APPROVED

Cornie Boesen Mayor

Laura Baumgartner City Clerk