

★ **Roll Call Number**
.....25.0049

Agenda Item Number
.....35

DateJanuary 13, 2025

RESOLUTION HOLDING 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 VICINITY 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 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



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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.

WHEREAS, on December 23, 2024, by Roll Call No. 24-1717, it was duly resolved by the City Council that the request for approval of the proposed amendment and rezoning be set down for hearing on January 13, 2025, 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 proposals; and

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

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 amendment and rezoning are hereby overruled, and the hearing is closed.
2. The proposed amendment to PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification for the Property from Low Density Residential and Parks and Open Space to Public/Semi-Public is hereby approved.
3. The proposed rezoning of the Property, as legally described above, 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 condition set forth above, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.



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MOVED BY Westergaard TO ADOPT. SECOND BY Coleman

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill
Assistant City Attorney

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

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include BOESEN, SIMONSON, VOSS, COLEMAN, WESTERGAARD, MANDELBAUM, GATTO, and TOTAL.

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