

★ **Roll Call Number**  
24-0524

**Agenda Item Number**  
44

**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.

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**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 Gatto TO ADOPT. SECOND BY Coleman.

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	7			
MOTION CARRIED			APPROVED	

Connie Boesen 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