



**Roll Call Number**

**Agenda Item Number**

49

Date October 7, 2024

**RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM RYAN RIVAS (OWNER), FOR PROPERTY LOCATED IN THE VICINITY OF 1760 EAST PARK AVENUE, TO REZONE THE PROPERTY FROM “N3A” NEIGHBORHOOD DISTRICT TO “P2” PUBLIC, CIVIC, AND INSTITUTIONAL DISTRICT, TO ALLOW THE PROPERTY TO BE ASSEMBLED WITH THE PROPERTY TO THE EAST THAT IS USED FOR AN “ASSEMBLY – PLACE OF WORSHIP” USE**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 5, 2024, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Ryan J Rivas (Owner), for property located in the vicinity of 1760 East Park Avenue, to rezone the property from “N3a” Neighborhood District to “P2” Public, Civic, and Institutional District, to allow the property to be assembled with the property to the east that is used for an “Assembly – Place of Worship” use and determined the requested rezoning is in conformance with the PlanDSM: Creating Our Tomorrow Comprehensive Plan; and

WHEREAS, the Property is legally described as follows:

**THAT PART OF LOT 9, SPOSETO HEIGHTS PLAT 4, AN OFFICIAL PLAT, LOCATED IN THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**BEGINNING AT THE NORTHEAST CORNER OF THE EAST 90 FEET OF THE SOUTH 170 FEET OF SAID LOT 9; THENCE N 89° 38' 08" W, ALONG THE NORTH LINE OF THE SOUTH 170 FEET OF SAID LOT 9, A DISTANCE OF 331.98 FEET, TO THE WEST LINE OF SAID LOT 9; THENCE N 00° 10' 15" W, ALONG SAID WEST LINE OF LOT 9, A DISTANCE OF 582.43 FEET; THENCE S 89° 38' 08" E, A DISTANCE OF 331.25 FEET, TO THE EAST LINE OF SAID LOT 9; THENCE S 00° 14' 34" E, ALONG SAID EAST LINE OF LOT 9, A DISTANCE OF 582.44 FEET, TO THE POINT OF BEGINNING.**

**CONTAINING 4.43 ACRES (193,133 SQUARE FEET) MORE OR LESS.**

**SAID PARCEL IS SUBJECT TO ANY AND ALL RESTRICTIONS, COVENANTS AND EASEMENTS OF RECORD.; and**

WHEREAS, on September 16, 2024, by Roll Call No. 24-1244, 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 October 7, 2024, at 5:00 p.m., at the City Council Chambers; and

**Date** October 7, 2024

**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 proposed rezoning; and

**WHEREAS**, in accordance with said notice, those interested in said proposed rezoning, 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 rezoning of the Property are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, from “N3a” Neighborhood District to “P2” Public, Civic, and Institutional District, to allow the property to be assembled with the property to the east that is used for an “Assembly – Place of Worship” use, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and 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-2024-000025)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
SIMONSON				
VOSS				
COLEMAN				
WESTERGAARD				
MANDELBAUM				
GATTO				
TOTAL				
MOTION CARRIED			APPROVED	

**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.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

September 9, 2024

Communication from the City Plan and Zoning Commission advising that at their September 5, 2024 meeting, the following action was taken on a request from Ryan J Rivas (owner), for the following regarding property located in the vicinity of 1760 East Park Avenue:

- A) Determination as to whether the requested rezoning is in conformance with the PlanDSM: Creating Our Tomorrow Comprehensive Plan.
- B) Rezone property from “N3a” Neighborhood District to “P2” Public, Civic, and Institutional District, to allow the property to be assembled with the property to the east that is used for an “Assembly – Place of Worship” use.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 10-0 as follows.

Commission Action:	Yes	Nays	Pass	Abstain	Absent
Francis Boggus	X				
Leah Rudolphi	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) The proposed rezoning is in conformance with the PlanDSM: Creating Our Tomorrow Comprehensive Plan, which designates the property as Low Density Residential.

Part B) Approval of rezoning the property from “N3a” Neighborhood District to “P2” Public, Civic, and Institutional District.

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

Part A) Staff recommends that the proposed rezoning be found in conformance with the PlanDSM: Creating Our Tomorrow Comprehensive Plan, which designates the property as Low Density Residential.

Part B) Staff recommends approval of the rezoning of the property from “N3a” Neighborhood District to “P2” Public, Civic, and Institutional District.

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

### **GENERAL INFORMATION**

1. **Purpose of Request:** The proposed rezoning would allow the applicant to finalize sale to the property owner to the east for the assemblage for use as an “Assembly – Place of Worship” and possible construction or expansion of a parking lot.
2. **Size of Site:** 4.43 acres (193,133 square feet).
3. **Existing Zoning (site):** “N3a” Neighborhood District.
4. **Existing Land Use (site):** The subject area consists of the southern portion of a parcel with an existing 1,410-square foot dwelling, existing 480-square foot accessory building, and existing 720-square foot accessory building. This parcel is accessed from East Park Avenue via a paved driveway access used in tandem with the property at 1750 East Park Avenue.
5. **Adjacent Land Use and Zoning:**
  - North** – “N3a”; Use is undeveloped land.
  - South** – “N3a”; Uses are East Park Avenue Right-of-Way and low density residential.
  - East** – “P2” & “N3a”; Uses are “Assembly – Place of Worship” and low density residential.
  - West** – “N3a”; Use is low density residential.
6. **General Neighborhood/Area Land Uses:** The subject property is located on the on the north side of East Park Avenue, north of 4 parcels fronting on East Park Avenue, between Southeast 17<sup>th</sup> Street and Southeast 18<sup>th</sup> Court. The area consists primarily of low density residential uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is located within the Pioneer Park Neighborhood Association. All recognized Neighborhood Associations were notified of the public hearing by email of the Preliminary Agenda on August 16, 2024 and Final Agenda on August 30, 2024. Additionally, an official public notice of the

hearing for this specific item was mailed on August 26, 2024 (10 days before the hearing) and on August 16, 2024 (20 days before the hearing), to any Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site or adjacent to the site. All Neighborhood Association mailings are sent to the primary contact designated by the recognized Neighborhood Association on file with the City of Des Moines' Neighborhood Services Department.

The appellant is required to hold a neighborhood outreach meeting prior to the public hearing and can provide a summary of such at the hearing.

**8. Relevant Zoning History:** NA.

**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 applicant has requested the property be rezoned to "P2" Public, Civic, and Institutional District to allow sale and assemblage with the adjoining property to the east and possible construction or expansion of a parking lot.

PlanDSM designates the subject property as "Low Density Residential". The proposed "P2" Public, Civic, and Institutional District is consistent with this land use designation, which PlanDSM describes 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 Zoning Ordinance states that the "P2" District is 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 that an "Assembly – Place of Worship" is an appropriate use for this location so long as the site is designed such that any parking lot expansion is in accordance with Municipal Code Section 135-7 and screened from any residential properties.

- 2. Access and Traffic Circulation:** Future access to the subject property and to the existing house and accessory buildings would be through the adjoining property to the east.

The northern portion of the property which is not to be sold or assembled with the property to the east could be accessed via the East Glenwood Drive Right-of-Way.

- 3. Planning and Design Ordinance:** Any construction or change in use must comply with all applicable site plan and design regulations of the Planning and Design Ordinance (City Code Chapter 135).

## **SUMMARY OF DISCUSSION**

Johnny Alcivar asked if any member of the public or commission desired to speak on the item. No one requested to speak.

## **COMMISSION ACTION:**

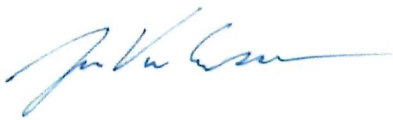
Carolyn Jenison made a motion for approval of the following:

Part A) The proposed rezoning is in conformance with the PlanDSM: Creating Our Tomorrow Comprehensive Plan, which designates the property as Low Density Residential.

Part B) Approval of rezoning the property from "N3a" Neighborhood District to "P2" Public, Civic, and Institutional District.

## **THE VOTE 10-0**

Respectfully submitted,



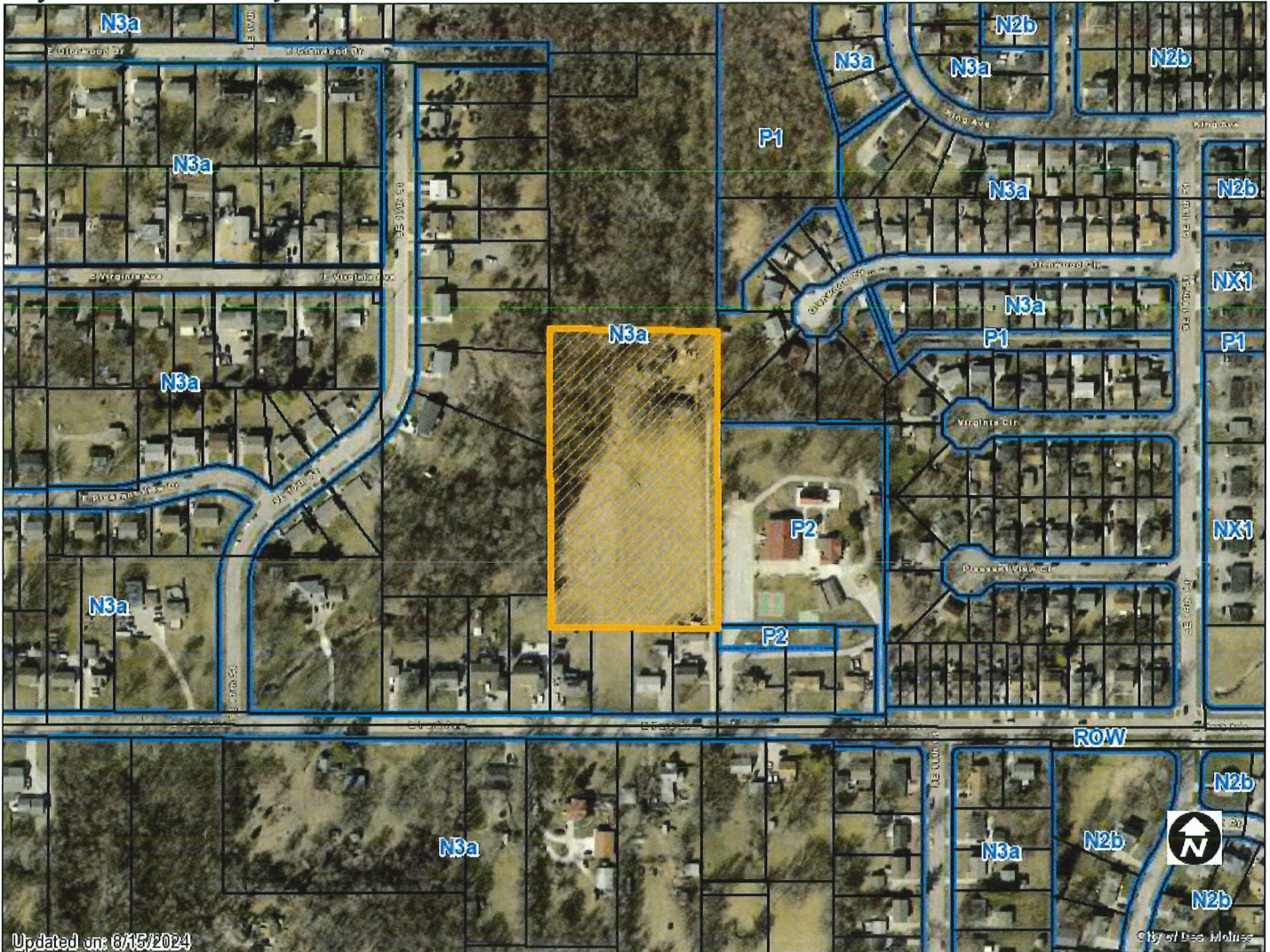
Jason Van Essen  
Planning & Urban Design Administrator

JMV:mrw

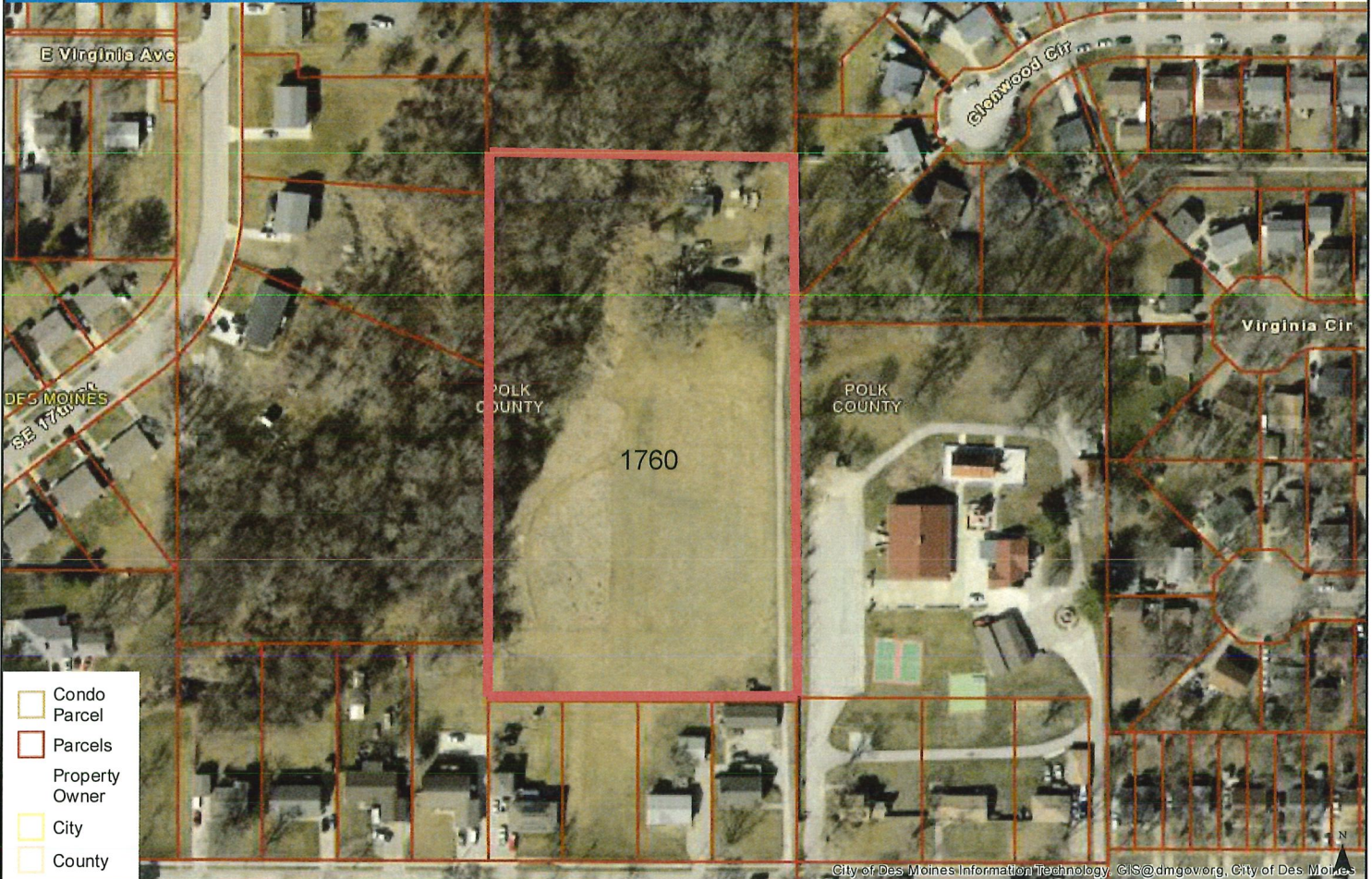
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Ryan J Rivas Vicinity of 1760 E Park Avenue

ZONG-2024-000025



# Des Moines Webmap



- Condo Parcel
- Parcels
- Property Owner
- City
- County

City of Des Moines Information Technology, GIS@dmgov.org, City of Des Moines

<p>Description</p>	<p>1:2,257 Webmap Scale</p>	<p>Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere                  Projection: Mercator                  Auxiliary Sphere Datum: WGS 1984                  False Easting: 0.0000                  False Northing: 0.0000                  Central Meridian: 0.0000                  Standard Parallel 1: 0.0000                  Auxiliary Sphere Type: 0.0000                  Units: Meter</p>	<p>Author: Author</p> <p>Date: 7/30/2024</p> <p>Time: 11:39:40 AM</p>
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Disclaimer: This map is approximate and may not be complete. City assumes no liability for accuracy. Consult sources listed to verify information. Sources: City of Des Moines

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## Neighborhood meeting summary for rezoning of 1760 E Park Ave.

A letter was mailed out to the residents listed below on August 26<sup>th</sup> 2024 inviting them to the neighborhood meeting being held on August 30<sup>th</sup> 2024 at 1760 E Park Ave. to discuss any concerns or questions regarding the rezoning.

Two residents attended, Tina Honnold and Bryan Waterhouse. There was no suggestions made, the only concerns was if the rezoning would effect their property taxes.

No changes were made from the meeting.

Name	Street Address	City State Zip
ANNE BARRON	1817 GLENWOOD CIR	DES MOINES IA 50320
HENRY STEVEN CANIZALES	2991 SE 17TH ST	DES MOINES IA 50320
WAT LAO BUDDAHVATH OF IA	1806 E PARK AVE	DES MOINES IA 50320
LINDA K STUBER	1813 GLENWOOD CIR	DES MOINES IA 50320
KARON S BOWEN	1735 E PARK AVE	DES MOINES IA 50320
JASON BAHR	5115 WALNUT RIDGE DR	DES MOINES IA 50317
TINA HONNOLD	15815 WILDEN DR	URBANDALE IA 50323
SOMPHEA A NANTHANORATH	2951 SE 17TH ST	DES MOINES IA 50320
SUZANNA L WARD	1814 GLENWOOD CIR	DES MOINES IA 50320
CHIVAS T RIVAS	1746 E PARK AVE	DES MOINES IA 50320
BRYAN WATERHOUSE	1718 E PARK AVE	DES MOINES IA 50320
RANDY G BLACKMAN	1805 E PARK AVE	DES MOINES IA 50320
SINDY A AYALA	1740 E PARK AVE	DES MOINES IA 50320
KIP K CALDWELL	1810 GLENWOOD CIR	DES MOINES IA 50320
PATRICK A ROSS	1749 E PARK AVE	DES MOINES IA 50320

CITY OF DES MOINES REAL ESTATE	400 ROBERT D RAY DR	DES MOINES IA 50309
JESSE HEATHCOTE	2925 SE 17TH ST	DES MOINES IA 50320
RYAN J RIVAS	4007 SE 34TH ST	DES MOINES IA 50320
HERIBERTO ROBLES	2931 SE 17TH ST	DES MOINES IA 50320
RET CHIN	1724 E PARK AVE	DES MOINES IA 50320
MARIA ROSAS	2971 SE 17TH ST	DES MOINES IA 50320
LORETTA WOOLRIDGE	1818 GLENWOOD CIR	DES MOINES IA 50320
CRYSTAL LIZBETH ZAVALA	1821 GLENWOOD CIR	DES MOINES IA 50320
WAT LAO BUDDHAVATH OF IOWA	1806 E PARK AVE	DES MOINES IA 50320
RAFAEL OLIVARES MONDRAGON	1819 E PARK AVE	DES MOINES IA 50320
DYLAN M CONNER	2594 NORWOOD AVE	PERU IA 50222
LINDSEY A HOLSINGER	1717 E PARK AVE	DES MOINES IA 50320
DAVID A RIVAS	1746 E PARK AVE	DES MOINES IA 50320
RAUL C ZARATE	1730 E PARK AVE	DES MOINES IA 50320
DENIS ORIEL VELASQUEZ MELENDEZ	1809 GLENWOOD CIR	DES MOINES IA 50320
Scott Jimmerson*	1907 E Lacona Avenue	Des Moines IA 50320

Item: ZONG-2024-000025

Date: 8/29/24

Please mark one of the following:

I support the request

I am undecided

I oppose the request

Staff Use Only  
**RECEIVED**  
COMMUNITY DEVELOPMENT  
SEP 5 2024

Titleholder Signature: [Signature]

Name/Business: Jason Bahur

Impacted Address: 1714 E Park Ave

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Ryan J Rivas Vicinity of 1760 E Park Avenue

ZONG-2024-000025

