



**Roll Call Number**

24-1384

**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



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**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 Datto TO ADOPT. SECOND BY Voss

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	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