

ORDINANCE NO. 14,740

AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located in the vicinity of 2680 E. Payton Avenue from the “R1-80” One-Family Residential District to a Limited “R-3” Multiple-Family Residential District classification.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, be and the same is hereby amended by rezoning and changing the district classification of certain property located in the vicinity of 2680 E. Payton Avenue, more fully described as follows, from the “R1-80” One-Family Residential District to a Limited “R-3” Multiple-Family Residential District classification:

Lot 1 in the Official Plat of the “NW ¼ of the SE ¼ of Sec 25-T78-R24 with a strip 31 Links wide added to the North side of same” West of the 5th P.M., Des Moines, Polk County, Iowa; EXCEPT, the West 434.1 feet, the North 321.62 feet, and the South 49.5 feet, thereof, more particularly described as follows (and hereinafter referred to as the “Property”):

Beginning at the Southeast Corner of Lot 1 in White’s Meadows, an Official Plat now included in and forming a part of the City of Des Moines, Polk County, Iowa, said point being 49.50 feet North of the South Line of Lot 1 in the Official Plat of the “NW ¼ of the SE ¼ of Sec 25-T78-R24 with a strip 31 Links wide added to the North side of same” West of the 5th P.M., Des Moines, Polk County, Iowa, said point also being on the North Right-of-Way Line of East Payton Avenue as it is presently established in the City of Des Moines, Iowa; thence North along the East Line of said White’s Meadows a distance of 965.4 feet, more or less, to the South Line of the North 321.62 feet of Lot 1 in the Official Plat of said “NW ¼ of the SE ¼ of Sec 25-T78-R24 with a strip 31 Links wide added to the North side of same”; thence, East along the South Line of the North 321.62 feet of Lot 1 in the Official Plat of said “NW ¼ of the SE ¼ of Sec 25-T78-R24 with a strip 31 Links wide added to the North side of same” a distance of 863.5 feet, more or less, to the West Line of Lot 3 in the Official Plat of said “NW ¼ of the SE ¼ of Sec 25-T78-R24 with a strip 31 Links wide added to the North side of same”; thence, South along the West Line of said Lot 3 a distance of 551.9 feet, more or less, to the Northeast Corner of Lot 2 in the Official Plat of said “NW ¼ of the SE ¼ of Sec 25-T78-R24 with a strip 31 Links wide added to the North side of same”; thence, Southwesterly along the Northerly Line of said Lot 2 a distance of 730.3 feet, more or less, to the Northwest

Corner of said Lot 2; thence, South along the West Line of said Lot 2 a distance of 223.1 feet, more or less, to the North Right-of-Way Line of said East Payton Avenue; thence, West along the North Right-of-Way Line of said East Payton Avenue and along a line parallel with and 49.5 feet North of the South Line of Lot 1 in the Official Plat of said "NW ¼ of the SE ¼ of Sec 25-T78-R24 with a strip 31 Links wide added to the North side of same" a distance of 152.7 feet, more or less, to the Point of Beginning.

Sec. 2. That this ordinance and the zoning granted by the terms hereof are subject to the following imposed additional conditions which have been agreed to and accepted by execution of an Acceptance of Rezoning Ordinance by all owners of said property and are binding upon the owners and their successors, heirs, and assigns as follows:

- a) Only the following uses of structures and land shall be permitted upon the Property:
 - (i) Any use permitted in and as limited in the R1-80 One-Family Residential District.
 - (ii) Assisted living residential facility or housing for older persons.
- b) A tree survey detailing the species and caliper of all trees on the Property over 6 inches in caliper shall be submitted at such time that any preliminary subdivision plat is considered for the Property.
- c) Prior to approval of a preliminary subdivision plat for the Property, no tree over 6 inches in diameter shall be removed from the Property without the prior written approval of the Community Development Director of the City.
- d) No development of the Property shall occur prior to approval of a preliminary major subdivision plat which provides for the extension of SE 27th Street through the Property, and an east/west street connection to properties adjoining to the east and to the west of the Property.
- e) The lot area per dwelling unit for and development of the Property shall not be less than 3,600 square feet per dwelling unit.
- f) Any Site Plan for multiple-family residential development of the Property shall provide for the improvement and dedication of SE 27th Street.

Sec. 3. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Sec. 4. The City Clerk is hereby authorized and directed to cause a certified copy of the Acceptance of Rezoning Ordinance, this ordinance, a vicinity map, and proof of publication of

this ordinance, to be properly filed in the office of the Polk County Recorder.

FORM APPROVED:

Roger K. Brown, Assistant City Attorney

T.M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 08-071), passed by the City Council of said City at a meeting held January 7, 2008 signed by the Mayor on January 7, 2008 and published as provided by law in the Business Record on January 28, 2008. Authorized by Publication Order No. 6050.

Diane Rauh, City Clerk