

ORDINANCE NO. 15,327

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 2455 Martin Luther King Jr. Parkway from the “C-2” General Retail and Highway-Oriented Commercial District and “M-3” Limited Industrial District to Limited “R-4” High Density Residential District classification.

WHEREAS, the City Council of the City of Des Moines, Iowa, has found that existing access to affordable housing that meets the needs of senior residents and that provides protection of the safety and privacy of seniors is limited in the greater Des Moines area, and is anticipated to become further limited as the population of senior residents increases; and

WHEREAS, the City Council has further found that a limitation on multiple-family residential use of the real property locally known as 2455 Martin Luther King, Jr. Parkway, and legally described below, to “housing for older persons” as defined by federal law is necessary to preserve, protect and encourage senior housing in the City; and

WHEREAS, the City Council has further found that a limitation on multiple-family residential use of said property to “housing for older persons” as defined by federal law is further necessary to accommodate traffic flow onto Martin Luther King, Jr. Parkway, as such housing is anticipated to have a lesser impact on traffic entering and exiting Martin Luther King, Jr. Parkway from the Property than would non-restricted multiple-family housing.

NOW, THEREFORE, 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 2455 Martin Luther King Jr. Parkway, more fully described as follows, from

the “C-2” General Retail and Highway-Oriented Commercial District and “M-3” Limited Industrial District to Limited “R-4” High Density Residential District classification:

Parcel F, Book 7741 Page 716, being part of Lot 21 in the Official Plat of the East Half of the Northwest Quarter and the Southwest Quarter of the Southeast Quarter and Government Lots 3, 4, 5 and 6 of Section 28, Township 79, Range 24, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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:

- (1) Any multiple-family residential use of the Property shall be limited to “housing for older persons” as defined by federal law;
- (2) The density of any future residential development shall be dependent upon an approved Site Plan; however, the density of any development shall not exceed 35 dwelling units per acre;
- (3) Any development of multiple-family residential dwellings shall be in accordance with a Site Plan under the Design Guidelines for Multiple-Family Residential;
- (4) Any multiple-family residential building shall have at least one primary entrance oriented toward Martin Luther King Jr. Parkway;
- (5) Any building that is greater than three stories in height shall be sided on the entire ground floor and second floor with brick, stone or masonry materials with the balance of the building sided with brick, stone, masonry, architectural metal and/or cement board materials;
- (6) Any building that is three stories or less in height shall be sided on the entire ground floor with brick, stone or masonry materials with the balance of the building sided with brick, stone, masonry, architectural metal and/or cement board materials;
- (7) Any trash enclosure on the site shall conform to the standards of the Zoning Ordinance and shall be comprised of durable materials that complement the principal building with steel gates; and
- (8) Any Site Plan for development shall provide public vehicular traffic cross-access easement to allow ingress/egress through the subject property to M.L. King Jr. Parkway from the adjoining properties to the south.

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

Sec. 4. That the City Clerk is hereby authorized and directed to cause certified copies of the Acceptance of Rezoning Ordinance, this ordinance, vicinity map and proof of publication of this ordinance to be properly filed in the office of the County Recorder of the county in which the subject property is located.

FORM APPROVED:

Glenna K. Frank, 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. 14-1808), passed by the City Council of said City at a meeting held November 17, 2014 signed by the Mayor on November 17, 2014 and published and provided by law in the Business Record on December 5, 2014. Authorized by Publication Order No. 8285.

Diane Rauh, City Clerk