

ORDINANCE NO. 13,825

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, by rezoning and changing the district classification of certain property located in the vicinity of the 3100 block of E. Payton Avenue from an "R1-80" One Family Residential District to a Limited "R1-60" One Family, Low Density 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 the 3100 block of E. Payton Avenue, more fully described as follows, from an "R1-80" One Family Residential District to a Limited "R1-60" One Family, Low Density Residential District classification:

A parcel of land located in the Southwest Quarter of Section 30, Township 78 North, Range 23 West of the 5th P.M., in the City of Des Moines, Polk County, Iowa, that is more particularly described as follows:

Beginning at the West 1/4 corner of said Section 30; thence South 87° (Degrees) 27' (Minutes) 24" (Seconds) East, 1621.68 feet; thence South 06°15'44" West, 489.79 feet; thence North 84°59'06" West, 101.17 feet; thence North 84°56'46" West, 202.54 feet; thence South 00°05'39" East, 806.18 feet to the North right-of-way line of East Payton Avenue; thence North 87°45'32" West, 1064.26 feet along the North right-of-way line of East

Payton Avenue; thence North 00°00'00" East, 467.0 feet; thence North 87°39'15" West, 200.0 feet to the West line of said Section 30; thence North 00°06'05" West, along the

West line of said Section 30, a distance of 821.72 feet to the point of beginning and containing 38.793 acres more or less (the "Property").

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. The minimum lot width for any residential use of the Property shall be 65.0 feet.

B. Any dwelling constructed upon the Property shall contain at least 1200 square feet of finished interior space (exclusive of the garage), and an attached or detached garage large enough for at least one vehicle.

C. The following requirements and conditions shall be satisfied as part of any subdivision or platting of the Property.

1. A temporary gravel access driveway shall be installed connecting S.E. 31st Street with E. Payton Avenue for use by the heavy equipment required during construction. This requirement shall continue until S.E. 31st Street is extended from the south boundary of Easter Lake Estates Plat 3, through the Property to East Payton Avenue.

2. During the paving operations for the plat, the portion of S.E. 31st Street that connects to the existing pavement at the south boundary of Easter Lake Estates Plat 3 shall be paved last.
3. An east/west street connection shall be provided extending from S.E. 31st Street to the west boundary of the Property. Drainage and storm water management shall be provided in conformance with the Southeast Storm Water Master Plan.
4. Retention/detention ponds shall be constructed where the proposed temporary sediment ponds are located. Those ponds shall be owned by the owners of the adjoining lots and would be maintained by those owners, unless otherwise agreed to by the City of Des Moines. The obligation for maintenance of those ponds shall be decided during the preliminary plat review stage, and shall be reflected in the covenants for the subdivision plat.
5. The full yard of all lots adjoining the north boundary of the site and the full yard of all lots east of S.E. 31st Street shall be sodded prior to occupancy, and this requirement shall be reflected in the covenants for the subdivision plat.
6. No structures shall be built in the north thirty five (35) feet of the Property, and this requirement shall be reflected in the covenants for the subdivision plat. This restriction shall not apply to the one lot adjoining the north boundary of the Property immediately west of S.E. 31st Street.

7. The existing trees over four (4) inch caliper on the lots adjoining the north boundary of the property shall be maintained as feasible. Any existing trees on those lots over four (4) inch caliper which are removed or destroyed shall be replaced with new trees on the same lot of a type and size to be determined at the preliminary plat approval stage, after the neighbors are given notice and an opportunity to comment. This requirement shall be reflected in the covenants for the subdivision plat.

Sec. 3. This ordinance shall be in full force and effect from and after the later of its passage and publication as provided by law, or July 1, 2000.

Sec. 4. That the City Clerk is hereby authorized and directed to cause certified copies of this ordinance and proof of publication thereof to be properly filed in the office of the Recorder of Polk County, Iowa.

FORM APPROVED:

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Roger K. Brown, Assistant City Attorney

Preston A.  
Daniels, Mayor

Attest:

I, Donna Boetel-Baker, 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. 00-1460), passed by the City Council of said City at a meeting held May 15, 2000, signed by

the Mayor on May 15, 2000, and published as provided by law in the Business Record on May 29, 2000. Authorized by Publication Order No.2481.

Donna Boetel-Baker, CMC/AAE, City Clerk