NO CHANGES SINCE PREVIOUS READING

CITY OF WEST DES MOINES
STAFF REPORT COMMUNICATION

Meeting Date: May 16, 2022

ITEM: Silverwood, Northeast corner of Mills Civic Parkway and S. 88th Street – Amend Comprehensive Plan Land Use Map to designate Medium Density Residential and Amend the Silverwood Planned Unit Development Ordinance regulating development of Medium Density Residential – Hurd Riverview, LLC – CPAZC-005506-2022

ORDINANCE: Approval of Second Reading, Waive Third Reading and Adopt PUD Amendment

Background: Daniel L. Manning, Sr. with Lillis O'Malley Olson Manning Pose Templeman, LLP, on behalf of the applicant, Picket Fence Communities, LLC, and property owner, Hurd Riverview, LLC, requests approval of a Comprehensive Plan Land Use Map Amendment and Rezoning Request to amend the Silverwood Planned Unit Development on that ground generally located at the Northeast corner of Mills Civic Parkway and S. 88th Street. The Comprehensive Plan Amendment and Rezoning are being requested in anticipation of the development of mixed attached and bi-attached residential homes on the property.

Specifically, the following Land Use and Zoning changes are proposed with this request:

- Amend the Comprehensive Plan Land Use Map for approximately 21.8 acres of PUD Parcel C to change from Office (OF) to Medium Density Residential (MD) land use; and
- Amend the Silverwood PUD to rezone approximately 21.8-acres of Parcel C from Office (OF) to Residential Medium Density (RM-12) and modify regulations for development of the site with mixed attached and bi-attached residential housing.

Staff Review & Comment:

- *Financial Impact:* No City funding of the project. There will be Staff time for processing of development application and inspections during construction.
- *Development Intent:* The property in question (new Parcel E as shown on the PUD Sketch Plan) is intended to be developed with a mix of detached single family and bi-attached multi-family. All of the proposed units will be constructed within one large lot and will be rental units with a property management company that will maintain the site.
- *Key Development Aspects:*
  - *PUD Parcels:* The property for the intended residential development is part of current 25.49-acre PUD Parcel C and part of PUD Parcel A. A storm water management facility is intended to be located along the east side of future S 85th Street in existing PUD Parcel A (approximately 2 acres) to provide storm water management for the development. The Picket Fences development will encompass 21.8 acres of current PUD Parcel C resulting in a 3.67-acre remnant of PUD Parcel C. The areas of PUD intended for the Picket Fences development is being placed into a new PUD Parcel E. The portion of Parcel A that will provide storm water detention for the Picket Fences development can remain as Single-Family land use and zoning. Although the remnant portion of PUD Parcel C will retain its currently assigned land use of Office, staff has had discussions with a developer for a Maggie's Place memory care community which would require the property to be amended to Medium Density as well. Staff inquired with the intended developer about changing the

land use and zoning in conjunction with this action; however, at this time the developer chose to not make the change.

- *Building Types*: This development will consist of single family detached homes as well as bi-attached homes all on the same lot. All dwellings will be rental homes. Attached garages will be provided on some of the units, along with detached garages that can be rented by any resident. The City is finishing a code amendment aimed at minimizing visual clutter and the presence of personal belongings kept within the property. That code amendment does allow for the use of buffers or fencing of private areas to negate views into private areas where personal items may be. It has been indicated that the homes along the perimeter will orient towards the street rather than the rear yard or 'private area' of each unit being adjacent to and readily visible from the street. Additionally, in this particular development, staff is being told that the on-site property management will enforce rules about what can be outside and in public view areas.
- *Buffers*: A minimum thirty foot (30') wide buffer will be required adjacent to Mills Civic Parkway, S 88th Street, Coachlight Drive, and S 85th Street rights of way, between differing zoning districts, and along the north boundary of the "detention" property on the east side of S 85th Street. Earthen berming which is typically a component of the buffer will not be required in the buffer along S 85th Street and Coachlight Drive but is being required along Mills Civic Parkway and S 88th Street. The buffer along Mills Civic and S 88th Street are due to the road classification to mitigate road traffic on adjoining properties and provide green and soften the expanse of pavement of wider roadways. Berming is a standard component of a buffer and aids in buffering the adjoining land use(s) and adds to the visual aesthetic. With the exception of ground monument signs as allowed by city code, fencing or other structures are not to be located within buffers. Vegetation will comply with code which for a 30' wide buffer requires a minimum of one (1) overstory or evergreen tree, two (2) ornamental trees, and six (6) shrubs are required for every thirty-five (35) lineal feet of buffer.

- *Traffic Analysis Findings:* A traffic analysis for the proposed land use change on this property was completed in April 2022. Key findings are summarized below.
  - The proposed development is expected to generate less traffic than what was assumed in previous traffic studies for the area.
  - Preliminary recommendations for the roadway geometry and traffic control, along with recommended triggers for improvements, are detailed in the analysis. However, since the April 2022 analysis was based on a concept plan for the site, additional traffic studies will be needed with future site plans to refine the recommendations and timing of improvements.
    - Attached is an email string between City Staff and a neighbor adjacent to this site concerning traffic along Coachlight Drive. Eric Peterson, City Traffic Engineer, explained that an additional traffic study for the site plan will help determine the best type of traffic control needed for Coachlight Drive, if any.
  - Comments regarding driveway locations/configurations and internal circulation have been given to the applicant to incorporate into future site plans.

- *Development & Planning Subcommittee:* At the February 7, 2022, Development & Planning City Council Subcommittee meeting mixed attached and detached residential developments such as the proposed Picket Fence Communities project was discussed. Also, the requirement for garages for detached single family homes was discussed as under current code language, it would apply to the detached dwelling structures in the development, but not for the bi-attached. Additionally, it was explained to the Subcommittee that the mixing of attached and detached residential structures on a common lot is currently not permitted by the city zoning ordinance, thus necessitating a code amendment to allow the development as proposed. At the meeting, the Subcommittee members noted that they were supportive of the development concept. The second reading of zoning ordinance amendments for both the type of housing and to clarify garage and storage or visual mitigation requirements have received City Council approval of the 2nd reading with approval of final reading and adoption anticipated at the May 2nd City Council meeting.
- *Letters of Opposition*: Attached are two letters of opposition to this Comprehensive Plan Amendment and Rezoning request. One letter indicates they are opposed to any construction on the property in question. The other letter of opposition states that the resident is concerned that this development will destroy their sunset views out their back door and that they are concerned about this becoming a more commercial type of residential area instead of just single family detached homes.

Outstanding Issues: There are no outstanding issues.

Plan and Zoning Commission Action:

Date:	April 25, 2022
Vote:	5-0, with Commissioners Drake and Costa absent
Recommendation:	Approval of Comprehensive Plan Amendment and Approval of Silverwood PUD Amendment

Plan & Zoning Commission Discussion: At the April 25, 2022, Plan & Zoning Commission meeting, the applicant indicated that the earthen berming requirement within the 30' buffer along Mills Civic Parkway and S. 88th Street will create problems for their development and asked that Plan and Zoning Commission recommend to the City Council that earthen berming not be required within those buffers. The applicant cited issues with drainage, sidewalks, utilities, and views into their development that berms will create as support for not requiring berms. Staff indicated that the reason for berms within these two buffers was due to the adjacent road classification (in this case arterial streets) and the need to protect those properties from the noise and traffic generated from a heavily traveled street. Staff noted that this was consistent with the development that has already occurred along Mills Civic Parkway and S 88th Street. It would be inconsistent to not require a berm for this development when the vast majority of development within these corridors have implemented berms.

The Plan & Zoning Commission voted to recommend that the berms be required, but that staff work with the applicant to locate and design berms such that they minimize impact to development of the site while still provide the needed buffering and consistency along the roadways.

City Council Comprehensive Plan Action:

Date:	May 2, 2022
Vote:	5-0, for Approval

City Council First Reading:

Date:	May 2, 2022
Vote:	5-0, for Approval

City Council Discussion: Same as the request at the Commission meeting, the applicant requested removal of the earthen berming requirement within the Mills Civic Parkway and S 88th Street buffers from the PUD. Staff indicated that the buffers, including the earthen berming along these roadways has been consistently achieved within other developments and there is no strong justification for this site to not also implement such. It was also noted that given the classification of the roadways, the berming will provide some mitigation for the residents along these roadways of the volume of traffic that is anticipated. Finally, it was noted that the intent of the earthen berming is to be undulating and natural in appearance which will allow for drainage opportunities, as well as intermittent views into the development. With a unanimous vote, the Council left the PUD language as presented, including the earthen berming requirement.

Recommendation: Approve the Rezoning request to amend the Silverwood Planned Unit Development (PUD) Ordinance, subject to the applicant meeting all City Code requirements.

Lead Staff Member: Brian Portz

Approval Meeting Dates:

Plan and Zoning Commission	April 25, 2022
City Council: First Reading	May 2, 2022
City Council: Second Reading, Waive Third Reading and Adopt	May 16, 2022

Staff Report Reviews:

Plan & Zoning Commission	☒ Development Coordinator (or) ☒ Director	☒ Legal Department
City Council	☒ Director ☐ Appropriations/Finance	☒ Legal Department ☑ Agenda Acceptance

Publications (if applicable)

Published In:	Des Moines Register Community Section
Date(s) Published	4/4/22
Date(s) of Mailed Notices	4/1/22

Council Subcommittee Review (if applicable)

Subcommittee	Development & Planning		
Date Reviewed	February 7, 2022 and March 7, 2022		
Recommendation	☒ Yes	☐ No	☐ Split

Location Map

From: Petersen, Eric
To: Mitchell Sankey
Cc: Portz, Brian; Twedt, Lynne; Hemesath, Brian; Dickinson, Jim; Hudson, Greg
Subject: RE: [EXT] Development Question
Date: Friday, April 1, 2022 3:33:22 PM
Attachments: 220401_PicketFencesCPA.pdf

Hi, Mitchell-

Attached is the traffic analysis that was conducted for the proposed land use change. It includes preliminary recommendations for S 85th and Coachlight, but since the site layout is unknown at this time, we won't be able to determine the best type of traffic control for the intersection of S 85th & Coachlight until the full traffic study is done with the site plan. We will have more definitive recommendations with that study.

We will also be collecting speed data, as we discussed previously. We should have some results on that in the next couple weeks.

I'll keep you apprised as additional studies are completed. If you have any questions or would like to discuss further, feel free to call or email.

Have a good weekend.

Eric R. Petersen, P.E. | Principal Traffic Engineer
City of West Des Moines | Engineering Services
515.273.0656 | eric.petersen@wdm.iowa.gov

From: Mitchell Sankey <mitchsankey@gmail.com>
Sent: Tuesday, March 22, 2022 3:55 PM
To: Petersen, Eric <Eric.Petersen@wdm.iowa.gov>
Cc: Portz, Brian <Brian.Portz@wdm.iowa.gov>; Twedt, Lynne <Lynne.Twedt@wdm.iowa.gov>; Hemesath, Brian <Brian.Hemesath@wdm.iowa.gov>; Dickinson, Jim <Jim.Dickinson@wdm.iowa.gov>; Hudson, Greg <greg.hudson@wdm.iowa.gov>
Subject: Re: [EXT] Development Question

Eric,

Speed is worst for vehicles eastbound on coachlight as you have 3 lanes of roadway and no development pressure to the south between 85th and 88th street.

Thanks for the update. I look forward to hearing from you and the study.

On Tue, Mar 22, 2022, 3:39 PM Petersen, Eric <Eric.Petersen@wdm.iowa.gov> wrote:

> Hi, Mitchell-

Brian forwarded me your concern regarding traffic on Coachlight Drive. Thank you for reaching out.

We are planning to include the intersection of S 85th & Coachlight in our traffic study for the development that Brian discussed with you. It is possible that the additional traffic from the development could trigger the need for changes to that intersection (which could include changing to an all-way stop). I can keep you informed as we conduct the traffic study and develop our recommendations for that intersection. Stop signs can work well in certain situations, but when it comes to slowing down traffic, all-way stops have been proven to be ineffective and have unintended negative consequences if there isn't enough traffic to justify having all drivers come to a complete stop. Speeding and other reckless behavior is better addressed with traffic calming measures and/or targeted enforcement.

We will also take a look at the intersection of S 84th & Coachlight and see if it meets criteria for pedestrian crossing enhancements for pedestrians crossing Coachlight. Now that winter is over, pedestrian activity will start to pick up again.

Thanks again, and have a great day.

Eric R. Petersen, P.E. | Principal Traffic Engineer
City of West Des Moines | Engineering Services
515.273.0656 | eric.petersen@wdm.iowa.gov

From: Portz, Brian <Brian.Portz@wdm.iowa.gov>
Sent: Tuesday, March 22, 2022 10:38 AM
To: Petersen, Eric <Eric.Petersen@wdm.iowa.gov>
Subject: FW: [EXT] Development Question

See below. He thought Lynne was you.

From: Mitchell Sankey <mitchsankey@gmail.com>
Sent: Tuesday, March 22, 2022 10:29 AM
To: Portz, Brian <Brian.Portz@wdm.iowa.gov>
Cc: Hudson, Greg <greg.hudson@wdm.iowa.gov>; Twedt, Lynne <Lynne.Twedt@wdm.iowa.gov>
Subject: Re: [EXT] Development Question

Thank you, Brian,

@Lynne, my biggest concern is the speed of traffic through the area by the Huston Ridge Park. There are several kids bus stops there and families with young children crossing Coachlight at 85th and 84th Streets. I only see the speed and volume of cars increasing as there is more development to the West. I'd prefer the thru traffic be annoyed by multiple stop signs along

Coachlight (neighborhood street) and take a path of less resistance on either Mills or Bridgewood to our North and South. Those streets are built to handle higher volumes of vehicles at faster speeds without the pedestrian traffic

Best,
Mitchell Sankey

On Tue, Mar 22, 2022 at 10:18 AM Portz, Brian <Brian.Portz@wdm.iowa.gov> wrote:
Hi Mitchell,
We have received a request for a Comprehensive Plan land use amendment and rezoning for the site. No meeting dates determined at this time. As a part of that, the City is doing a traffic study to determine the impacts of the proposed land use and rezoning change on the surrounding street network. I forwarded this email to the traffic engineer completing the study to respond to your questions. I will forward along any information received.
Brian

From: Mitchell Sankey <mitchsankey@gmail.com>
Sent: Tuesday, March 22, 2022 10:10 AM
To: Portz, Brian <Brian.Portz@wdm.iowa.gov>; Hudson, Greg <greg.hudson@wdm.iowa.gov>
Subject: Re: [EXT] Development Question

Brain and Greg,

Are there any updates with this project? Has there been any thoughts or discussions on adding a 4-way stop at 85th and Coachlight? 84th and Coachlight?

Mitchell

On Fri, Feb 11, 2022 at 4:01 PM Mitchell Sankey <mitchsankey@gmail.com> wrote:
I can do that. Thank you.

Ideally we were hoping for me single-family detached housing like our house. But this appears better than 3-4 story apartments.

I would love for home on the exterior of the parcel to match the existing neighborhood as close as possible. But recognize that is out of my control.

Traffic flying up and down coachlight is my number 1 concern. There is nothing stopping traffic between 88th and 81st. From 88th to 85th it is a 3 lane road which leads cars having no pressure to slow down when east bound on coachlight. I'd love to see stop signs at 85th and 84th to slow traffic where families and kids are crossing the street

On Fri, Feb 11, 2022, 3:48 PM Portz, Brian <Brian.Portz@wdm.iowa.gov> wrote:
We don't have a development website that you can follow. Just keep in touch with me.

From: Mitchell Sankey <mitchsankey@gmail.com>
Sent: Friday, February 11, 2022 3:45 PM
To: Portz, Brian <Brian.Portz@wdm.iowa.gov>
Subject: Re: [EXT] Development Question

Awesome. Thank you. I will be interested in this process for sure. Not only because of my house being basically on-site (358 S 85th St). But also because I work for a commercial real estate company.

Best way to follow along for this project? City website?

Mitchell

On Fri, Feb 11, 2022, 3:41 PM Portz, Brian <Brian.Portz@wdm.iowa.gov> wrote:
We do both, virtual and in person. Whatever you prefer.

From: Mitchell Sankey <mitchsankey@gmail.com>
Sent: Friday, February 11, 2022 3:39 PM
To: Portz, Brian <Brian.Portz@wdm.iowa.gov>
Subject: Re: [EXT] Development Question

Thank you for the details. I appreciate it. Is this process virtually? Or will everything be done in-person at city hall?

On Fri, Feb 11, 2022, 3:11 PM Portz, Brian <Brian.Portz@wdm.iowa.gov> wrote:
Regarding garages, on Monday this week the Development & Planning City Council subcommittee, which is made up of two City Council members, asked staff to write up an ordinance to not require garages for detached single family homes within a mixed residential development as proposed on this site. Staff is currently putting that Ordinance together. That Ordinance has to be reviewed by the Plan & Zoning Commission and two to three readings of the full City Council for approval of it. That process will take a month or two.

Regarding the development of this site, the land use of the site is currently Office and the property is located within the Silverwood Planned Unit Development (PUD) with an underlying zoning of Office. That needs to be changed to a Medium Density Residential land use and zoning. These are public hearing processes that are reviewed by the Plan & Zoning Commission and City Council. Properties within 370' are notified of this request. The actual design of the site (including access points, circulation, home locations, landscaping, parking, etc.) will be reviewed as a preliminary plat/site plan. Staff reviews this and once all staff's comments have been addressed, the preliminary plat/site plan is considered by the Plan & Zoning Commission and City Council. These reviews will take approximately 2-3 months or longer.

Also, as a part of the land use, zoning, and preliminary plat/site plan review, a traffic study will be conducted by the City to determine any impacts to the surrounding streets as a result of the

proposed development. That study will determine what, if any, improvements (i.e. turn lanes, etc.) need to be made to surrounding streets. I do know that as a part of this project, S. 85th Street will be extended south to Mills Civic Parkway to provide additional access to the site.

Brian

From: Mitchell Sankey <mitchsankey@gmail.com>
Sent: Friday, February 11, 2022 2:40 PM
To: Portz, Brian <Brian.Portz@wdm.iowa.gov>
Subject: Re: [EXT] Development Question

Brain,

Thank you for getting back to me on this. It looks like The Business Record has a write-up on this site. What does the process look like for this project? I have some concerns on removing the garage requirements and traffic for the area. Especially around Hudson Ridge Park.

Mitchell

On Tue, Feb 8, 2022 at 12:55 PM Portz, Brian <Brian.Portz@wdm.iowa.gov> wrote:
We have discussed a possible memory care facility at 88th and Coachlight and we have heard of a possible single family detached, duplex, and 4 plex type of development on the remainder of the site. Rezonings will need to occur to allow these on this property along with reviews of their proposed site plans. We have received no plans for either project as of yet.

From: Mitchell Sankey <mitchsankey@gmail.com>
Sent: Tuesday, February 8, 2022 12:31 PM
To: Portz, Brian <Brian.Portz@wdm.iowa.gov>
Subject: Re: [EXT] Development Question

Sorry... I meant the NE corner. The AG field across from the senior housing development

On Tue, Feb 8, 2022, 9:24 AM Portz, Brian <Brian.Portz@wdm.iowa.gov> wrote:
The northwest corner of 88th and Mills already has buildings constructed on it. Red circle in the image below. Did you mean a different property?

From: webmaster@wdm.iowa.gov <webmaster@wdm.iowa.gov>
Sent: Monday, February 7, 2022 3:57 PM
To: Portz, Brian <Brian.Portz@wdm.iowa.gov>
Subject: [EXT] Development Question

Message submitted from the <West Des Moines, IA> website.

Site Visitor Name: Mitchell Sankey
Site Visitor Email: mitchsankey@gmail.com

Brian,

I live near the open field located on the NW corner of 88th St and Mills Civic in West Des Moines. My wife and I have noticed activity in the field over the past several days and are wondering if the city is aware of development plans on the site?

Thank you,
Mitchell

From: Debra Ingram
To: Development Services Inbox
Subject: [EXT] Rezoning Request for S 88th Street by Picket Fence communities - Vote NO
Date: Friday, April 8, 2022 12:42:20 PM

I request both the Zoning Commission and City council vote **NO to rezoning** this area as medium residential. Keep it low/siingle residential.

My house backs up directly to this area. When I bought my house in 2016 it was to enjoy a pocket of West Des Moines that still offers that feel of community/residential. It currently offers beautiful views and sunsets, , a nice walking pond, park and a "quieter" feel with cul de sacs in a very busy area of WDM. That was specifically why I bought in this area!

Rezoning will erode, if not destroy the sunset views, as well as the feeling of being part of a more residential part of West Des Moines. As a citizen who will be directly affected by this change I am **VERY concerned and upset** about the affect this potential change would have on the experience, feel and value of the area.

We have MANY commercial areas in WDM, especially in the more western parts of the city. Traffic is already very dense/congested. There are 2 very large apartment complexes/multi-family dwellings within 1 mile of this area (1 north on 88th and 1 near Wal mart). While changing the zoning may be attractive financially it is highly unattractive from an look/feel/experience and congestion in this area of West Des Moines.

It's critical to me, and others, to strike a balance between more commercial type residential areas and truly single family residential areas. Let this area continue to remain single family dwellings to maintain and protect the balance between residential and more commercial like areas in West Des Moines.

Respectfully

Debra Ingram
439 S. 84th Street, West Des Moines, Ia 50266
Phone 515-314-1554

Sent from Mail for Windows

From:	Jacobson, Ryan
To:	Twedt, Lynne; Schemmel, Linda; Portz, Brian
Cc:	Arrington, Julius
Subject:	FW: [EXT] Fwd: Case solved / NO TO ANY CONSTRUCTION ON SILVERWOOD or any properties surrounding my house
Date:	Monday, April 18, 2022 8:21:02 AM
Attachments:	Fwd_ Submission from State of Iowa Office of the Attorney General (Online Consumer Complaint Form)Richard Hurd.pdf 4TH REQUEST.pdf

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Not sure if this email has been forwarded to Development Services yet, but it relates to Item 6(c) on tonight's agenda. Since the public hearing is being continued, we shouldn't need to prepare the memo for the dais tonight (unless you feel otherwise), but the correspondence should be included when it comes back to Council on May 2nd.

Thanks,

Ryan T. Jacobson
City Clerk

From: Amyasmarilyn <amyasmarilyn@aol.com>
Sent: Sunday, April 17, 2022 11:11 AM
To: Jacobson, Ryan <Ryan.Jacobson@wdm.iowa.gov>
Cc: Amyasmarilyn <amyasmarilyn@aol.com>; webteam@ag.iowa.gov; Hadden, Tom <tom.hadden@wdm.iowa.gov>; Trimble, Russ <Russ.Trimble@wdm.iowa.gov>; Scott, Chris <chris.scott@wdm.iowa.gov>; Scieszinski, Richard <Richard.Scieszinski@wdm.iowa.gov>
Subject: [EXT] Fwd: Case solved / NO TO ANY CONSTRUCTION ON SILVERWOOD or any properties surrounding my house

Today's Date April 17, 2022

RE: CITY COUNCIL AGENDA FOR APRIL 18, 2022

C. SILVERWOOD, NORTHEAST CORNER OF MILLS CIVIC PARKWAY AND SOUTH 88TH STREET - THIS IS WRITTEN NOTICE SAYING NO TO ANY CONSTRUCTION ON SILVERWOOD! NO TO RICHARD HURD AND THE CITY OF WEST DES MOINES PUBLIC CORRUPTION!

You can see in the photo how these precious bats are abused made to look fierce and dangerous. They get squeezed so their mouths open when they are harmless and cute. Sort of like the SQUEEZE the City of West Des Moines puts on me by abusing me then I am forced to open my mouth and seem fierce and seem dangerous and someone to be dealt with.

In addition, I made referrals of some elected and employed City of West Des Moines Municipal workers to the IRS. Please don't retaliate against me. After all if you have nothing to be guilty of then the IRS audit will show that very thing, and then again, it could show something none of us even imagined!

PS. Richard Scieszinki, City Attorney, I have researched more, and I believe that the City of West Des Moines should be stating in their tax returns that the accounts you are paying into with hotel motel taxes and the other accounts you have not told me about yet, that are owned by the City of West Des Moines should be reported in schedule O. Also Richard, I am still waiting patiently for the names of -ALL- of the NON-PROFIT ACCOUNTS THE CITY OF WEST DES MOINES OWNS so that I may inspect them.

Sincerely,

Amy Buehrer
National Public Corruption Whistleblower
8415 Mills Civic Pkwy
West Des Moines, Iowa 50266
515-770-4941

Attachment: Copy of Council agenda C for APRIL 18,2022, MY SUBMISSION to the Iowa Attorney General's Office Regarding Richard Hurd. My emails to U.S. Army Corps of Engineers, Rock Island, photo of nearly extinct bats.

cc: self, Attorney General's Office, Tom Hadden, West Des Moines City Manager, Russ Trimble, Mayor of West Des Moines, Chris Scott, West Des Moines Chief of Police, Richard Scieszinski, West Des Moines City Attorney

-----Original Message-----
From: amyasmarilyn <amyasmarilyn@aol.com>
To: Scieszinski, Richard <Richard.Scieszinski@wdm.iowa.gov>
Cc: Foia-mvr@usace.army.mil; Amyasmarilyn <amyasmarilyn@aol.com>; AG Webteam [AG] <webteam@ag.iowa.gov>
Sent: Sun, Apr 17, 2022 6:08 am
Subject: Case solved

The City of West Des Moines is GUILTY of Murdering these Endangered bats by viciously chopping down trees emptying Linda Grandquists pond where the bats drank from. Building a makeshift pond next to my house for a distraction that they eventually pumped water out of so these endangered bats won't come back to the area. All of this so the City can continue with the destruction of the land with noisy construction with the help of U.S. Army Corps of Engineers - Regulations Department in Rock Island, IL. who scrubbed the docs and received kickbacks which is illegal.

To kill a bat in Iowa is illegal!!! The City of West Des Moines kills people why should they care about the bats? I love these bats, they are so cute and entertaining in the summer at dusk. I have all conversations recorded with Army Corps of engineers. Case solved.

Amy Buehrer
National Public Corruption Whistleblower
8415 Mills Civic Pkwy
West Des Moines, Iowa 50266
515-770-4941

Cc: self, Regulations U.S. Army Corps of Engineers, Iowa Attorney Generals Office

A RESOLUTION OF THE PLAN AND ZONING COMMISSION
NO. PZC-22-032

WHEREAS, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the applicant, Picket Fence Communities, LLC, and property owner, Hurd Riverview, LLC, request approval of a Comprehensive Plan Land Use Map Amendment for that property located on the northeast corner of Mills Civic Parkway and S 88th Street and depicted on the Comprehensive Plan Land Use Map Change illustration included in the staff report for the following:

- Approximately 21.8 acres of PUD Parcel C to change from Office (OF) to Medium Density Residential (MD) land use;

WHEREAS, the comprehensive plan amendment complies with the applicable provisions of Iowa Code Chapter 414 and City Code.

NOW, THEREFORE, the Plan and Zoning Commission of the City of West Des Moines recommends that City Council approve the Comprehensive Plan Land Use Map Amendment, (CPAZC-005506-2022) subject to compliance with all the conditions of approval as stated in the staff report, including conditions added at the meeting, and attached hereto as Exhibit "A", if applicable.

PASSED AND ADOPTED on April 25, 2022.

Andrew Conlin, Vice Chair
Plan and Zoning Commission

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Plan and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on April 25, 2022, by the following vote:

AYES: Conlin, Crowley, Davis, Hatfield, Shaw

NAYS:

ABSTENTIONS:

ABSENT: Costa, Drake

ATTEST:

Recording Secretary

A RESOLUTION OF THE PLAN AND ZONING COMMISSION
NO. PZC-22-033

WHEREAS, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the applicant, Picket Fence Communities, LLC, and property owner, Hurd Riverview, LLC, request approval of a Rezoning Request to amend the Silverwood Planned Unit Development (PUD) on property as legally defined in the Planned Unit Development (PUD) Ordinance and indicated on the Location Map, both of which are included in the staff report. Specifically, the following underlying zoning shall be applied as follows:

- Amend the Silverwood PUD to rezone approximately 21.8-acres of Parcel C from Office (OF) to Residential Medium Density (RM-12) and create PUD Parcel E; and

WHEREAS, the Rezoning request complies with the applicable provisions of Iowa Code Chapter 414, the Comprehensive Plan and City Code.

NOW, THEREFORE, the Plan and Zoning Commission of the City of West Des Moines recommends that City Council approve the Rezoning request, (CPAZC-005506-2022) subject to compliance with all the conditions of approval as stated in the staff report, including conditions added at the meeting, and attached hereto as Exhibit "A", if applicable.

PASSED AND ADOPTED on April 25, 2022.

Andrew Conlin, Vice Chair
Plan and Zoning Commission

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Plan and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on April 25, 2022, by the following vote:

AYES: Conlin, Crowley, Davis, Hatfield, Shaw

NAYS:

ABSTENTIONS:

ABSENT: Costa, Drake

ATTEST:

Recording Secretary

Prepared by: Brian Portz, City of West Des Moines Development Services Dept., PO Box 65320, West Des Moines, Iowa 50265-0320 515-222-3620
When Recorded, Return to: City Clerk, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265-0320

RESOLUTION

WHEREAS, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the applicant Picket Fence Communities, LLC, and property owner, Hurd Riverview, LLC, request approval of a Comprehensive Plan Land Use Map Amendment to change the land use designation of approximately 21.8 acres of Silverwood PUD Parcel C from Office (OF) to Medium Density Residential (MD) on the ground legally described in attached Exhibit "B" and as indicated on the attached Comprehensive Plan Land Use Map Change Illustration; and

WHEREAS, studies and investigations were made, and staff reports, and recommendations were submitted which is made a part of this record and herein incorporated by reference; and

WHEREAS, the Comprehensive Plan Land Use Map Amendment complies with applicable provisions of Iowa Code Chapter 414 and City Code; and

WHEREAS, on April 25, 2022, the Plan and Zoning Commission did recommend to the City Council, by a 5-0 vote, for approval of the Comprehensive Plan Land Use Map Amendment; and

WHEREAS, on this day this City Council held a duly noticed Public Hearing to consider the application for Comprehensive Plan Land Use Map Amendment.

NOW, THEREFORE, The City Council hereby approves the Comprehensive Plan Land Use Map Amendment (CPAZC-005506-2022) as shown on attached Comprehensive Plan Land Use Map Change Illustration, subject to compliance with all the conditions in the staff report, dated May 2, 2022, including conditions added at the meeting, and attached hereto as Exhibit "A". Violation(s) of any such condition(s) shall be grounds for revocation of the entitlement, as well as any other remedy which is available to the City.

PASSED AND ADOPTED on May 2, 2022.

COUNCIL ACTION	YEAS	NAYS	ABST.	ABSENT
TREVILLYAN	✓			
HUDSON	✓			
LOOTS	✓			
HARDMAN	✓			
MCKINNEY	✓			

MOTION BY McKinney
SECOND BY: Hardman
ROLL CALL # 22-230

Russ Trimble, Mayor

ATTEST:

Ryan Jacobson, City Clerk

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the City Council of the City of West Des Moines, Iowa, at a regular meeting held on May 2, 2022, by the indicated vote.

Exhibit A: Conditions of Approval

None

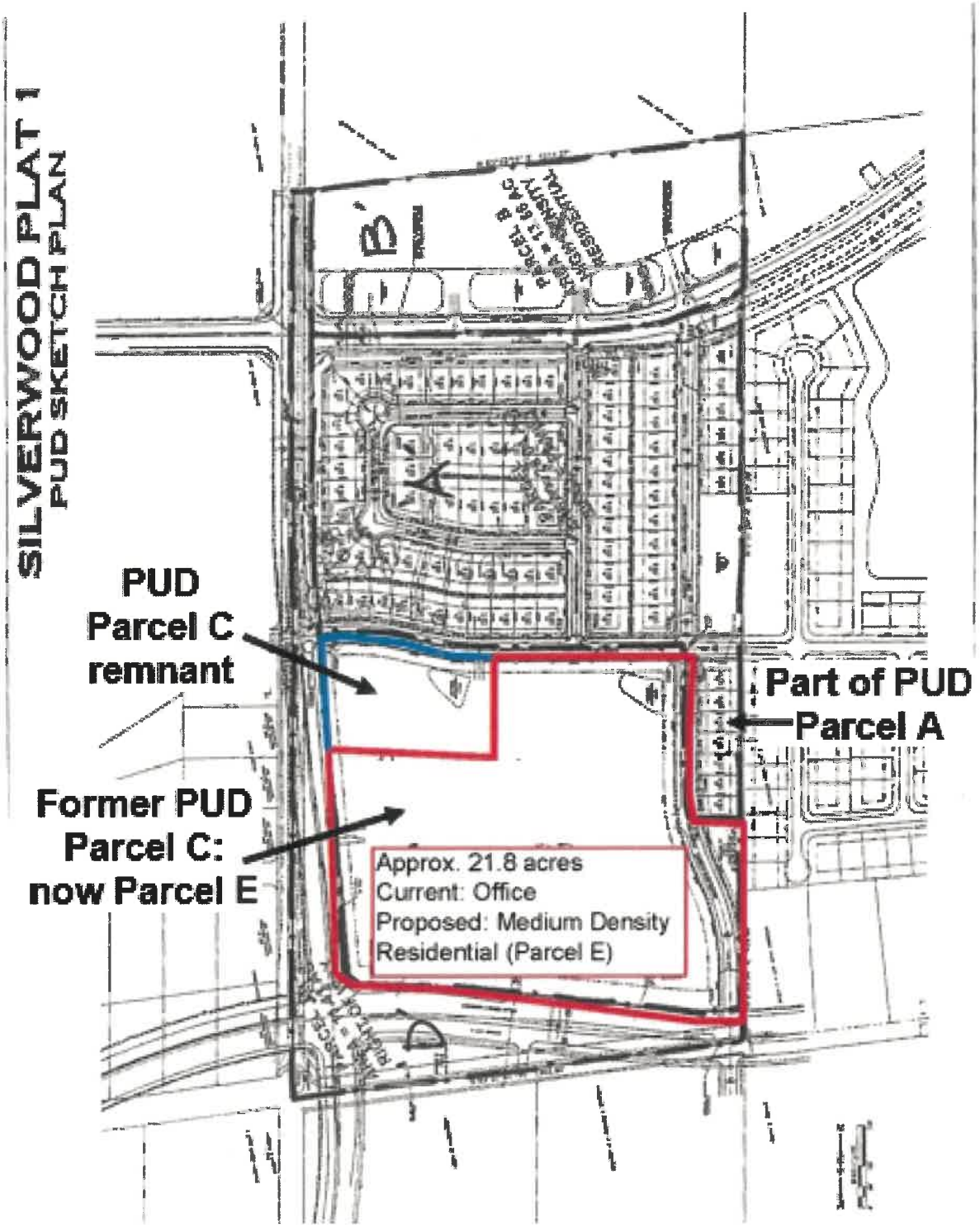
Exhibit B: Legal Description

THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., WEST DES MOINES, DALLAS COUNTY, IOWA, EXCEPT SILVERWOOD PLAT 1, SILVERWOOD PLAT 2, SILVERWOOD PLAT 3, SILVERWOOD PLAT 4, HERITAGE BEND PLAT 1 AND EILERS SUBDIVISION, ALL OFFICIAL PLATS IN WEST DES MOINES, DALLAS COUNTY, IOWA; EXCEPT PARCEL F OF PLAT OF SURVEY RECORDED IN BOOK 2006, PAGE 11211; AND EXCEPT PARCEL 21-119 OF PLAT OF SURVEY RECORDED IN BOOK 2021, PAGE 36911.

EXCEPT

BEGINNING AT THE SOUTHEAST CORNER OF SAID SILVERWOOD PLAT 2; THENCE SOUTH 0° 40' 57" WEST ALONG THE WEST LINE OF HERITAGE BEND PLAT 1, AN OFFICIAL PLAT, 587.39 FEET TO THE SOUTHWEST CORNER OF SAID HERITAGE BEND PLAT 1; THENCE SOUTH 0° 26' 07" WEST ALONG THE WEST LINE OF EILERS SUBDIVISION, AN OFFICIAL PLAT, 348.04 FEET TO THE NORTH RIGHT OF WAY LINE OF MILLS CIVIC PARKWAY; THENCE WESTERLY ALONG SAID NORTH RIGHT OF WAY LINE AND ALONG A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 1917.50 FEET, WHOSE ARC LENGTH IS 35.01 FEET AND WHOSE CHORD BEARS NORTH 89° 23' 47" EAST, 35.01 FEET; THENCE NORTH 0° 26' 07" EAST, 260.63 FEET; THENCE NORTHWESTERLY ALONG A CURVE CONCAVE SOUTHWESTERLY WHOSE RADIUS IS 455.00 FEET, WHOSE ARC LENGTH IS 266.61 FEET, AND WHOSE CHORD BEARS NORTH 16° 21' 04" WEST, 262.81 FEET; THENCE NORTHERLY ALONG A CURVE CONCAVE EASTERLY WHOSE RADIUS IS 315.00 FEET, WHOSE ARC LENGTH IS 185.84 FEET, AND WHOSE CHORD BEARS NORTH 16° 14' 10" WEST, 183.16 FEET; THENCE NORTH 0° 39' 54" EAST, 248.87 FEET TO THE SOUTH LINE OF SAID SILVERWOOD PLAT 2; THENCE SOUTH 89° 23' 11" EAST ALONG SAID SOUTH LINE, 164.98 FEET TO THE POINT OF BEGINNING.

Comprehensive Plan Land Use Map Change Illustration



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ORDINANCE

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP AND THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2019, AND ORDINANCE #1783 PERTAINING TO PLANNED UNIT DEVLOPMENT (PUD), DISTRICT REGULATIONS AND GUIDELINES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA:

SECTION 1. AMENDMENT: Ordinance #1783 pertaining to the Silverwood Planned Unit Development (PUD), is hereby amended by replacing the previous Sketch Plan with the attached revised Sketch Plan.

SECTION 2. AMENDMENT: Ordinance #1783 pertaining to the Silverwood Planned Unit Development (PUD), Section 089-02, *Required Plans,* is hereby amended by deleting the highlighted strike-through text and adding the text in bold italics.

A. All Parcels; Preliminary Plat/Final Plat: Prior to or in conjunction with development of any portion of the property covered by this PUD, said area shall be platted in accordance with the city's subdivision ordinance.

B. Parcels B, ~~And~~ C ***and E***; Site Plan: Prior to or in conjunction with development of any portion of parcel B, ~~or~~ C ***or E*** within this PUD, said area shall be site planned and shall receive approval of the city council after receiving a recommendation from the plan and zoning commission.

C. Parcel D: No plans required.

SECTION 3. AMENDMENT: Ordinance #1783 pertaining to the Silverwood Planned Unit Development (PUD), Section 089-03, *Conditions,* is hereby amended by adding a #10 and the following text in bold italics. Items 1 through 9 in current adopted ordinance not included herein shall remain as is.

10. All construction must abide by current adopted building and fire codes.

SECTION 4. AMENDMENT: Ordinance #1783 pertaining to the Silverwood Planned Unit Development (PUD), Section 089-05, *Land Use Design Criteria,* is hereby amended by deleting the highlighted strike-through text and adding the text in bold italics.

In addition to the general criteria as stated above, the following land use design criteria shall apply to the development areas designated on the sketch plan. The PUD sketch plan which is made a part of this rezoning action and on file in the city delineates ~~three (3)~~ ***four (4)*** parcels for application of specific development standards ***(Parcel D is road right of way)***. The following development standards and use regulations shall apply to each of the following development parcels:

A. Parcel A: Unless otherwise provided for within this ordinance, the use regulations and provisions set forth in title 9 of the city code for residential single-family (RS-6) district shall apply to any development proposal for parcel A as shown on the PUD sketch plan (on file in the city as exhibit I). Parcel A shall be no more than 29.33 net acres and shall not exceed one hundred nineteen (119) dwelling units.
   1. Building setbacks:
      a. Front yard: Twenty-five feet (25')
      b. Rear yard
         (1.) Thirty-five feet (35') on those lots which abut the back yard of another residential lot
         (2.) Twenty feet (20') on those lots which abut an open space consisting of buffer or greenway platted as an outlot and part of a homeowners' association.
      c. Side yard: Minimum seven feet (7'); total of fifteen feet (15'). Setback shall be measured to the foundation; a maximum two-foot (2') overhang shall be allowed; however no point of the building shall be closer than five feet (5') to the property line.
   2. No driveway access from an individual dwelling unit shall be permitted directly onto Bridgewood Boulevard.
   3. Outlot X in parcel A (or as otherwise indicated on the final plat for parcel A) shall ~~to~~ be dedicated to the city for park use.
   4. Outlots P, Q, R, and Y in parcel A (or as otherwise indicated on the final plat for parcel A) are designated as buffer parks and will be owned by and wholly the responsibility of the homeowners' association.

B. Parcel B: Unless otherwise provided for within this ordinance, the use regulations and provisions set forth in title 9 of the city code for residential high density residential (RH-18) district shall apply to any development proposal for parcel B as shown on the PUD sketch plan (on file in the city as exhibit I). Parcel B shall be no more than 12.04 net acres and shall not exceed two hundred seventeen (217) dwelling units.

C. Parcel C: Unless otherwise provided for within this ordinance, the use regulations and provisions set forth in title 9 of the city code for the office (OF) district shall apply to any development proposal for parcel C as shown on the PUD sketch plan (on file in the city as exhibit I). ~~Parcel C shall be no more than 22.85 net acres.~~
   1. Lot Size: ~~Lot areas greater than two (2) acres may be considered acceptable if approved by the city council as part of a final plat or site plan approval~~. ***Minimum lot size shall be ten thousand (10,000) square feet.***
   2. Uses:
      a. Permitted Uses: Permitted uses shall include the following:

(1.) All permitted (P) uses allowed within the office (OF) district as set forth in title 9 of the city code, except the following:

SIC 58 series - Eating and drinking places.
SIC 60 series - Depository institutions (banks).

b. All permitted conditional (Pc) uses allowed within the office (OF) district except those that have been prohibited by this ordinance may be allowed with the approval of the appropriate review body.

D. Parcel D: One-half ($^1/_2$) of the ultimate road right of way for Mills Civic Parkway and S88th Street, including right of way necessary to accommodate turn lanes as indicated in the traffic analysis shall be dedicated at no cost to the city upon request. The remaining one-half ($^1/_2$) of the necessary right of way and any remnant land south and west of realigned Mills Civic Parkway or S88th Street, minus existing road right of way held in easement shall be purchased by the city at the land price (prior to improvements) as originally paid by the developer.

E. Parcel E: Unless otherwise provided for within this ordinance, the use regulations and provisions set forth in title 9 of the city code for the Residential Medium Density (RM-12) district shall apply to any development proposal for parcel E as shown on the PUD sketch plan.

1. ***Uses:***
   a. Permitted Uses: Permitted uses shall include the following:
      (1.) All permitted (P) uses allowed within the Residential Medium Density (RM-12) district as set forth in title 9 of the city code, except the following:

      Recreational amenities open to the general public
      SIC 7997 Membership golf and country club
      SIC 805 Nursing and personal care
      SIC 8211 Elementary and secondary school

      (2.) All permitted conditional (Pc) uses allowed within the Residential Medium Density (RM-12) district as set forth in title 9 of the city code are prohibited:

2. ***Setback: Primary and accessory structures shall be setback a minimum of thirty-five feet (35') from the perimeter development boundary.***

3. ***Building Separation: A minimum of ten feet (10') between residential structures shall be provided; a maximum two-foot (2') overhang shall be allowed if the overhangs are built with protected construction according to current building and fire codes.***

4. ***Buffers:***
   a. ***A minimum thirty foot (30') wide buffer is required:***
      (1.) Adjacent to Mills Civic Parkway, S. 88th Street, Coachlight Drive, and the west side of S. 85th Street rights of way.
      (2.) Along the common boundary with Parcel C if Parcel C is a different zoning designation than Residential Medium Density.
      (3.) Along the north and east boundary of the "detention" property on the east side of S. 85th Street.
         (a) No buffer shall be required along the east property line of the "detention" area as long as long as this property is developed as open space or storm water detention. If buildings are constructed on this property, a minimum 30' buffer consistent with city code shall be required.
      (4.) Except if necessary to mitigate views of individual dwelling outdoor use areas as provided in "vii" below, earthen berming shall not be required within the buffers along S. 85th Street and Coachlight Drive as long as the dwelling structures are oriented to front to these streets.
      (5.) Earthen berming shall not be required adjacent to the north boundary of the detention area on the east side of S. 85th Street.
      (6.) Unless specifically provided elsewhere here within, buffer width, earthen berming and minimum vegetation will need to abide by city code standards (Title 9, Chapter 19, Section 8E) unless the buffer is intended to also serve to mitigate views of individual dwelling outdoor use areas as indicated in #6 below. In this situation, berm height shall be increased to six feet (6') in height to comply with city code standards stated in Title 9, Chapter 10, Section 4, Subsection C3.
      (7.) Within all buffers, regardless of if earthen berming is incorporated, the provision of vegetation shall comply with code for a thirty foot (30') wide buffer which requires a minimum of one (1) overstory or evergreen tree, two (2) ornamental trees, and six (6) shrubs are required for every thirty-five (35) lineal feet of buffer.
      (8.) Fencing or structures, with the exception of ground monument sign structures as allowed by city code, shall not be located within a buffer.

5. ***Outdoor Use Area: Each dwelling shall be provided a minimum of one-hundred and fifty (150) square feet of dedicated outdoor patio or yard space.***

6. ***Visual Screening of Private Outdoor Use Areas: It is the City's intent to promote the aesthetic of the city and enjoyment of property by controlling visual clutter. Any detached dwelling or horizontally attached dwelling shall provide dedicated space for storage of personal items that otherwise would be kept outside or shall provide opaque screening of all resident outdoor use areas (private patios or yards) which are visible from a roadway or property outside of the development per options outlined in city code title 9, chapter 10, section 4C.***

SECTION 5. AMENDMENT: Ordinance #1783 pertaining to the Silverwood Planned Unit Development (PUD), Section 089-06, *Architecture,* is hereby amended by deleting the highlighted strike-through text and adding the text in bold italics.

The intent is to create building facades throughout this development that are varied and articulated to provide visual interest.

A. Parcel A ***and Parcel E***; ~~single-family detached residential:~~ Architectural design ~~for single-family units shall accomplish this by~~ ***should pay*** careful attention to exterior building materials and details, use of windows and doors, and change in building mass within the plan and roof design. Materials and trim used on the front facade shall be continued around all sides of the building. However, the level of detail can be reduced on the facades not facing a street.

   Homes shall use materials such as brick, stone, lap siding or shakes, decorative trim or similar combination of material which represents a variation of architectural styles or elements. Use of natural materials is encouraged, composite materials such as fiber cement and wood composites are appropriate substitutions. Vinyl siding may be used only with appropriately scaled trim. Materials should change with the change in building planes; however, all material should keep within the chosen style. Trim and structural elements such as posts or columns shall be sized to the scale of the building and detailed appropriately to the style. When used, masonry materials shall have the appearance of three- dimensional elements. Fenestration (door and window openings) shall be sized to the scale of the building and be compatible to the chosen architectural style.

   Garages or accessory structures shall incorporate architectural details of the primary building with the use of roof forms, windows, doors and other facade detailing:

   1. ***Attached Garages:*** Garage doors shall not be the predominate feature of a home. Garage doors facing the street shall be set back so as to minimize the dominance of their appearance and provide adequate space between the street or sidewalk and the garage to accommodate additional parking. Therefore, any residential structure with a garage which projects in front of the front facade equal to or greater than three feet (3') will be required to provide a minimum five foot (5') deep covered front porch, or stoop with a width that extends a minimum of twenty five percent (25%) of the front facade. Any residential structure with a garage which projects less than three feet (3') or is recessed behind the front facade does not need to meet this requirement. In addition, the garage width shall not exceed sixty percent (60%) of the primary facade.
   2. ***Detached Garage: Detached garages or accessory structures should be clad in the same materials and incorporate similar architectural details of the primary buildings with the use of roof forms, windows, doors and other facade detailing. Those portions of accessory buildings visible from any street or adjacent property shall incorporate same level of architectural detail as the primary buildings.***

B. Parcel B; ~~single-family attached residential:~~ Architectural design for multi-family buildings shall express a creative presentation of exterior building materials, exterior details and texture, treatment of windows and doors, and use of angles and multiplicity of planes within the wall and roof design to lessen the plainness of appearance which can be characteristic of large residential buildings. The suggestion of building articulation that breaks up the building mass into modules shall be required. Methods used to create intervals which

reflect and promote compatibility, and which respect the scale of the single-family detached residential dwellings include:

- Facade modulation - stepping back or extending forward a portion of the facade.
- Repeating the window patterns.
- Providing the porch, patio, deck, or covered entry.
- Changing the rooflines by alternating dormers, stepped roofs, gables, or other roof elements.
- Changing materials with the change in building plane.
- Using paint and materials that blend with the single-family residential areas.

Asphaltic shingles shall be allowed provided the shingle materials are of a heavier grade that produces a shake or shadowing effect.

C. Parcel C; office: The architectural design of any office building within the PUD shall be acceptable to the city, provided acceptance shall not be unreasonably held, and all buildings shall have as a primary element being fascia glass, brick, or stone with consistency of design and use of materials on all sides of any building. The design of any building shall incorporate elements that provide a common theme or compatibility with residential uses in the neighborhood. The use of brick shall be incorporated into the building architecture on all sides of the structure, unless the city council of West Des Moines, after review by the plan and zoning commission of West Des Moines, determines that the use of alternate building materials enhances the physical appearance and accomplishes a compatible structure with the residential uses in the neighborhood. No wood, Masonite, visible asphaltic exterior wall or roof material, aluminum siding, nonarchitectural sheet metal, concrete block, EIFS, stucco, or other similar materials shall constitute a portion of any building except as trim material, unless the city council of West Des Moines after having receive a recommendation from the plan and zoning commission of West Des Moines, determines said material when used as a primary element, enhances the physical appearance, or provides continuity to unite all structures within the parcel together into one project concept.

SECTION 6. <u>AMENDMENT</u>: Ordinance #1783 pertaining to the Silverwood Planned Unit Development (PUD), Section 089-10, *Traffic Reports,* is hereby amended by deleting the highlighted strike-through text and adding the text in bold italics.

A traffic report has been prepared by Kirkham Michael & Associates, Inc. (March 30, 2007) for this area that outlines what the ultimate paving requirements will be for the major roadways through and in the vicinity of the Silverwood development. Prior to, or in conjunction with the development of any parcel, or portion of a parcel, the developer shall have the traffic report reviewed by the city to ensure that the provisions and assumptions of the original traffic report are still valid and applicable.

The development or redevelopment of each parcel within the PUD boundaries shall abide by and accommodate the recommendations of the approved traffic study. The developer, his successors or assigns shall be responsible for their pro rata share of public road improvements deemed necessary to accommodate the intended development. Additionally, the dedication of all permanent public street rights of way within the Silverwood PUD and remnant land south and west of Mills Civic Parkway and S88th Street shall be provided as necessary upon request. Temporary right of way required during the construction/installation shall be provided as necessary.

Per the traffic analysis the following vehicle trips have been allocated:

Parcel A		1,139 average daily trips (ADT); 89 A.M. peak; and 120 P.M. peak vehicle trips.
Parcel B		1,458 average daily trips (ADT); 111 A.M. peak; and 135 P.M. peak vehicle trips.
Parcel C		~~2,587~~ ***909*** average daily trips (ADT); ~~364~~ ***246*** A.M. peak; and ~~350~~ ***198*** P.M. peak vehicle trips.
Parcel E		***1,678 average daily trips (ADT); 118 A.M. peak; and 152 P.M. peak vehicle trips***

As development proposals are approved for each parcel, the number of vehicle trips generated by the proposed development will be subtracted from the overall total trips allocated to that parcel. Approval of this proposed PUD does not constitute a guarantee that the proposed plan can be implemented as currently intended. Development of all parcels and implementation of desired land uses, including specific high traffic generating tenants, will be limited by the available number of trips. Should anticipated traffic exceed the total trips allocated to a parcel and the overall development prior to full build-out, further development of parcels may be limited or prohibited. Alternate uses to those planned for within the traffic analysis and approved as part of this ordinance may be allowed, following completion of an amendment to the approved traffic study analyzing the proposed alternative and appropriate city approval of an amendment to the ~~respective specific plan~~ ***PUD*** ordinance and/or ***PUD Sketch*** ~~map~~, if necessary.

SECTION 7. <u>AMENDMENT</u>: Ordinance #1783 pertaining to the Silverwood Planned Unit Development (PUD), Section 089-11, *Vehicle Interconnectivity to Adjoining Properties,* is hereby amended by deleting the highlighted strike-through text and adding the text in bold italics.

Drive interconnectivity between properties within parcel C ***and E*** is required in order to allow for the distribution of traffic to alternate public roads. ***Parcel E shall accommodate a city acceptable connection drive from Parcel C to the mid-block access from S 88th Street with said access aligning with the roadway on the west side of S 88th Street.*** At the time of final platting ***of parcel E,*** an ingress/egress/cross access agreement ~~for all land within~~ ***for the benefit of*** parcel C shall be executed.

SECTION 8. <u>AMENDMENT</u>. Ordinance #1783, "Silverwood" is hereby amended by replacing the respective PUD Sketch on file with the City Clerk with that as illustrated in Exhibit A of this ordinance.

SECTION 9. <u>REPEALER</u>. All ordinances of parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 10. <u>SAVINGS CLAUSE</u>. If any section, provision, sentence, clause, phrase or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any provision, section, subsection, sentence, clause, phrase or part hereof not adjudged invalid or unconstitutional.

SECTION 11. VIOLATIONS AND PENALTIES. Any person who violates the provisions of this Ordinance upon conviction shall be punished as set forth in Title 1, Chapter 4, Section 1 of the City Code of the City of West Des Moines, Iowa.

SECTION 12. OTHER REMEDIES. In addition to the provisions set out in Violations and Penalties Section herein, the City may proceed in law or equity against any person, firm or corporation for violation of any section or subsection of this Ordinance.

SECTION 13. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed by the City Council on the _____ day of _____, 2022 and approved this _____ day of _____, 2022.

_____
Russ Trimble, Mayor

ATTEST:

_____
Ryan Jacobson, City Clerk

The foregoing Ordinance No. _____ was adopted by the Council for the City of West Des Moines, Iowa, on _____, 2022, and was published in the Des Moines Register on _____ , 2022.
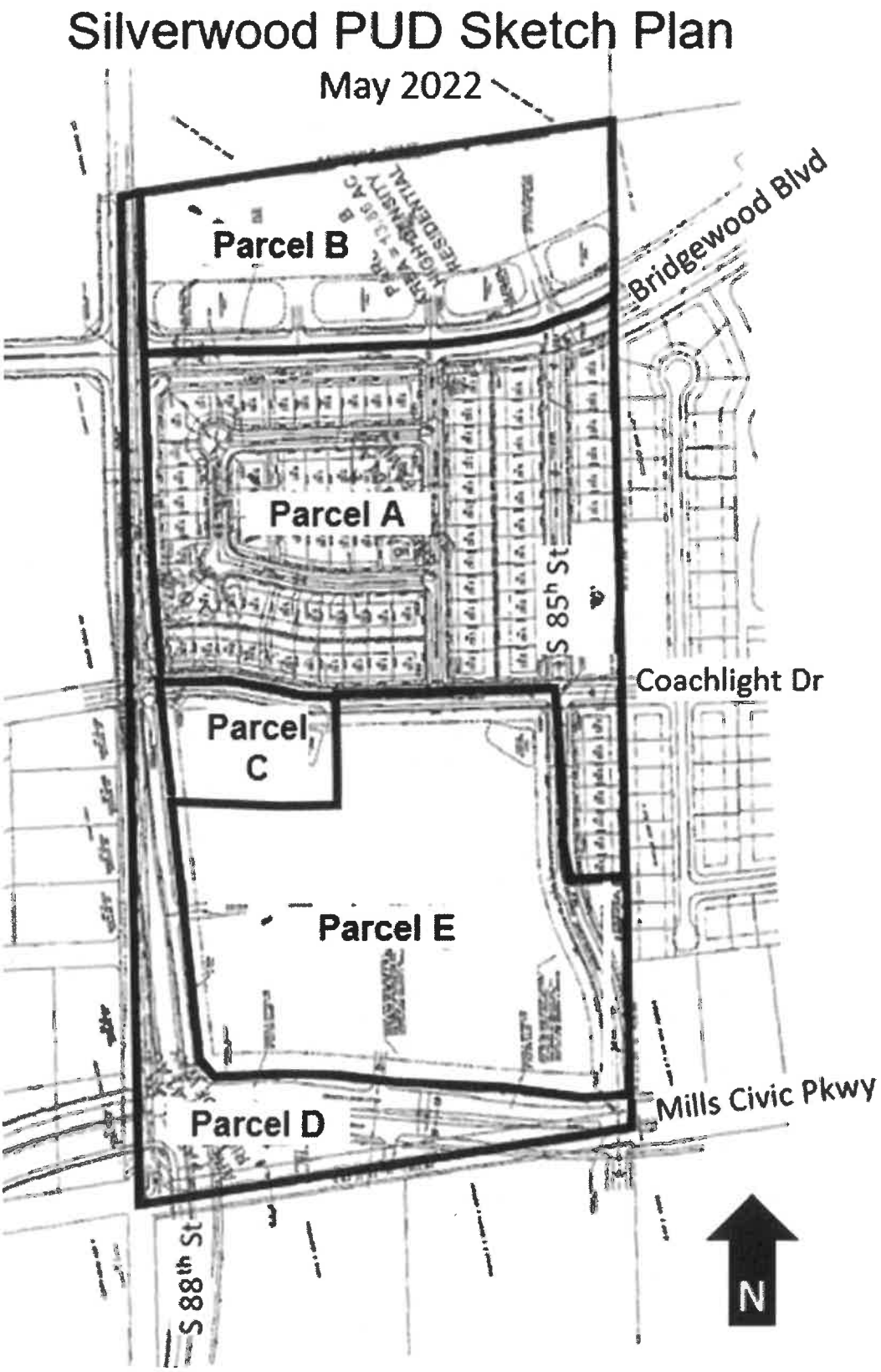
EXHIBIT A: PUD Sketch Plan