

## CITY OF WEST DES MOINES STAFF REPORT COMMUNICATION

**Meeting Date:** August 14, 2023

**ITEM:** Silverwood PUD, Northeast corner of S. 88<sup>th</sup> Street and Mills Civic Parkway - Amend the Silverwood Planned Unit Development Ordinance to modify buffering requirements, perimeter setback requirements, and outdoor use areas – PFC WDM Holdings, LLC – ZC-006089-2023

### **Resolution: Approval of Amendment to Planned Unit Development Ordinance**

**Background:** Korey Marsh with Snyder & Associates, on behalf of the applicant and property owner, PFC WDM Holdings, LLC, requests approval of a rezoning request to amend the Silverwood Planned Unit Development (PUD), governing development of that ground generally located at the northeast corner of S. 88<sup>th</sup> Street and Mills Civic Parkway (Parcel E). The PUD is proposed to be amended based on a different building type than that originally proposed by Picket Fence Communities within Parcel E of the Silverwood PUD.

### **Staff Review & Comment:**

- **Financial Impact:** There is no City funding of this project; however, there is staff time for processing of development application and inspections during construction.
- **Change to the Originally Intended Development:**
  - **Building Types:** Originally, this development was intended to be single family detached and bi-attached homes all on one lot with private streets for access. The developer determined that concept was not financially feasible for this location and is now proposing to construct 6, 8, 10 & 12-plexes on the site for a total of 236 dwelling units. There will still be private streets throughout the development for access. Each unit will have private entrances, a garage and either a dedicated balcony, patio, porch or deck or access to common area associated with the clubhouse.
  - **Perimeter Setbacks:** According to the proposed PUD Amendment, primary and accessory structures shall be setback a minimum of twenty-five feet (25') from the perimeter development boundary if sidewalks are constructed on both sides of the internal private streets within the parcel. Such sidewalks shall be located a minimum of five feet (5') from the back of curb of the private street. If sidewalks are constructed on only one side of the private street, as described above, the primary and accessory structure setback shall be a minimum of thirty feet (30'). If no sidewalks are constructed along internal private streets within the parcel, primary and accessory structures shall be setback a minimum of thirty-five feet (35') from the perimeter development boundary.

The above perimeter setback reductions will be enabled within the PUD, but City staff will also be proposing a City Code amendment in the near future to address issues with compliance with code provisions regarding pedestrian pathways citywide. (See 'sidewalk' discussion in Development & Planning Subcommittee bullet below.)

- Buffers: A minimum thirty-foot (30') buffer is required along all public streets adjacent to this development. For that portion of the Coachlight Drive buffer which extends from the west property boundary to twenty-five feet (25') past the easternmost wall of the east dwelling structure, the height of vegetation at time of planting shall be the maximum possible while maintaining typical nursery warranties. The PUD amendment states that it is preferred that vegetation be grown in 'root pruned' or 'root controlled' bags as such are showing that the plants have a better survival rate and grow faster and fuller than do typical container grown or balled and burlap plants. If utilized, vegetation heights at time of planting may be reduced; however, conifer trees shall not be less than four feet (4') in height. In addition to required buffer vegetation in the Coachlight buffer, a maximum six foot (6') high opaque fence shall be located at the top of the berm. Said fence shall generally extend from the west property boundary to a point approximately twenty-five feet (25') past the easternmost wall of the east dwelling structure.
  - Outdoor Use Areas: The original concept for this development included a 10' X 15' fenced in backyard for each unit proposed. That design element was written as a requirement of the Silverwood PUD. Due to this new concept, that section of the PUD Ordinance has been amended to require a minimum 40 square foot porch, patio, deck or balcony with a minimum usable dimension of 6' deep in either direction within at least 80% of the dwelling units. For those units that do not have outdoor use areas as part of the dwelling unit, outdoor area will be provided on site as part of the common outdoor area for the clubhouse.
- History: The Silverwood PUD Ordinance was approved by the City Council on October 8, 2007. The Comprehensive Plan land use amendment and PUD amendment to allow the Picket Fence Communities development was approved by the City Council on May 16, 2022.
- Traffic Analysis Findings: A traffic analysis for the original Comprehensive Plan Amendment and Rezoning was completed in April 2022 and a traffic analysis for the original site plan was completed in August 2022. A new traffic study was not specifically conducted for this proposed PUD Amendment; however, a traffic analysis for the revised site plan that staff is currently reviewing was completed in July 2023. Key findings of the July 2023 study are summarized below.
  - The proposed development is expected to generate slightly more traffic than what was planned but less traffic than what was estimated prior to the August 2022 traffic analysis. The previously planned full build roadway geometry and recommended triggers for future improvements, as detailed in the August 2022 traffic study, remain adequate for the study area. With the planned future improvements, all major intersections are anticipated to have adequate capacity to accommodate the proposed land use.
  - The intersection of S 85th Street & Coachlight Drive currently operates with 2-way stop control, with Coachlight Drive operating as the designated thru street. With S 85th Street being continued to the south to serve the proposed site and intersect with Mills Civic Parkway; traffic patterns are expected to shift, and additional north/south traffic will be generated through the intersection. As a result of the shifting traffic patterns and with the two streets functioning as two residential neighborhood collector streets of similar design, traffic volumes, and anticipated operating characteristics, the intersection is recommended to have all-way stop control. This would also help control vehicle/pedestrian conflicts, as additional pedestrian activity

is expected between the proposed development and Huston Ridge Park to the northeast of the intersection. As the area continues to develop, modifying the intersection from an all-way stop to a mini-roundabout may be considered in the future to further improve the operation of the intersection. These changes are due in part, but not entirely, to traffic generated by the proposed site.

- Development & Planning Subcommittee: At the June 19, 2023, Development & Planning City Council Subcommittee meeting this project was discussed regarding sidewalks along private streets and regarding the types of housing units now being proposed.
  - Sidewalks: In reviewing projects for multi-family developments, staff is running into issues with compliance with code provisions regarding pedestrian pathways. When the streets are private, sometimes a sidewalk is not constructed at all since code specifically says sidewalks required along public streets but does not mention along private streets. With private streets, the sidewalks are being located immediately adjacent to rolled curbs, with no protection for the pedestrians which staff cannot say meets the intent to have adequate physical separation of vehicles from pedestrians. When staff requests that the sidewalks be moved back from the curb edge, we are told that they cannot do so for a variety of reasons, such as, no room within the site, it will require a complete redesign, loss of units, project won't be feasible, etc. The Picket Fence development and a newly proposed High Point development were provided as examples. Staff suggested a code amendment to require sidewalks to be a minimum of 5' from the back of curb along private streets and corresponding code amendments to allow a reduction in the required buffer width and perimeter setback to accommodate the additional land required for sidewalks on one or both sides of a private street. These corresponding reductions provide the necessary room to accommodate pedestrian pathways setback from the curb edge without impacting the number of units a developer otherwise would be able to implement within a site. Subcommittee Members were in support of reducing the perimeter setback to 30 feet if a sidewalk is constructed on one side of the private street and reduce both the perimeter setback and buffer width to 25' if sidewalks are constructed on both sides but then require additional vegetation within the buffer. The proposed changes will be brought forward to the Planning & Zoning Commission and City Council at a later date.
  - Housing Building Types: Council member Hudson stated that he had heard from residents who live in the single-family homes across the street (Coachlight) that have concerns with the proposed development being rentals. He noted his own concerns with having more dense development out of context to the existing single-family homes. Staff responded that the proposed has more units than the original (236 versus 196) but has a better site layout, especially for emergency response purposes. The proposal is an allowed use that falls within the allowed density for the district. The city does not have a means to control whether a project is rental or owner-occupied. The developer has been made aware of the context concerns and reminded of agreement that the original layout oriented the front of the homes to the street to appear and feel more like the single-family to the north. The developer has modified the units along Coachlight and the southern end of S 85<sup>th</sup> Street to be 6-plex buildings which complies with the transitional buffering requirements of city code. The site plan that staff is currently reviewing includes a buffer along Coachlight Drive with 3' berm and landscaping along with a 6' fence to break up views of the buildings from the properties to the north.

Council member Hudson asked if there had been a zoning change on this property. Staff responded that it was previously zoned office which was most likely due to market conditions at the time. Previous inquiries have been for high-density apartment development so a change to medium density was welcomed. Council member McKinney echoed being mindful of what was originally presented and would be in favor of additional buffering/vegetation along the north side of the development.

**Outstanding Issues:** There are no outstanding issues.

Planning and Zoning Commission Action:

Date:

Vote:

Recommendation:

City Council First Reading:

Date:

Vote:

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

**Lead Staff Member: Brian Portz**

**Approval Meeting Dates:**

Planning and Zoning Commission	August 14, 2023
City Council: First Reading	
City Council: Second Reading	
City Council: Third Reading	

**Staff Report Reviews:**

Planning & Zoning Commission	<input checked="" type="checkbox"/> Development Coordinator (or) <input checked="" type="checkbox"/> Director	<input checked="" type="checkbox"/> Legal Department
City Council	<input type="checkbox"/> Director <input type="checkbox"/> Appropriations/Finance	<input type="checkbox"/> Legal Department <input type="checkbox"/> Agenda Acceptance

**Publications (if applicable)**

Published In:	Des Moines Register Community Section
Date(s) Published	8/4/23
Date(s) of Mailed Notices	8/4/23

**Council Subcommittee Review (if applicable)**

Subcommittee	Development & Planning
Date Reviewed	6/19/23
Recommendation	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Split

# Location Map



**A RESOLUTION OF THE PLANNING AND ZONING COMMISSION**  
**NO. PZC-23-042**

**WHEREAS**, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the applicant and property owner, PFC WDM Holdings, LLC, request approval of a Rezoning request to amend the Silverwood Planned Unit Development (PUD) Ordinance to modify buffering requirements, perimeter setback requirements, and outdoor use areas on property as legally defined in the Planned Unit Development Ordinance and indicated on the Location Map, both of which are included in the staff report; and

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

**NOW, THEREFORE**, the Planning and Zoning Commission of the City of West Des Moines recommends that City Council approve the Rezoning Request to amend the Silverwood Planned Unit Development (PUD) Ordinance (ZC-006089-2023), 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 August 14, 2023.

\_\_\_\_\_  
Andrew Conlin, Chair  
Planning and Zoning Commission

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Planning and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on August 14, 2023, by the following vote:

AYES:  
NAYS:  
ABSTENTIONS:  
ABSENT:

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

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## ORDINANCE #

### AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2019, AND ORDINANCES #1783 AND #2517 PERTAINING TO PLANNED UNIT DEVELOPMENT (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 and #2517, pertaining to the Silverwood Planned Unit Development (PUD), Section 089-05, *Land Use Design Criteria*, Subsection E, *Parcel E*, is hereby amended by deleting the highlighted strike-through text and inserting the text in bold italics accordingly and renumbering as required:

- 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~~ **twenty-five feet (35'25')** from the perimeter development boundary ***if sidewalks are constructed on both sides of the internal private streets within the parcel. Such sidewalks shall be located a minimum of five feet (5') from the back of curb of the private street. If sidewalks are constructed on only one side of the private street, as described above, the primary and accessory structure setback shall be a minimum of thirty feet (30'). If no sidewalks are constructed along internal private streets***

***within the parcel, 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 thirty foot (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, 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.~~

**3. Buffers: The following shall be required:**

**a. *Adjacent to Mills Civic Parkway, S. 88th Street and the west side of S. 85th Street rights of way: A minimum thirty foot (30') wide buffer is required unless the primary and accessory structure perimeter setback is reduced to twenty-five feet (25') as described above in which case, the buffer width shall match the minimum setback width required:***

**(1) *Earthen berming shall abide by city code standards (Title 9, Chapter 19, Section 8C), shall be undulating to create a more natural appearance and generally be of a minimum height of three feet (3'), except earthen berming may be provided, but shall not be required within the buffer along S. 85th Street within the area immediately adjacent to the proposed detention basin situated in the northeast corner of the site.***



- (2) *Minimum vegetation types, sizes and quantities will need to abide by city code standards for a thirty foot (30') wide buffer (Title 9, Chapter 19, Section 8E) regardless of buffer width.*
- b. *Adjacent to Coachlight Drive: A minimum thirty foot (30') wide buffer is required to mitigate views from the single-family homes on the north side of Coachlight Drive of individual buildings adjacent to Coachlight Drive within the development unless the primary and accessory structure perimeter setback is reduced to twenty-five feet (25') as described above in which case, the buffer width shall match the minimum setback width required:*
- (1) *Earthen berming shall abide by city code standards (Title 9, Chapter 19, Section 8C) except earthen berming may be provided, but shall not be required within the buffer along Coachlight Drive within the area immediately adjacent to the proposed detention basin situated in the northeast corner of the site.*
- (2) *In addition to required buffer vegetation, a maximum six foot (6') high opaque fence shall be located at the top of the berm. Said fence shall generally extend from the west property boundary to a point approximately twenty-five feet (25') past the easternmost wall of the east dwelling structure.*
- (3) *Minimum vegetation types, sizes and quantities will need to abide by city code standards for a thirty foot (30') wide buffer (Title 9, Chapter 19, Section 8E) regardless of buffer width. For that portion of the Coachlight Drive buffer which extends from the west property boundary to twenty-five feet (25') past the easternmost wall of the east dwelling structure, the height of vegetation at time of planting shall be the maximum possible while maintaining typical nursery warranties. It is preferred that vegetation be grown in 'root pruned' or 'root controlled' bags. If utilized, vegetation heights at time of planting may be reduced; however, conifer trees shall not be less than four feet (4') in height.*
- (4) *Visibility of headlights from vehicles circulating within the site, including traversing to and from the garages of the dwelling units immediately adjacent to Coachlight Drive shall be opaquely blocked from the single-family homes along Coachlight Drive.*
- c. *No buffer shall be required along the eastern boundary of the single-family lots located on the east side of S. 85<sup>th</sup> Street.*
- d. *With the exception of ground monument sign structures as allowed by city code, utilities, and the fence required within the Coachlight Drive buffer, no other fencing or any other type of structures shall be located within a required buffer.*
- e. *Per written acknowledgement from the property owner of PUD Parcel C, no buffer shall be required within Parcel E along the common property line with Parcel C.*

**5.4 Outdoor Use Area:** Each dwelling *must be provided an outdoor use area. A minimum of eighty percent (80%) of the dwelling units shall be provided a minimum of one hundred and fifty (150) square feet of dedicated outdoor porch, patio or yard-space deck/balcony as part of the individual dwelling unit with a minimum usable area of forty (40) square feet and a minimum usable dimension of six feet (6') deep in either direction. In lieu of a usable outdoor living area for individual dwellings, area(s) of defined and enhanced common*

***outdoor living space can be provided on site with a minimum area of forty (40) square feet per each dwelling without an outdoor living area that meets the usable living area requirements.***

~~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 2. Amendment.** Ordinance #1783 and #2517, pertaining to the Silverwood Planned Unit Development (PUD), Section 089-10, *Traffic Reports*, is hereby amended by adding the text in bold italics:

A traffic report has been prepared by Kirkham Michael & Associates, Inc. (March 30, 2007) ***and the City of West Des Moines (April 2022)*** 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.

**SECTION 3. Repealer.** All ordinances of parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 4. Savings Clause.** 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 5. 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 6. 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 7. Effective Date.** This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

**Passed and approved by the City Council on September 5, 2023.**

\_\_\_\_\_  
Russ Trimble, Mayor

ATTEST:

\_\_\_\_\_  
Ryan Jacobson, City Clerk

The foregoing Ordinance No. \_\_\_\_\_ was adopted by the City Council for the City of West Des Moines, Iowa, on \_\_\_\_\_, 2023, and was published in the Des Moines Register on \_\_\_\_\_, 2023.