

PUD #89

SILVERWOOD

SECTION:

089-01:	Legal Description
089-02:	Required Plans
089-03:	Conditions
089-04:	Landscaping
089-05:	Land Use Design Criteria
089-06:	Architecture
089-07:	Signage
089-08:	Park Land Dedication
089-09:	Master Property Owners' Association
089-10:	Traffic Reports
089-11:	Vehicle Interconnectivity To Adjoining Properties
089-99:	Legislative History

089-01: **LEGAL DESCRIPTION:** The west half of the northwest quarter of section 14, township 78 north, range 26 west of the fifth principal meridian, Dallas County, Iowa except parcel F as shown on plat of survey recorded in book 2006, page 11211 and parcel G as shown on plat of survey recorded in book 2006, page 11213 and parcel H as shown on plat of survey recorded in book 2006, page 11212, containing 78.60 acres (3,423,642 square feet). (Ord. 1783, 10-8-2007)

089-02: **REQUIRED PLANS:**

- 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; Site Plan: Prior to or in conjunction with development of any portion of parcel B or C 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. (Ord. 1783, 10-8-2007)

089-03: **CONDITIONS:** Whereas, subsection 9-4-3A25, "PUD-Planned Unit Development District", of the city code, establishes certain regulations and guidelines pertaining to accompanying information required on plat and site plan documents. Now, therefore, the following conditions, restrictions, and regulations are adopted as part of this approval:

- A. **General Conditions:** In addition to the PUD sketch plan map (exhibit I on file with the city), the following general development criteria shall be integrated into and made a part of this planned unit development.

1. **General Conformance To Subdivision Ordinance:** All subdivisions, public and private streets, public or private street rights of way and general development shall adhere to the standards and design criteria set forth in the West Des Moines subdivision ordinance and/or established city policies pertaining thereto, unless otherwise stated within this ordinance.

2. **General Conformance To Zoning Ordinance:** Unless otherwise specified herein, the development of the Silverwood PUD shall comply with the provisions of the West Des Moines zoning ordinance. For the purposes of section 9-9-5 of the city code, planned unit development district, final plan submittal, the submittal of plat, site plan, permitted conditional use permit, or master plan documents for any parcel or part of any parcel of the Silverwood PUD within two (2) years after approval and publication of this ordinance, shall be considered to satisfy the terms and requirements of such section.

3. **Flood Hazard:** In all areas within a 100-year frequency flood hazard zone, or adjoining drainageways, and detention ponding areas involving potential flood hazards, no building shall be erected which has a lowest level floor, including basements, less than two feet (2') above the determined level of the 100-year frequency flood event. Buildings shall only be permitted within twenty five feet (25') of any easement or property boundary of a major drainageway, storm water detention basin or pond if the applicant can demonstrate during the development review process that potential flooding from

extraordinary flood events have been mitigated through site design or building design and approval is granted by the city council.

4. **Developer Responsibilities:** The developer, their successors and/or assigns, if any, shall pay all planning, engineering, and construction costs for the development of the planned unit development, as required by this ordinance and approved site plans and the cost of all streets, storm sewers, sanitary sewers, drainageway improvements, detention basins, water mains, buffers and other improvements as required for rights of way or public easements within the Silverwood PUD, unless otherwise approved by the city council.

5. **Storm Water Management:** Storm water management plans will be required with the development of the Silverwood PUD. The developer shall have said storm water management plans prepared by a professional engineer licensed in the state of Iowa. All storm water management plans shall comply with the city's current design standards for storm water management. The method of storm water management and the storm water conveyance system shall be determined prior to city approval of any development within any portion of the property within the Silverwood PUD.

The design of Silverwood's storm sewer routes water from city streets through private storm sewer and detention facilities: The city of West Des Moines shall assume no maintenance responsibility or liability of the private detention facilities, storm sewer pipes or structures on the Paradise Point property.

6. **Utilities:** The developer, its successors or assigns, if any, shall construct at its cost, and if for general public use, dedicate to the city all sanitary sewer mains, water mains, and storm sewers associated with the Silverwood development as required by the city of West Des Moines' subdivision ordinance in accordance with applicable city design standards. All necessary easements to allow city access to public utilities for maintenance and repair purposes shall be executed prior to approval and recordation of the final plat for each respective area or shall be executed as a blanket access agreement prior to the approval and recordation of the first final plat. Unless otherwise specified within a specific easement document, the city shall not be responsible for reimbursement, restoration and/or replacement of any improvements located within the public easements should the city be required to excavate the public utilities for normal city operations. No occupancy permits, either temporary or permanent, shall be issued until all necessary improvements

applicable to the area/lot or structure requesting occupancy are installed and accepted by the city of West Des Moines. Nothing in this ordinance shall be construed to prevent the developer, its successors and/or assigns, if any, from entering into private agreement(s) as it/they may desire to share the cost of improvements.

The placement of public utility easements within buffer parks and landscape islands within parking areas is discouraged due to the potential conflict between trees and the need to access the lines for repair. Overstory and understory trees should be placed off utility lines a minimum distance equal to the one to one (1:1) excavation trench necessary for the deepest utility or thirty feet (30'), whichever is greater. Adequate access for maintenance vehicles shall be provided into and through the easement areas.

7. Streets: At time of subdivision platting within the Silverwood PUD, the subdivider shall be responsible for construction and/or installation of all required street improvements in accordance with the city's subdivision ordinance, the recommendations of the Silverwood traffic analysis, as indicated herein, and/or as indicated on the approved Silverwood PUD sketch proposal. With any subdivision plat within the Silverwood PUD, the subdivider shall be responsible for constructing and/or installing the streets necessary to support development within the subdivision in a manner that will assure that the public infrastructure functions at an acceptable level of service (per the city's comprehensive plan) and that complies with all city ordinances. Public roads as indicated on the plats shall be constructed and accepted by the city council or the developer may petition the city council to provide surety in lieu of public improvement acceptance prior to approval and recordation of the first final plat. Dedication of one-half ($\frac{1}{2}$) 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 provided upon request. Temporary right of way required during the construction/installation shall be provided as necessary.

8. Sanitary Sewer: Any proposed change in approved land use densities for the Silverwood PUD will require an analysis of the downstream sanitary sewer capacity to assure that adequate capacity is available for the proposed change in approved land use densities.

9. Street Lighting: The developer shall be responsible for all costs associated with the installation of public streetlights within or adjacent to any area proposed to be platted or included within a development. (Ord. 1783, 10-8-2007)

089-04: **LANDSCAPING:**

A. Buffers: Buffer screening between districts or parcels and uses shall be required as set forth in section 9-3-10, "Buffers", of the city code, except as noted otherwise in this ordinance. Buffers shall be established in accordance with the following:

1. Parcel A:

a. All double frontage lots shall provide a thirty foot (30') buffer along the rear lot line. Rear building setbacks shall be measured from the buffer park. Said buffer shall be located in an outlot with maintenance the responsibility of the homeowners' association. Fencing or structures, with the exception of ground monument signs as allowed by city code shall not be located within the buffers. Landscape planting within the buffer outlots shall be in accordance with city code requirements for thirty foot (30') buffer parks. Additional landscaping may be installed at the discretion of the association; however living vegetation may not be removed without city consent. In conjunction with the approval of the preliminary plat, a landscaping plan shall be submitted and approved by the city for the buffers.

B. Lot Trees: One overstory tree per lot is required within the front yard of all residential lots within this PUD to provide for the visual softening, shading, and enhancement of streets. Lot trees shall be installed by the home builder prior to the initial occupancy of the structure on the property. Tree maintenance shall be the responsibility of the individual homeowner or the homeowners' association.

Trees that will encroach into any vehicle or pedestrian use area or travel lane shall be of a variety that will accommodate pruning to allow for the minimum clearance height (14 feet over vehicle travel lanes; 8 feet over pedestrian travel lanes) without adversely affecting the overall natural shape of the variety. Maintaining trees to these clearance levels is the responsibility of the property owner.

Trees shall not be planted closer than five feet (5') to a sidewalk as measured from the center of the tree or shrub trunk. The planting of trees on corner lots within the area bounded by the street or alley lines of such lots and a line adjoining points along said street or alley lines twenty five feet (25') from the point of intersection of the public right of way lines shall be prohibited. This area is defined as the sight triangle. No tree shall be permitted within the sight triangle of a public street intersection. No trees shall be permitted in any public utility easement. (Ord. 1783, 10-8-2007)

089-05: **LAND USE DESIGN CRITERIA:** 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) parcels for application of specific development standards. 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.

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).

(2) 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 ($\frac{1}{2}$) 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 ($\frac{1}{2}$) 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. (Ord. 1783, 10-8-2007)

089-06: **ARCHITECTURE:** The intent is to create building facades throughout this development that are varied and articulated to provide visual interest.

- A. Parcel A; single-family detached residential: Architectural design for single-family units shall accomplish this by 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.

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.

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:

1. Facade modulation - stepping back or extending forward a portion of the facade.
2. Repeating the window patterns.
3. Providing the porch, patio, deck, or covered entry.
4. Changing the rooflines by alternating dormers, stepped roofs, gables, or other roof elements.
5. Changing materials with the change in building plane.
6. 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, non-architectural 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. (Ord. 1783, 10-8-2007)

089-07: **SIGNAGE:** Signage restrictions shall be imposed to limit and reduce the negative impacts of sign clutter. Signage shall comply with all provisions and standards of the city sign code of the applicable zoning district for each parcel.

All signage constructed as wall signage on building fascia within parcel C shall consist of individual three-dimensional letters attached directly to the building. No cabinet or panel signs shall be allowed except for contoured cabinet signs necessary to display logos. In the event cabinet signs are necessary to accommodate a logo, said cabinets shall be contoured to the logo shape and every measure possible shall be implemented to minimize the amount of illuminated background. Illumination of signs on facades which face a residential property shall be by reverse lighting to project the light back towards the wall to create a "halo" effect; no front illumination is allowed. The individual letters shall have returns to screen the lighting source and shall be placed so the space between the wall plane and back of the letter is no greater than two inches (2"). Raceways shall be prohibited. (Ord. 1783, 10-8-2007)

089-08: **PARK LAND DEDICATION:** An area calculated by a set formula based upon the size and density of the proposed residential development will be required to be provided for purposes of a public park and greenbelt areas. A letter of agreement, acceptable to the park and recreation department, detailing the specifics related to the park land dedication requirements for the development of any area contained within the PUD will be required to be submitted prior to the submittal of any development proposal. (Ord. 1783, 10-8-2007)

089-09: **MASTER PROPERTY OWNERS' ASSOCIATION:** When the first plat within parcel A of this development is recorded, proper action shall be taken to establish a master property owners' association with said property into the Silverwood property owners' association and all building restrictions, covenants, and other associated conditions attached to the Silverwood PUD shall be made to also apply to said property. The Silverwood property owners' association shall be responsible for the ongoing upkeep and maintenance of any privately owned common grounds such as the buffer parks, greenbelts, parks and other common space, as outlined in the association documents and any other specific development improvements noted as their responsibility in this ordinance. (Ord. 1783, 10-8-2007)

089-10: **TRAFFIC REPORTS:** 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 average daily trips (ADT); 364 A.M. peak; and 350 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 ordinance and/or map, if necessary. (Ord. 1783, 10-8-2007)

089-11: **VEHICLE INTERCONNECTIVITY TO ADJOINING PROPERTIES:** Drive interconnectivity between properties within parcel C is required in order to allow for the distribution of traffic to alternate public roads. At the time of final platting, an ingress/egress/cross access agreement for all land within parcel C shall be executed. (Ord. 1783, 10-8-2007)

089-99: **LEGISLATIVE HISTORY:** Ord. 1783, 10-8-2007.