



Roll Call Number

Agenda Item Number

22

Date April 25, 2016

**RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING
COMMISSION REGARDING DENIAL OF A PRELIMINARY PLAT "WINTERFELL"
ON PROPERTY LOCATED AT 3816 JOHN LYNDE ROAD**

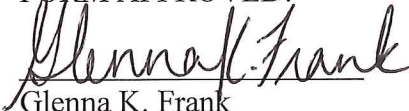
WHEREAS, on April 7, 2016, the City of Des Moines Plan and Zoning Commission voted 11-1 for **DENIAL** of a request from Nicholas S. Bussanmass, LLC (owner) represented by Nicholas Bussanmass (officer) for review and approval of a Preliminary Plat "Winterfell" on property located at 3816 John Lynde Road, as described in the attached communication from the Plan and Zoning Commission.

WHEREAS, the Community Development Director recommends that the City Council approve an amendment to the Des Moines City Code to allow an appeal to the City Council from the determination regarding a preliminary subdivision plat by the Plan and Zoning Commission.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the communication from the City Plan and Zoning Commission is hereby received and filed, and that the Legal Department is directed to prepare the necessary legislation to amend the Des Moines Municipal Code to allow preliminary subdivision plats, including the "Winterfell" plat, to be appealed directly to City Council.

MOVED by _____ to adopt.

FORM APPROVED:



Glenna K. Frank
Assistant City Attorney

(13-2016-1.37)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

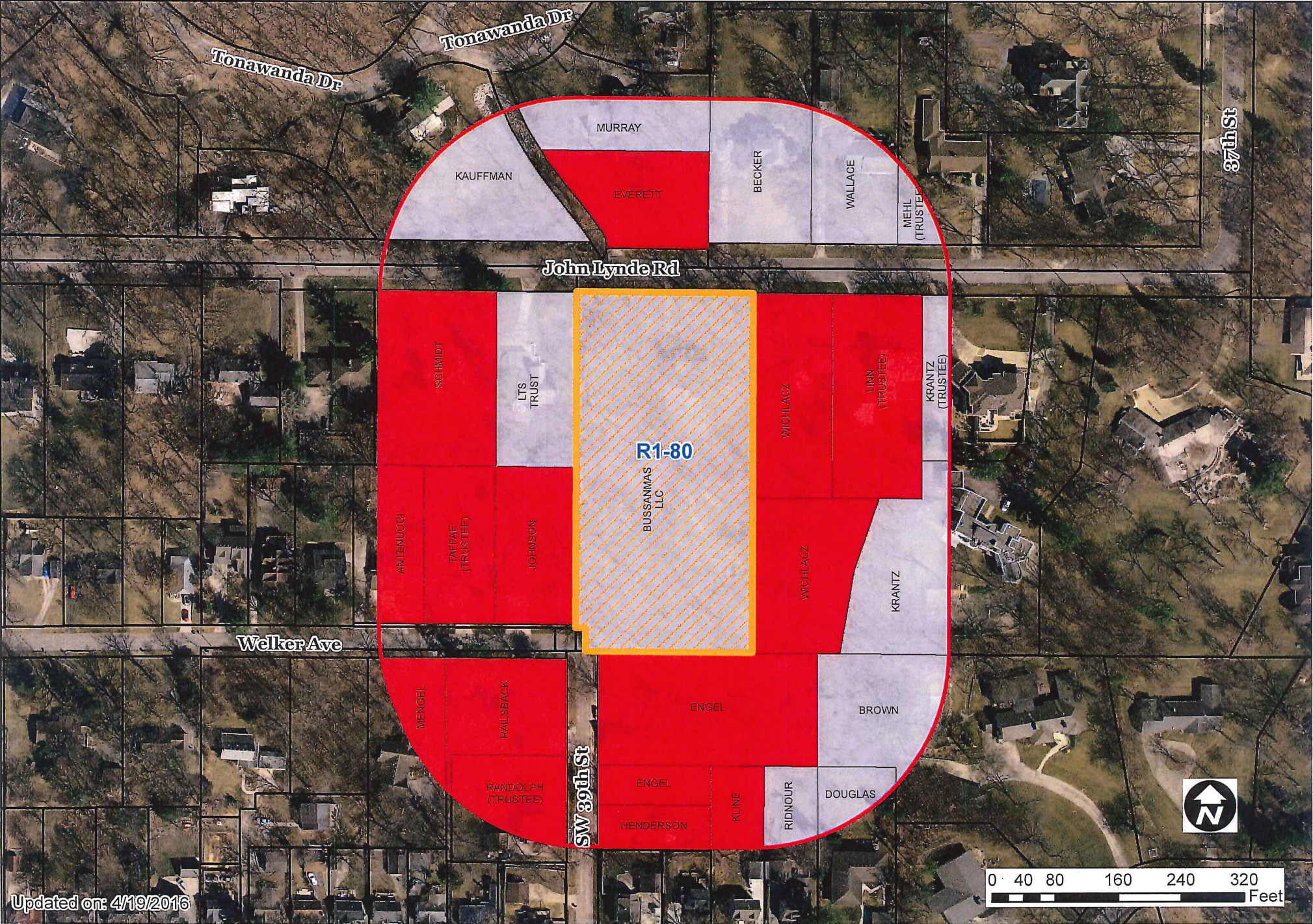
Mayor

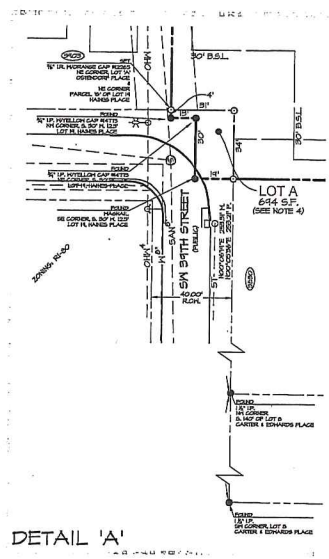
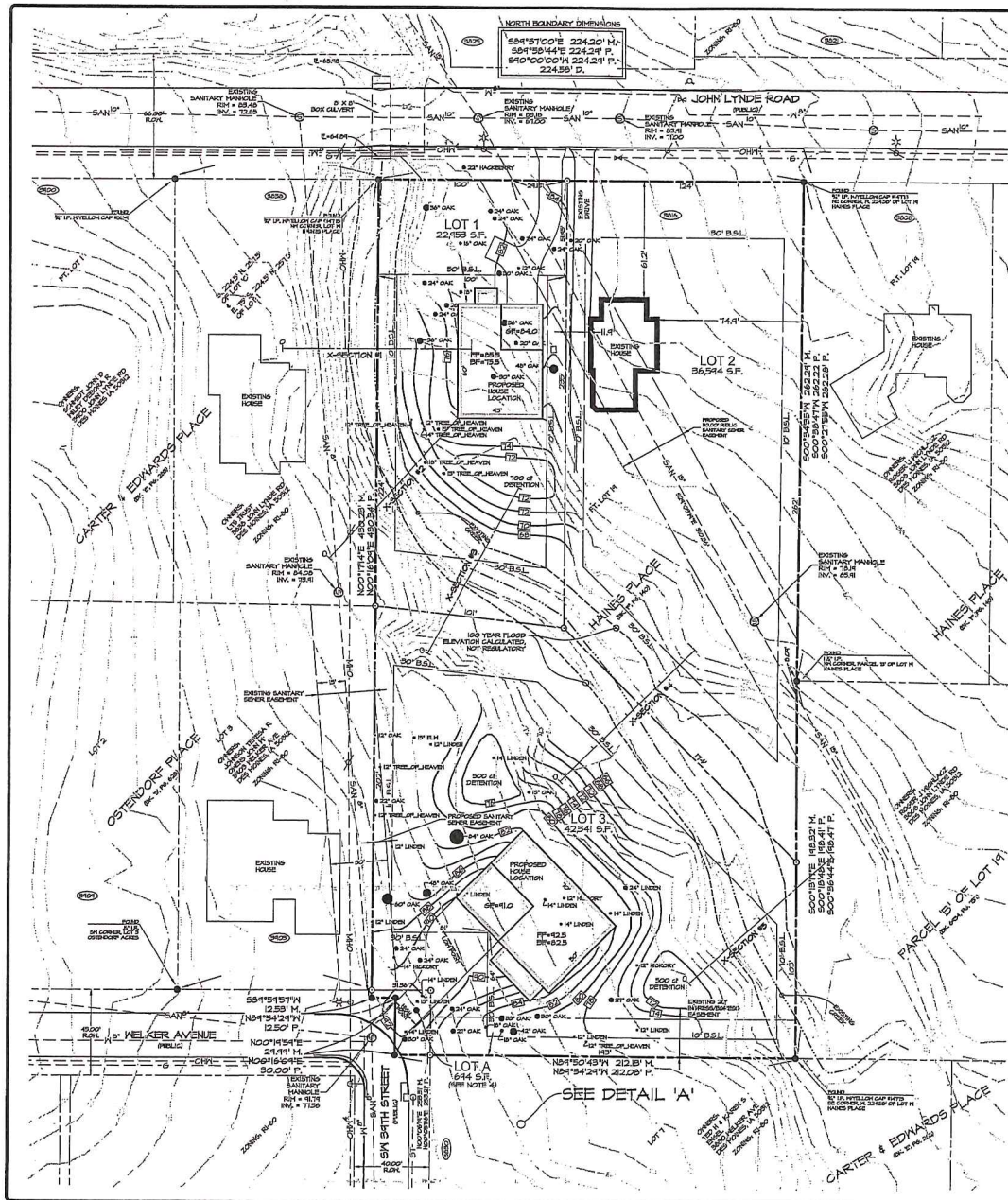
CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk





PRELIMINARY PLAT WINTERFELL

PROPERTY OWNER:
NICHOLAS S. BISSANAS LLC
PO BOX 11028
CLIVE, IA 50325
NICK BISSANAS 505-885-0584

PREPARED FOR:
NICHOLAS S. BISSANAS LLC
PO BOX 11028
CLIVE, IA 50325

LEGAL DESCRIPTION - QUIT CLAIM DEED BOOK 15710, PAGE 481

THE HEREIN 224.50 FEET, EXCEPT THE SOUTH 80 FEET OF THE HEREIN 125 FEET THEREOF, OF LOT 1 IN HAINES PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

ENTIRE PARCEL CONTAINS 2.34 ACRES.
ZONING
R-40
MINIMUM LOT WIDTH = 80'
MINIMUM LOT AREA = 10,000 S.F.

SETBACKS
FRONT YARD 30'
REAR YARD 30'
SIDE YARD 10' EACH

ADDRESS:
LOT 1 3554 JOHN LYNDE ROAD
LOT 2 3540 JOHN LYNDE ROAD
LOT 3 3551 WELKER AVENUE

- NOTES:
1. THIS PARCEL MAY BE SUBJECT TO EASEMENTS, LICENSES, OR AGREEMENTS OF RECORD. NO TITLE WORK WAS PERFORMED BY THIS SURVEYOR.
 2. THE ALLOWABLE ERROR OF CLOSURE FOR THE BOUNDARY IS 1/10,000 AND THE ALLOWABLE ERROR OF CLOSURE FOR THE AREA IS 1/10,000.
 3. PROPOSED HOME LOCATIONS AND GRADING SHOWN ON LOTS 1 AND 3 ARE SCHEMATIC ONLY TO SHOW WHAT THE PROPERTY MAY LOOK LIKE WHEN DEVELOPED. EACH LOT SHALL HAVE A SPECIFIC SITE PLAN AND STORM WATER MANAGEMENT PLAN APPROVED BY THE CITY PRIOR TO CONSTRUCTION.
 4. LOT 'A' WILL BE DECEDED TO THE CITY FOR THE USE AS PUBLIC RIGHT-OF-WAY.
 5. THERE ARE THREE SMALL FAMILY LOTS PROPOSED WITH THIS PLAT.
 6. ANY RETAINING WALLS GREATER THAN 4 FEET HIGH MUST BE DESIGNED BY A LICENSED STRUCTURAL ENGINEER.

BENCHMARK:
CITY OF DES MOINES ID 4545
TRIANGLE CUT ON TOP OF SOUTH RAIL OF BRIDGE NEAR THE NORTHEAST CORNER OF 3554 JOHN LYNDE ROAD.
ELEVATION = 563.71

CERTIFICATION

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

PATRICK J. SHEPHERD
12385

DATE OF SURVEY: OCT. 15, 2025
DATE OF PLAT: JAN. 1, 2026
PAGES OR SHEETS COVERED BY THIS SEAL: 3/3

I HEREBY CERTIFY THAT THIS ENGINEERING DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF IOWA.

PATRICK J. SHEPHERD
12385

DATE OF SURVEY: OCT. 15, 2025
DATE OF PLAT: JAN. 1, 2026
PAGES OR SHEETS COVERED BY THIS SEAL: 3/3

LEGEND

- FOUND PROPERTY CORNER
- SET PROPERTY CORNER (BY U.L. INCREASE CAP PLUMB ALIENS OTHERWISE NOTED)
- PROPERTY BOUNDARY
- PROPERTY LINES
- EASEMENT LINES
- CONTROL LINES
- SANITARY SEWER AND SIZE
- DECEDED BEARINGS & DISTANCE
- PREVIOUSLY RECORDED BEARINGS & DISTANCE
- MEASURED BEARINGS & DISTANCE
- IRON ROD
- IRON PIPE
- BK. 771, PG. 7777
- RIGHT-OF-WAY
- PROPERTY ADDRESS
- EXISTING HANDBLE
- EXISTING STORM INTAKE
- EXISTING FIRE HYDRANT
- EXISTING CONDUITS
- PROPOSED CONDUITS
- SALT FENCE
- & CROSS
- STREET LIGHT POLE
- POWER POLE
- BUILDING SETBACK LINES
- OVERHEAD WIRES
- H
- WATER LINE
- UNDERGROUND GAS LINE



SCALE: 1"=30'

Civil Engineering Consultants, Inc.
2400 86th Street, Unit 12, Des Moines, Iowa 50322
515.276.4884 • Fax: 515.276.7084 • mail@cecinc.com



DATE	REVISIONS	COMMENTS
MARCH 11, 2016	1	
	2	
	3	
	4	
	5	
	6	

WINTERFELL
JOHN LYNDE ROAD, DES MOINES, IA 50312
PRELIMINARY PLAT

SHEET
OF 1
E-7439



April 18, 2016

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held April 7, 2016, the following action was taken regarding a request from Nicholas S Bussanmass, LLC (owner) represented by Nicholas Bussanmass (officer) for review and approval of a Preliminary Plat "Winterfell" on property located at 3816 John Lynde Road, to allow subdivision of the property into three (3) lots for development of single-family dwellings.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-1 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles	X			
JoAnne Corigliano	X			
David Courard-Hauri	X			
Jacqueline Easley	X			
Tim Fitzgerald	X			
Jann Freed	X			
John "Jack" Hilmes	X			
Greg Jones	X			
Sasha Kamper				X
William Page	X			
Mike Simonson	X			
CJ Stephens	X			
Greg Wattier		X		

DENIAL of the proposed Preliminary Plat.

(13-2016-1.37)

Written Responses

In Favor

9 In Opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the preliminary plat subject to the following conditions:

1. Compliance with all comments from the administrative review by the Permit and Development Center.
2. Development of Lots 1 and 3 shall have a grading permit issued along with tree mitigation requirements as part of any building permit issued. Each lot shall provide tree mitigation plantings based on the trees that would be removed from that lot.
3. The 42-inch, 48-inch, and 84-inch Oak trees on proposed Lot 3 should be preserved and protected during construction in accordance with proper tree protection measures during construction. Notes in accordance with Article X of Chapter of Chapter 42 of the City Code shall be referenced on the Preliminary Plat document.
4. Easements requiring maintenance responsibility of the owner for storm water detention shall be required to be recorded on each of Lots 1 and 3 prior to issuance of any Certificate of Occupancy for any dwelling.
5. The Preliminary Plat shall identify the known private access easement along the south boundary, which provides access to Welker Avenue from a land-locked parcel of land to the east.

STAFF REPORT TO THE PLANNING COMMISSION

GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing a 3-lot, single-family residential development. Two lots would have frontage on John Lynde Road and one lot would have frontage on Welker Avenue. There is an existing single-family dwelling on the property that is proposed to be retained within Lot 2 of the proposed Preliminary Plat. Typically subdivisions of only three lots that have access to developed public streets and public utilities are reviewed by the City administratively as a Plat of Survey. In this instance, due to known sensitive drainage and topography, the Community Development Director determined that the property should be reviewed as a Minor Plat in order that a soils and storm water report be provided for Engineering staff review to ensure that existing conditions impacted by the development are mitigated if necessary.
2. **Size of Site:** 2.34 acres.
3. **Existing Zoning (site):** "R1-80" One-Family Residential District.
4. **Existing Land Use (site):** Single-family dwelling and undeveloped timbered land along a ravine.

5. Adjacent Land Use and Zoning:

North – “R1-80”, Uses are single-family residential.

South – “R1-80”, Uses are single-family residential.

East – “R1-80”, Uses are single-family residential.

West – “R1-80”, Uses are single-family residential.

6. General Neighborhood/Area Land Uses: The subject property is surrounded by larger lot single-family residential uses.

7. Applicable Recognized Neighborhood(s): The subject property is located within the Salisbury Oaks Neighborhood and directly adjoins the Greenwood Historic Neighborhood on the east. These neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on March 22, 2016. Additionally, separate notifications of the hearing for this specific item were mailed on March 28, 2016 (10 days prior) to the Salisbury Oaks and Greenwood Historic Neighborhood Associations and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on April 1, 2016.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division on the date of the mailing. The Salisbury Oaks Neighborhood Association notices were mailed to John Schmidt, 3900 John Lynde Road, Des Moines, IA 50312. The Greenwood Historic Neighborhood notices were mailed to Kathy Fehrman, 3419 St. Johns Road, Des Moines, IA 50312.

8. Relevant Zoning History: On October 28, 2015, the Zoning Board of Adjustment denied the applicant’s request to allow the property to be divided into four (4) lots, which would have required an Exception of 21 feet less than the minimum 80 feet of lot width for a proposed Lot E, and an Exception of 15 feet less than the minimum 80 feet of lot width for a proposed Lot F. Both “Lot E” and “Lot F” would have fronted Welker Avenue.

9. 2020 Community Character Land Use Plan Designation: Intown Estates Residential. The proposed PlanDSM future land use designation would be Low Density Residential.

10. Applicable Regulations: In consideration of the criteria set forth in Chapter 18B of the Iowa Code, the Commission shall determine if such preliminary plat conforms to the standards and requirements outlined in Chapter 354 of the Iowa Code, and the City Subdivision Ordinance and shall approve, conditionally approve or reject such plat within 45 days after the date of submission to the City Permit and Development Center. Unless the applicant agrees in writing to an extension of time, the preliminary plat shall be deemed approved if the Commission does not act within such 45-day period. The Commission's action for approval or conditional approval shall be null and void unless the final plat is submitted to the City Permit and Development Center within 270 days

after the date of such action; provided, however, that the Permit and Development Administrator may grant, upon written request of the applicant, up to a 90-day extension for submittal of the final plat to the City Permit and Development Center.

II. ADDITIONAL APPLICABLE INFORMATION

- 1. Natural Site Features:** The subject property generally slopes downward to the south from the north and is heavily wooded. There is a significant drainage way running through the property, which flows across the site from the north under a bridge on John Lynde Road.

The submitted plat identifies the proposed removal of 7 trees between 12 and 48 inches in caliper on Lot 1 that would require 24 mitigation plantings, and removal of 19 trees between 12 and 84 inches in caliper that would require 49 mitigation plantings. On proposed Lot 3, three of the trees at the fringe of the disturbed would include a 42-inch Oak, and 48-inch Oak, and an 84-inch Oak. Staff would recommend that every effort be made to preserve and protect these trees during construction of any dwelling. As a condition of the Plat, trees should be mitigated with any permit for construction on each separate lot or as part of any grading permit.

- 2. Drainage/Grading:** The proposed improvements for drainage are important, as the City is aware of existing drainage concerns of the downstream property owners. The submitted Preliminary Plat shows grading for Lots 1 and 3 for home sites and for storm water detention volumes. The developer submitted a drainage plan and soils report for the proposed lot development. After review, Engineering staff have indicated that it complies with Subdivision requirements and that the proposed slopes and soil placement are sufficient for lot development and that the proposed storm run-off detention is adequate to handle new impervious surfaces and should not create any erosive conditions as designed.
- 3. Utilities:** There is an existing 15-inch public sanitary sewer which runs through the property. The developer is proposing a 30-foot wide easement centered on the sewer for its future protection and maintenance as requested by the City. There are Des Moines Water Works public water mains available in both John Lynde Road and Welker Avenue.
- 4. Access:** There is a known private access easement along the south boundary, which provides access to Welker Avenue from a land-locked parcel of land to the east. Staff recommends that this private easement be shown on the Preliminary Plat.

SUMMARY OF DISCUSSION

Jason Van Essen presented the staff report and recommendation.

Greg Wattier asked if there is a minimum house size in R1-80.

Jason VanEssen stated there is not a minimum house size, but there are design standards which say the house has to be at least 24 feet wide and there must be a door facing the

street. If the property has been through a re-zoning with conditions, there could be a minimum house size, but this property has none.

Greg Wattier asked if everything the applicant is requesting allowed by the R1-80 zoning.

Jason VanEssen stated that everything is allowed. The applicant previously tried to split into four lots, which was not allowed.

Pat Shepherd, 2400 86th Street, Civil Engineering Consultants, stated that there was a previous request to create four parcels out of this property. That request was denied by the Zoning Board of Adjustment. Shepherd stated they did prepare a storm water management plan and a geotechnical report that are specific to lots one and three. They will try to save as many trees as possible. As part of the storm water management report they did identify the 100 year flow limits. The house on lot one will probably be six to seven feet above the calculated 100 year flow. The house on lot three will be about 15 feet above it. Shepherd stated they are aware of grading and tree preservation code provisions. Shepherd feels it fits in well with the neighborhood. The three lots that are being proposed are very comparable in size to the surrounding lots. The two houses directly west of this property were built in the 1980's. There are homes to the east that were also built in the 1980's.

Mike Simonson asked why this was such a large lot. He stated that he thinks it is because of the creek. Simonson asked how the creek goes down John Lynde Road and asked what the structure is like for the water to go under John Lynde Road and what happens to the water after it goes under the road.

Pat Shepherd responded that there is an 8' x 8' box culvert under John Lynde Road.

Mike Simonson asked if the water free flows once it has passed under the road or if there is anything there that would restrict the water flow.

Pat Shepherd stated that there is a structure at 3717 Lincoln Place Drive. Shepherd stated it is probably not sized accurately. There have been drainage problems at 3717 in the past, and at the meeting in October, videos and photos were presented showing this problem.

Mike Simonson asked if the water backs up onto the proposed properties.

Pat Shepherd stated he doesn't know how far it backs up, but stated it probably goes over John Lynde Road.

CHAIRPERSON OPENED THE PUBLIC HEARING

John Schmidt, 3900 John Lynde Road, President of the Board of Directors at the Salisbury Oaks Neighborhood Association stated that the Board took a vote regarding the development and had very mixed views. The board supports the new construction and addition to the tax base, but ultimately the board voted to oppose the development unless the developer could prove to them that there would be adequate management of storm water issues, soil erosion and destruction of trees. There has been no contact made with

the neighborhood to discuss these issues, therefore, the board has voted to oppose the development.

Kristi Lund-Lozier, 3511 St. Johns Road, stated she has lived in the neighborhood her whole life. She is a founding member of the neighborhood association. The goal of the neighborhood association is to preserve the history and character of the neighborhood. Lund-Lozier stated that the developer has developed another area in the neighborhood where he lived in a home there for a while and then sold it. She stated he is doing the same thing here. She does not believe that the proposal complies with the 2020 Community Character Plan. What is being proposed does not comply with the 2020 Plan? The storm water issue is huge. There are two homes in the neighborhood that have literally been picked up off the ground and washed away due to continuing development of Wesley Acres and Des Moines University. The water is very problematic. The trees are a very fundamental part of the neighborhood also.

Laura Whitlatch, 3808 John Lynde Road, stated they are directly to the east of the proposed development. She prepared a two page letter, which was provided to Commissioners, describing her concerns with the development. Whitlatch stated she loves the trees, the wildlife, and the character of the neighborhood. The water runoff is a huge issue. Everything south of Grand Avenue and east of 42nd runs toward this property. This kind of development effects the value of the surrounding homes. Kathy Fehrmen, President of the Greenwood Historic Neighborhood Association sent a letter of objection to the development. The letter stated that the neighborhood is composed of an eclectic mix of stately homes south of Grand Avenue. Many of the homes date to the first decade of the 1900's. Carving up homes and lots is a harbinger of deterioration and decline of a neighborhood. For more than 20 years the residents of the Greenwood Historic Neighborhood Association have invested in their homes to ensure the neighborhood and the homes within it do not begin the destruction and decline process that has unfortunately been happening in other Des Moines neighborhoods. GHNA has been an example of how a neighborhood can resist an urge to increase density. The GHNA urges this request be denied.

Roger Whitlatch, 3808 John Lynde Road, stated that a major issue with this development is the water runoff. Roger questioned if anyone has walked the area and verified that the developer's map is correct? If this development happens, there will be further erosion of his property.

Matt Brown, 3717 Lincoln Place Drive, stated he is the recipient of water runoff from south of Grand and east of 42nd Street. Brown showed a video of a typical rain going through his front yard. There is a 10' x 10' culvert that was built about a year after he moved in. Right behind the property the creek is over five feet deep and it crests two feet over that. The creek is 20-30 feet wide. It will come out to be about 60 feet wide on his property. Sometimes it comes so fast that it will sweep cars out of the driveway. There is 120" pipe from surrounding areas running into his 30" pipe. Brown had an engineer, Jerry Oliver, come look at it and he thought the transition of storm water through the creek and into the culvert is inadequate. The previous owners didn't have this issue. The ground is disappearing behind him. Brown stated he doesn't understand how any home could be built on this property with all of the safety concerns.

Greg Jones asked if Matt could forward the videos to the commission.

Matt Brown stated he would give them the zip drive which contains the videos. Brown stated in the last year he has spent \$6,000, which is documented, removing debris from the runoff. Every year he incurs these costs because of the debris, and having the development will worsen the water condition across his property.

Ted Engel, 3830 Welker, stated his property is the lot directly south of the proposed Lot #3. Engel supplied a petition opposing this development along with response cards that were provided for the Zoning Board of Adjustment hearing in October. Engel states that Mike Simonson is correct with his question in regards to the reason the lot has not already been developed. The volume of water has increased dramatically over the last several years. The water running under John Lynde Road is free flowing on the other side of the road. Engel stated that he could stand in the creek bed at the back of his lot and he would be about eye level with the ground. When there is a heavy rain, it gets six feet deeper. Engel stated he understands there is a plan to mitigate, but nobody knows what the footprint of the plan is, so there is no way to know if it is going to work. Any amount of extra water that goes into this area is going to be extremely problematic. Engel urged commissioners to vote in opposition to this development, as it will do nothing to benefit the neighborhood or Des Moines.

Tom Mel, 3731 John Lynde Road, stated this is not something that should be done. Tom stated he is in opposition of this proposed development.

Grant Bridgford, 4010 Welker Ave, stated he grew up in the area and walked the proposed lots for 27 years. There are various types of wildlife and woodland in this area, and that is what attracts residents to this area. The proposed site would be cutting down 29 mature trees that are over 50 years and replacing them with trees that probably are not native to this area. The proposed parcels are going to have detention ponds, but there is not a property within three or four blocks that have these ponds. Grant stated he is an Environmental Consultant that has worked with storm water a lot in heavily wooded areas. Due to the nature of the area, the ponds are going to need to be dredged and cleaned out every few years, which will be a problem with the storm water runoff. The storm water drains to the south will be damaged or have to be replaced with the construction of the new lots. Bridgford strongly suggested the commission to vote in opposition.

Jean Williams, 314 42nd Street, stated the board has received her comments on the response cards, but wanted to reiterate that she is not in favor of this proposed development.

John Owens, 3903 Welker Avenue, stated he lives in the home adjacent to the property. The staff recommended that the developer try to preserve the trees on the property. There is more to preserving the trees than just cutting down and replacing. There is a critical root zone of the existing trees. Removing these trees without removing the entire root will pose a huge risk to not only the proposed homes, but the homes surrounding them. Due to the water issue, the soil is so bad that some of the neighbor kids have gotten their feet stuck in

it. If the neighborhood loses these existing trees, this will cause even more of an issue with the soil because the roots will not be there to help absorb any of the water.

Linda Railsback, 3904 Welker Avenue, stated she is not in favor of this proposed development.

Rebuttal

Pat Shepherd stated that they feel they have addressed a lot of neighbor's concerns with the Storm Water and Geotechnical Report. They went through the grading exercise to determine the water issues. The retention ponds will be several feet above the creek bed. They should not be in any danger of being flooded. Shepherd stated he believes the main reason it hasn't been developed before is because it's had the same owner since 1971. Pat stated that this property has been vacant for so long that the residents use it as their own "park" more than they should have. The commission is charged with determining if they've met all the City policies and zoning requirements. The lots and homes will fit in well with the neighborhood.

Jacqueline Easley asked for a response in regards to not meeting with the neighborhood group to discuss the things they requested.

Pat Shepherd stated that last October their concerns were runoff, drainage, and building on the steep slopes. Shepherd stated those items were addressed with the reports that have been given to the City.

Francis Boggus asked if there are any neighbors supporting this project.

Pat Shepherd stated that if there were any they are not present at the meeting.

Francis Boggus asked if they notified them that the meeting was tonight.

Pat Shepherd stated that they submitted a plan that met all City requirements.

Greg Wattier asked if anyone has presented this latest drawing and map to the neighborhood or just to the city.

Pat Shepherd stated that they did not.

Greg Wattier stated that he feels it is a critical step, especially in a neighborhood with the concerns of this one.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Mike Simonson moved to deny staff's recommendation because he is concerned about the stormwater situation in this area. Pat described meeting the letter of the law regarding the storm water management for the two new homes being built. The proposed detention facilities are taking a minor amount of water off the roofs and driveways. The issue is not with the water coming from the roofs and driveways but instead with the volume of water

that comes through the ravine and storm water. By looking at the map provided by the developer, the ravine looks as though it is not very large, but when you look at photos and videos of it, it is much larger which means the map is not accurate.

JoAnne Corigliano agreed. She does not feel that the home should ever be built. The type of trees that they have are going to be replaced, but the root systems of the new trees are not going to hold if they are in an area that is going to be washed away by the water. They should leave the trees alone because they are probably the only thing holding that ground in place.

Francis Boggus agreed with Mike Simonson. Hearing the comments of the neighbors, he feels that what's good for the neighbors and neighborhood needs to be looked at and taken into consideration. There are no neighbors to speak in favor of this development.

John "Jack" Hilmes stated he is familiar with this area. Hilmes stated he went and walked the proposed area. Hilmes stated he feels there is no way that there could be anything built there without creating a further problem in regards to the stormwater.

Will Page stated he would suggest to the neighborhoods to have them listed on the National Historic Registry for further protection from these kinds of things in the future.

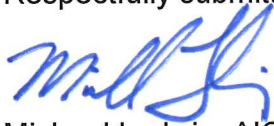
Greg Wattier states he finds this one extremely difficult. Greg stated he doesn't want to be overly legalistic about this, but as a property owner, there are basic property rights. Anyone who owns or buys a piece of property expects the opportunity to do what we want to do within the rights of the zoning law or any other law, such as the building code law. Wattier's initial reaction is that the commissioners are confusing things based on the passion presented with this issue. When it all comes down to it, the applicant is in front of the commission for a plat that complies with the rules of the zoning ordinance. Tree mitigation, stormwater, and erosion are things that are supposed to be discussed at the next step in the process. The next step is probably where the difficult hurdles and possible the demise of the project would occur. Fundamentally, Wattier has a hard time not allowing someone to do what is within their rights on their property.

COMMISSION ACTION:

Mike Simonson moved to deny staff's recommendation for approval of the preliminary plat.

Motion passed 11-1 (Greg Wattier voted in opposition).

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:clw

Attachment

Nicholas S Bussanmass, LLC (owner) represented by Nicholas Bussanmass (officer) on property located at 3816 John Lynde Road.				File #		
				13-2016-1.37		
Description of Action	Denial of request for approval of a Preliminary Plat "Winterfell", to allow subdivision of the property into three (3) lots for development of single-family dwellings.					
2020 Community Character Plan		Current: Intown Estates Residential. Proposed: N/A.				
Mobilizing Tomorrow Transportation Plan		No planned improvements.				
Current Zoning District		"R1-80" One Family Residential and "FSO" Freestanding Signs Overlay District.				
Proposed Zoning District		N/A.				
Consent Card Responses		In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area			9			
Outside Area						
Plan and Zoning Commission Action		Approval		Required 6/7 Vote of the City Council	Yes	
		Denial	11-1		No	X

Nicholas S. Bussanmass, LLC, 3816 John Lynde Road

13-2016-1.37



Item 13-2016-1.37 Date 4.7.16

I (am) ☒ (am not) in favor of the request.

COMMUNITY DEVELOPMENT
(Circle One)

APR 07 2016

DEPARTMENT

Print Name WICKIACZ, LAURA

Signature Laura Wickiacz

Address 3808 JOHN LYNDEN RD

Reason for opposing or approving this request may be listed below: DSM, IA
50312

see attached

Item 13-2016-1.37 Date 4.7.16

I (am) ☒ (am not) in favor of the request.

COMMUNITY DEVELOPMENT
(Circle One)

APR 07 2016

DEPARTMENT

Print Name WICKIACZ, ROGER

Signature Roger Wickiacz

Address 3808 JOHN LYNDEN RD

Reason for opposing or approving this request may be listed below: DSM, IA
50312

see attached

This is on Robert Herndon and Donna Herndon behalf. We spent over a year to purchase our home, we were looking at schools, size of lots, houses, the American Dream! We found that and more on Morton Ave. We can tell you who every neighbor is and their kids, we're all welcome in each other's house, family no adjust a neighborhood can you say that about your neighborhood? My kids and most of my grandkids, and hopefully in two years my great grandson will go to Garton School. A School which was updated a few years ago. We have have invested in our home, and property. I would like to invest another 40 thousand, but now am hesitant. We wanted to retire in this house and enjoy our golden years right here. We were planing to pass this down in our family! We live and support the businesses in this area. What can you do to help us? We're getting improvements to Freemont park. There are some properties you could help to promote housing, tax incentives. Last night on the news they said the average price on selling a home was 190,000.00 dollars and they don't last long. There is a housing shortage. Why would you send the people of Des Moines and have them move away! I don't won't to leave this area there's nothing even close. The Guthrie Business Park still has empty lots and buildings there. I remember when that was a big deal. Not all ideas are great. Let our neighborhood thrive, don't sell us down the road for someone else's dream listen to and hear us we're residents of this city of Des Moines We call home. Sincerely Robert Herndon, Donna Herndon.

Robert Herndon
Donna Herndon

Thursday
April 7, 2016

To Whom It May Concern.

My Name is Aunita Tyler. My Husband is Tim Tyler. We live at 2206 Morton Ave. My husband has lived here for 30 years. I have lived here for almost 16. Our Kids were raised in this Neighborhood. Now Our Grandkids are being raised Here part time also.

I understand the Importance of New Businesses and What they mean to the Community now and in the Future as far as growth and Jobs. I Believe as much as anyone that this is a very important part of a growing and thriving Community and City.

What I don't understand is why The City or Any Business would want to take Good People out of their Long Time Neighborhood and Homes and disperse them into places they never intended to be. I'm Not sure about a lot of things, but I am sure that Our neighborhood is a Very good and Wholesome Place for all of us on this street. We are all friendly, and always there for each other. The kids are safe in our neighborhood because it is a little Community of Families that have all been here for many many years.. We don't stay here because we Have to, We stay here because We love it here and This is where we want to be.

Not to Mention the Fact that in order for us to be able to move and find a place comparable to the homes and Land that we live on, it would cost whomever is buying around 250,000 each for our homes. We know homes and especially land is NOT Cheap.

In This day and Age it is very rare to find a bunch of people willing and wanting to work and help each other just because we are neighbors/ Family, regardless of our many differences.

You Might think we are all Old people on this street so it doesn't matter. But that is not True. Our Neighbors to the East of us Were raised in the house they now live in. Our neighbors across the street were raised in the house 3 houses up the street and just Built a Brand New house in the last 4 years because he loves this neighborhood that much. They are raising Children and Grandchildren on the street. So it is a Thriving Neighborhood, not just a bunch of old folks.

Please take this all into your consideration and into your heart and do what is right for The people and not what is right just to make money. Too many decisions are based on that fact alone now Days.

Thank you for your time. I appreciate being able to voice my Feelings and Wants for Our Neighborhood.

Sincerely,

Tim and Aunita Tyler

4-7-16
4-7-16

RECEIVED
COMMUNITY DEVELOPMENT

APR 07 2016

Item 13-2016-137 Date 4/5/16
(I am) (not) in favor of the request.
(Circle One)

Print Name ELIZABETH K. NEWMAN DEPARTMENT

Signature Elizabeth Newman

Address 3950 John Dymally Rd

Reason for opposing or approving this request may be listed below:

1) the residents wrote for a change due to making
open to the "squashed" house on John Dymally
~~street~~ but he's still a private
2) the nature of the area indicated by the size
etc, will be for a more residential change.

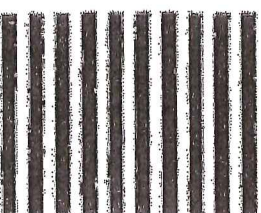


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UNITED STATES

BUSINESS REPLY MAIL

FIRST-CLASS MAIL PERMIT NO. 7089 DES MOINES, IA

POSTAGE WILL BE PAID BY ADDRESSEE



ATTN: PLANNING URBAN DESIGN
DES MOINES COMMUNITY DEVELOPMENT
602 ROBERT D. RAY DR.
DES MOINES, IA 50309-9603



Not within 250 feet notification area.
Not shown on map.

Item 13-2016-137

Date 4/3/2016

1 (am) (am not) in favor of the request.

TERESA JOHNSON JO

(Circle One)

Print Name

JOHN OWENS

Signature

John Owens

Address

3903 WELKER AVE

Reason for opposing or approving this request may be listed below:

- SERIOUS CONCERNS ABOUT FLOODING & MATTER WHEN ISSUES
 - NOT CONSISTENT WITH DEVELOPMENT PATTERN - ALSO NO FLOODAGE FOR GUEST PARKING
 - OUT OF CHARACTER FOR THE NEIGHBORHOOD
 - LOSS OF MANY NATURAL TREES & ROOT DAMAGE TO SURROUNDING TREES
 - LOSS OF HABITAT - OWLS, BATS, OTHER BIRDS, DEER, RABBITS, SQUIRRELS, WOODECKS, ETC
 - DRIVEWAY WIDTH - WITH EASEMENT & UTILITY POLE - CAN THIS MEET CODE?
 - DEVELOPED NOT TO BE
- THUSSED. HE WAS WORKING
- WITHOUT PERMITS AND CURRENT
- REMODEL WITH NEIGHBOR NEITHER CITY.

BUSINESS REPLY MAIL

FIRST-CLASS MAIL PERMIT NO. 7089 DES MOINES, IA

POSTAGE WILL BE PAID BY ADDRESSEE

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DES MOINES COMMUNITY DEVELOPMENT
602 ROBERT D. RAY DR.
DES MOINES, IA 50309-9603



RECEIVED
COMMUNITY DEVELOPMENT

APR 07 2016

Name B-2016-137 Date 3 April 2016

1 (am) (am not) in favor of the request.

DEPARTMENT

(Circle One)

Print Name

Deborah R. Wiley + John Schmidt

Signature

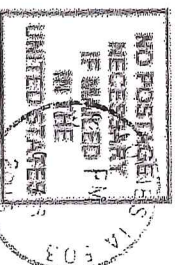
Deborah R. Wiley John Schmidt

Address

3900 John Lynde Rd, Des Moines, Iowa 50312

Reason for opposing or approving this request may be listed below:

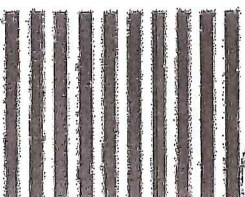
Damage to creek / streambed, additional potential flooding, decimation of mature trees, degradation of the wildlife habitat.



BUSINESS REPLY MAIL

FIRST-CLASS MAIL PERMIT NO. 7009 DES MOINES, IA

POSTAGE WILL BE PAID BY ADDRESSEE



ATTN: PLANNING URBAN DESIGN
DES MOINES COMMUNITY DEVELOPMENT
602 ROBERT D. RAY DR.
DES MOINES, IA 50309-9603



David C. Everett and
Nora M. Everett

3825 John Lynde Road
Des Moines, IA 50312-3033
(515) 279-9522
dave.everett@mchsi.com

RECEIVED
COMMUNITY DEVELOPMENT

April 6, 2016

Planning Urban Design
Des Moines Community Development
602 Robert D. Ray Dr.
Des Moines, IA 50309-9603

APR 07 2016

DEPARTMENT

RE **Item 13-2016-1.37** (Bussanmass / 3816 John Lynde Road)

Dear Sir or Madam,

We are **not** in favor of this request.

As neighbors directly across the street from the 3816 John Lynde Road, we are opposed to the request for three reasons:

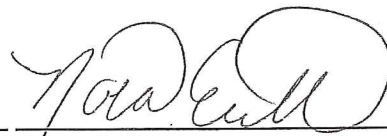
- **The proposed development would significantly detract from the aesthetics of the John Lynde Road neighborhood.** The current lot is heavily wooded with ample spacing between houses — in keeping with the pattern in the neighborhood. The proposed house on John Lynde Road would be very close to the #3816 home, and would remove a large number of trees.
- **The proposed John Lynde house would complicate water flow problems.** The water in the bottom of the ravine that runs past the property looks harmless. However, whenever there is a downpour of rain, the storm water transforms the ravine into a dangerous torrent of water. While we have lived in our house, *the City of Des Moines has performed three major excavating repairs in the ravine* to repair soil erosion caused by these torrents. The proposed location of a new home so close to this water seems very likely to cause problem for the new home, residents further downstream, or both.
- **The developer is not focused on the long-term interests of the neighborhood.** The developer purchased #3816 and is entitled to pursue his plans for the property. However, it is clear that his motivations are those of a developer and not those of a resident.

The proposal would detract from this Des Moines neighborhood. We respectfully ask that the Plan & Zoning Commission reject Item 13-2016-1.37.

Sincerely,



David C. Everett
3825 John Lynde Rd.



Nora M. Everett
3825 John Lynde Rd.

Item 13-2016-137 Date 4/3/16

I (am) ☒ **RECEIVED** the request.
COMMUNITY DEVELOPMENT
(Circle One)

APR 07 2016

DEPARTMENT

Print Name MARSHALL G. LINN III
Signature [Signature]
Address 3736 JOHN LYNN DR

Reason for opposing or approving this request may be listed below:

Development not in harmony with
Neighborhood - our land values will
decrease - Flow of existing drainage
will increase speed of H₂O - Losing
trees as not in sync with City Plan



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UNITED STATES

BUSINESS REF

FIRST-CLASS MAIL PERMIT NO. 70

POSTAGE WILL BE PAID BY ADDRESSEE



ATTN: PLANNING URBAN
DES MOINES COMMUNITY
602 ROBERT D. RAY DR.
DES MOINES, IA 50309-9603



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ATTN: PLANNING URBAN DESIGN
DES MOINES COMMUNITY DEVELOPMENT
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DES MOINES, IA 50309-9603

BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT NO. 7089 DES MOINES, IA
POSTAGE WILL BE PAID BY ADDRESSEE



March 31, 2016

City of Des Moines
City Plan and Zoning Commission
602 Robert D. Ray Drive
Des Moines, IA 50309

Re: Item Agenda Item #13 – April 7, 2016 Meeting
Bussanmas Homes, Vicinity of 3816 John Lynde Road

Dear Commission Members,

I am the President of Greenwood Historic Neighborhood Association, which association is located next to the above property. The purpose of this letter is to object to the proposed division of the subject property into three (3) lots for single-family residential use.

GHNA is an association of a neighborhood composed of an eclectic mix of stately homes south of Grand Avenue. Many of the homes date to the first decade of the 1900s. It is always tempting to developers to carve up the homes and spacious lots and to thereby increase density. However, carving up homes and lots is a harbinger of deterioration and decline of a neighborhood. For more than the past 20 years, the residents of GHNA have invested in their old homes to assure that the neighborhood and the homes within it do not begin the destruction and decline process we have unfortunately seen in so many Des Moines neighborhoods. GHNA has been an example of how a neighborhood can resist the relentless urge to increase density, divide and destroy a neighborhood. On behalf of the residents of GHNA, we join with the residents near the subject property in strongly objecting to the above project and urge that it be denied by the City Plan and Zoning Commission.

Very truly yours,



Kathy Fehrman, President
Greenwood Historic Neighborhood Association.

31
Donnames







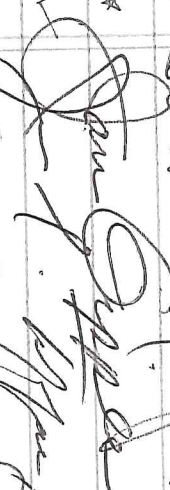
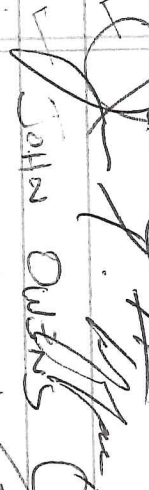



23 comm

Petition opposing development / subdivision
of property @ 3816 John Lynde Road

Name	Signature	Address
✓ Karen Engel	Karen Engel	3830 Welker Ave
✓ Sarah Hedrick	Sarah Hedrick	317 SW 39th
✓ Ted Engel	Ted Engel	3830 Welker Ave
✓ Britney Engel	Britney Engel	3830 Welker Ave
✓ Margaret Engel	Margaret Engel	3830 Welker Ave
* Kristine Elles	Kristine Elles	4028 W Welker
* Sandy Thomas	Sandy Thomas	4028 W Welker
* SUSANNA MILES	Susanna Miles	4028 W Welker
* Judith Eastburn	Judith Eastburn	3909 Lincoln Pl. Dr.
* Grant, Susan, Paul, Clark Bridgford	Grant, Susan, Paul, Clark Bridgford	4010 W Welker Ave
✓ ROBIN KLING	Robin Kling	3815 Lincoln Pl. Dr.
* Melanie Keiper	Melanie Keiper	4025 Welker Ave.
✓ LINDA RAILSBACK	Linda Railsback	3904 Welker Ave
* Jan Sue	Jan Sue	4003 Lincoln Place Dr.
* Jack Hegdal	Jack Hegdal	4003 Lincoln Pl. Dr.
✓ William & Sumner	William & Sumner	3815 Lincoln Pl. Dr.

* Not within 250 feet Notification area.

PETITION OPPOSING DEVELOPMENT / SUBDIVISION OF PROPERTY @ 3816 JOHN LYNDE ROAD

NAME	SIGNATURE	ADDRESS
✓ MICHAEL AENIBNOU		3915 WELKER
* JESS HOEDERUES		4001 WELKER AVE
* Tony Kibbs		4021 WELKER
✓ Selmaeal		3920 WELKER AVE
* William Mc Dick Wm M.D.		4037 WELKER
* Timothy Brown		109 SW 40 th St
* Melinda R. Brown		109 SW 42 nd St
* JAN BERRY		4002 WELKER AVE.
* Don  JANGFLE		402 WELKER AVE
 J. Owens		3809 WELKER AVE.
✓ John Owens		3903 WELKER AVE
✓ TERESA DEHSSON		3903 WELKER AVE
✓ KATHLYN OWENS		3903 WELKER AVE

* Not within 250 feet Notification area.

Item ZON2015-00196

Date 21 Oct 15

I (am) ☒ in favor of the request.

(Circle One)

Print Name

Wm A. Synnecis

Robin L. Kline RK

Signature

William A. Synnecis

Address

3815 Lincoln Ave

Reason for opposing or approving this request may be listed below:

The loss of habitat caused by clearing the lot would have a direct & permanently negative effect on local birds and other fauna which populate the ravine in the SANK district. Further, the loss of old trees would increase local erosion and directly impact property holders further downstream in this watershed. Before any change in this tract is made, we would want a complete environmental impact statement address these points and the direct impact of new construction on the same watershed which has existed undisturbed for several generations.

Received as part of an earlier appeal
(BOA 10/28/2015, Exception)
ZON2015-00196

Item ZON2015-00196

Date 10-22-15

I (am) (am not) in favor of the request.

(Circle One)

Print Name FRANK J RANDOLPH

Signature Frank J Randolph

Address 516 SW 39th

Reason for opposing or approving this request may be listed below:

on Lot Measurements
The variations would allow homes
completely out of character and appearance
for the whole neighborhood. It would de-
crease property values for existing homes

70N2015-00196
70N2015-00196
70N2015-00196
Item _____

Date 10/20/15
Date 10/20/15

I (am) (am not) in favor of the request.

(Circle One)

Print Name JOSH HOLDEENESS

Signature [Signature]

Address 4001 WELKER AVE DSM, IA 50312

Reason for opposing or approving this request may be listed below:

ATTACHED

Not within 250 feet Notification area.

RE: Item 15 ZON 2015-00196

Vicinity of 3816 John Lynde Road

I am writing to state my strong opposition to the proposed purchase and division of the lot at 3816 John Lynde Road. As a lifelong resident of this desired Des Moines neighborhood, my wife and I chose to purchase our home and raise our family in this area (Welker Avenue) because of its grand landscape and historic elements. The greater appeal of the area, deemed by the zoning board the "Greenwood Historic Neighborhood Association" is the safety and beauty that it retains as a preserved historical neighborhood. As residents, we are annually subject to attempts by the city to raise our property taxes that are already among the highest in the city.

With every stride that our great city has made over the past two decades, including the gentrification of the downtown epicenter, and continued population growth in the suburban areas, we would be allowing a great disservice to be done to our historic neighborhoods by allowing the segmentation and redevelopment of these prized parcels. These historic homes and natural properties are our link to the past in an ever evolving and modernizing city.

Additionally, as a father raising my children here, I appreciate the safety and contact with nature that the area affords my children. Our street offers no sidewalks, very little traffic and the allure of a lost "Americana" in a community that reminds me of my childhood. We don't have many of these environs left in this world where our children can grow up without the worries of the outside world. Let's keep this neighborhood that way.

Lastly, as a local business owner with over 100 employees, I have every intention of staying in this area and continuing to raise my family here. I hope that someday they will raise their families here and generations will follow. Seeing the integrity of this beautiful neighborhood destroyed by endless caravans of dump trucks and construction vehicles would be a huge disappointment affecting scores of families who call these hills home.

Thank you for your consideration,



Josh, Shara, Stella & Cash Holderness
4001 Welker Avenue
Des Moines



Stella
Cash.

ZON2015-00196

Item

Date

10-21-15

I (am) ☒ (am not) in favor of the request.

(Circle One)

Print Name

William McNichols + Virginia McNichols

Signature

William McNichols + Virginia A McNichols

Address

4031 Walker

Reason for opposing or approving this request may be listed below:

I am against putting 4 houses into a district zoned for one house. It seems an obvious disregard of the city's zoning codes. Not only that, but

there is a waterway - small creek that flows through the property important for the animals and ^{the} environment.

I believe that flooding could be an issue also as it is low lying land at the bottom of a hill.

I have taken my grandson on walks through this area of woods & creek and he, a little boy calls it an 'amazing adventure'. To destroy woods & creeks that give the neighborhood the feel of an urban woods should be a crime.

Walker is a small street and the development of this property into 4 houses will not be good for the neighborhood.

Sincerely,

Virginia A. McNichols

Not within 250 feet Notification Area.

Item ZON2015-00196

Date 10/19/15

I (am) (am not) in favor of the request.

(Circle One)

Print Name Debra Robbins

Signature Debra Robbins

Address 3737 Lincoln Place NW

Reason for opposing or approving this request may be listed below:

Historic neighborhood, not new
home development?

Item ZON2015-00196

Date 10-19-15

I (am) ☒ in favor of the request.

(Circle One)

Print Name

GREG BEERBINS / ANDREW SEXTA

Signature

Greg Beerbins / Andrew Sexta

Address

4108 WILKIE AVE

Reason for opposing or approving this request may be listed below:

CUTTING OUT MORE TREES WILL DAMAGE THE
HISTORIC NEIGHBORHOOD. WE DON'T NEED SOMETH
OF GRAND TO BE DEVELOPED FOR SOMEONE TO
MAKE A CHECK DINING. THE LANDSCAPED AREAS
IN THE NEIGHBORHOOD ARE WHAT SETS US APART.

Item ZON2015-00196 Date 10/19/15

I (am) (am not) in favor of the request.

(Circle One)

Print Name Ronald Michael Loring

Signature Ronald Michael Loring

Address 3943 Welker Ave

Reason for opposing or approving this request may be listed below:

That is beautiful green space
at the end of Welker. It would
be a tragedy to have three houses
built on that lot. I sure hope
the right thing is done. Thanks

or even
four

Item ZON2015-00196

Date October 20, 2015

I (am) (am not) in favor of the request.

(Circle One)

Print Name Walt and Sandra Githens

Signature

Walt Githens Sandra Githens

Address 4102 Welker Avenue

Reason for opposing or approving this request may be listed below:

We oppose the request for variance (ZON 2015 - 00196) for the following reasons:

1. Erosion - The proposed construction will further damage the erosion by the creek and the ravine. The City of Des Moines Public Works Department has spent quite a bit of money and man hours in their efforts to resolve these erosion issues. This erosion has been a source of many meetings and actions of the Salisbury Oaks Neighborhood Association (SONA) beginning in 1990's. Erosion has been studied by Environmental Committee of the Mayor's Energy Task Force and 2001 Watershed Task Force report along with a number of other watershed studies. By the mid-2000's SONA had developed a plan to resolve some of the issues created by the erosion - all of which has not been implemented because it requires city action and a great deal of money.
2. Flood plain - how can the environmental issues of the creek and ravine area be addressed when most of the area is a flood plain?
3. Turning radius at intersection of Welker Avenue and 39th Street - the corner is quite sharp and there is no space for a driveway on Welker and another driveway on 39th St.
4. Parking - The proposed lots on 39th and Welker are substandard size which will likely lead to parking issues.
5. Run off- The run off of the water from Welker will follow the driveways of the proposed lots.
6. Inadequate Street - The base of the east section of Welker and 39th Street is a combination of gravel and asphalt. The narrow streets of Welker and 39th Street are not made for movement of heavy equipment. The street will be damaged by the proposed construction.
7. Character of the Neighborhood - The small lots proposed by the variance do not fit the character of the neighborhood.
8. Character of the Neighborhood - Our neighborhood suffered from a similar proposal in the 1960's. Neighbors fought the proposed variance which would have allowed smaller lot size - all the way to the Iowa Supreme Court. The Court ultimately ordered the city to follow its ordinance and prevented smaller lots in our neighborhood. Our neighborhood is committed to keeping its character. We appreciate the forest which would be removed by the approval of this variance.
9. Replacing trees - The mayor and city council have provided for replacing trees which have been cut down. If the trees are removed, will the developer be required to replace all that has been removed?

Item ZON2015-00196

Date 10-20-2015

I (am) (am not) in favor of the request.

(Circle One)

Print Name Ed & Jane Ridnour
Signature *[Signature]*
Address 3811 Lincoln PL Drive

Reason for opposing or approving this request may be listed below:

- water drainage issues
- increased traffic
- destruction of natural forest land

Item ZON2015-00196

Date 10.20.15

I (am) (am not) in favor of the request.

(Circle One)

Print Name Lisa John Beh

Signature Lisa J Beh

Address 3701 Lincoln Place Dr. DSM 50312

Reason for opposing or approving this request may be listed below:

- environmental issues with
plants animals and insects
as well as water run-off
potential problems. DB

70N2015-00196

Item

Date OCTOBER 19, 2015

I (am) (am not) in favor of the request.

(Circle One)

Print Name JANICE R. GIPPLE

Signature

Janice R. Gipple

Address

4002 WELKER AVE

Reason for opposing or approving this request may be listed below:

A. THE DISRUPTION/DESTRUCTION OF NATURAL BEAUTY -

I.E. TREES, GREENSPACES AND ANIMAL LIFE.

B. A DECLINE IN THE QUALITY OF LIFE FOR
WELKER AVE RESIDENTS DURING AND AFTER

CONSTRUCTION IN THE FORM OF:

1) NOISE POLLUTION OF VEHICLES AND EQUIPMENT
USED FOR CONSTRUCTION AND UPKEEP.

2) MUD, DEBRIS AND UGLINESS THAT GO ALONG
WITH BUILDING PROJECTS.

3) INTERFERENCE/DISRUPTION OF WALKING FOR
EXERCISE OR PLEASURE. WE HAVE NO SIDEWALKS
AND THEREFORE WALK IN THE STREET.

C. THE POTENTIAL FOR THE DEVELOPMENT OF
ILL-CONCEIVED HOUSING DESIGNS OR CHARACTERISTICS
SUITABLE IN THE SUBURBS BUT NOT THE HEART OF
OUR CITY

I (am) ☒ (am not) in favor of the request.

(Circle One)

Print Name Jan V. Berry

Signature

Address 4002 Welker Avenue, DSM 50312

Reason for ☒ opposing or approving this request may be listed below:

Granting the requested exceptions will adversely affect the Welker/39th Street neighborhood in a number of ways:

~~-The topography of the parcel in question is not conducive to the proposed development. A watercourse runs through the property, and has contributed to past flooding and erosion to the southeast of the property. A recent drainage project seemingly reduced or eliminated the problem for now, but the grading and additional hard surfaces associated with the proposed development may well overwhelm the system designed to accommodate the existing drainage requirements.~~

~~-The construction of the two southern homes (crowded up against the lot lines of the adjoining homeowners) will adversely affect the neighborhood's (dare I say) aesthetics because they will be out of character for the neighborhood. Walk the area and you'll see that whoever platted/zoned it was sensitive to the topography. In areas where the terrain is reasonable for it, we have smaller lots and homes closer together. But in more challenging terrain (like the subject property and land to its east) larger single-home lots with greater separation between structures dominate and create/enhance the neighborhood's unique character. Two new homes, apparently with large garages, sited close to the streets and adjoining lot lines are totally out of character.~~

~~-Although not likely to affect my property, I think it likely that out-of-character homes close to lot lines would have an adverse effect on the values of the adjoining properties.~~

The existing requirement of an 80-foot lot width is probably too narrow as it is considering the site itself. The neighborhood would probably have to live with a plan which met existing requirements, but should not have to suffer exceptions which reduce an already-too-narrow requirement even further.

Please deny the requested exceptions.

ZON2015-00196

Item

Date OCTOBER 20, 2015

I (am) ☒ (am not) in favor of the request.

(Circle One)

Print Name MARCIA BAUMHOVER

Signature Marcia Baumhover

Address 3937 WELKER AVE, DES MOINES

Reason for opposing or approving this request may be listed below:

TOO MANY SMALL HOUSES. WILL
LOWER PROPERTY VALUE. WILL
RUIN THE CHARACTER OF THE
NEIGHBORHOOD. MAJOR CONCERN ABOUT
WATER ISSUES. MUCH MONEY HAS
ALREADY BEEN SPENT TO TRY AND
ALLEViate THE WATER PROBLEM. TO
DISRUPT WHAT HAS ALREADY BEEN
DONE IS RIDICULOUS.

ZON2015-00196

Item

Date

10-20-2015

I (am) (am not) in favor of the request.

(Circle One)

Print Name

Wesley T. Graham

Signature



Address

4005 Welker Ave, DSM IA 50312

Reason for opposing or approving this request may be listed below:

The proposal contemplates building two
homes on the corner of Welker & SW 39th.
Given the proposed ~~same~~ footage of lot width,
the homes will literally be shoe-horned
into the property, thereby depreciating the
value of the preexisting homes & harming
the beauty of the street. Therefore, my
wife & I are opposed to the request.

I (am) (am not) in favor of the request.

(Circle One)

Print Name Brett Douglas

Signature

Brett Douglas

Address

3727 Linden Place Dr.

Reason for opposing or approving this request may be listed below:

- 1) EXISTING VOLUME & VELOCITY OF WATER MOUNTS TRIM
THIS PARCEL & DOWN STREAM PROPERTIES IS A LIABILITY & THIS COUNTRY
WATER CURRENTLY EXCEEDS 6' DEPTH IN MAJOR STORM
EVENTS, POSING DANGER TO RESIDENTS (ESPECIALLY CHILDREN).
ADDITIONAL IMPROVEMENTS (BRIDGES & ROOT-TO-PS) WILL
COMPOUND THE PROBLEM.
- THIS COUNTRY
 SINCE 199
 WITHIN 1
 PARCEL INT
 NEARLY

- 2) THIS SITE IS NOT PLAT. IN FACT, THE POLK CO.
ASSESSORS SITE DESCRIBES THE TOPOGRAPHY
AS "PROBLEM". ADDITIONAL STUDY IS NECESSARY TO
UNDERSTAND GRADING IMPLICATIONS, INCLUDE BUT
NOT LIMITED TO TREE REMOVALS, SOIL LOSS & CONSTRUCTION.

- 3) TWO ACCESS POINTS OR STAGED DRIVE @
SW 3/4 & W 1/2 IS CONCERNING BECAUSE
OF THE UNUSUAL VIEW TRAVEL. THE AREA
IS A POPULAR WILDERNESS TRAIL ROUTE. NOTE,
CARS + VEHICLES SHARE THE ROAD BECAUSE
THERE ARE NO SIDE WALKS.

Item ZON2015-00196

Date October 19, 2015

I ~~(am)~~ (am not) in favor of the request.

(Circle One)

Print Name Karen + Ted Engel

Signature Karen Engel

Address 3830 Welker Ave
Des Moines, IA 50312

Reason for opposing or approving this request may be listed below:

- ① the requested variance and development pattern is not in harmony with that of the neighborhood.
- ② alters the flow of water
- ③ development is not consistent w/ density of the adjoining lots
- ④ Interfere w/ the flow of water

Item ZON2015-00196

Date 18 OCTOBER 2015

I (am) (am not) in favor of the request.

(Circle One)

Print Name LINDA RAILSBACK, MD

Signature L Railsback

Address 3904 WELKER AVE

Reason for opposing or approving this request may be listed below:

- ① Lot width too tiny for this neighborhood.
- ② Requires massive dirt fill → trucks → wrecked streets and increased traffic.
- ③ City spent millions controlling water at 39th + Welker. Losing vegetation and increasing cement + roof run-off will not help.
- ④ Property value is based on mature trees (in part). That charm will be gone.

Item ZON2015-00196

Date 10/19/15

I (am) (am not) in favor of the request.

(Circle One)

Print Name Steven Jayne and Karen Shaff

Signature Steven Jayne

Address 3650 Lincoln Place Drive

Reason for opposing or approving this request may be listed below:

The impact of building houses on the lots for which the variances
are being sought will have a negative impact on water flow
which will cause water issues on our property on Lincoln Place Drive.

We object to the granting of the requested variances for this reason
and in addition because of the significant increase to density
of housing on the property for which the minimum required
lot width were intended to prevent.

Print Name

Jed + Deb Mangel

Signature

Jed Mangel

Address

3920 Weller Ave

Reason for opposing or approving this request may be listed below:

1) The construction equipment will damage an already worn out road from rain runoff. This damage will potentially cause a special assessment to neighborhood for repairs.

2) We feel the new construction will adversely affect the character of our neighborhood.

3) These new homes will cause additional cars parked on a narrow road not designed for heavy traffic.

4) Tonawanda Towne could be affected by this construction. Not just in the area of the construction, but the entire ravine water flow & erosion ^{will} be affected. As past President of SONA I know firsthand the time, efforts and considerable money spent to properly channel the water flow and erosion prevention that went into this project. It would be horrible to see that all ruined by unnecessary housing in an unfit property.

Item ZON2015-00196

Date 10/19/15

I (am) ☒ (am not) in favor of the request.

(Circle One)

Print Name Melinda Ritter Brown

Signature Melinda Ritter Brown

Address 109 SW 42nd St

Reason for opposing or approving this request may be listed below:

- ① Changes the appeal of the neighborhood
- ② Would increase traffic on Welker, short term and long term
- ③ There is no way adequate access can be developed @ the E end of Welker without encroaching on adjacent properties

Item ZON2015-00196

Date 10/19/15

I (am) (am not) in favor of the request.

(Circle One)

Print Name DIANE RENDLER

Signature Diane Rendler

Address 4029 Welker, Av. 50312

Reason for opposing or approving this request may be listed below:

I feel it would disturb the
balance of the street.

Item ZON2015-00196

Date Oct 19 2015

I (am) (am not) in favor of the request.

(Circle One)

Print Name JUDITH EASTBURN

Signature Judith Eastburn

Address 3909 Lincoln Pl. Dr.

Reason for opposing or approving this request may be listed below:

1. This is a woodland/drainage area, where wildlife are protected and enjoyed by locals. Construction of homes + road will destroy it.
2. This area is a drainage area, even lower than the curve at the bottom of Welker. Roads/driveways could interfere with the drainage problems already there.
3. Traffic is already busy on Welker*, and the blind curve where it joins 39th does not need further traffic.
4. This is an area of natural beauty, which a developer will most assuredly damage beyond repair.
- 5* Although I live on Lincoln Place Drive, I use Welker to get to my house, so that I avoid the blind hill section of LPD, where parked cars force drivers to pull out to the left with no view of oncoming cars. I suspect Welker provides a safer alternative to many Lincoln Place Drive inhabitants.

2015-00196

Date

10/18/15


☒ am not) in favor of the request.

Circle One)

Print Name

Melanie Keiper

Signature



Address

4025 Welker Ave.

for opposing or approving this request may be listed below:

There is not enough room for 3
uses + there is no room
for street parking for even 1
additional house. There is a stream
that runs through there + this
will
can ~~and~~ eliminate all of the trees
that are currently there + would
 detrimentally affect the neighborhood +
change the character of the
neighborhood.

Item ZON2015-00196

Date 10-19-15

I (am) (am not) in favor of the request.

(Circle One)

Print Name Michael Wegner Mary Wegner
Signature Michael Wegner Mary Wegner
Address 3939 Welker Ave.

Reason for opposing or approving this request may be listed below:

There already are water runoff issues at the east end of
Welker at 39th. This proposed is not going to help. I
also believe building two houses on lots this narrow will
require houses not consistent with the character of the neighborhood
and will diminish value. Many of the houses on the street are
nearly 100 years old. "Suburban" style houses would be inappropriate.