### Item #4a

# CITY OF WEST DES MOINES PLAN AND ZONING COMMISSION COMMUNICATION

Meeting Date: July 31, 2017

<u>Item:</u> Fareway Plat 1, Southwest corner of S. 81st Street and Mills Civic Parkway –

Subdivide property into 1 lot for commercial development –

Fareway Stores, Inc. – PP-003464-2017

Requested Action: Approval of Preliminary Plat

Case Advisor: Brian S. Portz, AICP **BP** 

<u>Applicant's Request</u>: The applicant, Fareway Stores, Inc., is requesting approval of a Preliminary Plat for approximately 4.3 acres located at the southwest corner of S. 81<sup>st</sup> Street and Mills Civic Parkway. The applicant proposes to subdivide the property into one (1) lot for construction of an approximately 30,000 square foot Fareway grocery store.

<u>History</u>: The property was annexed into the City in 2005 as a part of the Smith Witmer Mentzer Annexation. The property has not been previously platted. A Comprehensive Plan Amendment was approved in 2009 to change the future land use on the property from Single Family Residential to Office. In February of 2017, the City Council approved a Comprehensive Plan Amendment for the property changing the land use designation from Office to Community Commercial. In addition, the City Council also approved a Planned Unit Development Ordinance for the future development of the property. In February of 2017, a Plat of Survey was approved for the property that allowed for the transfer of ownership of the property to Fareway with a condition that it be platted through the City's subdivision process.

<u>City Council Subcommittee</u>: This item was presented to the Development and Planning City Council Subcommittee on July 24, 2017 as an informational item. There was no discussion about the request.

<u>Staff Review and Comment</u>: This request was distributed to other City departments and other agencies for their review and comment. There are no outstanding issues. Staff would summarize the following key points of interest:

- <u>Site Plan:</u> The Fareway site plan shown on the preliminary plat has not been reviewed in detail by staff. The applicant elected not to submit the full site plan for review at this time. The site plan will be reviewed at a future date and brought forward to the Plan & Zoning Commission and City Council for consideration.
- <u>Access</u>: Access to the property from Mills Civic Parkway will be via a shared (with the property to the west, owned by Robert F. Etzel Living Trust) full access drive that will be located on the Etzel property. An ingress/egress easement between Fareway and Etzel will be executed and recorded with the Fareway Plat 1 Final Plat to provide for this access. There will also be a full access drive connecting to S. 81st Street.
- <u>Sanitary Sewer:</u> A public sanitary sewer main will be constructed to serve the Fareway site from an existing sanitary sewer main located on the south side of the Etzel property. Fareway and Etzel have a private agreement for the extension of this sewer main.

<u>Comprehensive Plan Consistency</u>: The project has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed project is consistent with the Comprehensive Plan in that the project is consistent with all of the goals and policies of the Comprehensive Plan and the land use map of the Comprehensive Plan.

S:\\_\_\_Development Projects\Etzel\SW corner Mills Civic - S81st\Plat 2\Preliminary Plat\Fareway Plat 1\PP-003464-2017\_SR\_Fareway Plat 1\_07-31-2017\_PZ.docx

<u>Findings</u>: This proposed project was distributed to various city departments for review and comment. Based upon that review, the following findings have been made on the proposed project:

- 1. The proposed development and use is consistent with the West Des Moines Comprehensive Plan in that the project has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed project is consistent with the Comprehensive Plan in that the project is consistent with all of the goals and policies of the Comprehensive Plan.
- 2. The proposed development and use does assure compatibility of property uses within the zone and general area in that this project was reviewed by various City Departments for compliance with the Zoning Ordinance.
- 3. All applicable standards and conditions have been imposed which protects the public health, safety and welfare in that this project was reviewed by various City Departments and public agencies for compliance with the various state and local regulations. Based upon that review a finding is made that the project has been adequately conditioned to protect the health, welfare and safety of the community.
- 4. There is adequate on-site and off-site public infrastructure to support the proposed development in that this project was reviewed by various public agencies and City Departments and public utilities to ensure that either the petitioner will construct or the project has been conditioned to construct adequate public infrastructure to serve the development.
- 5. The proposed development and use has met the requirements contained in the City Code in that this project was reviewed by various City Departments and the project has complied with or has been conditioned to comply with all City Code requirements.
- 6. The proposed development and use is in keeping with the scale and nature of the surrounding neighborhood in that the proposed project is consistent with the zoning designation and Comprehensive Plan which designates this site as suitable for development such as that proposed by this project.

<u>Staff Recommendation And Conditions Of Approval</u>: Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, staff recommends the Plan and Zoning Commission adopt a resolution recommending the City Council approve the Preliminary Plat to create one (1) lot for commercial development, subject to the applicant meeting all City Code requirements and the following:

- 1. An ingress/egress easement for access to the site from the property to the west shall be submitted and recorded at the time of associated final plat approval.
- 2. The site plan shown on the preliminary plat is not approved with the preliminary plat. City Council approval of the associated Fareway site plan shall occur prior to any construction (private utilities, parking lots, or building construction) occurring on the site.
- 3. The applicant receiving City Council approval of the associated Final Plat prior to issuance of any building permit, including footing and foundation permits for the lot.
- 4. Public improvements on the site shall be accepted by the City or surety provided for their completion prior to the approval and release for recordation of the associated Final Plat.

 $S: $$ \underline{\ \ \ } Plat = Preliminary Plat = Prelimi$ 

Owner/Applicant Fareway Stores, Inc.

Garrett S. Piklapp 715 8th Street P.O. Box 70 Boone, IA 50036

gpiklapp@farewaystores.com (515) 432-2623 ext. 436

Applicant's Representative: Snyder & Associates, Inc.

Tim West

2727 SW Snyder Blvd Ankeny, IA 50023

tlwest@snyder-associates.com

515-964-2020

### **Attachments:**

Attachment A - Plan & Zoning Commission Resolution Exhibit A - Conditions of Approval

Attachment B - Location Map Attachment C - Preliminary Plat

S:\\_\_Development Projects\Etzel\SW corner Mills Civic - S81st\Plat 2\Preliminary Plat\Fareway Plat 1\PP-003464-2017\_SR\_Fareway Plat 1\_07-31-2017\_PZ.docx

## ATTACHMENT A

### RESOLUTION NO. PZC-17-072

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE A PRELIMINARY PLAT TO SUBDIVIDE PROPERTY INTO 1 LOT FOR COMMERCIAL DEVELOPMENT

WHEREAS, pursuant to the provisions of Title 10, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Fareway Stores, Inc., has requested approval for a Preliminary Plat (PP-003464-2017) to create one (1) lot for commercial development on an approximately 4.3 acre site generally located on the southwest corner of S. 81st Street and Mills Civic Parkway;

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

**WHEREAS**, on July 31, 2017, this Commission held a duly-noticed public meeting to consider the application for Fareway Plat 1 Preliminary Plat (PP-003464-2017);

NOW, THEREFORE, THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

<u>SECTION 1</u>. The findings, for approval, in the staff report or as amended orally at the Plan and Zoning Commission meeting are adopted.

SECTION 2. The Preliminary Plat (PP-003464-2017) to subdivide the property into one (1) lot for commercial development, is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report dated July 31, 2017 including conditions added at the meeting, and attached hereto as Exhibit "A." Violation of any such conditions shall be grounds for revocation of the permit, as well as any other remedy which is available to the City.

PASSED AND ADOPTED on July 31, 2017.

Craig Erickson, Chairperson
Plan and Zoning Commission

ATTEST:

Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Plan and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on July 31, 2017, by the following vote:

AYES:
NAYS:
ABSTENTIONS:
ABSENT:
ATTEST:

Recording Secretary

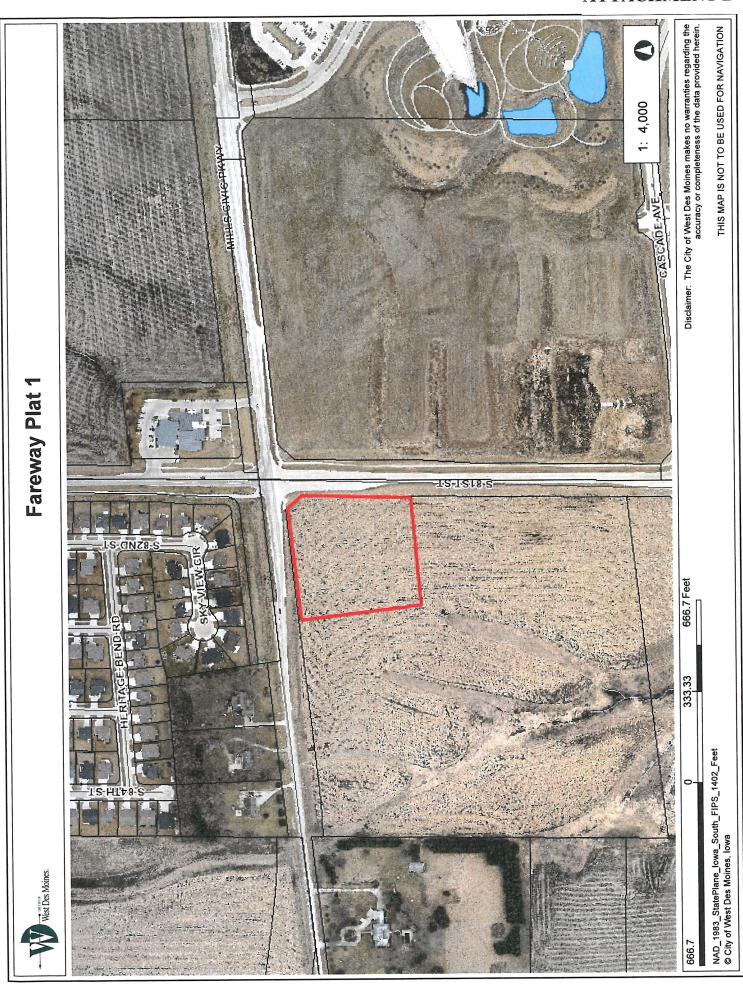
S:\\_\_\_Development Projects\Etzel\SW Corner Mills Civic - S81st\Plat 2\Preliminary Plat\Fareway Plat 1\PP-003464-2017\_SR\_Fareway Plat 1\_07-31-2017 PZ.Docx

# Exhibit A CONDITIONS OF APPROVAL

- 1. An ingress/egress easement for access to the site from the property to the west shall be submitted and recorded at the time of associated final plat approval.
- 2. The site plan shown on the preliminary plat is not approved with the preliminary plat. City Council approval of the associated Fareway site plan shall occur prior to any construction (private utilities, parking lots, or building construction) occurring on the site.
- 3. The applicant receiving City Council approval of the associated Final Plat prior to issuance of any building permit, including footing and foundation permits for the lot.
- 4. Public improvements on the site shall be accepted by the City or surety provided for their completion prior to the approval and release for recordation of the associated Final Plat.

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# ATTACHMENT B



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**PLAT** 

**FAREWAY** 

## **LEGEND**

Features	Existing	Proposed
Spot Elevation Contour Elevation	93.0 93	×93.0 ×93-
Fence (Barbed, Field, Hog) Fence (Chain Link) Fence (Wood)		
Fence (Silt) Tree Line	~~~	~~~
Tree Stump	<u> </u>	
Deciduous Tree \ Shrub	$\odot$ $\circ$	
Coniferous Tree \ Shrub	0 0	
Communication Overhead Communication	C(*)	
Fiber Optic Underground Electric	FO(*) E(*)	
Overhead Electric Gas Main with Size	OE(x)	OE
High Pressure Gas Main with Size	4" HPG(x)	-4" HPG-
Water Main with Size Sanitary Sewer with Size	8" W(x)	8" S
Duct Bank Test Hole Location for SUE w/ID	DUCT(*)	

 $(\mathbf{x})$  Denotes the survey quality service level for utilities

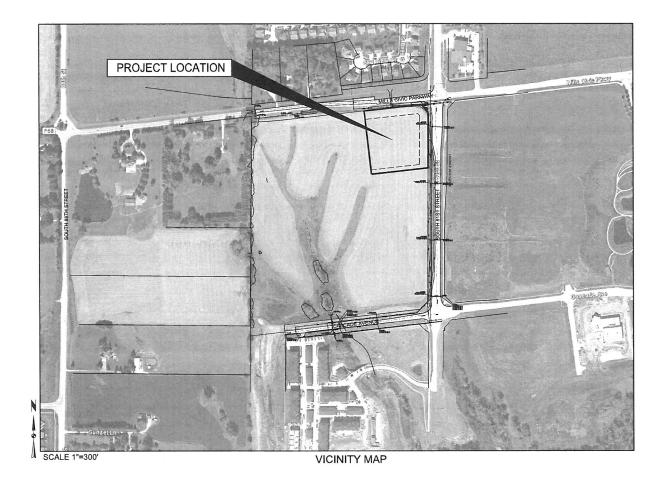
Sanitary Manhole	Ø 12'' ST	12" 57
Storm Sewer with Size	12 31	12 31
Storm Manhole	0	<u> </u>
Single Storm Sewer Intake		
Double Storm Sewer Intake	ليا	ىپا
Fire Hydrant	Ω	Q
Fire Hydrant on Building	₽,	
Water Main Valve	M	M
Water Service Valve	⊗	8
Well	⊛	
Utility Pole	-⇔-	
Guy Anchor	Τ	
Utility Pole with Light	0-≪	
Utility Pole with Transformer	•	
Street Light	□<<	
Yard Light	<b></b>	
Electric Box	CIEB	
Electric Transformer	Ε	
Traffic Sign		
Communication Pedestal	©	
Communication Manhole		
Communication Handhole	(2)	
Fiber Optic Manhole	0	
Fiber Optic Handhole	FO	
Gas Valve	G	
Gas Manhole	0	
Gas Apparatus	C	
Fence Post or Guard Post	•	
Underground Storage Tank	CTZLD	
Above Ground Storage Tank	CEED	
Sign		
Satellite Dish	Q	
Mailbox	•	
Soil Boring		+
PLID YOUGH SK		

#### LEGEND

LLOLIND		
Survey	Found	Se
Section Corner 1/2" Rebar, Cap # 11579 (Unless Otherwise Noted)	•	0
ROW Morker ROW Roil Control Point Bench Mork Plotted Distance Measured Bearing & Distance Recorded As Deed Distance Colculated Distance	₽ CP P M R D C	25 []
Minimum Protection Elevation Centerline Section Line	MPE	

# **FAREWAY PLAT 1**

# PRELIMINARY PLAT WEST DES MOINES, DALLAS COUNTY, IOWA (PP-003464-2017)



### **INDEX OF SHEETS**

- 1. TITLE SHEET
- 2. GENERAL NOTES AND PROJECT INFORMATION
- 3. OVERALL SITE LAYOUT AND UTILITY PLAN
- 4. DETAILED LAYOUT PLAN
- 5. GRADING AND EROSION CONTROL PLAN

### PLAT DESCRIPTION

PARCEL 17-141 DESCRIPTION

A PART OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 14 TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SAID SECTION 14: THENCE SOUTH 00°21°56" WEST ALONG THE EAST LINE OF SAID SOUTHWEST 1/4 A 00°51°56" WEST ALONG THE EAST LINE OF SAID SOUTHWEST 1/9 A 20°51 WEST 1/9 A

**OWNER** 

FAREWAY STORES, INC. 715 8TH STREET PO BOX 70 BOONE, IOWA 50036-0070

**ENGINEER** 

SNYDER & ASSOCIATES, INC. 2727 SNYDER BLVD P.O. BOX 1159 ANKENY IA 50023 CONTACT: TIM WEST PHONE: 515-964-2020

TOTAL IMPEVIOUS AREA

TOTAL PLAT AREA

4.34 ACRES (188.927 SF) 3.08 ACRES (134.020 SF)

COMPREHENSIVE PLAN LAND USE

PUD PLANNED USE DEVELOPMENT: ETZEL PROPERTIES - PLAT 2

BULK REGULATIONS: ETZEL PROPERTIES PLAT 2 (PUD DISTRICT)

**BENCHMARKS** 

CONVERSION FROM CITY OF WEST DES MOINES DATUM TO NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) IS (+) 774.01

BM037 ELEV=194.80, N 565674.1, E 1550553.2 SOUTH 88TH ST. 2.640± FEET SOUTH OF MILLS CIVIC PARKWAY, 32 FEET EAST OF CENTERLINE OF SOUTH 88TH ST NEAR THE 1/4 SECTION LINE, 1 FOOT WEST OF THE NORTH/SOUTH FENCE LINE.

BM124 ELEV\*203.65, N 568905.3, E 1556016.4 INTERSECTION OF JORDAN CREEK PARKWAY AND MILLS CIVIC PARKWAY, 169± FEET EAST OF THE WEST END OF THE MEDIAN IN THE CENTER OF 6 FEET GRASS MEDIAN IN MILLS CIVIC PARKWAY, 17± FEET WEST OF THE ANGLE POINT IN THE CURB FOR THE WESTBOUND TURN LANE.

### CONTROL POINTS

- CPI CUT "X" IN CENTER OF MILLS CIVIC PARKWAY IN LINE WITH FENCE ON WEST SIDE OF PROPERTY, NORTHWEST CORNER OF SITE. NORTHING \* 568455,972 EASTING \* 1551847,753 ELEVATION \* 221.18
- CP2 CUT "X" IN NORTHWEST CORNER OF INTAKE AT NORTHWEST QUADRANT OF MILLS CIVIC PARKWAY & S. BIST STREET, NORTHEAST CORNER OF SITE. NORTHING = 568601,445 EASTING = 1553091,303 ELEVATION = 221.76
- CP3 CUT "X" IN CENTERLINE INTERSECTION OF CASCADE AVENUE & S.81ST STREET, SOUTHEAST CORNER OF SITE. NORTHING 567022.358 EASTING = 1553134.418 ELEVATION 189.96
- CP4. CUT "X" IN CENTER OF APARTMENT ENTRANCE ON SOUTH SIDE OF CASCADE AVENUE, SOUTHWEST CORNER OF SITE.

  NORTHING = 566868.136
  EASTING = 1552205.212
  ELEVATION = 184.24

### <u>NOTES</u>

SEE SHEET 2 FOR GENERAL NOTES



License Number 24117 Pages or sheets covered by this seal: SHEETS 1 - 5



SH

TITLE

roject No: 116.0724

Sheet 1 of 5



### UTILITY QUALITY SERVICE LEVELS

OUALITY LEVELS OF UTILITIES ARE SHOWN IN THE PARENTHESES WITH THE UTILITY TYPE AND WHEN APPLICABLE, SIZE. THE QUALITY LEVELS ARE BASED ON THE CI/ ASCE 38-02 STANDARD.

QUALITY LEVEL (D) INFORMATION IS DERIVED FROM EXISTING UTILITY RECORDS OR ORAL RECOLLECTIONS.

QUALITY LEVEL (C) INFORMATION IS OBTAINED BY SURVEYING AND PLOTTING VISIBLE ABOVE-GROUND UTILITY FEATURES AND USING PROFESSIONAL JUDGMENT IN CORRELATING THIS INFORMATION WITH QUALITY D INFORMATION.

QUALITY LEVEL (B) INFORMATION IS OBTAINED THROUGH THE APPLICATION OF APPROPRIATE SURFACE GEOPHYSICAL METHODS TO DETERMINE THE EXISTENCE AND APPROXIMATE HORIZONTAL POSITION OF SUBSURFACE UTILITIES.

QUALITY LEVEL (A)IS HORIZONTAL AND VERTICAL POSITION OF UNDERGROUND UTILITIES OBTAINED BY ACTUAL EXPOSURE OR VERIFICATION OF PREVIOUSLY EXPOSED SUBSURFACE UTILITIES, AS WELL AS THE TYPE, SIZE, CONDITION, MATERIAL, AND OTHER CHARACTERISTICS.

#### UTILITY CONTACT INFORMATION

UTILITY CONTACT FOR MAPPING INFORMATION SHOWN AS RECEIVED FROM THE IOWA ONE CALL DESIGN REQUEST SYSTEM, TICKET NUMBER 551604793.

W1-WATER

WEST DES MOINES WATER WORKS WILLIAM MABUCE 515-222-3465 wmabuce@wdmww.com

E1-ELECTRIC

MIDAMERICAN ENERGY CRAIG RANFELD 515-252-6632 MECDSMDesignLocotes@midamerican.com

FO1-FIBER OPTIC

CENTURYLINK TOM STURMER 720-578-8090

thomas.sturmer@centurylink.com

C1-COMMUNICATION

MEDIACOM COMMUNICATIONS 515-246-2252

E2-ELECTRIC

WEST DES MOINES TRAFFIC RICK KNOWLES 515-222-3480 rick.knowles@wdm.iowa.gov

**GENERAL NOTES** 

1. BEFORE ANY GRADING OR SITE WORK TAKES PLACE, THE BUILDING DIVISION SHALL BE FORWARDED A COPY OF THE NPDES PERMIT.

2. CONTACT THE WEST DES MOINES WATER WORKS ONE WEEK BEFORE WORK COMMENCES ON PROJECT AND ALSO SHOW ALL CONSTRUCTION NEEDS IN ACCORDANCE WITH WEST DES MOINES WATER WORKS STANDARD SPECIFICATIONS.

3. ALL CONSTRUCTION WITHIN PUBLIC ROW/EASEMENTS, AND/OR ANY CONNECTION TO PUBLIC SEWERS AND STREETS, SHALL COMPLY WITH THE WEST DES MOINES STANDARD CONSTRUCTION SPECIFICATIONS FOR SUBDIVISIONS, DSM METRO DESIGN STANDARDS AND WOM ADDENDUMS AS WELL AS THE GEOTECH REPORT.

4. AT LEAST ONE WEEK PRIOR TO ANY CONSTRUCTION WITHIN PUBLIC ROW/EASEMENTS AND/OR ANY CONNECTION TO PUBLIC SEWERS AND STREETS, THE CONTRACTOR SHALL CONTACT THE WEST DES MOINES ENGINEERING SERVICES (222-3475) TO SCHEDULE ANY REQUIRED INSPECTIONS, ROW EXCAVATION PERMITS CAN BE OBSTAINED AT THE PUBLIC WORKS FACILITY (222-3480). IT IS IMPORTANT TO NOTE CITY APPROVAL OF THIS PLAN IS SUBJECT TO THE APPLICANT OBTAINING ALL NECESSARY EASEMENTS/AGREEMENTS AND APPLICABLE PERMITS.

5. CONSTRUCTION DOCUMENTS NEED TO BE APPROVED BY THE CITY OF WEST DES MOINES PRIOR TO ANY CONSTRUCTION OF PUBLIC IMPROVEMENTS.

6. THIS PROPERTY IS NOT LOCATED WITH ANY FLOOD HAZARD ZONES.

7. ALL PAVEMENT AND SIDEWALK REPLACEMENT WILL BE DONE AT THE SOLE COST OF THE PROPERTY OWNER.

8. ALL WATER WORK, PUBLIC OR PRIVATE, SHALL BE DONE IN ACCORDANCE WITH WEST DES MOINES WATER WORKS STANDARD SPECIFICATIONS.

9. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROPER INSTALLATION OF AN APPROVED BACKFLOW PREVENTION ASSEMBLY FOR CONTAINMENT IN ALL NEW CONSTRUCTION. BACKFLOW PREVENTION TO BE INSTALLED PER CITY ORDINANCE 1297, 54-1998. CONTRACTOR SHALL NOTIFY WEST DES MOINES WATER WORKS, RALPH RENTERIA, ENGINEERING TECHNICIAN (515-222-3465) A MINIMUM OF 24 HOURS AFTER INSTALLATION AND TESTING OF ALL BACKFLOW DEVICES TO SCHEDULE FINAL INSPECTION.

10. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE COORDINATION OF WORK OF ALL SUBCONTRACTORS INVOLVED IN THE PROJECT.

11. CONTACT BUILDING INSPECTION (515-222-3630) A MINIMUM OF 24 HOURS IN ADVANCE FOR PRIVATE UTILITY INSTALLATION INSPECTIONS.

12.THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR COMPLIANCE WITH THE WEST DES MOINES WATER WORKS AND THE CITY'S CROSS CONNECTION CONTROL/CONTAINMENT PROVISION.

13. ALL CONNECTIONS TO PUBLIC SEWERS SHALL BE CORE DRILLED.

14. CONSTRUCTION DRAWINGS FOR PROPOSED PUBLIC IMPROVEMENTS SHALL BE SUBMITTED AND APPROVED BY THE CITY ENGINEER.

15. ALL OVERLAND FLOWAGE EASEMENTS ARE ADEQUATE TO CONTAIN THE 100 YEAR STORM WITHIN THE FASEMENT AREA

16. ALL OUTLOTS ARE UNBUILDABLE UNTIL THE TIME THAT THEY ARE RE-PLATED INTO BUILDABLE LOTS.

17. ROAD CLOSURE AND DETOURS SHALL BE PROVIDED BY THE CONTRACTOR IN ACCORDANCE WITH MUTCD STANDARDS AND THE CONTRACTOR SHALL COORDINATE WITH THE CITY OF WEST DES MOINES, DALLAS COUNTY AND ADJACENT PROPERTY OWNERS PRIOR TO CONSTRUCTION.

18. ALL CONNECTIONS TO EXISTING PUBLIC STRUCTURES SHALL BE CORE DRILLED. ALL PUBLIC SEWERS CONSTRUCTED AS PART OF THIS PLAT WILL NEED TO BE TELEVISED BY THE CITY OF WEST DES MOINES AS PART OF THE FINAL INSPECTION. NOTIFY WEST DES MOINES PUBLIC WORKS (RON WIESE 515-222- 3480) 48-HOURS IN ADVANCE OF INSPECTION.

19. IF ADDITIONAL PAVEMENT REMOVAL IS REQUIRED OTHER THAN A STANDARD BOX OUT, FULL PANEL REMOVAL WILL BE REQUIRED. NO HALF PANEL REMOVAL WILL BE ALLOWED.

20. COORDINATE STAGING AND TRAFFIC CONTROL WITH WDM EMERGENCY SERVICES.

21. LANE CLOSURE NOTICES MUST BE SUBMITTED TO WEST DES MOINES PUBLIC WORKS FOR APPROVAL A MINIMUM OF 48 HOURS IN ADVANCE OF CLOSURE.

22. SUBMITTAL OF SWPPP TO THE CITY OF WEST DES MOINES IS REQUIRED PRIOR TO STARTING CONSTRUCTION.

#### POLLUTION PREVENTION NOTES

- A. POLLUTION PREVENTION AND EROSION PROTECTION
- CODE COMPLIANCE: THE CONTRACTOR IS RESPONSIBLE FOR COMPLIANCE WITH ALL POTENTIAL POLLUTION AND SOIL EROSION CONTROL REQUIREMENTS OF THE 10WA CODE, THE 10WA PEPARTMENT OF NATURAL RESOURCES (IDAR) NPDES PERMIT. THE U.S. CLEAN WATER ACT AND ANY LOCAL ORDINANCES. THE CONTRACTOR SHALL TAKE ALL NECESSARY STEPS TO PROTECT ACAINST EROSION AND POLLUTION FROM THIS PROJECT SITE AND ALL OFF-SITE BORROW OR DEPOSIT AREAS DURING PERFORMANCE OR AS A RESULT OF PERFORMANCE.
- 2. DAMAGE CLAIMS: THE CONTRACTOR WILL HOLD THE OWNER AND ARCHITECT / ENGINEER HARMLESS FROM ANY AND ALL CLAIMS OF ANY TYPE WHATSOEVER RESULTING FROM DAMAGES TO ADJOINING PUBLIC OR PRIVATE PROPERTY, INCUIDING RESONABLE ATTORNEY FEES INCURRED TO OWNER, FURTHER, IF THE CONTRACTOR FAILS TO TAKE NECESSARY STEPS TO PROMPTLY REMOVE EARTH SEDIMENTATION OR DEBRIS WHICH COMES ONTO ADJOINING PUBLIC OR PRIVATE PROPERTY, THE OWNER MAY, BUT NEED NOT, REMOVE SUCH ITEMS AND DEDUCT THE COST THEREOF FROM AMOUNTS DUE TO THE CONTRACTOR.
- B. STORM WATER DISCHARGE PERMIT
- 1. THIS PROJECT REQUIRES COVERAGE UNDER THE NPDES GENERAL PERMIT NO. 2 FOR STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITIES FROM THE IDNR, AS REQUIRED BY THE ENVIRONMENTAL PROTECTION ACENCY (EPA). THE GENERAL CONTRACTOR AND ALL SUBCONTRACTORS ARE RESPONSIBLE FOR COMPLIANCE WITH AND FULFILLMENT OF ALL REQUIREMENTS OF THE NPDES GENERAL PERMIT NO. 2 INCLUDING CREATING OR MAINTAINING THE STORM WATER POLLUTION PREVENTION PLAN (SWPPP) AND POSSIBLY OBTAINING THE GENERAL PERMIT COVERAGE FROM THE IDNR.
- 2. ALL DOCUMENTS RELATED TO THE STORM WATER DISCHARGE PERMIT, INCLUDING, BUT NOT LIMITED TO, THE NOTICE OF INTENT, PROOF OF PUBLICATIONS, DISCHARGE AUTHORIZATION LETTER, CURRENT SWPPP, SITE INSPECTION LOG, AND OTHER ITEMS, SHALL BE KEPT ON SITE AT ALL TIMES AND MUST BE PRESENTED TO ANY JURISDICTIONAL AGENCIES UPON REQUEST, FAILURE TO COMPLY WITH THE NPDES PERMIT REQUIREMENTS IS A VIOLATION OF THE CLEAN WATER ACT AND THE CODE OF 10WA.
- 3. A "NOTICE OF DISCONTINUATION" MUST BE FILED WITH THE IDNR UPON FINAL STRABILIZATION OF THE DISTURBED SITE AND REMOVAL OF ALL TEMPORARY ERSOION CONTROL MEASURES. ALL PLANS, INSPECTION REPORTS, AND OTHER DOCUMENTS MUST BE RETAINED FOR A PERIOD OF THREE YEARS AFTER PROJECT COMPLETION. THE CONTRACTOR SHALL RETAIN A RECORD COPY AND PROVIDE THE ORIGINAL DOCUMENTS TO THE OWNER UPON PROJECT ACCEPTANCE AND/OR SUBMITTAL OF THE NOTICE OF DISCONTINUATION.
- C. POLLUTION PREVENTION PLAN:
- THE STORM WATER POLLUTION PREVENTION PLAN (SWPPP) IS A SEPARATE DOCUMENT IN ADDITION TO THESE PLAN DRAWINGS. THE CONTRACTOR SHOULD REFER TO THE SWPPP FOR ADDITIONAL REQUIREMENTS AND MODIFICATIONS TO THE POLLUTION PREVENTION PLAN MADE DURING CONSTRUCTION.
- 2. THE SWPPP ILLUSTRATES CENERAL MEASURES AND BEST MANAGEMENT PRACTICES (BMP) FOR COMPLIANCE WITH THE PROJECT'S NPDES PERMIT COVERAGE. ALL BMP'S AND EROSION CONTROL MEASURES REQUIRED AS A RESULT OF CONSTRUCTION ACTIVITIES ARE THE RESPONSIBILITY OF THE CONTRACTOR TO IDENTIFY, NOTE AND IMPLEMENT, ADDITIONAL BMP'S FROM THOSE SHOWN ON THE PLAN MAY BE REQUIRED.
- THE CONTRACTOR IS RESPONSIBLE FOR COMPLIANCE WITH ALL REQUIREMENTS OF THE GENERAL PERMIT AND SWPPP, INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING BMP'S UNLESS INFEASIBLE OR NOT APPLICABLE:
- O. UTILIZE OUTLET STRUCTURES THAT WITHDRAW WATER FROM THE SURFACE WHEN DISCHARGING FROM BASINS, PROVIDE AND MAINTAIN NATURAL BUFFERS AROUND SURFACE WATERS, DIRECT STORM WATER TO VECETATED AREAS TO INCREASE SEDIMENT REMOVAL AND MAXIMIZE STORM WATER INFILTRATION, AND MINIMIZE SOIL COMPACTION.
- INSTALL PERIMETER AND FINAL SEDIMENT CONTROL MEASURES SUCH AS SILT BARRIERS, DITCH CHECKS, DIVERSION BERMS, OR SEDIMENTATION BASINS DOWNSTREAM OF SOIL DISTURBING ACTIVITIES PRIOR TO SITE CLEARING AND GRADING OPERATIONS.
- PRESERVE EXISTING VEGETATION IN AREAS NOT NEEDED FOR CONSTRUCTION AND LIMIT TO A MINIMUM THE TOTAL AREA DISTURBED BY CONSTRUCTION OPERATIONS AT ANY TIME.
- MAINTAIN ALL TEMPORARY AND PERMANENT EROSION CONTROL MEASURES IN WORKING ORDER, INCLUDING CLEANING, REPAIRNO, REPLACE SOLIMENT REMOVAL THROUGHOUT THE PERMIT PERIOD, CLEAN OR REPLACE SILT CONTROL DEVICES WHEN THE MEASURES HAVE LOST 50% OF THEIR ORIGINAL CAPACITY.
- INSPECT THE PROJECT AREA AND CONTROL DEVICES (BY QUALIFIED PERSONNEL ASSIGNED BY THE CONTRACTOR) EVERY SEVEN CALENDAR DAYS, RECORD THE FINDINGS OF THESE INSPECTIONS AND ANY RESULTING ACTIONS IN THE SWPPP WITH A COPY SUBMITTED WEEKLY TO THE OWNER OR ENGINEER DURING CONSTRUCTION, REVISE THE SWPPP AND IMPLEMENT ANY RECOMMENDED MEASURES WITHIN 7 DAYS.
- PREVENT ACCUMULATION OF EARTH AND DEBRIS FROM CONSTRUCTION ACTIVITIES ON ADJOINING PUBLIC OR PRIVATE PROPERTIES, INCLUDING STREETS, DRIVEWAYS, SIDEWALKS, DRAINAGEWAYS, OR UNDERGROUND SEWERS, REMOVE ANY ACCUMULATION OF EARTH OR DEBRIS IMMEDIATELY AND TAKE REMEDIAL ACTIONS FOR FUTURE PREVENTION.
- INSTALL NECESSARY CONTROL MEASURES SUCH AS SILT BARRIERS, EROSION CONTROL MATS MULCH DITCH CHECKS OR RIPRAP AS SOON AS APEAS REACH THEIR FINAL CRADES AND AS CONSTRUCTION OPERATIONS PROCRESS TO ENSURE CONTINUOUS RUNOFF CONTROL PROVIDE INLET AND OUTLET CONTROL MEASURES AS SOON AS STORM SEWERS ARE INSTALLED.
- RESPREAD A MINIMUM OF 4 INCHES OF TOPSOIL (INCLUDING TOPSOIL FOUND IN SOD) ON ALL DISTURBED AREAS, EXCEPT WHERE PAVEMENT, BUILDINGS OR OTHER IMPROVEMENTS ARE LOCATED.
- STABILIZE UNDEVELOPED DISTURBED AREAS WITH MULCH, TEMPORARY SEED MIX, PERMANENT SEED MIX, OR SOD AS SOON AS PRACTICAL UPON COMPLETION OR DELAY OF GROING OPERATIONS. INITIATE STABILIZATION MEASURES NO LATER THAN 14 CALENDAR DAYS AFTER CONSTRUCTION ACTIVITY HAS FINISHED OR IS PLANNED TO BE DELAYED FROM THAN 21 CALENDAR DAYS.
- COORDINATE LOCATIONS OF STAGING AREAS WITH THE OWNER AND RECORD IN THE SWPPP. UNLESS NOTED OTHERWISE, STAGING AREAS SHOULD CONTAIN THE FOLLOWING: JOB TRAILERS, FUELING / VEHICLE MAINTENANCE AREA, TEMPORARY SANITARY FACILITIES, MATERIALS STORAGE, AND CONCRETE WASHOUT FACILITY, CONTROL RUNOFF FROM STAGING AREAS WITH DIVERSION BERMS AND/OR SILT BARRIERS AND DIRECT TO A SEDIMENT BASIN OR OTHER CONTROL DEVICE WHERE POSSIBLE. CONCRETE WASHOUT MUST BE CONTAINED DEVICE WHERE POSSIBLE.
- k. REMOVE ALL TEMPORARY EROSION CONTROL MEASURES AND SITE WASTE PRIOR TO FILING OF THE "NOTICE OF DISCONTINUATION".

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