\star	Roll	Call	Number

Agenda	Item	Number
		73

Date	May	21,	201	8
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RESOLUTION HOLDING HEARING ON APPEAL BY PENTA PARTNERS, LLC OF THE CONDITIONS OF A SITE PLAN FOR PROPERTY LOCATED AT 2544 HUBBELL AVENUE

WHEREAS, on May 7, 2018, by Roll Call No. 16-0770, the City Council received a communication form the City Plan and Zoning Commission advising that at a public hearing held on April 5, 2018, its members voted 12-0 to recommend APPROVAL of a request from Penta Partners, LLC (owner), represented by Travis Sisson (officer), for approval of a Site Plan "Classic Autoworx Site Improvements" for property located at 2544 Hubbell Avenue under design guidelines for vehicle display lots to allow the property to be used for vehicle sales, subject to the following conditions:

- 1. Compliance with all administrative review requirements of the City's Permit and Development Center.
- 2. Provision of a 20-foot paving setback along the western property line adjoining an "R" District.
- 3. Provision of a 20-foot paving setback from the front property ling along Hubbell Avenue.
- 4. Provision of interior parking landscaping that complies with the City's Landscape Standards.
- 5. Provision of a minimum required 6-foot tall opaque screen along all adjoining "R" Districts.
- 6. Provision of a note that states there shall be no elevated display of motor vehicles
- 7. Provision of a note that states employee and customer parking area shall be clearly designated and shall not be used for the parking, storage or display of motor vehicles for sale, rental or hire.
- 8. Provision of a note that states all portions of the property used for the outside parking, display or storage of motor vehicles for sale, rental or hire shall be identified on the site plan and the perimeter shall be striped or otherwise conspicuously marked on the parking surface.
- 9. The two internal access drives to the property to the south shall be removed and curbing in these areas shall be restored.
- 10. Provision of a 30-foot wide sanitary sewer easement centered on the north/south sewer within the western portion of the property.
- 11. Revise note on Site Plan to specify all pole mounted lighting shall have a maximum 20-foot pole height; and

WHEREAS, Penta Partners, LLC timely appealed to the City Council pursuant to Municipal Code Section 82-210, seeking to have conditions 2, 3, 9, and 11 set forth above as determined by the Plan and Zoning Commission overturned and/or modified; and

WHEREAS, on May 7, 2018, by Roll Call No. 18-0770, it was duly resolved by the City Council that the appeal be set down for hearing on May 21, 2018 at 5:00 P.M. in the Council Chamber at City Hall; and

WHEREAS, due notice of said hearing was published in the Des Moines Register, as provided by law, setting forth the time and place of hearing on said appeal; and

WHEREAS, in accordance with said notice, those interested in said appeal and the proposed site plan, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and

WHEREAS, Section 82-210 of the Des Moines Municipal Code provides that upon appeal from the Plan and Zoning Commission, a majority vote of the City Council shall be necessary to overturn the action of the Plan and Zoning Commission regarding a site plan.

★ Roll C	all Number	Agenda Item Number
Date Ma	y 21, 2018	
consideration and objection improvements	on of the facts and any statements of interested points to the Plan and Zoning Commission approvants" from Penta Partners, LLC for property locat	Council of the City of Des Moines, Iowa, that upon due ersons and arguments of counsel, any and all arguments I of an amendment to Site Plan "Classic Autoworx Site ed at 2544 Hubbell Avenue under design guidelines for ing on the appeal and proposed site plan is closed.
MOVEI conditio	D by to APPROVE ns:	the site plan, subject to the following
Cent. 2. Prov. 3. Prov. 4. Prov. 5. Prov. 6. Prov. 7. Prov. shall 8. Prov. stora shall 9. The t shall 10. Prov. weste	ision of a 20-foot paving setback along the wester ision of a 20-foot paving setback from the front paision of interior parking landscaping that complication of a minimum required 6-foot tall opaque substitution of a note that states there shall be no elevated ision of a note that states employee and customer not be used for the parking, storage or display of ision of a note that states all portions of the property ge of motor vehicles for sale, rental or hire shall be striped or otherwise conspicuously marked on two internal access drives to the property to the substitution of a 30-foot wide sanitary sewer easement of the property. See note on Site Plan to specify all pole mounted leads to the property and the property.	ern property line adjoining an "R" District. Disperty ling along Hubbell Avenue. Les with the City's Landscape Standards. Districts.
Gles	APPROVED: Male Rank A. Frank, Assistant City Attorney	(10-2018-7.36)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT		
COWNIE						
BOESEN						
COLEMAN						
GATTO						
GRAY						
MANDELBAUM						
WESTERGAARD						
TOTAL						
10TION CARRIED		APPROVED				

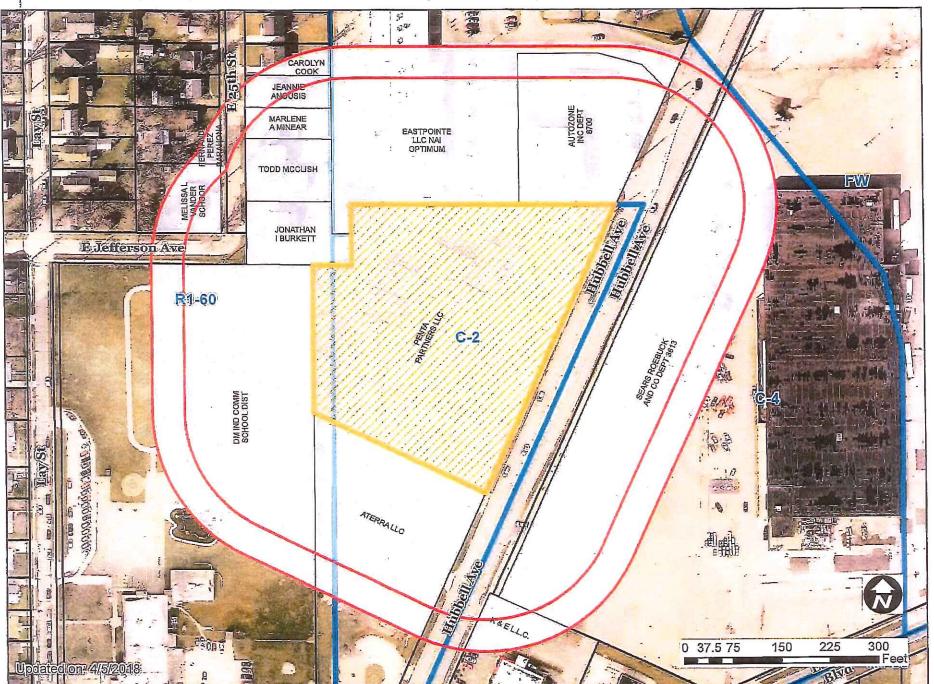
Mayor

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





April 18, 2018

Cody Christensen
Permit & Development Administrator
Permit & Development Center

Mr. Christensen:

Communication from the City Plan and Zoning Commission advising that at their April 5, 2018 meeting, the following action was taken regarding a request from Penta Partners, LLC (owner) represented by Travis Sisson (officer) for review and approval of a Site Plan "Classic Autoworx Site Improvements" under design guidelines for vehicle display lots on property located at 2544 Hubbell Avenue, to allow the property to be used for vehicle sales.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles				X
Chris Cutler	X			
David Courard-Hauri	X			
Jacqueline Easley	X			
Jann Freed	Х			
John "Jack" Hilmes	X			
Lisa Howard	X			
Carolyn Jenison	X			
Greg Jones	X			
William Page				Х
Mike Simonson	Х			
Rocky Sposato	Х			
Steve Wallace	Х			·
Greg Wattier				Х

APPROVAL of the submitted Site Plan subject to the following conditions:

1. Compliance with all administrative review requirements of the City's Permit and Development Center.

- Provision of a 20-foot paving setback along the western property line adjoining an "R" District.
- 3. Provision of a 20-foot paving setback from the front property ling along Hubbell Avenue.
- 4. Provision of interior parking landscaping that complies with the City's Landscape Standards.
- Provision of a minimum required 6-foot tall opaque screen along all adjoining "R" Districts.
- 6. Provision of a note that states there shall be no elevated display of motor vehicles
- Provision of a note that states employee and customer parking area shall be clearly designated and shall not be used for the parking, storage or display of motor vehicles for sale, rental or hire.
- Provision of a note that states all portions of the property used for the outside parking, display or storage of motor vehicles for sale, rental or hire shall be identified on the site plan and the perimeter shall be striped or otherwise conspicuously marked on the parking surface.
- 9. The two internal access drives to the property to the south shall be removed and curbing in these areas shall be restored.
- 10. Provision of a 30-foot wide sanitary sewer easement centered on the north/south sewer within the western portion of the property.
- 11. Revise note on Site Plan to specify all pole mounted lighting shall have a maximum 20-foot pole height. (10-2018-7.36)

RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the submitted Site Plan subject to the following conditions:

- 1. Compliance with all administrative review requirements of the City's Permit and Development Center.
- 2. Provision of a 20-foot paving setback along the western property line adjoining an "R" District.
- 3. Provision of a 20-foot paving setback from the front property ling along Hubbell Avenue.
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- 10. Provision of a 30-foot wide sanitary sewer easement centered on the north/south sewer within the western portion of the property.
- 11. Revise note on Site Plan to specify all pole mounted lighting shall have a maximum 20-foot pole height.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

- 1. Purpose of Request: The Site Plan would allow use of the property for a vehicle display lot. The site previously contained a vehicle display lot. However, since the property has been vacant for longer than six (6) months, it has lost its legal non-conforming status and must comply with the current regulations.
- 2. Size of Site: 3.33 acres.
- 3. Existing Zoning (site): "C-2" General Retail and Highway-Oriented Commercial District and "FSO" Freestanding Signs Overlay District.
- 4. Existing Land Use (site): The site contains an existing 15,930-square foot commercial building and a parking lot.
- 5. Adjacent Land Use and Zoning:

North - "C-4"; Uses include East Point Plaza shopping center and Auto Zone.

South - "C-2"; Use is an unoccupied vehicle display lot.

East - "C-4"; Uses include K-Mart and Taco Bell/KFC.

West - "R1-60"; Uses include a single-family dwelling and Phillips Elementary School.

- General Neighborhood/Area Land Uses: The subject property is located along the Hubbell Avenue commercial corridor. The area includes numerous retail stores and fastfood restaurants.
- 7. Applicable Recognized Neighborhood(s): The subject property is located within the Fairmont Park Neighborhood. All neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda for the March 19, 2018. Additionally, separate notifications of the hearing for this specific item were mailed on March 26, 2018 (10 days prior to the hearing) to the neighborhood association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the subject property. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on March 30, 2018. The Fairmont Park Neighborhood Association mailings were sent to Jeff Witte, 2501 Morton Avenue, Des Moines, IA 50317.
- 8. Relevant Zoning History: On April 15, 2004, the Plan and Zoning Commission approved a Site Plan under the Design Guidelines for Vehicle Display Lots for the property adjacent to the south at 2540 Hubbell Avenue (Docket 10-2004-7.60). At the time that the site plan was approved, the vehicle display was used in common with the vehicle display lot on the subject property. However, these two lots are no longer used in common.

On August 17, 2006, the Plan & Zoning Commission approved a Site Plan that allowed construction of a 5,220-square foot expansion to the existing building. That Site Plan was not subject to full compliance with Site Plan requirements since the proposed 5,220-square foot building addition did not constitute an expansion of more than 50% of the existing 10,552-square foot structure.

- 9. PlanDSM Future Land Use Plan Designation: Community Mixed Use.
- 10. Applicable Regulations: In acting upon any Site Plan application that includes improvements to property used for display, hire, rental or sales of motor vehicles in a commercial zoning district, the Plan and Zoning Commission shall apply the design standards in section 82-213 and the additional standards listed below. The decision to approve, approve subject to conditions or disapprove a proposed Site Plan must be based upon the conformance of the Site Plan with the design standards:
 - 1) The construction and use of the site will have no significant detrimental impact on the use and enjoyment of adjoining residential uses, if any.

The subject property is located on the Hubbell Avenue commercial corridor. Staff believes that the proposed Site Plan would not have a detrimental impact on the nearby residential areas so long as it provides the minimum required pavement setbacks.

2) The proposed development shall satisfy the open space and bufferyard requirements for development in the "C-2" district set forth in the Landscape Standards in the adopted Site Plan policies.

The proposed Site Plan does not provide the minimum required 20% open space requirement or provide the minimum 20 feet of paving setback required from an "R" Residential District. The Site Plan provides 15% open space and a 10-foot paving setback from the "R" District to west. Staff believes that removing pavement in order to provide a 20-foot paving setback is reasonably necessary to protect the adjoining school and residential uses. Furthermore, removing pavement would help the Site Plan achieve the minimum required 20% open space.

- 3) Any portion of the property to be used for outside storage, display or parking of vehicles shall:
 - a) Contain at least one-half acre of land.

The overall site contains 3.33 acres.

b) Conform to the parking lot/display lot requirements for development in the "C-2" district set forth in the landscape standards in the adopted Site Plan policies.

The proposed Site Plan does not comply with the City's Landscape Standards with regards to minimum required open space, minimum required buffer yard, minimum interior lot plantings, and screening. Staff believes that is necessary to comply with the Landscape Standards to protect the adjoining school and residential uses. The Site Plan should provide 20-foot paving setbacks along the western property line adjoining an "R" District and along the front property ling along Hubbell Avenue. The Site Plan must also comply with the interior parking lot standards and provides the minimum required screening.

c) Be surfaced with an asphaltic or Portland cement binder pavement as shall be approved by the city engineer, so as to provide a durable and dustless surface and shall be so graded and drained as to dispose of all surface water accumulation within the area.

The Site Plan complies with this guideline.

d) Incorporate curbs or other substantial permanent barriers to prevent encroachment of the vehicles into the required setback and landscape areas. Precast wheel stops and other barriers that can be readily moved are not acceptable.

The Site Plan provides curbs around the perimeter of the paved areas.

4) There shall be no elevated display of motor vehicles in any required front yard.

The Site Plan include must include a note that states there shall be no elevated display of motor vehicles.

5) The employee and customer parking area shall be clearly designated and shall not be used for the parking, storage or display of motor vehicles for sale, rental or hire.

The number and location of customer and employee parking is clearly identified on the Site Plan. However, the Site Plan must include a note stating that all spaces will be clearly delineated in the field.

6) All portions of the property used for the outside parking, display or storage of motor vehicles for sale, rental or hire shall be identified on the Site Plan and the perimeter shall be striped or otherwise conspicuously marked on the parking surface.

The Site Plan must include a note that states that the drive aisles and display areas will be clearly delineated in the field.

II. ADDITIONAL APPLICABLE INFORMATION

- 1. Landscaping and Buffering: As noted above, the Site Plan does not comply with the City's Landscape Standards with regards to minimum required open space, minimum required buffer yard, minimum interior lot plantings, and screening. Staff believes that is necessary to comply with the Landscape Standards to protect the adjoining school and residential uses.
- 2. Traffic/Street System: The proposed Site Plan does not alter the existing one (1) drive approach from Hubbell Avenue. However, it demonstrates retention of the two internal access drives to the property to the south. Staff recommends that these be removed and that curbing in these areas must be restored in order to prevent vehicles from encroaching into this area.

- 3. Utilities: There is an existing City of Des Moines-owned 10-inch sanitary sewer running north/south across this western portion of this parcel. A 30-foot wide sanitary sewer easement centered on this sewer should be provided. This existing sewer must be protected during any construction activities and maintenance access must be provided at all times.
- 4. Additional Information: The Site Plan demonstrates that refuse collection containers would be screened by an enclosure located near the northwest corner of the site.

The Site Plan includes provisions that all rooftop mechanical equipment will be screened from street-level view and that all new site lighting will be low-glare "cutoff-type" fixtures with a maximum pole height of 20 feet.

SUMMARY OF DISCUSSION

Jason Van Essen presented the staff report and recommendation.

Jack Hilmes asked if there was a school next door to the west.

Jason Van Essen stated yes (Phillips Elementary).

CHAIRPERSON OPENED THE PUBLIC HEARING

<u>Erin Ollendike</u> with Civil Design Advantage, stated in regards to the 20-foot setback along the western property line, there is currently 10 feet that is heavily landscaped with plans to add more. This property has sat vacant for 3 years and finally has a tenant who wants to use this as a vehicle display lot as it was previously used. In regards to the parking set back along Hubbell Avenue, there is currently 15 feet with existing parking stalls and lighting along that corridor. Closing off the access to south would limit them to one-way in and out of the property. Lastly, in regards to the 20 foot height light poles, they are asking for that to be enforced on new light poles only, they wouldn't like to take out any existing poles.

Mike Simonson asked who owns the property to the south and is there an easement.

Erin Ollendike stated she wasn't aware of any easements.

Mike Simonson asked if they have been in contact with that property owner.

<u>Erin Ollendike</u> stated they have not. This is the first time we are seeing this comment so there hasn't been any time to have that discussion.

Mike Simonson asked if they are willing to install the landscape islands described in the staff report and recommendation.

<u>Erin Ollendike</u> stated the applicant is against the landscape islands inside the display lot but there have been landscape islands added around the perimeter.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Mike Simonson stated the Commission is being asked to pick and choose out of the recommended conditions. If the applicant is just now learning about some of these recommendations, they might want to continue if they need more time to discuss with staff. Otherwise he would be inclined to support staff recommendation this evening.

Erin Ollendike stated they have previously sat down with staff and failed to come up with any agreements.

COMMISSION ACTION:

<u>Greg Jones</u> made a motion to approve the submitted Site Plan subject to the following conditions:

- Compliance with all administrative review requirements of the City's Permit and Development Center.
- 2. Provision of a 20-foot paving setback along the western property line adjoining an "R" District.
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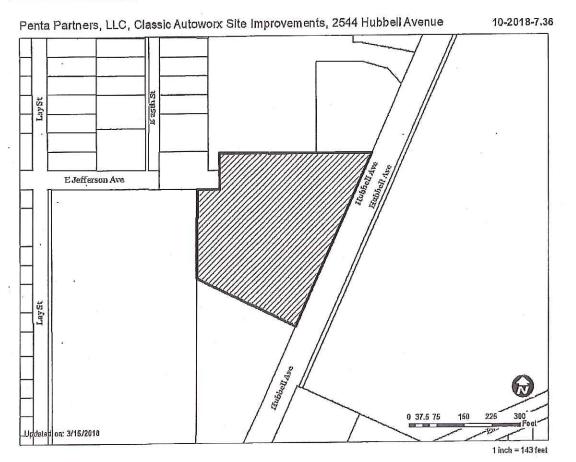
Motion passed: 12-0

Respectfully submitted,

Michael Ludwig, AICP Planning Administrator

MGL:tjh Attachments

Penta Partners, LLC (owner) represented by Travis Sisson (officer) for on property located at 2544 Hubbell Avenue.							10	File # -2018-7.36		
Description of Action								s" unde hicle sal	r design es.	
PlanDSM Future Land Use			Current: Community Mixed Use, Park/Open Space, and Development Control Zone. Proposed: N/A.							
Mobilizing Tomorrow Transportation Plan		No planned improvements.								
Current Zoning District		"C-2" General Retail and Highway-Oriented Commercial District and "FSO" Freestanding Signs Overlay District.								
Proposed Zoning District		N/A.								
Consent Card Responses Subject Property Outside Area (200 feet)		In Favo 0	r	Not In Favor Undetermine		ined	% Ор	position		
Plan and Zoning App		Appr	oval	al X		Required 6/7 Vote of		Yes		T.
		Deni	lal			the City Cou	ncu	No		X



SITE PLAN FOR:

CLASSIC AUTOWORX SITE IMPROVEMENTS



OWNER / APPLICANT

PENTA PARTNERS LLC CONTACT: TRAMS M. SISSON 5700 UNIVERSITY AVE STE 220 WEST DES MORES, IA 50265 PH. (516) 453-2502

ENGINEER

CIVIL DESIGN ADVANTAGE, LLC CONTACT: ERIN OLLENDIKE US DRIVE SINTE G PH. (515) 369-4400 FX. (515) 369-4410

SURVEYOR

CIVIL DESIGN ADVANTACE, LLC CONTACT MIKE BROOKER 3409 SE CROSSROADS DRIVE, SUITE O GRINES, IOWA SOUTH PH. (SIS) 389—4400 PL. (SIS) 369—4410

SUBMITTAL DATES

ABBREVIATED LEGAL DESCRIPTION

ZONING

GENERAL RETAIL AND HIGHWAY DRIENTED COMMERCIAL DISTRICT

PROJECT SITE ADDRESS 2544 HUBBELL AVENUE

EXISTING/ PROPOSED USE PROPOSED: UPHOLSTERY SHOP AND VEHICLE STORAGE

DEVELOPMENT SUMMARY

AREA: 144,854 ACRES (3.325 SF) C-2 25' MAXIMUM BUILDING HEIGHT: 45

OPEN SPACE CALCULATION: TOTAL SITE: BUILDING VEHICLE PAYEMENT

= 144,654 = 15,930 SF = 107,767 SF = 21.157 SF (16%) OPEN SPACE REQUIRED - 28,971 SF (20%)

AUTOMOBILS SALES AND SERVICE CARAGES: CIVE PARKING SPACE FOR EACH 600 SQUARE FEET OF GROSS FLOOR AREA.

TOTAL REQUIRED = 27 SPACES ACCESSIBLE SPACES = 2 STALLS (5.6%) (STANDARD SPACES -1) (VAN SPACES -1)

DATE OF SURVEY

BENCHMARKS

IDDT BRASS DISK AT THE INTERSECTION OF E. 29TH STREET AND UNIVERSITY AVENUE ELEVATION—TALAGE

DES MOINES, IOWA

INDEX OF SHEETS

DESCRIPTION

COVER SHEET DIMENSION PLAN

LANDSCAPE PLAN

ADJACENT ZONING



SITE PLAN

APPROVED APPROVED WITH CONDITION
See Exhibit "A" ottoched have lo. IN ACCORDANCE WITH SECTION 82-207 (e.) 2000 Des Moinse MUNICIPAL CODES AS AMENDED, NO CHANGES TO THIS FLAM WILESS AFFROVED IN WISTING FROM THE PLANNING DIRECTOR, OF NEW AMENDED DATED FLAM.

PLANNING DIRECTOR



1-800-292-8989 Www.lowsonscall.com

UTILITY WARNING

ANY UTILITIES SHOWN HAVE BEEN LOCATED FROM RELD SURVEY AND RECORDS GREATINE IT THIS SURVEYS. THE SURVEYS THE WINDS OF THE SURVEYS. THE UTILITIES SHOWN COMPRISE ALL THE UTILITIES IN THE AREA BITHER IN SERVICE OF REPREHENDING THAT THE UTILITIES OF FURTHER DOES NOT WARRANT THAT THE UTILITIES SHOWN ARE IN THE EXACT LOCATION SHOWN.



CIVIL DESIGN ADVANTAGE

3405 SE CROSSROADS DR. SUITE G, GRIMES, IDWA 50111 PH: (515) 369-4400 Fax: (515) 369-4410 PROJECT No. 1709497

GENERAL LEGEND PROPOSED

LOT LINE SECTION LINE CENTER LINE RIGHT OF WAY PERMANENT EASEMENT TEMPORARY EASEMENT

TYPE SW-SDI STORM INTAKE TYPE SW-503 STORM INTAKE TYPE SW-505 STORM INTAKE

TYPE 5W-301 SANITARY MANHOLE

STORM/SANITARY CLEANOUT FIRE HYDRANT ASSEMBLY

DETECTABLE WARNING PANEL STORM SEVER STRUCTURE NO

SANITARY SEVER WITH SIZE SANITARY SERVICE STORM SEVER STORM SERVICE WATERMAIN WITH SEZE WATER SERVICE SILT FENCE

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mannannan (U.A.D)

EXISTING SANITARY MANHOLE WATER VALVE BOY FIRE HYDRANT

WELL

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CONFERMIS SHADE ELECTRIC POWER POLE STREET LIGHT POWER POLE W/ TRANSFORMER

UTILITY POLE W/ LIGHT ELECTRIC BOX ELECTRIC TRANSFORMER TRAFFIC SICN

TELEPHONE JUNCTION BOX TELEPHONE MANHOLE/VALILT TELEPHONE POLE GAS VALVE BOX

CABLE TV MANHOLE/VAULT MAIL BOX SOIL BORING

UNDERGROUND TV CARLE GAS MAIN FIBER OPTIC

LINDERGROUND TELEPHONE OVERHEAD ELECTRIC UNDERGROUND ELECTRIC FIELD TILE SANITARY SEWER W/ SIZE

-r----8"5-STORM SEVIER W/ SIZE WATER MAIN W/ SIZE

THIS DESIGN IS SPECIFICALLY PREPARED FOR USE AT THE LOCATION SHOWN.
USE IN ANY OTHER MANNER EXCEEDS THE INTENDED PURPOSE OF THESE
DRAWINGS AND ANY ACCOMPANYING SPECIFICATIONS

THIS DESIGN SPECIFICALLY PREPARED FOR USE AT THE LOCATION SHOWN, USE IN ANY OTHER MANNER EXCEEDS THE INTERBED PURPOSE OF THESE DRAWINGS AND ANY ACCOUNTANTING SPECIFICATION.



