

ORDINANCE #13-04

REZONING CERTAIN PROPERTY  
(PARCELS ED-814, ED-821, ED-821-1, ED-823,  
ED-825, ED 833-1 and a portion of ED-818)

WHEREAS, the Common Council of the City of De Pere, having reviewed the recommendation of the City Plan Commission regarding the proposed change in zoning classification for the property described below and having scheduled a public hearing then to be decided by the Common Council; and

WHEREAS, the City Clerk-Treasurer, having published a Notice of Public Hearing regarding such proposed zoning change and, pursuant thereto, a public hearing having been held on the 15<sup>th</sup> day of January, 2013 at 7:35 p.m. and the Common Council having heard all interested parties or their agents and attorneys;

NOW, THEREFORE, the Common Council of the City of De Pere, Wisconsin, do ordain as follows:

Section 1. That the property described in Exhibit A and incorporated by reference, and as shown on the scale map attached as Exhibit B and incorporated by reference be and the same are hereby rezoned from their present zoning classification of B-1, Central Business District to B-1, Central Business District with a Planned Development District (PDD) Overlay as set forth in and regulated by the provisions of §14-59 of the De Pere Zoning Code, conditioned upon compliance with the recommendations of the Plan Commission as set forth in Section 2 herein, and compliance with the provisions of Chapter 14, De Pere Municipal Code.

Section 2. Such rezoning is approved provided the following conditions of the Plan Commission are met:

*Note: Italicized items indicate concern/requirement has been addressed/completed*

### **Public Works**

#### **Sanitary Sewer**

1. Green Bay Metropolitan Sewerage District (GBMSD) approval required for their facility relocation.
2. Provide a 30 foot easement for the City sanitary sewer being relocated in alley.
3. The sewer relocation shall be designed by the developer's engineer, bid by the City, constructed by the City's contractor, and funded by the developer.
4. The sewer to the south shall be bulkheaded and abandoned with sand slurry.
5. Location and size of the proposed sanitary lateral shall be approved by City Engineer.
6. If contamination is found on the site, neoprene gaskets may be required on the sanitary sewer.
7. Conflicts with other utilities, if any, will need to be resolved.
8. The existing light pole at the proposed manhole on Broadway may need to be relocated to the north.
9. Relocate the new light pole on the southeast corner of the site that is located near the sanitary sewer as approved by City.
10. The building footing near the sanitary sewer shall be lowered to an elevation of 601.

#### **Water Main**

1. The hydrant and lead will need to be relaid due to sewer construction. This work shall be designed by the developer's engineer, bid by the City, constructed by the City's contractor, and funded by the developer.
2. All water services that are abandoned shall be closed at the corporation at the water main.
3. Location and size of the proposed water service shall be approved by City Engineer.

#### **Storm Water Management**

1. A 42" diameter storm sewer relocation is required. The sewer relocation shall be designed by the developer's engineer, bid by the City, constructed by the City's contractor, and funded by the developer. The City may request that the sewer be upsized to a 48" diameter pipe. This will be determined during the design of the relocation. The City will pay the additional cost to upsize the storm sewer.
2. The soils report recommends significant undercutting of the soils for support under the 42" pipe (undercut 2 times the diameter) and a 3 foot over excavation on each side of the pipe. Based on this, a greater spacing is required between the outside edge of the pipe and the sheeting to be approved by City Engineer.
3. The new smaller diameter storm sewer shown near the north property shall stay the property of the Developer. The City storm sewer from the manhole

behind 125 S. Broadway to Wisconsin Street will remain the City's sewer. Developer shall convey to City a 30 foot utility easement for this sewer.

4. The total suspended solids (TSS) reduction from the site shall be designed for 40% removal from parking lot and roads to meet WDNR requirements.
5. The post development peak flow shall not be greater than the pre-redevelopment peak flow of the site as it exists today.
6. A City approved maintenance agreement for the storm water management facility is required prior to the City issuing an occupancy permit. Developer shall compose and sign such agreement and submit to City for review and approval. Once the City approves the agreement, the property owner is to record the agreement with the County and provide the Developer with a copy of the recorded agreement.
7. The location and size of the proposed storm sewer lateral shall be approved by City Engineer.
8. A circular casting and cover shall be placed on the storm manhole located in the curb line.

**Driveways and Sidewalk:**

1. All aprons shall be concrete. A minimum of an 8" concrete apron in the right-of-way and 8" thick sidewalk at the driveway is required.
2. Decorative sidewalk in the right-of-way that is damaged shall be replaced in-kind.
3. Concrete panel replacement in the streets shall be done to an existing joint. All joints are to be doweled. Concrete and the base aggregate shall match the existing depths.

**Other Items:**

1. *Truck size accessing the site shall be approved by City.*
2. *Truck turning movements as documented/drawings for the truck access to the loading dock shall be approved by city.*
3. *Location of overhead sign support shall be approved by City Engineer.*
4. Coordinate private utility relocations (gas, electric, telephone, etc.).
5. Light pole relocation/replacement will be required and approved by City Engineer.
6. *Drive-thru window traffic flow shall be approved by City Engineer.*
7. Add the street address to the plans.
8. Add the soil boring locations to the plans.

**Parks**

1. All planting, mulching and staking shall be in accordance with WDNR recommendations and current proper practices and approved by City Forester.
2. All plant material and beds shall have a follow-up schedule for maintenance and replacement and approved by City Forester.
3. A preservation and protection plan for existing vegetation and trees, including City owned trees and shrubs, shall be included on plan and approved by City Forester.

4. *PIP shall include color and seasonal variation in plantings.*

### **Fire**

1. Provide complete detailed plans for review, prior to start of construction. Provide details of use for all areas of structure.
2. Provide details of storage quantities of flammable liquids within this structure. Provide a floor plan layout for fixture placement within the space subject to review and approval.
3. Separation of hazards/uses shall be approved by Fire Inspector.
4. Provide details defining the means of egress including travel distances, dead ends, arrangement, and paths. Provide exit/emergency lighting throughout the means of egress as approved by Fire Inspector.
5. No smoking signage and floor loading signage shall be approved by Fire Inspector.
6. Provide fire extinguishers at maximum 75' travel distances from any point. Location of extinguishers shall be approved by Fire Inspector.
7. Provide sprinkler system drawings for approval prior to installation of this system. System shall comply with NFPA requirements. Fire department connection shall be indicated and approved by Fire Inspector.
8. Provide fire alarm system drawings for approval prior to installation of this system.
9. Install key box for fire department access.

### **Plan & Zoning**

1. Site layout items to be addressed for the Precise Implementation Plan (PIP):
  - a. *The sidewalk in the alley area shall be raised to reduce speed.*
  - b. CSM shall be completed for the project.
  - c. Access easement shall be required to allow City vehicles to access City lot areas.
2. Design items to be addressed for the PIP:
  - a. *Elimination of the large modern/contemporary canopies on the angled wall surface and entrance that are dissimilar to the thin, rod supported canopies.*
  - b. *Reduce the amount of "prefinished aluminum canopy material" which can look too modern or contemporary.*
  - c. *Detail the thin canopies to have exposed structural steel perimeter edge beams. Wide flange beams or channels should be considered.*
  - d. *Rivets and bolted connection can be utilized to have a more turn of the century feel.*
  - e. *The canopy details could also replicate the framing and details of the gateway arch feature which looks to be structural steel exposed and painted.*
  - f. *Examine the need for spandrel glass in some windows- if the store is a two story volume perhaps the upper windows on the south and east can be transparent allowing natural light into the retail space.*

- Nays:
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