

From: "Randy Manning" <RManning@pdqstores.com>
To: <district12@council.ci.madison.wi.us>
Date: 9/13/2005 3:25:52 PM
Subject: 401 North Third Street

Sorry I was unable to attend the neighborhood meeting last Thursday at Madison east High School. I have always made every effort to attend activities of my children and this was just one of those times.

I did have a discussion with Chris Thiel from Schreiber/Anderson who attended on behalf of PDQ. Chris said he will send me a summary of what happened and was discussed at meeting. In mean time what questions and items do I need to address to get your support and approval of this project?

I believe PDQ has attempted to satisfy neighbors in many ways. The problem now is neighbors are not even agreeing on what is and is not acceptable. Again I feel two many cooks can ruin the stew!

I would appreciate direct questions in which we can agree to or agree not to agree and let the Plan Commission decide.

My understanding is some neighbors would like to have PDQ install Vapor Recovery on the dispensers. PDQ is not opposed to installing vapor recovery at this sight even though it is not required by state or governing agencies. This is something that will ultimately help the environment and fits in with our exploration of solar energy and other innovative ideas to conserve energy. Understand the additional cost to PDQ will be around \$25,000.

Combine the \$25,000 with other items PDQ has agreed to do like pedestrian islands, additional landscaping, bike/pedestrian path and fencing we are adding another \$100,000 to \$150,000 in initial cost to project.

I do understand some of this makes for a better project but expecting PDQ to address and correct outstanding issues caused by forces beyond or control is not fair. We will assist in any way possible and are willing to do our fair share to correct issues affecting the neighborhood in which we will part of.

Let me know how you want to handle outstanding issues. My son does have

a football game on Monday September 19th which I would like to attend. The other side of coin is I've spent over three years working on this project and would hope to get approval on Monday evening and if my attendance is required to get this approval my son will understand.



In closing I'm requesting you and all members of Plan Commission stop in and look at what PDQ has to offer in its new store operations. We have recently opened a new store located at 7508 Century Avenue in Middleton WI. This store and interior footprint is what we are proposing at 401 North Third Street in Madison WI. The number of gasoline dispensers will be less in Madison and only have one row. This sight will definitely give you a feel for what we are proposing. After a sight visit I'm available to answer any questions you may have.

Thanks in advance for everbodies assistance, input and direction on this project.

Hopefully this memo can get sent to all Plan Commission Members after review by Mr. Roberts and Mr. Murphy.

Randy J. Manning

Director of Real Estate

PDQ Food Stores, Inc

608-444-2813

CC: "Christopher Thiel" <cthiel@saa-madison.com>, <broberts@cityofmadison.com>, <bmurphy@cityofmadsion.com>

PLANNING UNIT REPORT
DEPARTMENT OF PLANNING AND DEVELOPMENT
September 19, 2005

RE: I.D. # 01627: Zoning Map Amendment I.D. 3115 To Rezone 401 N. Third Street from M1 (Limited Manufacturing District) to PUD-GDP-SIP

1. Requested Action: Approval of a request to rezone 401 N. Third Street from M1 (Limited Manufacturing District) to Planned Unit Development, General Development Plan/ Specific Implementation Plan (PUD-GDP-SIP) to allow construction of a gas station, convenience store and car wash.
2. Applicable Regulations: Section 28.07 (6) of the Zoning Ordinance provides the requirements and framework for Planned Unit Developments; Section 28.12 (9) provides the process for zoning map amendments; Section 28.04 (16) provides specific criteria for automobile service stations and auto laundries.
3. Report Drafted By: Timothy M. Parks, Planner

GENERAL INFORMATION:

1. Applicant & Property Owner: PDQ Food Stores, Inc.; PO Box 620997; Middleton, Wisconsin 53562; Randy Manning, representative.
2. Development Schedule: The applicant wishes to commence demolition in September 2005; the construction of the proposed gas station will be completed in February 2006.
3. Parcel Location: An approximately 2.63 acre parcel located at the northeast corner of N. Third Street and Pennsylvania Avenue; Aldermanic District 12; Urban Design District 4; Madison Metropolitan School District.
4. Existing Conditions: The site is developed with an existing trucking terminal, zoned M1 (Limited Manufacturing District)
5. Future Use: A new 6,000 square-foot PDQ convenience store with ten fuel pump islands and a detached 2,400 square-foot car wash.
6. Surrounding Land Use and Zoning:
North: Demetral Field and East Athletic Field (MMSD), zoned R4 (General Residence District);
South: Commercial buildings, zoned C3 (Highway Commercial District) and M1 (Limited Manufacturing District);
East: One, two and multi-family residential buildings, zoned R4 and R5;
West: Commercial and industrial buildings, zoned M1.

7. Adopted Land Use Plan: This site was included in the "Parks, Recreation, Open Space and Conservancy" recommendation for East athletic Field and nearby Demetral Field according to the 1988 Land Use Plan.
8. Environmental Corridor Status: This property is not located within a mapped environmental corridor but is adjacent to public lands that are designated within a corridor.
9. Public Utilities & Services: This property is served by a full range of urban services

STANDARDS FOR REVIEW:

This application is subject to the demolition standards of Section 28.04 (22) and the Planned Unit Development District standards. In addition, the following criteria apply to automobile laundries (car washes) and automobile service station (defined as including the sale and dispensing of fuel):

1. A buffer area at least six (6) feet in width and initially landscaped with four (4) feet tall evergreen shrubs to ultimately form a continuous hedge not less than five (5) feet nor more than six (6) feet in height, shall be established and maintained at any rear or side lot line abutting a residence district. A solid wall or fence providing a visual screen and of decorative design may be substituted for the evergreen hedge.
2. Any exterior lighting to illuminate the premises shall be arranged so as not to reflect rays of light into adjacent lots nor shine rays of light directly into the streets.
3. A building permit for an automobile service station and automobile laundry shall not be issued on any zoning lot which is within three-eighths (3/8) mile (1,980 feet) distance of three (3) or more automobile service stations, including any proposed automobile service station for which a valid permit has been issued; such distance to be measured along the center lines of streets. For the purpose of this regulation, any automobile service station located outside of the corporate limits of the City of Madison but within the three-eighths (3/8) mile distance shall be counted. This regulation shall not apply in the case of a renovation or reconstruction of any existing automobile service station which does not comply with the above requirement. This regulation shall not apply to automobile service stations constructed and operated as part of a unified regional shopping center site, provided the regional shopping center site is not less than sixty (60) acres and the building development thereon is not less than five hundred thousand (500,000) square feet of retail floor area.

PREVIOUS HEARINGS

On August 1, 2005, the applicant submitted their request to demolish the existing truck terminal separate and in advance of consideration of the rezoning of the site to PUD-GDP-SIP and proposed gas station development. The demolition application was referred at the request of the Commission to allow the demolition and redevelopment plan to be considered concurrently.

On August 22, the Plan Commission considered the PUD-GDP-SIP zoning proposal and demolition permit and granted approval of the demolition permit but referred the proposed rezoning for the gas station, convenience store and two-bay car wash to an upcoming meeting. Concerns were expressed at the meeting regarding hours of operation, the number of car wash bays proposed, and the buffering of the use from the residential uses located immediately to the east. Commissioners suggested that the applicant discuss the proposal with the administration of nearby East High School.

PLAN REVIEW

The applicant is requesting rezoning of a 2.63-acre parcel located at the northeast corner of N. Third Street and Pennsylvania Avenue from M1 (Limited Manufacturing District) to PUD-GDP-SIP to allow development of a new PDQ gas station, convenience store and car wash. A related request for approval of a demolition permit to raze an existing one-story, 9,796 square-foot concrete and masonry truck terminal in order to have sufficient time in advance of the new construction to remediate soils and recycle building materials was granted by the Plan Commission on August 22, 2005.

The building to be demolished faces Pennsylvania Avenue and includes approximately 18 loading docks located along the northern and eastern walls. The eastern portion of the site is a fenced trailer storage area enclosed with chain-link fence topped with razor wire. Most of the site is hard-surfaced, either as building or truck parking or maneuvering, with driveways from both Pennsylvania Avenue and N. Third Street. Vegetation on the parcel, which is mostly flat, includes a line of mostly shade trees located along the eastern property line and the eastern half of the northern property line shared with the adjacent parklands.

The site also features a two-sided billboard sign located in the northwestern corner of the site. The sign panels are oriented toward traffic on Pennsylvania Avenue. The Planning Unit recommends that a condition of approval be included with the proposed planned unit development that requires removal of the billboard upon the end of the current lease term.

The surrounding area is generally characterized by residential uses located east and southeast of the subject site consisting largely of one and two-family homes in R4 residential zoning. A mix of heavy commercial, railroad and light manufacturing uses in M1 zoning generally characterizes properties across Pennsylvania Avenue, while Demetral Field and East Athletic Field form the northern boundary of the site.

The proposed PDQ gas station and convenience store will feature a 6,000 square-foot convenience store that will be set back approximately 140 feet from and parallel to Pennsylvania Avenue in roughly the middle of the site. Seven gas pump islands will be located under a canopy about midway between the building and Pennsylvania Avenue, with the underground fuel storage tanks located along the western property line. Three diesel pumps will be located under a separate canopy off the northwest corner of the convenience store and adjacent to the northern property line shared with Demetral Field. A 2,400 square-foot, two-bay car wash will be located in the northeastern corner of the site at the rear of the convenience store. Parking for 36

automobiles is proposed along the northern, southern and western walls of the convenience store and in the southeastern corner of the property.

The architectural plans submitted indicate that all of the buildings will be built with a unified design aesthetic. The convenience store and car wash buildings will both be one-story structures sided with split-face block along the lower two-thirds of the building with EIFS above. Both buildings will be topped with hip roofs located atop narrow EIFS fascia boards located above the soffit. The entrance to the convenience store will face Pennsylvania Avenue, with storefront windows extending along most of the same western elevation as well as along a portion of the southern elevation (the eastern and western elevations of the convenience store on Sheet A-1 appear to be mislabeled). The plans include a canopy connection extending from the canopy over the seven fuel islands leading to the convenience store entrance. The entrance to the car wash will be located on the south elevation, with windows provided along the western and eastern sidewalls. A trash enclosure will be constructed to match the rest of the building and will be attached to the northeastern corner of the convenience store.

The applicant has included a substantial landscaping and screening plan for the site that includes an eight-foot tall solid wood fence that will extend the length of the eastern property line as well as around the northeast corner of the site to screen the site from the residential uses located east and southeast of the site. The perimeter of the site will be planted with a mix of shade, evergreen and deciduous ornamental trees as well as numerous beds that will include a variety of shrubs, groundcover and perennials. Existing vegetation in the northeastern corner of the site will remain and will be augmented with the planting of upright evergreens. Planting beds are also proposed in front of the convenience store at both ends of the parking aisle that parallels the front wall, at the both ends of the seven-pump fuel canopy, and along the eastern wall of the convenience store and the western wall of the car wash. The applicant is also proposing a pedestrian connection from the northeastern corner of the convenience store north to connect to a pedestrian pathway on the adjacent City parklands.

EVALUATION AND CONCLUSION

As presented, the Planning Unit continues to believe that the new automobile service station has been designed to fit well with surrounding uses. Most of the site improvements are located more than twenty feet from the eastern property line shared with adjacent residential uses, and the eight-foot tall solid wood fence should significantly reduce the impacts on these residential properties from noise and light created by the gas station, convenience store and car wash. Staff believes that the substantial landscaping plan will significantly improve the appearance of the overall site and soften its appearance next to the public parklands and the residential neighborhoods. The buffer between the gas station and nearby residences will be enhanced should the Commission concur with staff's recommendation that the row of 12 parking spaces located along the eastern property line be removed. Staff feels the 24 spaces located around the building should be sufficient to serve this location near the City's center.

At the August 1 public hearing, concerns were expressed about the hours of operation of the proposed PDQ, which is proposed to operate 24 hours a day, seven days a week. The applicant proposed these hours of operation based on the proximity of the site to numerous heavy

commercial, transportation and light industrial uses located generally to the west of the site along Pennsylvania Avenue. In the Planning Unit's report to the Commission, staff recommended that the PUD-SIP be restricted to not permit the dispensing of diesel fuel or the use of the car wash between 10 PM and 6 AM daily in an effort to minimize potential impacts from noise and odors related to those facets of the proposed facility during the overnight hours. Staff would not be opposed to restrictions in the hours of operation of the entire facility.

In reviewing the proposed gas station facility against the regulations in Section 28.04 (16) of the Zoning Ordinance regarding automobile service stations, the Planning Unit believes the standards can be met. The applicant is providing screening of the site in excess of that required by the ordinance, and the Planning Unit has not identified more than two other existing gas stations within 1,980 feet of this site. The applicant has submitted a photometric plan for the property, but the plan provided does not show lighting levels on the landscaped terraces, buffer areas or on adjoining property (including City rights of way). Staff is requesting that the photometric plan be amended to include these areas as well as details of the light fixtures so that compliance with the condition regarding light levels can be assured.

The site is located in Urban Design District #4. The Urban Design Commission reviewed the proposed demolition and redevelopment plans on August 3, 2005 and recommended initial approval (see attached report). In granting an initial recommendation of approval, the UDC gave particular attention to lessening the amount of impervious surfaces on the property, limiting the intensity of site lighting, and decreasing the width of the 40-foot drive entrances from N. Third Street and Pennsylvania Avenue.

RECOMMENDATION

The Planning Unit recommends that the Plan Commission forward Zoning Map Amendment 3115, rezoning 401 N. Third Street from M1 (Limited Manufacturing District) to Planned Unit Development, General Development Plan/ Specific Implementation Plan (PUD-GDP-SIP) to the Common Council with a recommendation of **approval**, subject to input at the public hearing and the following conditions:

1. Comments from reviewing agencies.
2. That the development plan shall be revised as follows:
 - a.) that the 12 parking spaces located along the eastern property line be removed and the adjacent drive aisle narrowed to be parallel to the south wall of the building at a width acceptable to the Planning Unit and Traffic Engineer;
 - b.) that a detailed sign plan be submitted with the final PUD documents for approval by Planning Unit staff;
 - c.) that the lighting plan and photometric study be amended to include specific details on all of the light fixtures to be installed and lighting levels across the entire property and within the first 50 feet of all adjoining properties (including rights of way); the plan will be reviewed by staff from the Planning Unit and Building Inspections Unit to ensure light levels conform to City ordinances, including any impact of the lights on surrounding park and residential uses;

- d.) that Sheet A-1 be revised to correctly label the west and east elevations;
 - e.) that a detail and elevation of the eight-foot tall wooden fence be submitted for Planning Unit approval;
 - f.) that the landscaping plan be revised to note the species and size of the existing vegetation and note that it will remain as part of this development;
 - g.) that a sidewalk connection be provided to the proposed convenience store from the sidewalk on N. Third Street per Planning Unit approval.
3. That the zoning text be amended as follows:
- a.) that the building and height and floor-area ratio for this planned unit development be "As shown on attached plans;"
 - b.) that the permitted uses for this planned unit development shall be revised to be limited to the sale and dispensing of fuel for automobiles and commercial vehicles, the retail sale of food and other convenience items and a two-stall auto laundry;
 - c.) that the zoning text be amended to include a provision limiting the hours of operation for the diesel fuel dispensing islands and the car wash to the hours of 6 AM to 10 PM daily.
4. That the existing billboard located in the northwest corner of the site be removed as soon as the current lease term ends, and that a copy of the lease be provided to the Planning Unit for inclusion in the official zoning file for this planned unit development.

AGENDA # IV.C.

City of Madison, Wisconsin

REPORT OF: URBAN DESIGN COMMISSION

PRESENTED: August 24, 2005

TITLE: 401 North Third Street - PUD(GDP-SIP),
Demolition and New Construction in
Urban Design District No. 4, Convenience
Food Store/Gasoline Sales and Car Wash

REFERRED:

REREFERRED:

REPORTED BACK:

AUTHOR: Alan J. Martin, Secretary

ADOPTED:

POF:

DATED: August 24, 2005

ID NUMBER:

Members present were: Paul Wagner, Chair; Lisa Geer, Cathleen Feland, Robert March, Ald. Noel Radomski, and Lou Host-Jablonski, Todd Barnett, Jack Williams, Bruce Woods, and Michael Barrett.

SUMMARY:

At its meeting of August 24, 2005, the Urban Design Commission **REFERRED** consideration of final approval of a demolition and new construction in Urban Design District No. 4 for a convenience food store/gasoline sales and car wash on property located at 401 North Third Street. Appearing in behalf of the project was Christopher Thiel, representing Schreiber-Anderson & Associates. The plans as presented featured the following:

- The plans did not feature an alternative cut-across pathway between the proposed sidewalk and Pennsylvania Avenue and a new pedestrian path within the adjacent park as previously requested; Thiel noted that this condition will be addressed.
- The lighting/photometric plans provide for a switch to shielded can lights with lighting levels reduced to 35 footcandles, more or less.
- A reduction from 36 surface parking stalls to 24 total stalls was provided, combined with the utilization of 10-foot wide stalls including a reduction of surface parking along the easterly property line adjacent to residential development.
- The request to reduce the 40-foot wide drive aisle entries to reduce pedestrian conflicts and safety concerns was investigated but could not be accomplished based on the need to allow for truck movements.
- In response to the Commission's stated request and the applicant's previously stated proposed commitment for solar amenities, the applicant noted that they were still possible, but wanted to maintain the option not to provide for the solar amenities as previously proposed.

Following the presentation, staff requested that Thiel update the Commission as to the Plan Commission's referral of this item as part of their required consideration (demolition and PUD(GDP-SIP)) issues raised with its referral. Thiel summarized that there were issues with neighborhood residents regarding the hours of operation, the number of bays for the proposed car wash, along with the number of gasoline pump islands, including the necessity to engage in further discussions with East High School administration officials on the operation of the facility yet to be resolved. In addition, issues with the City Traffic Engineer relevant to the requirement to remove a driveway approach on North Third Street, as well as to demonstrate adequate queuing

for the automobile laundry facility; combined with recommendations within the Planning Unit report relevant to the removal of parking stalls along the easterly property line and adjustments to the lighting and photometric plan, based on the project's proximity to the surrounding park and residential uses. In response, staff noted to the Commission that final consideration of the project at this time appeared preliminary based on the requirement to address the above stated concerns, as well as to obtain final approval by the Plan Commission which would result in potential significant alterations to the plans as proposed. Staff suggested that this item be referred until such time as the above stated issues could be resolved.

ACTION:

On a motion by March, seconded by Barrett, the Urban Design Commission **REFERRED** consideration of a demolition and new construction in Urban Design District No. 4 for a convenience food store/gasoline sales and car wash on property located at 401 North Third Street. The motion was passed on a vote of (7-2). Geer and Feland voted no. The motion required address of the above stated concerns and the following:

- Further consideration of the project will be provided following resolve and further discussion with East High School administration officials and area residents, as well as resolution of issues and recommendations contained within the Traffic Engineering and Planning staff reports.
- Consider providing just the minimum parking required per code, as well as maintain accessible stalls.
- The gas canopy lighting is still overlit. Reduce to a level of 20-25 footcandles.
- The Urban Design Commission strongly recommends maintaining the driveway entrance as proposed on Third Street, a reduction in lighting levels, the site plan relationships as presented, as well as recommendations in support of solar amenities as previously proposed by the applicant.

After the Commission acts on an application, individual Commissioners rate the overall design on a scale of 1 to 10, including any changes required by the Commission. The ratings are for information only. They are not used to decide whether the project should be approved. The scale is 1 = complete failure; 2 = critically bad; 3 = very poor; 4 = poor; 5 = fair; 6 = good; 7 = very good; 8 = excellent; 9 = superior; and 10 = outstanding. The overall ratings for this project are 5, 5, 6, 7, 7, 7, 7, 7.5 and 8.

URBAN DESIGN COMMISSION PROJECT RATING FOR: 401 North Third Street

	Site Plan	Architecture	Landscape Plan	Site Amenities, Lighting, Etc.	Signs	Circulation (Pedestrian, Vehicular)	Urban Context	Overall Rating
Member Ratings								
	5	6						5
	7		7	4		6	6	7
	6		7	6		6	6	6
	6		7	5	6	6	6	5
	9	8	8	7		8	7	8
	7	5	8	6		5	6	7
	7		8	7		7	7	7
	7	8	8	7	7	7	8	7.5
	7		7	6				7

General Comments:

- Keep the 70-foot buffer between drive and neighborhood on Third Street. Parking should be reduced. Solar should not be introduced to provide favorable initial approval and then subsequently removed.
- Too much parking. Lighting at canopy much too bright.
- Keep existing site plan re: drive location. Reduce light intensity.
- Parking stalls too wide. Parking count too high.
- Convincing the Plan Commission that the driveway and site plan should stay as initially approved.
- Driveway on Third Street should remain where it is. Solar addition would be a great plus for the building.
- Appreciate the reduction of parking spaces and the resulting buffer area increase. Light levels have improved under the canopy. Narrow the outer stalls back to 9' wide. Recommend maintaining the proposed drive on Third Street.
- Modest improvements do improve this but still too many unresolved issues.