

PLANNING UNIT REPORT
DEPARTMENT OF PLANNING AND DEVELOPMENT
August 22, 2005

RE: I.D. # 01627 & 01688: 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 upon demolition of an existing trucking terminal.
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; Section 28.04 (22) provides the guidelines and regulations for the approval of demolition permits.
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 HEARING

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 scheduled for review by the Plan Commission on

August 1, 2005 but was referred at the request of the Commission to allow the demolition and redevelopment plan to be considered concurrently.

PLAN REVIEW

The applicant is requesting approval of a demolition permit to raze an existing one-story concrete and masonry truck terminal located on at 2.63-acre parcel located at the northeast corner of N. Third Street and Pennsylvania Avenue in M1 (Limited Manufacturing District). The subject site is being cleared of all improvements to make way for a new PDQ gas station, convenience store and car wash to be developed in planned unit development zoning. As noted above, the applicant sought approval of the demolition of the building and clearing of most site improvements (including all pavement, lighting, site utilities, vegetation and screening) in advance of the rezoning and development plan review in order to have sufficient time in advance of construction to remediate soils and recycle building materials. However, the Plan Commission referred the demolition request to this meeting so that the demolition and rezoning could be considered in tandem.

The existing 9,796 square-foot building 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

The building to be demolished appears to be in average condition for a building of its age. The applicant has provided pictures of the building exterior and a detailed analysis of site conditions. The Planning Unit, however, was not provided any information that would indicate that the building is not structurally sound or capable of being rehabilitated or repaired. Staff believes, though, that the proposed gas station, convenience store and car wash will allow this property, which has historically been associated with transportation-related uses and is located along a busy commercial and industrial corridor, to continue to be economically productive for the foreseeable future.

As presented, the Planning Unit believes 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. Staff, however, recommends that the buffer between the gas station and nearby residences be enhanced

through the removal of the row of 12 parking spaces located along the eastern property line. Staff feels the 24 spaces located around the building should be sufficient to serve this location near the City's center. In addition, the Planning Unit is recommending 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 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.

A reuse and recycling plan approved by the Recycling Coordinator is required by ordinance prior to the issuance of wrecking permit.

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) and the component demolition 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.A.

City of Madison, Wisconsin

REPORT OF: URBAN DESIGN COMMISSION

PRESENTED: August 3, 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 3, 2005

ID NUMBER:

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

SUMMARY:

At its meeting of August 3, 2005, the Urban Design Commission **GRANTED INITIAL APPROVAL** of the demolition of a former freight terminal building in order to construct a convenience food store with gasoline sales and car wash on property located at 401 North Third Street. Appearing on behalf of the project was Christopher Thiel of Schreiber-Anderson & Associates, and Randy Manning and Paul Marunich of PDQ Food Stores, Inc. The plans as presented reflected the following:

- The installation of a public sidewalk along the property's Pennsylvania Avenue and Third Street frontage, in addition to relocating and providing a bike path connection into the adjacent public park Dementral Field and adjoining East High School Athletic Field.
- An 8' screen wall has been added along the property's easterly boundary adjacent to existing residential development, the maximum height allowed under the property's current M-1 Limited Manufacturing District zoning designation.
- Thiel remarked that the project may evolve to include "green" design elements such as solar panels for heating the car wash water supply, on the gas canopy for the production of electricity, as well as on the convenience store's roof to provide interior radiant heating. Another consideration is to add plantings on the pump island canopy roof to absorb storm water.
- The landscape plan features the addition of planters at the ends of the gas pump islands.

Following the presentation, the Commission expressed concerns on the following:

- Attempt to reduce the amount of pavement/impervious area. The thirty-six proposed parking stalls appears to be a lot for a 6,000 square foot store. In response to this issue, the applicant felt that the request was reasonable. If parking can be reduced, eliminate the easterly bay or row of surface parking along with increasing the size of the landscape buffer adjacent to existing residential development.
- Provide lighting cutsheets for review and approval, in addition to eliminating hot spots on the photometric plan to less than 30 foot candles, to be consistent with City lighting ordinance provisions.
- Consider providing windows along the backside of the convenience store building to allow for views and observation and eliminate a dead zone at the rear of the building. This provision is necessary to provide opportunities for supervision by staff to the rear of the building and car wash area. The applicant's response to this request is that surveillance can be readily provided with a proposed camera surveillance system.

- Concern with the 40' wide driveway entries to the site was expressed; bring down in order to reduce pedestrian conflicts and safety concerns; the Pennsylvania Avenue driveway was of primary concern.
- Provide an alternative cut-across pathway between the proposed sidewalk and Pennsylvania Avenue and new pedestrian path within the adjacent park.
- The Commission questioned the applicant's solar commitment, as presented as options in the development of the project. The applicant noted that all attempts would be made to incorporate the solar amenities as presented.
- Change all fixtures to metal halide and eliminate the proposed use of high-pressure sodium fixtures.

ACTION:

On a motion by March, seconded by Geer, the Urban Design Commission **GRANTED INITIAL APPROVAL** of the project. The motion was passed on a unanimous vote of (8-0). The motion required that lighting levels underneath the gas canopy be reduced, as well as lighting levels in excess of 30 foot candles across the site be brought down with all fixtures to be metal halide, the provision of a cut-across pathway from the sidewalk to the proposed bike path within the park, and confirmation of the project's commitment to provide for solar amenities currently under consideration.

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 6, 6, 6, 6, 6.5, 7, and 7.5.

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 | 7 | 6 | 8 | 6 | 6 | 7 | 7 | 7 |
| | 6 | 5 | 7 | 6 | 6 | 7 | 5 | 6 |
| | - | - | - | - | - | - | 5 | 6 |
| | 6 | 5 | 7 | 5 | 5 | 6 | 6 | 6 |
| | - | - | - | - | - | - | - | 6 |
| | 7 | 5 | 8 | 7 | 6 | 7 | 6 | 6.5 |
| | 7 | 8 | 9 | 5 | - | 8 | 8 | 7.5 |
| | - | - | - | - | - | - | - | - |
| | - | - | - | - | - | - | - | - |
| | - | - | - | - | - | - | - | - |

General Comments:

- Look at light levels beneath the canopies to achieve less of a difference in the light levels. If parking can be reduced, consider eliminating spaces furthest from the store entries. Very good landscape and open space. Submit light cutsheets, metal halide.
- Excellent pedestrian connectivity. Drives should be narrowed. Row of parking should be eliminated on southeast end. Patio is a nice touch.
- Good landscaping. (Note to Plan Commission: Please require that the billboard be removed at the end of the current lease. Why can't solar panels – as promised by this applicant – be also required?)
- Nice site plan and landscaping.
- Must reduce lighting under canopy. Security cameras essential. Less parking desirable.

**CITY OF MADISON
INTERDEPARTMENTAL
CORRESPONDENCE**

Date: Aug. 2, 2005

To: Plan Commission

From: Kathy Voeck, Assistant Zoning Administrator

Subject: 401 N. Third St., Rezoning

Present Zoning District: M-1

Proposed Use: Demolish existing structure and build a convenience store with gas & car wash

Requested Zoning District: PUD(GDP-SIP)

Conditional Use: Plan Commission approval for a demo has been applied for separately.

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project).

GENERAL OR STANDARD REVIEW COMMENTS

1. Meet applicable chapter 10 automobile laundry requirements. (Contact Harry Sulzer at 266-4568 regarding noise limitations).
2. The following provisions shall apply to automobile laundries:
 - a. A buffer area at least six (6) feet in width and initially landscaped with four feet tall evergreen shrubs to ultimately form a continuous hedge not less than five (5) feet nor more than six (6) 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. (The north east and south east property lines are adjacent to residentially zoned properties.)
 - b. 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. Provide one 10' x 35' loading area with 14' vertical clearance to be shown on the plan. The loading area shall be exclusive of drive aisle and maneuvering space.

4. Provide four bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. The lockable enclosed lockers or racks or equivalent structures in or upon which the bicycle may be locked by the user shall be securely anchored to the ground or building to prevent the lockers or racks from being removed from the location. NOTE: A bike-parking stall is two feet by six feet with a five-foot access area. Structures that require a user-supplied locking device shall be designed to accommodate U-shaped locking devices.
5. Parking lot plans with greater than twenty (20) stalls, landscape plans must be stamped by a registered landscape architect. Provide a landscape worksheet with the final plans that shows that the landscaping provided meets the point and required tree ordinances. In order to count toward required points, the landscaping shall be within 15' and 20' of the parking lot depending on the type of landscape element. (Note: The required trees do not count toward the landscape point total.) Planting islands shall consist of at least 75% vegetative cover, including trees, shrubs, ground cover, and/or grass. Up to 25% of the island surface may be brick pavers, mulch or other non-vegetative cover. All plant materials in islands shall be protected from vehicles by concrete curbs.
6. Meet applicable City of Madison lighting standards.
7. In the zoning text under B permitted uses, #1 shall read, Those that are stated as permitted uses in the C-2 zoning district. In D, Floor Area Ratio shall read: Maximum floor area ratio shall not exceed 3.0. In J, the family definition take the M-1 district out of the text since residential is not allowed in an M-1 district.

ZONING CRITERIA

| Bulk Requirements | Required | Proposed |
|--------------------------|-----------------|-----------------|
| Lot Area | 6,000 sq. ft. | 114,852 sq. ft. |
| Lot width | 50' | 293' |
| Usable open space | n/a | n/a |
| Front yard | 0' | 52' |
| Side yards | 5' adj. to res. | 36' |
| Rear yard | 10' | 18' |
| Floor area ratio | 3.0 | less than 1.0 |
| Building height | -- | 1 story |

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| Site Design | Required | Proposed |
|----------------------------|--------------------|----------|
| Number parking stalls | 20 | 36 |
| Accessible stalls | 2 | 3 |
| Loading | 1 (10' x 35') area | (3) |
| Number bike parking stalls | 4 | (4) |
| Landscaping | Yes | (5) |
| Lighting | No | (6) |

| Other Critical Zoning Items | |
|-----------------------------|-----|
| Urban Design | Yes |
| Historic District | No |
| Landmark building | No |
| Flood plain | No |
| Utility easements | No |
| Water front development | No |
| Adjacent to park | No |
| Barrier free (ILHR 69) | Yes |

With the above conditions, the proposed project does comply with all of the above requirements.

* Since this project is being rezoned to the (PUD) district, and there are no predetermined bulk requirements, we are reviewing it based on the criteria for the C-2 district, because of the surrounding land uses.



Department of Public Works
City Engineering Division

608 266 4751

Larry D. Nelson, P.E.
City Engineer

City-County Building, Room 115
210 Martin Luther King, Jr. Boulevard
Madison, Wisconsin 53703
608 264 9275 FAX
608 267 8677 TDD

Deputy City Engineer
Robert F. Phillips, P.E.

Principal Engineers
Michael R. Dalley, P.E.
Christina M. Bachmann, P.E.
John S. Fahrney, P.E.
David L. Benzschawel, P.E.
Gregory T. Fries, P.E.

Operations Supervisor
Kathleen M. Cryan

Hydrogeologist
Joseph L. DeMorett, P.G.

GIS Manager
David A. Davis, R.L.S.

DATE: August 12, 2005
TO: Plan Commission
FROM: Larry D. Nelson, P.E., City Engineer
SUBJECT: 401 North Third Street PUD (GDP/SIP)

The City Engineering Division has reviewed the subject development and has the following comments.

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. It is possible that the applicant might encounter solid waste during demolition activities. The applicant shall be responsible for the proper handling of all excavated waste and its disposal at the WDNR licensed landfill.
2. The city maintains a series of subsurface gas probes on the northern end of the property to monitor for methane gas. The applicant shall be responsible for the protection of these structures and their replacement if damaged.
3. The applicant shall dedicate additional right-of-way along Pennsylvania Avenue. The right-of-way line shall be 17-feet back from the face of curb.
4. The applicant shall dedicate additional right-of-way along North Third Street. The right-of-way line shall be 14-feet back from the face of curb.
5. The applicant shall construct sidewalk along Pennsylvania Avenue. The width of the sidewalk may be wider than standard as determined by the City Engineer and City Traffic Engineer.
6. Stormwater Management required includes 40% TSS control, oil and grease control and recording of a maintenance agreement.
7. Existing sewer on this property has been partially abandoned. Applicant shall submit a sketch and legal description, along with \$500 processing, to request release of easement. Revise plan to show this pipe including full abandonment with plugging of pipe at the property line.
8. Revise all plan sheets to correctly show existing public utilities, and consistently from page to page.

GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

Engineering Division Review of Planned Community Developments, Planned Unit Developments
and Conditional Use Applications.



General

- 1.1 The construction of this building will require removal and replacement of sidewalk, curb and gutter and possibly other parts of the City's infrastructure. The applicant shall enter into a City / Developer agreement for the improvements required for this development. The applicant shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The applicant shall meet with the City Engineer to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. The developer shall sign the Developer's Acknowledgement prior to the City Engineer signing off on this project.
- 1.2 The site plan shall identify lot and block numbers of recorded Certified Survey Map or Plat.
- 1.3 The site plan shall include all lot/ownership lines, existing building locations, proposed building additions, demolitions, parking stalls, driveways, sidewalks (public and/or private), existing and proposed signage, existing and proposed utility locations and landscaping.
- 1.4 The site plan shall identify the difference between existing and proposed impervious areas.
- 1.5 The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records.
- 1.6 The site plan shall include a full and complete legal description of the site or property being subjected to this application.

Right of Way / Easements

- 2.1 The Applicant shall Dedicate a _____ foot wide strip of Right of Way along _____.
- 2.2 The Applicant shall Dedicate a _____ foot wide strip of Right of Way along _____.
- 2.3 The Applicant shall Dedicate a Permanent Limited Easement for grading and sloping _____ feet wide along _____.
- 2.4 The City Engineer has reviewed the need for pedestrian and bicycle connections through the development and finds that no connections are required.
- 2.5 The Applicant shall Dedicate a Permanent Limited Easement for a pedestrian / bicycle easement _____ feet wide from _____ to _____.
- 2.6 The Developer shall provide a private easement for public pedestrian and bicycle use through the property running from _____ to _____.
- 2.7 The developer shall be responsible for the ongoing construction and maintenance of a path within the easement. The maintenance responsibilities shall include, but not be limited to, paving, repaving, repairing, marking and plowing. The developer shall work with the City of Madison Real Estate Staff to administer this easement. Applicable fees shall apply.

Streets and Sidewalks

- 3.1 The Applicant shall execute a waiver of notice and hearing on the assessments for the improvement of [roadway] _____ in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO.
- 3.2 **Value of sidewalk installation over \$5000.** The Applicant shall Construct Sidewalk to a plan approved by the City Engineer along North Third Street and Pennsylvania Avenue.
- 3.3 **Value of sidewalk installation under \$5000.** The Applicant shall install public sidewalk along _____. The Applicant shall obtain a Street Excavation Permit for the sidewalk work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees. All work must be completed within six months or the succeeding June 1, whichever is later.
- 3.4 The Applicant shall execute a waiver of their right to notice and hearings on the assessments for the installation of sidewalk along [roadway] _____ in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO.
- 3.5 The Applicant shall grade the property line along _____ to a grade established by the City Engineer. The grading shall be suitable to allow the installation of sidewalk in the future without the need to grade beyond the property line. The Applicant shall obtain a Street Excavation permit prior to the City Engineer signing off on this development.
- 3.6 The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
- 3.7 **Value of the restoration work less than \$5,000. When computing the value, do not include a cost for driveways. Do not include the restoration required to facilitate a utility lateral installation.** The Applicant's

project requires the minor restoration of the street and sidewalk. The Applicant shall obtain a Street Excavation Permit for the street restoration work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees.

- 3.8 The Applicant shall make improvements to _____ in order to facilitate ingress and egress to the development. The improvement shall include a (Describe what the work involves or strike this part of the comment.) _____.
- 3.9 The Applicant shall make improvements to _____. The improvements shall consist of _____.
- 3.10 The approval of this Conditional Use does not include the approval of the changes to roadways, sidewalks or utilities. The applicant shall obtain separate approval by the Board of Public Works and the Common Council for the restoration of the public right of way including any changes requested by developer. The City Engineer shall complete the final plans for the restoration with input from the developer. The curb location, grades, tree locations, tree species, lighting modifications and other items required to facilitate the development or restore the right of way shall be reviewed by the City Engineer, City Traffic Engineer, and City Forester.
- 3.11 The Applicant shall provide the City Engineer with a survey indicating the grade of the existing sidewalk and street. The Applicant shall hire a Professional Engineer to set the grade of the building entrances adjacent to the public right of way. The Applicant shall provide the City Engineer the proposed grade of the building entrances. The City Engineer shall approve the grade of the entrances prior to signing off on this development.
- 3.12 The Applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction.
- 3.13 The Applicant shall obtain a privilege in streets agreement for any encroachments inside the public right of way. The approval of this development does not constitute or guarantee approval of the encroachments.
- 3.14 The Applicant shall provide the City Engineer with the proposed soil retention system to accommodate the restoration. The soil retention system must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the retention system.
- 3.15 The Applicant shall complete work on exposed aggregate sidewalk in accordance with specifications provided by the city. The stone used for the exposed aggregate shall be approved by the City. The Construction Engineer shall be notified prior to beginning construction. Any work that does not match the adjacent work or which the City Construction Engineer finds is unacceptable shall be removed and replaced.
- 3.16 All work in the public right-of-way shall be performed by a City licensed contractor.

Storm Water Management

- 4.1 The site plans shall be revised to show the location of all rain gutter down spout discharges.
- 4.2 Storm sewer to serve this development has been designed and constructed. The site plans shall be revised to identify the location of this storm sewer and to show connection of an internal drainage system to the existing public storm sewer.
- 4.3 The plan set shall be revised to show a proposed private internal drainage system on the site. This information shall include the depths and locations of structures and the type of pipe to be used.
- 4.5 The applicant shall show storm water "overflow" paths that will safely route runoff when the storm sewer is at capacity.
- 4.6 The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 7.5-tons per acre per year.
- 4.7 This site is greater than one (1) acre and the applicant is required by State Statute to obtain a Notice of Intent Permit (NOI) from the Wisconsin Department of Natural Resources. Contact Jim Bertolacini of the WDNR at 275-3201 to discuss this requirement.
- 4.8 This development includes multiple building permits within a single lot. The City Engineer and/or the Director of the Inspection Unit may require individual control plans and measures for each building.
- 4.9 If the lots within this site plan are inter-dependent upon one another for stormwater runoff conveyance, and/or a private drainage system exists for the entire site an agreement shall be provided for the rights and responsibilities of all lot owners. Said agreement shall be reviewed and placed on file by the City Engineer, referenced on the site plan and recorded at the Dane Co Register of Deeds.
- 4.10 Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Please contact Greg Fries at 267-1199 to discuss this requirement.
- 4.11 The plan set shall be revised to show more information on proposed drainage for the site. This shall be accomplished by using spot elevations and drainage arrows or through the use of proposed contours. It is necessary to show the location of drainage leaving the site to the public right-of-way. It may be necessary to provide information off the site to fully meet this requirement.

- 4.12 A portion of this project comes under the jurisdiction of the US Army Corp of Engineers and WDNR for wetland or flood plain issues. A permit for those matters shall be required prior to construction on any of the lots currently within the jurisdictional flood plain.
- 4.13 The Applicant shall submit, prior to plan sign-off, digital CAD files to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital copies shall be to scale and represent final construction.

CAD submittals can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) formats and contain the following data, each on a separate layer name/level number:

- a) Building Footprints
- b) Internal Walkway Areas
- c) Internal Site Parking Areas
- d) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)

NOTE: Email file transmissions preferred lzenchenko@cityofmadison.com. Include the site address in this transmittal.

- 4.14 NR-151 of the Wisconsin Administrative Code will be effective on October 1, 2004. Future phases of this project shall comply with NR 151 in effect when work commences. Specifically, any phases not covered by a Notice of Intent (NOI) received from the WDNR under NR-216 prior to October 1, 2004 shall be responsible for compliance with all requirements of NR-151 Subchapter III. As most of the requirements of NR-151 are currently implemented in Chapter 37 of the Madison General Ordinances, the most significant additional requirement shall be that of infiltration.

NR-151 requires infiltration in accord with the following criteria. For the type of development, the site shall comply with one of the three (3) options provided below:

Residential developments shall infiltrate 90% of the predevelopment infiltration amount, 25% of the runoff from the 2-year post development storm or dedicated a maximum of 1% of the site area to active infiltration practices.

Commercial development shall infiltrate 60% of the predevelopment infiltration amount, 10% of the runoff from the 2-year post development storm or dedicate a maximum of 2% of the site area to active infiltration practices.

Utilities General

- 5.1 The Applicant shall obtain a Street Excavation permit for the installation of utilities required to serve this project. The Applicant shall pay the permit fee, inspection fee and street degradation fee as applicable and shall comply with all the conditions of the permit.
- 5.2 The applicant shall obtain all necessary sewer connection permits and sewer plugging permits prior to any utility work.
- 5.3 All proposed and existing utilities including gas, electric, phone, steam, chilled water, etc shall be shown on the plan.
- 5.4 The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction.
- 5.5 The site plans shall be revised to show the location of existing utilities, including depth, type, and size in the adjacent right-of-way.
- 5.6 The developer shall provide information on how the Department of Commerce's requirements regarding treatment of storm water runoff, from parking structures, shall satisfied prior to discharge to the public sewer system. Additionally, information shall be provided on which system (storm or sanitary) the pipe shall be connected to.

Sanitary Sewer

- 6.1 Prior to approval of the conditional use application, the owner shall obtain a permit to plug each existing sanitary sewer lateral that serves a building that is proposed for demolition. For each lateral to be plugged the owner shall deposit \$1,000 with the City Engineer in two separate checks in the following amounts: (1). \$100 non-refundable deposit for the cost of inspection of the plugging by City staff; and (2). \$900 for the cost of City crews to perform the plugging. If the owner elects to complete the plugging of a lateral by private contractor and the plugging is inspected and approved by the City Engineer, the \$900 fee shall be refunded to the owner.
- 6.2 All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior to connection to the public sewerage system.
- 6.3 Each unit of a duplex building shall be served by a separate and independent sanitary sewer lateral.
- 6.4 The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size and alignment of the proposed service.



Traffic Engineering Division

David C. Dryer, City Traffic Engineer

August 16, 2005

TO: Plan Commission

FROM: David C. Dryer, P.E., City Traffic Engineer

SUBJECT: **401 North Third Street – Rezoning – M1 to PUD (GDP-SIP) – Demolish Existing Structure & Build Convenience Store w/Gas Sales**

The City Traffic Engineering Division has reviewed the subject development and has the following comments.

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. The applicant has included a traffic impact study with its application. The study is reasonably accurate and complete, but staff is noting several points. Staff cautions that the traffic numbers noted in the report have a range, with a resultant impact on level of service and traffic impacts. Further as noted in the report, traffic islands should be constructed on Johnson St at Third St to provide traffic calming and pedestrian refuge/crossing for the development and Johnson St.
2. Consistent with the applicant's traffic impact study, the applicant shall enter into a subdivision contract with the City for the construction of traffic islands on Johnson St at Third St and any modifications required therein.
3. The applicant shall execute a waiver of notice and hearing on special assessments for the future traffic signals and associated street improvements at the intersections the City plans to signalize. The traffic signal waiver shall also require a deposit for future area traffic signals and associated intersection changes.
4. The North Third Street driveway approach shall be relocated to the southern most point of the site, as follows: Commencing at the northwest property corner at Pennsylvania Av. and N. Third St.; thence southerly along the westerly property line 180 ft. to the new centerline of the N. Third St. 40 ft. driveway approach.
5. The applicant shall be responsible for securing all proper permits and approvals from any municipality or government unit having jurisdiction with the project. The existing or proposed driveway approach on U.S. Hwy 113 requires approval by State of Wisconsin. In particular, the applicant shall contact Marshal Quade, Wisconsin Department of Transportation (243-3366), with 4 sets of plans for review and approval. The applicant shall return two WDOT-approved copies to the City of Madison Traffic Engineering Division.

GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

6. When the applicant submits final plans for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, one contiguous plan (showing all easements, all pavement markings, building placement, and stalls), signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'.
7. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan. The applicant shall relocate the N. Third St. approach as noted above and remove the existing N. Third St. approach.
8. "Stop" and "No Left Turns" signs shall be installed at the driveway approach to Pennsylvania Av. and a "Stop" sign shall be installed at the N. Third St. driveway approach. All signs at the approaches shall be installed behind the property line. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
9. The automobile laundry shall be designed to provide one parking space for each two employees, and one parking space for the owner or manager of the facility. One additional space shall be provided for each nozzle of any vacuum-cleaning machine, while storage space shall be adequate to accommodate all vehicles off-street that is awaiting delivery. All the above shall be noted on the site plan.
 - a. In addition, for every self-service stall the applicant shall provide five (5) reservoir parking spaces. This site has two (2) self-service stalls and requires 10 reservoir parking spaces dimensioned nine (9) feet by twenty (20) feet to be shown on the site plan. The car wash reservoir parking spaces shall be clearly identified. The applicant shall provide a proposed Queuing Model with the plans.
10. If the automobile laundry has some type of indoor drying equipment, the exit door shall be forty (40) feet beyond the dryers. However, the Director of the Inspection Unit may reduce this distance requirement when the applicant provides a noise study demonstrating that the sound levels of the indoor drying equipment and laundry equipment do not exceed 65 decibels (dbs) between 7:00 a.m. and 7:00 p.m. and 60 decibels (dbs) between 7:00 p.m. and 7:00 a.m. at a residential property line, and meets Section 28.08, Madison General Ordinances, and all other requirements. The applicant shall note location of dryer units if being installed.
11. The applicant shall prevent drainage or deposition of water, which may create icing on any public sidewalk or right-of-way. In addition, the applicant shall prevent the drainage or deposit of cleaning material that may create undesirable conditions in the storm drainage system. Both water and cleaning material controls shall be noted on the site plan.
12. The automobile laundry time of operation shall be limited to the hours between 7:00 a.m. and 9:00 p.m. Exceptions to these hours are subject to City Plan Commission review

and approval under Section 28.12(10). This site is adjacent to a residence area and the operation of this site should be limited to the hours between 7:00 a.m. and 9:00 p.m.

13. The intersection shall be so designed so as not to violate the City's sight-triangle preservation requirement which states that on a corner lot no structure, screening, or embankment of any kind shall be erected, placed, maintained or grown between the heights of 30 inches and 10 feet above the curb level or its equivalent within the triangle space formed by the two intersecting street lines or their projections and a line joining points on such street lines located a minimum of 25 feet from the street intersection in order to provide adequate vehicular vision clearance.
14. To provide for adequate pedestrian pathways/linkage from the public sidewalk to the building entrances, the applicant shall modify the site plans with a pedestrian linkage to N. Third St. with the final approval resting with the Traffic Engineer.
15. The Developer shall post a deposit or reimburse the City for all costs associated with any modifications to Street Lighting, Signing and Pavement Marking including labor and materials for both temporary and permanent installations.
16. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

Please contact John Leach, City Traffic Engineering at 267-8755 if you have questions regarding the above items:

Contact Person: Randy Manning
Fax: 828-2195
Email: manning@pdqstores.com

DCD:DJM:dm



CITY OF MADISON FIRE DEPARTMENT

Fire Prevention Division

325 W. Johnson St., Madison, WI 53703-2295

Phone: 608-266-4484 ♦ FAX: 608-267-1153

DATE: 8/5/05
TO: Plan Commission
FROM: Edwin J. Ruckriegel, Fire Marshal
SUBJECT: 401 N. Third St.

The City of Madison Fire Department (MFD) has reviewed the subject development and has the following comments:

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. None.

GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

2. Sheet No. C-9 "Fire Protection Plan" appears to meet the requirements of COMM 62.0509 and MGO 34.19. Provide a MFD Fire Department Access and Hydrant worksheet with submittal.

Please contact John Lippitt, MFD Fire Protection Engineer, at 608-261-9658 if you have questions regarding the above items.

cc: John Lippitt

**Emerson East Neighborhood Association
P. O. Box 3385
Madison, WI 53704-3385**

August 16, 2005

Plan Commission
City of Madison

Re: Proposed Development at 401 North Third Street – PDQ Convenience Store

Dear Commissioners:

I am writing on behalf of Project Management Team (PMT) of the Emerson East Neighborhood Association regarding the proposal before you from PDQ to build a convenience store with gas and diesel pumps at 401 North Third Street. The parcel of property in question is 100% situated within the boundaries of the Emerson East Neighborhood.

The organized neighborhood association has been actively involved in the proposed development since April of 2004, at which time the PMT met with representatives from PDQ to discuss their initial proposal before they met with the City and other constituents. Following that meeting a neighborhood wide meeting was held on the site to discuss the proposal with our neighbors on July 15, 2004.

During this meeting, neighbors were given comment cards to write down any questions or concerns that they might have about the project. A report was prepared by the PMT and was sent to PDQ for their review and response.

After several months passed with no response or activity, contact was made with PDQ where it was learned that there were issues that needed to be resolved between the City and PDQ about the property before PDQ would be moving forward with a formal application. On July 19, 2005, the PMT met with representatives from Schreiber Anderson regarding the current plans to develop the property.

Members of the PMT were pleased to see the modifications to the plans and are encouraged by them and to hear that the Urban Design Commission was pleased with the informational presentation they received on July 6, 2005. We agreed to host another neighborhood wide meeting on August 10, 2005 to present the revised plans and to receive feedback.

Attached you will find the report submitted to PDQ following the August 10th meeting as well as PDQ's responses to the concerns raised at the first neighborhood wide meeting.

We continue to work with PDQ to build a project that will be a win-win situation for the neighborhood and the developer. I will make every attempt to attend the your meeting of August 22nd to be available to answer questions should any arise.

Respectfully submitted,

Robert Gibbons, Chair
Emerson East NA Project Mgmt Team

Cc: EENA PMT members
Susan Agee, President – Emerson East Neighborhood Association

PDQ FOOD STORE PROJECT PROPOSAL
401 N. THIRD STREET, MADISON, WI
REPORT of the NEIGHBORHOOD MEETING
July 15, 2004

Prior to this meeting the Emerson East Neighborhood Project Management Team (PMT) had met with Randy Manning of PDQ Stores to discuss the preliminary proposal for the site at 401 N. Third Street. It was agreed that the Emerson East PMT would facilitate the necessary neighborhood meetings so that PDQ proposal received an opportunity for input/feedback from the neighborhood. Further, the Emerson East PMT agreed to provide PDQ with the addresses of all residences in Area 1 & 2 of the neighborhood and addresses for all members of the Emerson East Neighborhood Association living in Area 3 (the residents farthest from the location of the proposed site). A total of 750 addresses were provided to PDQ to do a postcard mailing notifying the neighborhood of the scheduled meeting to discuss the proposed project.

The meeting was held on Thursday, July 15, 2004 on the site of the proposed project (401 N. Third Street) with a total of 22 neighborhood residents in attendance.

Attendees were asked to write their comments down on cards that were provided by the Emerson East PMT which facilitated the meeting.

What follows are the comments that were submitted for inclusion in the written record for the meeting.

Traffic Concerns

- 1 Don't like the idea of right turning lane on Third Street. There is not sufficient room currently for traffic to queue up along Refugee Center area and the vacant triangle (waiting to get onto Pennsylvania Avenue).
- 2 Concern with unsafe turning movement at Third Street and Pennsylvania. This needs to be squared to allow safer turning movements. PDQ should pay to re-orient this intersection.
- 3 Will be huge traffic impact to 2000 block of East Johnson. Inbound traffic will not get back on to Pennsylvania from Third; utilize Johnson and Pennsylvania. What is going to be done to mitigate the impacts to the residents on East Johnson?
- 4 Intersection of East Johnson and Pennsylvania needs addressing - slow traffic from Pennsylvania to East Johnson with a sharp right turn only eastbound. Need a traffic light at East Johnson and Pennsylvania - westbound. PDQ traffic turns would be safer with these changes.
- 5 Inbound traffic on Pennsylvania needs to be routed back on to Pennsylvania via either 1) a right turn only lane at Third and East Johnson or 2) a traffic light at Third and Pennsylvania that would also include closing off the one way chute from First Street.
- 6 Work with traffic folks to improve traffic flow and limit cut throughs
- 7 There is no way this store is going to help the traffic and garbage on Third Street; the neighbors at Third and Dayton are all against this - do not build it!
- 8 At a minimum a dedicated right turn lane southbound on Third at East Johnson. East Johnson and Pennsylvania intersection should be a stop light. A stop light would facilitate traffic flow from PDQ out

Summary of Comments on Response to Neighborhood Questions 20050810114513353.pdf

Page: 1

Sequence number: 1

Author: Randym

Subject: Note

Date: 8/10/2005 12:38:43 PM

This is an opinion and its is PDQ's belief that there is sufficient room for stacking on Third Street. This intersection is controlled by stop sign so traffic can enter on Pennsylvania Avenue during open breaks in traffic.

Sequence number: 2

Author: Randym

Subject: Note

Date: 8/10/2005 12:38:46 PM

City of Madison has reviewed this intersection and just installed new sewer, water laterals and new curb and gutter. They where aware of the PDQ project and we attended all preconstruction meetings. The City of Madison Engineering designed and rebuilt Third Street. Based on their review no change was needed.

Sequence number: 3

Author: Randym

Subject: Note

Date: 8/10/2005 12:38:48 PM

PDQ has hired a traffic consultant. It is my understanding a full traffic study of area is being done. This will summarize the effects PDQ will have on traffic. PDQ lives off current traffic in neighborhood. It has been our experience very little if any traffic increases because of PDQ.

Sequence number: 4

Author: Randym

Subject: Note

Date: 8/10/2005 12:38:51 PM

It appears the City of Madison constructed this intersection in this manner for a reason. This is something that needs to be discussed with City of Madison and Traffic Engineering.

Sequence number: 5

Author: Randym

Subject: Note

Date: 8/10/2005 12:38:53 PM

This is something that will be addressed in Traffic Study. Based on current sight plan and other operations we feel the traffic that is already in neighborhood will use the Third Street entrance and exit accordingly. My belief is the transit traffic on Pennsylvania Avenue will enter from both Pennsylvania Avenue and Third Street most likely exiting out on Pennsylvania with the rite out.

Sequence number: 6

Author: Randym

Subject: Note

Date: 8/10/2005 12:38:57 PM

We will be working with traffic and engineering along with neighborhood to correct and improve problems that already exist.

Sequence number: 7

Author: Randym

Subject: Note

Date: 8/10/2005 12:51:45 PM

This opinion is saying you have problems you cannot correct and have nothing to do with PDQ. PDQ is committed to being a good neighbor. Part of this is making sure we run a clean and attractive operation. Traffic issues will be addressed in traffic study and handled as recommended.

Sequence number: 8

Author: Randym

Comments from page 1 continued on next page

**PDQ FOOD STORE PROJECT PROPOSAL
401 N. THIRD STREET, MADISON, WI**

**REPORT of the NEIGHBORHOOD MEETING
July 15, 2004**

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401 N. THIRD STREET, MADISON, WI**

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Subject: Note

Date: 8/10/2005 12:39:03 PM



Understand what you are saying but we don't believe traffic is going to be exiting this way. The City was aware of PDQ's plan prior to and during design of Third Street upgrades and did not make this recommendation. This option and comment will be discussed with traffic consultant.

to Johnson and points west. The neighborhood would benefit immensely from the replacement of the on-ramp eastbound to East Johnson.

Student Issues

- 1 • One solution to the neighbors concerns about the East High student traffic would be to run a path from the Fourth Street extension by James Reeb Unitarian Church to the parking area of the proposed PDQ. If the path were to be placed along the edge of Demetral Field and equipped with trash cans, it might help students out of the neighborhood as they go back and forth.
- 2 • I am very sorry to hear that PDQ went against the expressed wishes of the neighborhood and decided to locate here after all. We have strong safety concerns, which you have not addressed. A PDQ close to 2 schools is very detrimental to the neighborhood, as you know. It would be helpful to have additional neighborhood meetings when more people can attend and when school has started again.
- 3 • The principals of East High and Emerson Elementary opposed the PDQ at Third and Johnson in 1999.
- 4 • This is not a good project for our schools and therefore our community. How is it different this time?
- Put an extension on bike path from Demetral (Fourth Street) so high school traffic stays out of neighborhood and off of East Johnson.

Site Specific Issues

- 5 • Get rid of diesel pumps! We don't want semi traffic associated with this project.
- Limit hours for car wash. Move car wash away from residential sites to help with idling and exhaust.
- 6 • 24 hours!! We don't need this draw into our neighborhood.
- I think the pay phone should be eliminated from the site. Given the re-occurring problem with prostitution on North Street (associated with Red Letter News) a pay phone on close proximity to RLN would be a magnet for "johns" as well as the prostitutes.
- My main concern is the hours of operation for the proposed store. If PDQ is open 24 hours, I would expect it to be a magnet for the kids/adults cruising East Washington Avenue in the spring, summer and fall. Cruisers would have to use residential streets to access the PDQ and this would be a very negative situation for homeowners. I am requesting the City to limit hours - closing no later than midnight.
- 7 • Please talk to the City Bicycle Coordinators to get a recommendation on a good bike rack in a safe place on the property. (This would be a big PR plus for many in this neighborhood.) Also a bike trail through Demetral to the high school might address several problems and might have city funding possibilities.
- 8 • Environmental - gas fumes; Loitering - kids and noise level; Trash
- Late night hours and the noise that it will add to the area; Prefer no car wash or move the car wash from proposed site; close by midnight
- 9 • Do not want a 24 hour business in the neighborhood. Limit hours to 6 am to 10:30 pm.
- A 24 hour operations is not suitable for a residential neighborhood, please reconsider this.

Other

- I do appreciate the opportunity PDQ has given its prospective neighbors to speak and listen. I knew before this meeting of PDQ's reputation for keeping clean, well-managed stores. However, I do not yet share the vision that placing a high traffic facility in an area of residences, schools and parks is a good idea at all. Convenience stores, by the nature of there business will draw a non-resident, transient element into a vulnerable environment. No benefit will accrue to the neighborhood; only PDQ stands to benefit. Please consider using a location already used for commercial purposed. Please find a way to remove the slum block housing Red Letter News and the other marginal businesses there - thereby offering this community a win-win solution.

Page: 2

Sequence number: 1

Author: Randym

Subject: Note

Date: 8/10/2005 12:39:07 PM

This was a very good comment and one PDQ could explore with the assistance and approval of City Parks Department. The Parks Department did approve this and it is now shown on the sight plan. PDQ is also committed to installing and maintain trash receptacles on this path. This will help get current pedestrian traffic out of neighborhood and redirect per neighborhood wishes.

Sequence number: 2

Author: Randym

Subject: Note

Date: 8/10/2005 12:40:51 PM

This is the opinion of individual and not the entire neighborhood. It appears many in neighborhood support this project and are looking forward to it.

Sequence number: 3

Author: Randym

Subject: Note

Date: 8/10/2005 12:44:53 PM

Everybody has the right to have an opinion but that does not mean they are correct. PDQ will work with school system and address issues as they arise if they do. Again nobody knows for sure and we have a store location near Middleton High School which has not had the problems you are anticipating.

Sequence number: 4

Author: Randym

Subject: Note

Date: 8/10/2005 1:12:44 PM

The issue of bike path and or pedestrian path from Fourth Street to Pennsylvania has been added and is part of submitted sight plan.

Sequence number: 5

Author: Randym

Subject: Note

Date: 8/10/2005 1:07:10 PM

PDQ has developed a very good operational plan and diesel dispensers are part of our operation. They are not specifically intended for semi trucks but for delivery trucks that travel around the City. PDQ takes great pride in running a clean attractive operation and will take a strong stance on any loitering or other matters that will effect the business and neighborhood.

Sequence number: 6

Author: Randym

Subject: Note

Date: 8/10/2005 1:00:24 PM

PDQ will be eliminating the pay phones on this location. PDQ has no problem allowing use of store phone during and emergency or individual crises.

Sequence number: 7

Author: Randym

Subject: Note

Date: 8/10/2005 1:03:38 PM

This issue has been addressed or will be. Currently PDQ is showing a walking path that provides access from fourth street to Pennsylvania Avenue. My understanding is this was a pedestrian path. Not sure of rules regarding Bicycles on this path but will follow up on. PDQ is willing to make path wide enough for both to share.

Sequence number: 8

Author: Randym

Subject: Note

Date: 8/10/2005 1:10:27 PM

This sight is near a closed dump and currently has environmental issues. PDQ will be cleaning up to standards required by DNR and other governing agencies.

Sequence number: 9

Comments from page 2 continued on next page

to Johnson and points west. The neighborhood would benefit immensely from the replacement of the on-ramp eastbound to East Johnson.

Student Issues

- One solution to the neighbors concerns about the East High student traffic would be to run a path from the Fourth Street extension by James Reeb Unitarian Church to the parking area of the proposed PDQ. If the path were to be placed along the edge of Demetral Field and equipped with trash cans, it might keep students out of the neighborhood as they go back and forth.
- I am very sorry to hear that PDQ went against the expressed wishes of the neighborhood and decided to locate here after all. We have strong safety concerns, which you have not addressed. A PDQ close to 2 schools is very detrimental to the neighborhood, as you know. It would be helpful to have additional neighborhood meetings when more people can attend and when school has started again.
- The principals of East High and Emerson Elementary opposed the PDQ at Third and Johnson in 1999.
- This is not a good project for our schools and therefore our community. How is it different this time?
- Put an extension on bike path from Demetral (Fourth Street) so high school traffic stays out of neighborhood and off of East Johnson.

Site Specific Issues


- Get rid of diesel pumps! We don't want semi traffic associated with this project.
- Limit hours for car wash. Move car wash away from residential sites to help with idling and exhaust. No 24 hours!! We don't need this draw into our neighborhood.
- I think the pay phone should be eliminated from the site. Given the re-occurring problem with prostitution on North Street (associated with Red Letter News) a pay phone on close proximity to RLN would be a magnet for "johns" as well as the prostitutes.
- My main concern is the hours of operation for the proposed store. If PDQ is open 24 hours, I would expect it to be a magnet for the kids/adults cruising East Washington Avenue in the spring, summer and fall. Cruisers would have to use residential streets to access the PDQ and this would be a very negative situation for homeowners. I am requesting the City to limit hours - closing no later than midnight.
- Please talk to the City Bicycle Coordinators to get a recommendation on a good bike rack in a safe place on the property. (This would be a big PR plus for many in this neighborhood.) Also a bike trail through Demetral to the high school might address several problems and might have city funding possibilities.
- Environmental - gas fumes; Loitering - kids and noise level; Trash
- Late night hours and the noise that it will add to the area; Prefer no car wash or move the car wash from proposed site; close by midnight
- Do not want a 24 hour business in the neighborhood. Limit hours to 6 am to 10:30 pm.
- A 24 hour operations is not suitable for a residential neighborhood, please reconsider this.

Other

- I do appreciate the opportunity PDQ has given its prospective neighbors to speak and listen. I knew before this meeting of PDQ's reputation for keeping clean, well-managed stores. However, I do not yet share the vision that placing a high traffic facility in an area of residences, schools and parks is a good idea at all. Convenience stores, by the nature of there business will draw a non-resident, transient element into a vulnerable environment. No benefit will accrue to the neighborhood; only PDQ stands to benefit. Please consider using a location already used for commercial purposed. Please find a way to remove the slum block housing Red Letter News and the other marginal businesses there - thereby offering this community a win-win solution.

Author: Randym
Subject: Note


Date: 8/10/2005 1:07:12 PM

 The trucking company that operated at this location was a 24- hour operation. PDQ is requesting 24 hours but will only remain open if the business supports. from neighbors.

Sequence number: 10

Author: Randym
Subject: Note

Date: 8/10/2005 1:04:46 PM

 This property is zoned for Commercial Use. In fact it is zoned M-1 which allows all of PDQ's intended Uses.

**PDQ FOOD STORE PROJECT PROPOSAL
401 N. THIRD STREET, MADISON, WI**

**REPORT of the NEIGHBORHOOD MEETING II
August 10, 2005**

The meeting was held on Wednesday, August 10, 2005 on the site of the proposed project (401 N. Third Street) with a total of 27 neighborhood residents in attendance. This was the second neighborhood wide meeting that was held on this project, with the first being in July of 2004.

In an effort to draw as many residents as possible to the meeting the Emerson East Neighborhood Association provided 700 addresses to PDQ for mailing a meeting notice and a copy of the site plan, we know of 49 mailers that have been returned to PDQ. The returns are a mixture of Vacant and No Forwarding Address.

The meeting started with an informal discussion period about the project proposal boards that were on display (6:30 – 6:45) followed by a presentation by PDQ and their consultants from Schreiber Anderson (6:45 – 7:00) then a question and answer session (7:00 – 7:45).

What follows are the comments on the design proposal that had been greatly modified based on the feedback the neighborhood provided at the first meeting.

Traffic Concerns

- Intersection of East Johnson and Pennsylvania needs addressing – maybe traffic island to slow traffic and to create a designated turn.

PDQ: Not sure what we can do regarding this matter. It seems this is an ongoing problem the neighborhood should address with City of Madison Traffic and Engineering. I will discuss with our traffic consultants to see if they have any independent suggestions.

- Concerns that development will cause traffic increase on Third Street.

PDQ: PDQ has commissioned a traffic study that was presented to both the City and Neighborhood for review. PDQ believes the local traffic currently using Pennsylvania will enter on Third and exit on Pennsylvania, while the commuter unfamiliar with store will enter and exit from Pennsylvania Avenue.

Addition of Bike Path

- The bike path is a great addition to the proposal, but will it be lighted and what about trash receptacles?

PDQ Response: PDQ is not opposed to adding lighting to path. This is something our consultants will discuss with Parks Department and planning. The City of Madison is the one who needs to give written permission for something like this to happen. Regarding the trash receptacles, PDQ is not opposed to providing and maintaining.

PDQ: Not sure what PDQ can do about loitering on others property. Based on neighborhood comments it seems this problem already exist on neighbors property. I can say PDQ does not tolerate loitering and will be taking an aggressive stance regarding loitering on our property. PDQ does have and will use video surveillance.

Site Specific Issues

- Concern about drainage from the sight, specifically how will drainage to the street be controlled?

PDQ: All drainage issues will be reviewed by City of Madison and DNR. Everything we do will comply with current codes. Drainage is all handled on sight with none going onto streets. PDQ installs filters on all inlets and these filters are changed at least once a year. These filters are approved for use by DNR.

- Concern that the noise level will be significant during the demolition of existing space if the materials are ground on sight.

PDQ: Homburg Contractors will be handling this and will follow all rules and regulations for City of Madison and State of Wisconsin. Depending on the noise levels recycling and crushing might take place off sight.

- What about security for the site?

PDQ: We install a very good video surveillance system with cameras in and outside of store.

- Alcohol sales?

PDQ does sell beer at its locations. We do sell some wine at various locations. This is an operational decision based on consumer needs. During the initial approval process we just apply for beer sales. All PDQ employees are required to take additional training for alcohol sales and City of Madison has a certification process and approval of that needs to be followed.

Car Wash

- Concern about decibel (noise) level caused by the sighting of the car wash on the property and its effect on the housing units behind it.

PDQ: City of Madison has codes that apply to a car wash installation and PDQ will be following those codes. Based on past experience PDQ believes the current noise from traffic on Pennsylvania Avenue will be greater in decibel than dryer noise from car wash.

- Entrance to car wash needs more buffering to catch noise, how will the noise be contained on the property?

PDQ: The installation of eight foot high fence around the southern property line will

From: Bill Roberts
To: Steele, Alisha
Date: 8/15/2005 2:56:26 PM
Subject: Re: planning commission

Thank you for your communication. Planning Unit Staff and Mr. Olinger are not empowered to postpone Plan Commission consideration of a proposed zoning map amendment. We will, however, include your communication with the materials that we send to the Plan Commission for this meeting.

>>> Alisha Steele <steele1of12@yahoo.com> 08/15/05 2:41 PM >>>
Mark Olinger
Secretary of the Planning Commission

I live in the Emerson East neighborhood near the proposed site of a new PDQ on Third street. I have been talking with my neighbors and we are interested in postponing the Planning Commission Meeting because really we need more time to evaluate this project and to work on proposals for improving it.

We would greatly appreciate more time before the next planning commission meeting.

Thank you!

Alisha Steele

CC: Benford, Brian

From: Bill Roberts
To: Ingram, Mirill
Date: 8/15/2005 1:24:45 PM
Subject: Re: postponing 8/22/05 meeting

Thank you for your communication. Planning Unit Staff and Mr. Olinger are not empowered to postpone Plan Commission consideration of a proposed zoning map amendment. We will however include your communication with the materials that we send to the Plan Commission for this meeting.

>>> Mirill Ingram <mingram@wisc.edu> 08/15/05 1:08 PM >>>

August 15, 2005

Mark Olinger
Secretary of the Planning Commission,
P.O. Box 2984,
Madison, 53701

Dear Mr. Olinger,

I am writing to request that you postpone discussion of a new PDQ store scheduled for a Planning Commission Meeting on August 22, 2005. The neighborhood has had very little time to react to the announcement of this meeting and to the implications of the new building. We would benefit from more time for discussion and organization. The end of August is a difficult time for many of us to join this meeting due to summer plans made a significant time ago. I personally will not be in Madison.

Because PDQ postponed its original plans, which we were alerted to over a year ago, the neighborhood has not had clear information about the plans and schedule for this project. We received a letter in the mail with blueprints of their plans only a little over a week ago. The PDQ store will have significant impact on the Emerson-East neighborhood. At the single meeting held this year about their new plan, the PDQ representatives expressed frustration over the neighborhood's desire for more discussion and time, and yet the discussion at this meeting also revealed that not enough consideration has been given to existing traffic issues and to how hours of operation will affect this neighborhood. When asked if they would consider postponing the meeting by a neighborhood resident, the PDQ representative made a statement that they were working in an anti-business climate.

I would like to ask your assistance in this situation since I strongly feel that we are not at all anti-business, but we do believe there are many avenues to healthy business development. It is not difficult to look around and see convenience store development that is not conducive to healthy neighborhoods. I appreciate the efforts PDQ has made towards the neighborhood, and they have made it clear that they have benefited from exchange. It is also clear that we need to have a chance to gather more information and discuss ways to ensure that Emerson-East remains an increasingly welcome place to live.

Thank you very much,

Mrill Ingram
217 N. Third St.
Madison, WI 53704
mrill@tds.net

cc: Brian Benford, District 12

CC: Benford, Brian

From: Bill Roberts
To: Benford, Brian; Vincent, Steve
Date: 8/18/2005 7:29:34 AM
Subject: Re: postponing PDQ Planning Commission Meeting!

Thanks for your communication. Staff will include this with the other materials that we send out to the Plan Commission for this item.

>>> Steve Vincent <vincent53704@yahoo.com> 08/17/05 5:02 PM >>>
Wed. 8/17/05
from "Up North" at my cabin in Phelps, WI
(near Eagle River, WI)
(715) 545-3044 (cabin phone)

Dear Brian Bedford, Bill Roberts, Ney Fey, & Mark Olinger:

Please postpone the 8/22/05 PDQ planning meeting!

Many of us neighbors believe the neighborhood needs more time evaluating this project. Only 22 people attended the recent PDQ meeting!

PDQ is not cutting the 4 or 5 foot high weeds and grass on the vacant site!

Please call me at my cabin!

Sincerely,

Steve Vincent
301 N. Third St. #205 Madison, WI 53704 (directly next door to the proposed PDQ site!)

cabin 715-545-3044 or home (608)249-5230

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8



Department of Public Works
Parks Division

Madison Municipal Building, Room 120
215 Martin Luther King, Jr. Boulevard
P.O. Box 2987
Madison, Wisconsin 53701-2987
PH: 608 266 4711
TDD: 608 267 4980
FAX: 608 267 1162

August 18, 2005

TO: Plan Commission
FROM: Simon Widstrand, Parks Development Manager
SUBJECT: **401 North Third Street**

SW

- 1. The developer shall provide a 10-foot paved path across Demetral Park as shown conceptually on the plan. Final sidewalk design and location shall avoid landfill piping and monitoring wells, and shall require approval of the Engineering Division.**

Approval of plans for this project does not include any approval to prune, remove or plant trees in the public right-of-way. Permission for such activities must be obtained from the City Forester, 266-4816.

Please contact Simon Widstrand at 266-4714 or awidstrand@cityofmadison.com if you have questions regarding the above items.

August 18, 2005

Mark Olinger
Secretary of the Planning Commission
P.O. Box 2984
Madison, WI 53701

Dear Mr. Olinger,

I believe that the proposed PDQ gas station/car wash/convenience store at the intersection of North Third and Packers Avenue will have many negative impacts to the East Emerson neighborhood. I am against the proposal and suggest the Planning Commission consider a more appropriate use for the property. The proposed service station will only help contribute to several dangerous intersections in the neighborhood and increase litter problems and loitering associated with East High School students.

If the Commission decides to recommend the PDQ proposal to the Common Council after reviewing the proposal, I ask that PDQ and the City of Madison mitigate several of the impacts that the facility will have on the surrounding community.

Improve traffic configuration at East Johnson Street and North Third Street

I am unhappy with the traffic study conducted by PDQ. The study does not address traffic levels during the AM rush hour when traffic volumes in the East Emerson neighborhood are at their heaviest. Downtown commuters often use North Third Street to East Washington Avenue to avoid slower traffic as the 3 lanes of Packers Avenue is funneled into the 2 lanes of East Johnson Street. Combined with students driving to East High School, the morning rush hour is much worse than the evening rush hour that was used for the traffic count portion of the study.

Many residents on North Third Street are disturbed by the use of North Third Street by commuters. This traffic in the neighborhood would only increase if the PDQ is built. I recommend that the City consider changing traffic configurations in the neighborhood so that dangerous intersections do not get worse and the neighborhood remains safe for pedestrians and bikers in the neighborhood. Suggestions include:

- Closing North Third Street to traffic from East Johnson Street or coming from PDQ on North Third Street.
- Install a barrier at the middle of the 400 block of North Third Street to prevent PDQ traffic from entering the neighborhood.
- Install a traffic light at the intersection of North Third Street and Packers Avenue for inbound traffic using the PDQ. Without a traffic light, cars will be turning left onto Packers in heavy traffic, using East Johnson Street to get back onto Packers, or cutting across to East Washington on North Third Street.
- A more elaborate solution would involve re-routing outbound E. Johnson traffic to Pennsylvania and requiring traffic to turn right on North Third and the left again on E. Johnson in order to continue to use that corridor. As many neighbors have made clear the

"on ramp" style of E. Johnson into our neighborhood does not make for slow neighborly traffic.

Limit hours of operation

PDQ representatives state that they want this to be a 24-hour facility. Given the proximity of the proposed PDQ facility to the neighborhood, it is essential that PDQ limit its hours of operation. I would like PDQ to limit their hours of operation from 6 am until midnight.

PDQ expects that the noise from the facility would be masked by the traffic in the area. However, traffic during the early morning hours will not be sufficient to mask noise from the facility.

Limit size of facility

PDQ is proposing a facility that is typical of a service station found in a heavy commercial area or along the interstate. The facility will have a 2-bay car wash, convenience store, 14 gasoline pumps, and 3 diesel pumps. I would like PDQ to design a smaller facility that is similar in size to other neighborhood service stations found on Atwood Avenue, Commercial Avenue, Williamson Street, and Fordem Avenue. These service stations have 8 pumps or less and convenience stores half the size of PDQ's proposal.

I appreciate the opportunity to voice my concerns about the proposed PDQ in my neighborhood. I ask that the Planning Commission seriously address these concerns when making the final decision on this project.

Sincerely,

Susan E. Rosenberg
205 N. Third St.
Madison, WI 53704

Cc: Brian Benford, District 12

August 19, 2005

TO: Plan Commission

FROM: Dorothy Borchardt

Subject: 401 North Third Street

I'm writing in support of the proposed PDQ convenience store at this location. As the former alderperson from the district, I worked with PDQ and the neighborhood for three years to build this project across the street from the current proposal. During that time PDQ worked with the neighborhood and addressed all of their issues.

A very vocal minority of neighbors convinced the City Council that the neighborhood didn't want the project and that apartments would go on the site. Well, six years later it is a run down used car lot. The current site is blighted and a perfect site for this project.

At the time I talked to many of the seniors in the area that supported the project but just didn't want to take on the battle with their neighbors. They supported the PDQ because there isn't another place in their neighborhood that they can pick up groceries and other needed items and services.

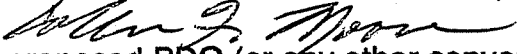
For over thirty years we have had a PDQ on the northside, first on Sherman Avenue and then on Northport Drive. I have found PDQ to be good neighbors. They are responsive to neighborhood concerns and are very easy to work with.

It is my pleasure to request your support of this project.

Thanks for your time and consideration,

Dorothy Borchardt

Statement in Opposition to the PDQ at 3rd St. and Johnson/Pennsylvania submitted by Colleen F. Moore, 124 N. 4th St. (resident at this location since 1978)


I oppose the proposed PDQ (or any other convenience store/gas station) at this location for the following reasons:

1. The area near the store will be a magnet and gathering spot for teenagers from East High. When there is a convenient place to go that is only a block from school, it encourages students to cut school, buy a soft drink, snacks, tobacco, or have someone of age purchase beer. I sometimes see teens who are cutting school smoking marijuana in this area of Johnson St. (twice last winter and spring). There was a fight in the city parking area at 4th and Johnson a year ago that resulted in higher racial tensions at East High. The PDQ will be a magnet that will increase the likelihood that students will cut school, and will increase the likelihood of fights and other undesirable incidents in the immediate area.

2. Gas stations are point-sources of air pollution. It is in proximity not only to the nearby residences, but also to the East High athletic field. It is not fair to add another source of air pollution to the neighborhood when the neighborhood is in the shadow of the odors from Oscar Mayer, a small foundry on Pennsylvania (which produces noticeable strong odor on the East High track), the traffic on Johnson/Pennsylvania and East Washington.

3. Vehicle traffic through the neighborhood will increase, decreasing pedestrian safety and increasing difficulty in getting from the neighborhood to Johnson/Pennsylvania when headed downtown.

4. The services of the PDQ are provided by other retailers. There is a convenience store (without gas) at 2nd and Winnebago. There is a convenience store with gas station on Fordem approximately 5-6 blocks from the proposed PDQ. There is another gas & convenience store about 6 blocks away at the corner of Commercial and Pennsylvania/Packers.

5. All convenience stores are targets for armed robbery. According to the newspaper, a recent convict in Dane Co. held up the same location 3 times, saying to the clerk the last time, "you know the drill". It is one thing to have an armed robbery occur on a major traffic artery away from residential neighborhoods. It is entirely another thing to have an armed robbery at a convenience store in a residential neighborhood where people walk with their children and pets. The proposed location is too close to residences.

The Planning Commission should reject the PDQ proposal. The residents of the East High neighborhood are tired of dealing with it repeatedly. The property should be re-zoned for other uses to prevent repeated proposals of virtually the same project.

If the Planning Commission unwisely approves the proposed PDQ, I request

(OVER)

the following changes to the plan:

1--No vehicle entry to facility except from Pennsylvania Ave. This will deter vehicle traffic from the PDQ from traversing the neighborhood.

2--Gas pumps that recover fumes (such as those used in the Milwaukee area).

3--10 pm closing time.

4-- Two clerks on duty after 6 pm to deter robbery attempts (research studies show that this works).

5--No alcohol sales.

6--No tobacco sales.

7--Curfew lighting at 10 pm (closing) and after that lights will be activated by motion detectors only.

The Planning Commission is going to respond that it cannot regulate tobacco and alcohol sales and other aspects of operations. If that is true, then reject the project.

From: Frances Keally <fek1950@sbcglobal.net>
To: <molinger@cityofmadison.com>
Date: 8/21/2005 6:05:26 PM
Subject: PDQ at 3rd and East Johnson

Dear Mr. Olinger,

I am unable to attend the August 22nd meeting, but wanted to let you know that I am opposed to a PDQ in the East Emerson neighborhood. I live on 4th Street, across from the tennis courts and my husband and I clean the entire block of garbage on a weekly basis. The amount of litter that would be generated by a store within a few blocks of East High School is unimaginable and would greatly decrease the high standards we try to maintain.

In addition, the noise of our neighborhood is on the rise, due to the general increase of sirens and traffic in the city. I expect the PDQ would be frequented by high school students who often feel the inexplicable need to "squeal out" from a stop, thus increasing the overall noise pollution of the area.

An additional gas station is simply not needed in the area as there is one on Packers, less than a mile away and another two or three on East Washington, within a mile or less. No matter how attractively it is designed, a gas station does not contribute anything positive to a neighborhood which is trying very hard to remain a strong residential presence near East High School.

Thank you for your consideration.

Fran Keally
206 N. 4th Street
Madison, WI 53704

CC: <district12@cityofmadison.com>