

From: [Mark](#)
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Subject: Agenda 82003 - Class A Beer for 1129 S Park St
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Hello...

I wish to express strong opposition to this application for Class A Beer license for 1129 S Park St.

I currently live behind this gas station at 815 Emerson St. My reasoning for this opinion is as follows:

While the Conditional Use Permit for this property does not mention alcohol sales and never did, the concept of alcohol sales were clearly of importance in seeking neighborhood approval for the redevelopment project and permit approval on the whole. The then-alder Sue Ellingson made it a point to state in her summary of the neighborhood meeting regarding the presentation:

"Mr Ehtasham is Muslim and will not sell alcohol for religious reasons."

You can find this summary here, on page 7:

<https://madison.legistar.com/View.ashx?M=F&ID=1775135&GUID=5D1DFFF9-98C9-4BFE-83DA-43AD96D0D5E2>

At the time of the redevelopment, the alcoholic rehabilitation facility known as the Chris Farley House was located 2 doors away. Today, it has been redeveloped into a larger drug rehab facility (5 Door Recovery), adjacent to the gas station. While beer and alcohol is "everywhere", it is still regulated. And many factors come into play regarding who/what/where it is allowed. And while I don't believe anyone from 5 Door Recovery is going to buy a 12 pack, sit on the lawn, and get drunk, I believe it's bad optics for the City to allow the sale of a product known to be the source of addiction and problem for many people right next door to an addiction recovery facility. It's not about the reality or probability, but the message it sends.

Additionally, I believe the ALRC should always be mindful of retail establishments and their proximity to bus stops in their approval process. In this case, there is a sheltered bus stop co-existing at the corner of the property. While I'm unsure of the probability of bus users to be problems for alcohol retailers, it is at least an ancillary concern to me.

But mainly, I am opposed to this application for the main reason that there appear to be many violations of their conditional use permit and of ordinances and building codes. While difficult to navigate the City's records and to find a CUP that spells out the conditions. However, I have found this link which has several documents:

<https://madison.legistar.com/LegislationDetail.aspx?ID=1075440&GUID=888074D5-1619-4912-932B-D9C64959E649&Options=ID|Text|&Search=1129+Park>

The first document is the Conditional Use letter of intent, which specifies:

- 6 parking stalls

- All signage will be shown on plans and meet all current guidelines
- Trash will be located in a screened area
- Employees will pick up trash one block along Park and Olin to minimize impact from this business
- Will replace 2 trees in the rear of the building with new

The last document (the approval) reiterates:

- Signage must be reviewed for compliance with Chapter 31 of the Madison General Ordinances. This is in an Urban Design District. Signage must be approved by the Urban Design Commission and Zoning. Sign permits must be issued by the Zoning Section of the Department of Planning and Development prior to sign installations.
- The walk up carry out restaurant shall not provide inside seating for dining.
- That increases in the hours of operation require approval of a conditional use alteration. The applicant has indicated that the current hours of operation are from 6:00 am until 12:00 am, daily.

And currently, I have observed the following violations (but not limited to):

- Up to 3 additional vehicles (or food trailer) parked in non-designated parking stalls. You can see them in Google Maps satellite view. One by the ice box, two by King of Falafel.
- Illuminated LED window signs that blink. Though, illuminated window signs might also simply be prohibited.
- City-issued trash and recycling bins are all currently being kept outside of their approved enclosure, stored along the fence on the sidewalk meant for pedestrians.
- Excessive trash within a block of this business along Park and Olin
- Trees in the rear of the building were never planted by the original owner nor planted by the new. Neither old nor new owners do not maintain the rear grass area, but is incidentally maintained by landscapers for the 5 Door Recovery who unlikely don't know property boundaries.
- There's at least one table and chairs in the take-out restaurant.
- Permanent storage of products along the exterior of the building are regulated, and possibly prohibited in this instance, and may be prohibited due to a lack of clearance on the sidewalk for pedestrians to walk between the building and Pump #1.
- Hours of operation are currently 5:30-midnight Sun-Thur, 5:30am-1am Friday & Saturday (this has changed a few times, but always greater than hours approved, regardless of this owner or the previous. Canopy lights on the property do not dim and gas pumps appear to be active.

And while not directly a violation by the business, currently delivery trucks (Soft drink semi trucks, refrigerated food trucks, etc) are using the residential, weight-restricted streets of Emerson and Lowell to arrive at the gas station (a one block loop). The ordinance 12.89 - HEAVY TRAFFIC ROUTES only allows an exception when the delivery address is located on a weight restricted street. The gas station is on a truck route. Therefore, there it is not necessary to use our streets for delivery. As such, since this is already a problem with regards to current delivery vehicles, I cannot support any license if it means additional large beer trucks illegally using our residential streets.

With regards to the business hours, it was August 17, 2020 that Matt Tucker of City Planning, in an email to my neighbors, Police, and the Alder:

I had a call last week with Mohammed Ehtashamuddin, the owner of the store.

We talked about him stopping pay-at-the-pump and turning the canopy lights down at midnight. I explained that the approved Conditional Use required the store to be closed at midnight, and appear closed. No pay at the pump. He did not necessarily agree, but I guess we can agree to disagree at this point. We also talked about possibly shifting the closing hours to 10p and he was adamantly against that. He did say that he would consider adding security at certain times, but I think it would be hard to determine what those times were and how we can ensure he actually does that.

He agreed to immediately stop pay-at-the-pump and turn canopy/site lighting down, so the store appears dark midnight—6am, and you should see the change happening now. If not, let me know.

If we continue to have problems, we can start the process of re-reviewing his Conditional Use, to possibly modify the hours.

And yet, we see that the new owner continues the ways of the old owner, keeping the lights on, and extending business hours beyond that approved. Personally, I think this gas station should close at 10pm every night, just like other gas stations in the downtown area near residential. It just makes sense to do so. While the level of noise has gotten better in recent years, there is still a noticeable uptick in noise after 9pm, let alone after 10. And I do not want alcohol sales of any kind to negatively impact the amount of noise from this place of business.

Now, if in the future they approve a change to their conditional use to have their hours be 6am-10pm 7days, I would consider approval of their request to sell beer as currently outlined. But they still would need to adhere to all the other conditions and ordinances, and simply be a good neighbor. And since that change to the conditional use is not on the table, and while these violations continue to exist, and the nuisances exist, I simply cannot support their request for their Class A liquor license.

Mark Schoendorff
815 Emerson St