



Department of Planning & Development  
**Planning Unit**

Website: [www.cityofmadison.com](http://www.cityofmadison.com)

Madison Municipal Building  
215 Martin Luther King, Jr. Boulevard  
P.O. Box 2985  
Madison, Wisconsin 53701-2985  
TDD 608 266-4747  
FAX 608 266-8739  
PH 608 266-4635

October 13, 2005

Randy Manning  
PDQ Food Stores, Inc.  
PO Box 620997  
Middleton, Wisconsin 53562

RE: 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.

Dear Mr. Manning:

At its October 11, 2005 meeting, the Common Council **conditionally approved** your application for rezoning property located at 401 N. Third Street from M1 to PUD-GDP-SIP. The following conditions of approval shall be satisfied prior to final approval and recording:

**Please contact Gary Dallmann, City Engineering, at 266-4751 if you have questions regarding the following eighteen (18) items:**

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 such that 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 N. Third Street such that 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 treatment requirements include 40% TSS, oil and grease removal and erosion control.
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.

9. 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.
10. The Applicant shall construct sidewalk along Pennsylvania Avenue and N. Third Street to a plan approved by the City Engineer.
11. The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
12. 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.
13. The Applicant shall submit, prior to plan sign-off, digital CAD files to the Land Records Coordinator in the Engineering Division (Lori Zenchenko). The digital copies shall be drawn to scale and represent final construction, including: building footprints, internal walkway areas, internal site parking areas, and other miscellaneous impervious areas.
14. 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.
15. The applicant shall obtain all necessary sewer connection permits and sewer plugging permits prior to any utility work.
16. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction.
17. 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.
18. 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.

**Please contact John Leach, Traffic Engineering, at 267-8755 if you have questions about the following sixteen (16) items:**

19. 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 Street at N Third Street to provide traffic calming and pedestrian refuge/crossing for the development and Johnson St.
20. Consistent with the applicant's traffic impact study, the applicant shall enter into a subdivisions contract with the City for the construction of traffic islands on Johnson Street at N Third Street and any modifications required therein.
21. 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.
22. The N Third Street driveway be located as far north as possible to provide the maximum buffer for adjoining properties as possible.
23. 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 State Route 113 requires approval by State of Wisconsin. In particular, the applicant shall contact Marshal Quade, Wisconsin Department of Transportation (243-3366), with four sets of plans for review and approval. The applicant shall return two WDOT-approved copies to the City of Madison Traffic Engineering Division.
24. 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'.
25. 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 Street approach as noted above and remove the existing N. Third Street approach.
26. "Stop" and "No Left Turns" signs shall be installed at the driveway approach to Pennsylvania Avenue and a "Stop" sign shall be installed at the N Third Street 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.
27. 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. 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.

28. 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.
29. 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.
30. 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.
31. 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 Street with the final approval resting with the Traffic Engineer.
32. 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.
33. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.
34. That the Traffic Engineer works with the neighborhood on a study about mitigating traffic impacts on N. Third Street.

**Please contact Kathy Voeck, the Assistant Zoning Administrator, at 266-4551 if you have questions regarding the following seven items:**

35. Provide a minimum of 52 bike parking stalls for the existing and proposed facilities in safe and convenient locations 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 locks.
36. Provide one 10-foot by 35-foot loading area with 14 feet of vertical clearance to be shown on the plan. The loading area shall be exclusive of any drive aisle or maneuvering space.
37. Meet MGO Chapter 10 requirements for automobile laundries. Contact Harry Sulzer, Building Inspections, at 266-4568 regarding noise limitations.
38. The following provisions shall apply to automobile laundries:

- a.) 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.
- 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.

39. 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.

40. Meet applicable City of Madison lighting standards.

41. The zoning text be revised to remove the family definition, as it does not apply. (Modified by Planning Unit recommendations)

**Please contact John Lippitt, Madison Fire Department, at 261-9658 if you have questions about the following item:**

42. Sheet C-9, Fire Protection Plan, appears to meet the requirements of Comm. 62.0509 and MGO 34.19. Provide a Fire Department Access and Hydrant worksheet with final submittal.

**Please contact Si Widstrand, Parks Division, at 266-4711 if you have questions about the following item:**

43. The developer shall provide a 10-foot wide paved path across Demetral Park/Field as shown conceptually on the plan. Final sidewalk design and location shall avoid landfill piping and monitoring wells, and shall require approval of the City Engineers Office.

**Please contact my office at 261-9632 if you have questions about the following Planning Unit and Plan Commission conditions on this project:**

44. That the development plan shall be revised as follows:

- a.) that the 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;
  - h.) that the applicant employ vapor recovery systems at all fuel pumps;
  - i.) that signs be posted prominently throughout the property asking patrons to turn off car stereo systems while using the station.
45. 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” (supercedes proposed Zoning Administrator revision);
  - 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 (supercedes proposed Zoning Administrator revision);
  - c.) that the hours of operation of the gasoline pumps, diesel pumps and convenience store be limited to 5 AM to 12 AM (midnight) daily;
  - d.) that the zoning text be amended to include a provision limiting the hours of operation for the car wash to the hours of 6 AM to 10 PM daily;
46. That the applicant foster friendly relations and continue efforts to work with East High School community on trash collection issues and involving students in productive efforts to keep the park clean.
47. 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. The owner shall also provide a copy of his notice to the billboard company that the lease will not be renewed.
48. That the applicant receive final approval of this project from the Urban Design Commission prior to requesting recording of the PUD.

After the plans have been changed as per the above conditions, please file **ten (10) sets** of the revised, complete site plans, building elevations, floor plans and any other documentation requested herein with the Zoning Administrator, Room LL-100, Madison Municipal Building, 215 Martin Luther King, Jr. Boulevard.

The sets of final revised plans or documents will be circulated by the Zoning staff to the City department staff listed above for their signature of final approval.

Upon receipt of the aforementioned plans, documents and fees, and upon determining that they are complete, the Zoning Administrator shall record them with the Dane County Register of Deeds Office. The recorded originals will be returned to the applicant, with the recording information noted, when the Register of Deeds has completed the recording process.

If this plan is not recorded within one year of the date of approval by the Common Council, the approval shall be null and void. No construction or alteration of the property included in this application shall be permitted until a Specific Implementation Plan (SIP) has been approved and recorded.

Within thirty (30) months of Common Council approval of the General Development Plan or within eighteen (18) months of the recording of the Specific Implementation Plan, whichever is less, the basis right of use for the areas, when in conformity with the approved Specific Implementation Plan, shall lapse and be null and void unless the project, as approved, is commenced by the issuance of a building permit. If a new building permit is

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required pursuant to Sec. 28.06(4), Madison General Ordinances, a new petition and approval process shall be required to obtain Specific Implementation Plan approval.

If you have any questions regarding recording this plan or obtaining permits, please call Matt Tucker, Zoning Administrator, at 266-4551. If I may be of any further assistance, please do not hesitate to contact me at 261-9632.

Sincerely,

Timothy M. Parks  
Planner

cc: Kathy Voeck, Acting Zoning Administrator  
Gary Dallman, City Engineering  
John Leach, Traffic Engineering  
John Lippitt, Madison Fire Department  
Si Widstrand, Parks Division

<b>For Official Use Only, Re: Final Plan Routing</b>			
<input checked="" type="checkbox"/>	Planning Unit (T. Parks)	<input type="checkbox"/>	Madison Water Utility
<input checked="" type="checkbox"/>	Zoning Administrator	<input checked="" type="checkbox"/>	Parks Division
<input checked="" type="checkbox"/>	City Engineering	<input checked="" type="checkbox"/>	Urban Design Commission
<input checked="" type="checkbox"/>	Traffic Engineering	<input type="checkbox"/>	Recycling Coordinator
<input checked="" type="checkbox"/>	Fire Department	<input type="checkbox"/>	Other:
<input type="checkbox"/>	CDBG Office	<input type="checkbox"/>	Other: