



Department of Planning & Community & Economic Development

Planning Division

Katherine Cornwell, Director

Madison Municipal Building, Suite LL-100

215 Martin Luther King, Jr. Boulevard

P.O. Box 2985

Madison, Wisconsin 53701-2985

Phone: (608) 266-4635

Fax (608) 267-8739

www.cityofmadison.com

May 8, 2014

Occupy Madison, Inc.
C/o Brenda Konkel
30 N. Hancock Street
Madison, Wisconsin 53703

RE: Approval of a request to rezone 2046-2050 E. Johnson Street from NMX (Neighborhood Mixed-Use District) to PD (Planned Development District) and approval of a general development plan and specific implementation plan to allow conversion of an auto repair facility into a “tiny house” workshop and residential community for 9 units, with retail space and accessory gardens and greenhouse (Occupy Madison, Inc.)

Dear Ms. Konkel;

At its May 6, 2014 meeting, the Common Council **conditionally approved** your application to rezone property located at 2046-2050 E. Johnson Street from NMX to PD (GDP-SIP) subject to the following conditions of approval, which shall be satisfied prior to final approval and recording of the Planned Development zoning and the issuance of any demolition or building permits for the project:

Please contact Janet Schmidt of the City Engineering Division at 261-9688 if you have questions regarding the following fourteen (14) items:

1. The proposed new building addition will cross an underlying platted lot line. Current fire code and City enforcement requires the underlying platted lot line be dissolved by Certified Survey Map (CSM) prior to issuance of a building permit. A CSM and required supporting information shall be prepared and submitted to the City of Madison Planning Department. The CSM shall be approved by the City and recorded with the Dane County Register of Deeds prior to issuance of a building permit. If the site plan is modified to not have any buildings cross the underlying platted lot lines a CSM will not be required.
2. The primary access to the site will be from N. Third Street. Therefore, the address of the site is 304 N. Third Street. The [portable shelters] will need to use unit numbering as there is no room for individual addresses due to the adjacent parcel using 312 N. Third Street.
3. Submit a PDF of all floor plans to zenchenko@cityofmadison.com so that a preliminary interior addressing plan can be developed. If there are any changes pertaining to the location of a unit, the deletion or addition of a unit, or to the location of the entrance into any unit, (before, during, or after construction) the addresses may need to be changed. The interior address plan is subject to the review and approval of the Fire Marshal.

4. The applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
5. The applicant shall replace all sidewalk and curb and gutter that abuts the property, which is damaged by the construction, or any sidewalk and curb and gutter that 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.
6. All work in the public right of way shall be performed by a City licensed contractor.
7. All damage to the pavement on N. Third Street and E. Johnson Street , adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria.
8. This project falls in the Rock River TMDL Zone and is subject to increased erosion control enforcement as authorized by Resolution 14-00043 passed by the Common Council on January 21, 2014. The project will be expected to meet a higher standard of erosion control than the minimum standards set by the Wisconsin Department Natural Resources (WDNR).
9. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of 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.
10. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to reduce TSS off of the proposed development by 80% when compared with the existing site, and complete an erosion control plan and complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website as required by Chapter 37 of MGO.
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.
12. The applicant shall submit, prior to plan sign-off, digital CAD files to the Land Records Coordinator in the City Engineering Division. (Lori Zenchenko) lzenchenko@cityofmadison.com. The digital copies shall be drawn to scale and represent final construction including: building footprints, internal walkway areas, internal site parking areas, lot lines/ numbers/ dimensions, street names, and other miscellaneous impervious areas. All other levels (contours, elevations, etc.) are not to be included with this file submittal. E-mail file transmissions are preferred. The digital CAD file shall be to scale and represent final construction. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format. Please include the site address in this transmittal.
13. The applicant shall submit, prior to plan sign-off, digital PDF files to the City Engineering Division. The digital copies shall be to scale, shall have a scale bar on the plan set, and shall contain the

following items: building footprints; internal walkway areas; internal site parking areas; lot lines and right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).

14. The applicant shall submit prior to plan sign-off, electronic copies of any stormwater management files, including SLAMM DAT files, RECARGA files, TR-55/HYDROCAD/etc., and sediment loading calculations. If calculations are done by hand or are not available electronically the hand copies or printed output shall be scanned to a PDF file and provided.

Please contact Eric Halvorson of the Traffic Engineering Division at 266-6527 if you have any questions regarding the following five (5) items:

15. Occupants of development will need to cross E. Johnson Street for access to transit service. The intersection currently has pedestrian features above typical intersection treatments. The applicant shall understand that further treatments are not feasible or likely.
16. The applicant shall submit one contiguous plan for approval. The plan drawing shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
17. The developer shall post a security deposit prior to the start of development. In the event that modifications need to be made to any City-owned and/or maintained traffic signals, street lighting, signing, pavement marking and conduit/handholes, the developer shall reimburse the City for all associated costs including engineering, labor and materials for both temporary and permanent installations.
18. The City Traffic Engineer may require public signing and marking related to the development; the developer shall be financially responsible for such signing and marking.
19. All parking facility design shall conform to the standards in MGO Section 10.08(6).

Please contact Dennis Cawley of the Madison Water Utility at 261-9243 if you have any questions regarding the following item:

20. Note: All operating private wells shall be identified and permitted by the Madison Water Utility and all unused private wells shall be abandoned in accordance with MGO Sec. 13.21.

Please contact Kay Rutledge of the Parks Division at 266-4714 if you have any questions regarding the following four (4) items:

21. All proposed street tree removals within the right of way shall be reviewed by City Forestry. Please submit an existing inventory of trees (location, species, & DBH) and a tree removal plan (in PDF format) to Dean Kahl—dkahl@cityofmadison.com or 266-4816. Approval and permitting of street tree removals shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan.
22. Additional street trees are needed for this project. All street tree planting locations and trees species with the right of way shall be reviewed by City Forestry. Please submit a tree planting plan (in PDF format) to Dean Kahl—dkahl@cityofmadison.com or 266-4816. Approval and permitting of tree planting shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan. Tree planting specifications can be found in Section 209 of City of Madison Standard Specifications for Public Works Construction.
23. Existing street trees shall be protected. Please include the following note on the site plan: Contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266-4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry. Tree protection specifications can be found in Section 107.13 of the City of Madison Standard Specifications for Public Works Construction.
24. 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 my office at 261-9632 if you have any questions about the following conditions, which include the conditions added or modified by the Plan Commission on April 28, 2014 and by the Common Council on May 6, 2014 (conditions #33-40):

25. The development plans shall be revised for final Planning Division approval prior to recording and the issuance of building permits as follows:
 - a.) Provide a detail of how the 20% required open space in Section 28.098 of the Zoning Code is being provided for this development not including the surface parking area unless specifically waived by the Plan Commission and Common Council during the approval;
 - b.) The site shall include an outdoor location to store and secure liquid propane gas containers, with details of the storage facility to be approved by the Fire Department;
 - c.) Include notes on the site plan that no tents, canopies or tarps shall be permitted on the site except for temporary construction purposes, and that no outdoor fires shall be ignited or kindled on the site, including the burning of garbage or waste; grills may be used for cooking;
 - d.) Provide details of the paving for the roadways that will provide access in the residential cooperative village, including the material(s) to be used, the weight rating, sub-base, and depth;

- e.) Each designated [portable shelter] site shall be clearly marked and numbered on a sign at each site, and on a map available to all occupants of the residential cooperative village. There shall be a minimum separation of 7 feet between sites, which shall be clearly dimensioned on the final plans;
- f.) Provide a layout and screening details for the waste enclosure. Per the recommendations of Public Health-Madison/Dane County, all garbage and refuse shall be stored in covered containers which are durable, easily cleanable, and insect-, rodent- and water-resistant. Outside storage of all bags or baled units containing garbage or refuse is prohibited; this restriction shall be noted on the approved final plans;
- g.) The [portable shelters] shall not be located in an area that is subject to the accumulation of surface water.

26. The zoning text shall be revised for final approval by the Planning Division and the Zoning Administrator prior to recording and the issuance of building permits as follows:

- a.) Revise the Signage section to state that signage shall be approved by the Urban Design Commission or its secretary, and the Zoning Administrator;
- b.) In lieu of a family definition, a section shall be included that notes that the maximum occupancy of any [portable shelter] unit located on the site shall not exceed 2 persons, and that visitors to the [portable shelter community]/living space shall not be permitted to camp on-site or stay overnight in the 2,400 square-foot principal building;
- c.) Include a "Special Requirements" section in the zoning text that includes the following requirements:
 - Each "home" shall have a smoke detector, carbon monoxide detector and fire extinguisher.
 - Only listed vented gas (liquid propane or natural) heaters or electric heat shall be permitted in the "homes".
 - No tents, canopies or tarps shall be permitted on the site except for temporary construction purposes.
 - No outdoor fires shall be ignited or kindled on the site, including the burning of garbage or waste. Grills may be used for cooking.
- d.) The use list in Section B shall be revised to eliminate references to the NMZ zoning district and further be revised as follows:

Permitted Uses:

- General office, professional offices
- Community garden
- General retail, garden center
- Service business, including small goods repair

Conditional Uses:

- Counseling, community services organization
- Market garden
- Light manufacturing, production and processing of [portable shelters], furnishings and household goods, including limited outdoor assembly (finishing the roof and interior work that must be done after roof is installed). All woodworking, metal work and

related fabrication activities shall occur within completely enclosed buildings and outdoor work shall be limited to attach the roof and final assembly and finishing activities that follow attachment of the roof.

- [Portable shelter community]/living space for 9 [portable shelter] units as shown on the approved site plans
- Mission house
- Outdoor eating area, outdoor cooking operation, outdoor vending machine

Accessory Uses:

- Bicycle sharing facility
- Food cart
- Catering
- Coffee shop/tea house or food and related goods sales
- Short-term parking for a mobile grocery store
- Solar or wind energy systems
- Outdoor storage located entirely within a fenced enclosure and not visible from an abutting street
- Keeping of chickens and/or honeybees pursuant to the Supplemental Regulations in Section 28.151 of the Zoning Code

e.) That the continuing jurisdiction provisions in Section 28.183(9)(c) be incorporated into the final zoning text, with the following text to replace #4: "The Plan Commission may, in order to bring the subject conditional use into compliance with the conditions previously imposed by the Plan Commission, modify the existing conditions and impose additional reasonable conditions. If no reasonable modification of the conditional use can be made that are consistent with the standards in Section 28.098(2) and Section 28.183(6), the Plan Commission may revoke the conditional use permit and direct the Zoning Administrator and the City Attorney to seek elimination of the subject use."

f.) That the hours of operation for all activities other than the [portable shelter community]/living space shall be 8:00 AM to 8:00 PM Monday through Friday and 10:00 AM to 8:00 PM Saturday and Sunday unless approved as an alteration by the Plan Commission or by the Director of the Planning Division following a recommendation by the district alder.

27. That a management plan be submitted for approval by the Planning Division, Zoning Administrator, Chief of Police and Public Health-Madison/Dane County that includes the steward selection procedures, conflict resolution procedures for on-site residents/ stewards (including potential loss of a home unit (eviction)), emergency contact information, and the guest policy.

28. That emergency contact information for the property and/ or contact information for the property manager be posted in a conspicuous location along either E. Johnson Street or N. Third Street. The content and location of the sign shall be approved by the Planning Division prior to recording and the issuance of building permits.

29. No composting toilets or pother holding tank toilets shall be permitted in the [portable shelter community] as recommended by Public Health-Madison/Dane County.

30. In order for all 9 sites to be used, the [portable shelter community] shall be served by 4 toilet rooms and 2 showers accessible to the residents/ stewards at all times of the day and night, except that the toilet rooms may be used by the other uses of the site during the approved hours of operation.
31. That the applicant submit a detailed phasing/ implementation plan for approval by the Planning Division and Zoning Administrator prior to the issuance of any permits for the development. The phasing/ implementation plan shall include estimated costs and proof of financing capability for each of the phases identified. In particular, the plan shall specify when the proposed bathrooms, showers and kitchen/ lounge facility will be completed. No occupancy of [portable shelter] units in the [portable shelter community] shall be allowed until the improvements identified in the first phase plans [presented to the Plan Commission] have been completed.
32. That the applicant submit final architectural details of the various building additions, fence enclosure for the [portable shelter community] and greenhouse for approval by Urban Design Commission and Plan Commission staff prior to recording and the issuance of building permits. Any appeal of the staff review of the architectural details shall be submitted to the Urban Design Commission for consideration.
33. That all references to “tiny house” be revised to say “portable shelters”, and that all references to “residential cooperative village” be revised to say “portable shelter communities”, with the following definitions [to be included in the final approved zoning text]:

“Portable Shelter. Any movable living quarters, no more than 150 square feet in area, used as an individual’s permanent place of habitation. For purposes of this definition, a permanent place of habitation is established when an individual lives in a portable shelter for four (4) consecutive months.”

“Portable Shelter Community. Any site, lot, parcel, or tract of land designed maintained, intended or used for the purpose of supplying a location or accommodations for more than three (3) portable shelters and shall include all buildings included or intended for use as part of the Portable Shelter Community. A “portable shelter community” shall not include a “portable shelter mission.”
34. The applicant shall work with the Urban Design Commission (UDC) to add additional landscaping, including trees, shade and evergreen, to the residential area of the project and where possible reduce paving surface.
35. The applicant shall comply with all future city ordinances regulating portable shelter communities, including obtaining any necessary licenses and permits required to own or operate a portable shelter or portable shelter community.
36. The applicant shall allow any public official presenting proper identification to conduct lawful inspections of the portable shelter community and the manufacturing facility.
37. The portable shelters shall have address unit numbers as assigned by City Engineering.
38. The portable shelters shall have a standard 32” x 78” door.

39. No open flame cooking devices are permitted within the portable shelter.
40. If wired, all portable shelters constructed at the subject site shall be wired in a method/ manner consistent with Chapter 3 of the National Electrical Code.

The applicant is also required to obtain final approval from the Urban Design Commission and satisfy the conditions of approval prior to the final staff approval of the project and the issuance of permits. Please contact Al Martin, Urban Design Commission Secretary, at 267-8740 if you have any questions about those approvals and conditions.

Specific questions regarding the comments or conditions contained in this letter should be directed to the commenting agency.

Note: Based on the Fire Department requirements noted in the application, the Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.

After the planned development has been revised per the above conditions, please file **ten (10) sets** of complete, fully dimensioned, and to-scale plans, the appropriate site plan review application and fee pursuant to Section 28.206 of the Zoning Code, 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 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-six (36) months of Common Council approval of the general development plan, the basic right of use for the areas, when in conformity with the approved specific implementation plan, shall lapse and be null and void unless 1) the project, as approved, is commenced by the issuance of a building permit, or 2) if an application for an extension is filed at least thirty (30) days prior to the expiration of the thirty-six (36) month period and the Plan Commission, after a public hearing pursuant to Sec. 28.181(5), determines that no changes in the surrounding area or neighborhood since approval of the general development plan render the project incompatible with current conditions and grants an extension of up to twenty-four (24) months in which to obtain a building permit. In no case shall an extension allow a building permit to be issued more than sixty (60) months after approval of the general development plan by the Common Council. If a new building permit is required pursuant to sec. 29.06(4), Madison General Ordinances, a new petition and approval process shall be required to obtain general development plan approval and specific implementation plan approval.

OM Village
2046-2050 E. Johnson St.
May 8, 2014
Page 9

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: Janet Schmidt, City Engineering Division
Matt Tucker, Zoning Administrator
George Hank, Building Inspection Division
Capt. Jay Lengfeld, Madison Police Department – North District
Eric Halvorson, Traffic Engineering Division
Dennis Cawley, Madison Water Utility
Kay Rutledge, Parks Division
Bill Sullivan, Madison Fire Department

For Official Use Only, Re: Final Plan Routing			
<input checked="" type="checkbox"/>	Planning Div. (T. Parks)	<input checked="" type="checkbox"/>	Engineering Mapping Sec.
<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 Coord. (R&R)
<input checked="" type="checkbox"/>	Fire Department	<input type="checkbox"/>	Other: