

PLANNING DIVISION STAFF REPORT

April 18, 2014

PREPARED FOR THE URBAN DESIGN COMMISSION AND PLAN COMMISSION



Project Address: 2046-2050 E. Johnson Street
Application Type: Zoning Map Amendment
Legistar File ID # [33390](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted.
Reviewed By: Katherine Cornwell, Planning Division Director, and Michael Waidelich, Principal Planner

Summary

Applicant: Occupy Madison, Inc.; 4235 Argosy Court; Madison.

Contact Person: Brenda Konkel; 30 N. Hancock Street; Madison.

Property Owner: Lowell Teisberg (Power of Attorney, Kenneth Kittlesen); 3828 E. Washington Avenue; Madison.

Requested Actions: 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.

Proposal Summary: Occupy Madison, Inc. is requesting approval of a Planned Development District to allow the conversion and expansion of an existing one-story, 1,305 square-foot auto repair garage into a headquarters for their organization. Plans for the site call for portable “tiny houses” to be constructed in the 2 former auto repair bays on the western half of the building. An additional 1,100 square feet of floor area is proposed to house offices, material storage, a small retail space and residential amenities for a “village” on the north and east sides of the building, which will include space for 9 of the portable tiny houses to be parked and occupied on the site. The residential component of the project will have access to 4 bathrooms, 2 showers, and a kitchen/ lounge to be located in the building. The applicant wishes to commence the initial phases of the project as soon as all regulatory approvals have been granted, with completion of the phases indicated in the letter of intent to occur based on fundraising.

Applicable Regulations & Standards: Section 28.182 of the Zoning Code provides the process for zoning map amendments. The approval process and standards for Planned Development districts is outlined in Section 28.098 of the Zoning Code.

Review Required By: Urban Design Commission, Plan Commission and Common Council.

Summary Recommendation: The Planning Division believes that the Plan Commission can find the applicable standards and criteria for the project met and forward Zoning Map Amendment ID 28.022-00116, rezoning 2046-2050 E. Johnson Street from NMX to PD, to the Common Council with a recommendation of **approval** following a recommendation by the Urban Design Commission and subject to input at the public hearing and the conditions from reviewing agencies beginning on page 8 of this report.

Background Information

Parcel Location: The subject site is a 0.3-acre (13,050 square-foot) parcel generally located at the northwesterly corner of E. Johnson and N. Third streets, Aldermanic District 12 (Palm); Madison Metropolitan School District.

Existing Conditions and Land Use: The existing building is a one-story, 1,305 square-foot auto repair garage and former gas station constructed in 1951 according to City records, which features 2 south-facing repair bays. The rest of the site is characterized by automobile parking and storage in a paved lot adjacent to the two abutting streets, and material storage and a remediation shed for the underground storage tanks (removed circa 2000) in an enclosed northerly rear yard.

Surrounding Land Uses and Zoning:

North: One-story multi-tenant commercial building (B-Cycle offices, etc.), zoned NMX (Neighborhood Mixed-Use District);

South: Single- and two-family residences across E. Johnson Street, zoned TR-C4 (Traditional Residential–Consistent 4 District);

West: Undeveloped land and right of way at E. Johnson Street-Pennsylvania Avenue intersection, zoned NMX;

East: PDQ at southeasterly corner of Pennsylvania Avenue and N. Third Street, zoned PD; Steines Apartments across N. Third Street, zoned TR-V2 (Traditional Residential–Varied 2 District); four-unit apartment buildings and single-family residences along north side of E. Johnson Street, zoned TR-V1 (Traditional Residential–Varied 1 District).

Adopted Land Use Plans: The Comprehensive Plan identifies the subject site and surrounding properties bounded by Pennsylvania Avenue and Demetral Field, N. First Street, E. Washington Avenue, and East High School for Low-Density Residential uses.

The subject property is also within the boundaries of the 1998 Emerson East-Eken Park Neighborhoods Plan, which recommended that the former C3 (Highway Commercial District) [1966 Zoning Code] zoning of the subject property be decreased to C1 (Limited Commercial District) as one of its implementation strategies in an effort to preserve the existing character of the neighborhood. The strategy was implemented as part of the remapping of the City under the new Zoning Code effective January 2, 2013, which zoned the site NMX.

Zoning Summary: The site will be zoned PD with this request. The project will be reviewed in the following sections.

Other Critical Zoning Items	
Yes:	Urban Design (PD zoning), Utility Easements, Barrier Free
No:	Floodplain, Wellhead Protection, Waterfront Development, Landmark, Adjacent to a Park
Prepared by: Pat Anderson, Asst. Zoning Administrator	

Environmental Corridor Status: The property is not located within a mapped environmental corridor (see Map E7).

Public Utilities and Services: The site is served by a full range of urban services, including seven-day Metro Transit service along E. Johnson Street.

Project Description

Occupy Madison, Inc. is requesting approval of a Planned Development zoning district to allow the conversion and expansion of the existing one-story, 1,305 square-foot (per City records) Sanchez Motors for the non-profit organization. The site, commercial property to the north and vacant parcel to the west are zoned NMX (Neighborhood Mixed-Use District) and are recommended along with surrounding properties generally bounded by Pennsylvania Avenue and Demetral Field, N. First Street, E. Washington Avenue, and East High School for Low-Density Residential uses in the Comprehensive Plan.

The proposed planned development includes a diverse array of uses for the site to be housed in a total of approximately 2,400 square feet of gross floor area, including offices for the applicant's organization. The project plans also call for portable "tiny houses" to be primarily constructed in the 2 former auto repair bays, with final assembly and installation of the roofs proposed to occur outside the building due to the height of the tiny houses compared to the height of the garage doors. The additional 1,100 square feet of floor area proposed will also house material storage, a small retail space, and amenities for the residential component of the development to be described in the following paragraph. Other aspects of the "OM Village" development include installation of a series of raised landscaping beds along the E. Johnson Street edge of the property, and a small greenhouse to be located adjacent to 2 parking stalls and a small trash enclosure along the westerly side property line.

The "residential cooperative village/ living space" (as it is referred to in the proposed zoning text) for 9 of the portable tiny houses will be located in the northerly and easterly yards of the building, which will have access to 4 bathrooms, 2 showers, and a kitchen/ lounge to be constructed as part of the expansion. The 9 tiny house units will be located within a new 6-foot tall fence enclosure that will extend from the southeasterly corner of the expanded building along the N. Third Street line of the property, as well as the northerly, rear and westerly, side property lines before connecting to the northwesterly corner of the building. A minimum 8-foot wide paved driving surface will be provided for access to the 9 units, with two security gates proposed, including one directly from N. Third Street. The application materials include information on the proposed tiny houses, which will be manufactured for parking and occupation at other locations throughout the area beyond the 9 units proposed within the enclosure. The housing units parked on site will have individual heaters and electrical outlets but will not have toilets.

The letter of intent outlines the various aspects of the planned development, which will operate 24 hours a day, although the facility will only be used residentially between 10:00 PM and 8:00 AM by the stewards/ residents of the property. The applicant indicates that the outdoor construction activities for the manufacturing component will end by 8:00 PM daily.

Analysis

The applicant is proposing a series of unique land uses within the proposed Planned Development zoning district requested for the subject site, which include the limited manufacturing of the portable "tiny house" units, retail and office uses related to the non-profit organization, a small urban agriculture component, and the parking and occupancy of 9 of the tiny houses in a fenced residential cooperative village/living space located to the side and rear of the former auto repair facility. Staff determined that the office, supporting retail and limited urban agricultural uses proposed could generally be conducted in the existing NMX zoning of the property. However, the manufacturing and residential cooperative village components are not be permitted in the existing zoning. After discussing whether modifications to the NMX district to accommodate the additional uses proposed by the applicant or a rezoning of the subject site were most appropriate, it was determined that the PD zoning district

would provide both the greatest degree of flexibility for all of the uses proposed, as well as the highest degree of regulatory structure to manage this very unique proposal.

In reviewing the proposed zoning map amendment, staff recommends that the Plan Commission consider the appropriateness of the manufacture the tiny houses on the property and the parking and occupancy of up to 9 of those units in a residential cooperative village in the northerly and easterly yards of the subject site, but not the appropriateness of the parking and occupancy of those units elsewhere on either public or private lands in the City of Madison or surrounding communities. While the applicant is clear that the tiny houses will be available to anyone willing to participate in their stewardship program, at least some of the units manufactured and parked on the site will be occupied by persons that are formerly homeless, which has raised concerns by some in the surrounding community about potential negative impacts in their neighborhood. Likewise, staff recommends against a discussion on the broader socio-economic issues surrounding the need for the proposed tiny house units and focus instead on whether the proposed development can meet the standards and criteria for approval, including the parking and occupancy of up to 9 units on the subject site regardless of their background or circumstances of some or all of the occupants.

Per Section 28.182(6) of the Zoning Code, zoning map amendments are “legislative decisions of the Common Council that shall be based on public health, safety and welfare, shall be consistent with the Comprehensive Plan, and shall comply with Wisconsin and federal law.”

Likewise, Section 28.098 of the Zoning Code states that the Planned Development (PD) district was established to provide a voluntary regulatory framework to facilitate the development of land in an integrated and innovative fashion, to allow for flexibility in site design, and to encourage development that is sensitive to environmental, cultural, and economic considerations. Among the other relevant goals and objectives of the PD district are the promotion of integrated land uses allowing for a mixture of residential, commercial, and public facilities along corridors and in transitional areas with enhanced pedestrian, bicycle and transit connections and amenities, and the facilitation of high-quality development that is consistent with the goals, objectives, policies, and recommendations of the Comprehensive Plan and adopted neighborhood, corridor or special area plans.

A stated goal of the PD district is for it to be rarely used, with the PD district “only for unique situations and where none of the base zoning districts address the type of development or site planning proposed.” Developments that include a variety of residential, commercial, and employment uses in a functionally integrated mixed-use setting are one of the examples identified in the PD district statement of purpose where the PD district may be an appropriate option.

Section 28.098(2)(d) of the Zoning Code provides the standards for approval of Zoning Map Amendment to a PD district. After each standard, Planning staff provides an analysis of the request.

(a) The applicant shall demonstrate that no other base zoning district can be used to achieve a substantially similar pattern of development. Planned developments shall not be allowed simply for the purpose of increasing overall density or allowing development that otherwise could not be approved unless the development also meets one or more of the objectives [in the Statement of Purpose]. Conditions under which planned development may be appropriate include:

- 1. Site conditions such as steep topography or other unusual physical features; or*
- 2. Redevelopment of an existing area or use of an infill site that could not be reasonably developed under base zoning district requirements.*

In the case of the proposed OM Village Planned Development, staff believes that standard (a) 2 is met. Staff does not believe that there is a base zoning district that can reasonably accommodate the mix of land uses proposed in the subject planned development district.

The NMX zoning district is intended to “encourage and sustain the viability of commercial nodes that serve the shopping needs of residents in adjacent neighborhoods” and to “[e]ncourage diversification of uses, including residential, commercial, and civic uses, in order to enhance the vitality and appeal of these areas.” Limited production and processing activities like the proposed fabrication of the tiny houses are not allowed in many of the Mixed-Use and Commercial Districts, including NMX, nor does staff believe that it would be appropriate to amend the NMX district to allow those activities. Additionally, portable shelter missions, where the tiny houses could be parked, were not listed as an allowed accessory conditional use in the NMX district when the Zoning Code was amended last year to include those uses. On the other hand, many residential uses and building types are not allowed in most Employment Districts where the tiny houses could be built, and the residential uses that are allowed are conditional uses, primarily in the TE (Traditional Employment) and SE (Suburban Employment) districts.

Therefore, it appears that the PD district would be the only district that could accommodate the diverse uses proposed for the subject property by the applicant. Staff also believes that the Plan Commission can find that the proposed development represents a mixture of uses proposed in the transitional area the site occupies, which is situated between a significant area of commercial and industrial uses located to the northwest along Pennsylvania and Packers avenues, and the residential area to the south and east of the site.

(b) The PD District plan shall facilitate the development or redevelopment goals of the Comprehensive Plan and of adopted neighborhood, corridor or special area plans.

As noted previously, the subject site is located in an area recommended for Low-Density Residential uses by the Comprehensive Plan. Such districts are primarily characterized by relatively low densities and a predominance of single-family and two-unit housing types. Encroachments of higher density or higher intensity uses than presently exist in the neighborhood is generally discouraged, and infill or redevelopment projects are recommended to be compatible with established neighborhood character and be consistent with an adopted neighborhood or special area plans. Commercial uses within the Low-Density Residential district are limited in scale and scope to small-scale establishments primarily providing convenience goods or services to neighborhood residents.

In the case of the proposed rezoning, staff believes that the proposed reuse of the former auto repair facility with proposed mix of uses is not inconsistent with the development anticipated in the Low-Density Residential districts in the Comprehensive Plan, though it acknowledges that some aspects of the project could be found to lay outside the typical scope of uses and intensity associated with most areas of the City recommended for Low-Density Residential development. However, the long-established commercial use of the property and its location on a commercially zoned block situated between heavy commercial uses and low-density residential uses suggests a degree of flexibility in the application of the Low-Density Residential land use recommendations may be warranted.

Certain aspects of the project are also consistent with the broader housing goals, policies and objectives in the Comprehensive Plan, which encourage that a wide range of safe, decent, sanitary, and distinctive housing options be provided for all Madison residents of all lifestyles and income levels while fostering the creation and maintenance of viable neighborhoods. Policies in Chapter 4, Volume II also encourage a variety of programs that promote housing stability for lower-income or special needs groups, and access to “predictable transit”

corridors as goals of the housing policies. However, while staff believes that the Plan Commission can find that the fabrication of the tiny house units and the parking and occupancy of some of those units on the subject is consistent with these broader housing goals, it also acknowledges the concerns that exist among some in the neighborhood about the tiny houses and residential cooperative village.

The 1998 Emerson East-Eken Park Neighborhoods Plan study area is bounded by Aberg Avenue on the north, E. Washington Avenue on the east, Fordem Avenue, N. Sherman Avenue, and E. Johnson Street on the west, and the Yahara River on the south. The plan includes broad strategies aimed at maintaining the attractiveness and affordability of the Emerson East and Eken Park neighborhoods. Specific recommendations for the subject site are limited to a recommendation that the former C3 (Highway Commercial District) zoning of the subject property be decreased to C1 (Limited Commercial District) in an effort to preserve the existing character of the neighborhood. That strategy was implemented as part of the remapping of the City under the new Zoning Code effective January 2, 2013, which zoned the site NMX as the closest equivalent new zoning district to C1.

(c) The PD District plan shall not adversely affect the economic health of the City or the area of the City where the development is proposed, including the cost of municipal services.

Standards of this nature are often the most difficult for the Plan Commission to address and are typically informed by the testimony and correspondence provided by members of the public before and during the hearing, including concerns about the perceived loss of property value or negative impacts on the public health, safety and general welfare of the City as a result of the establishment of a special or unique land use. While the actual impacts – if any – on property values or the public health, safety and general welfare for some land use requests (typically conditional uses) may be difficult to gauge initially, some of those impacts can be mitigated through the application of conditions of approval for the special or unique use.

The conditions of approval recommended by reviewing City agencies in the last section of this report, including conditions from the City Engineering Division, Traffic Engineering Division, and Madison Fire Department, suggest nothing out of the ordinary in providing municipal services to this property as a result of the proposed planned development. As of the writing of this report, the Planning Division has not received written comments from the Madison Police Department, although it is aware that representatives from that agency expressed concerns about the proposed development early on in the review process. Additionally, the applicant has worked closely with the Fire Marshal's Office to develop requirements for the proposed tiny houses and residential cooperative village, which are noted in the letter of intent and will be codified as conditions if the rezoning is approved.

In the case of the proposed planned development, concerns have been raised in discussions with staff about the unique nature of the proposed "tiny houses" and the residential cooperative village/living space for 9 of those units. Those concerns range from the tiny houses themselves, which may not have indoor plumbing (those parked on the subject site will not have composting toilets) and will be constructed on wheeled trailers instead of foundations, to concerns about the tiny house fabrication process on the edge of a residential area, to concerns stemming from the potential occupancy of the tiny houses by the homeless.

Staff believes that many of these concerns can be addressed through rigorous conditions of approval. The conditions recommended in the "Recommendation" section of this report include the submittal of a management plan for approval by the Planning Division, Zoning Administrator, Chief of Police and Public Health-Madison/Dane County that includes detailed resident/ steward selection procedures, conflict resolution procedures for on-site residents/ stewards (including the potential loss of a home unit (eviction)), emergency contact information, and the guest policy. Additionally, because the Planned Development district allows for

permitted or conditional uses to be established upon the approval of a PD district by the Common Council, staff has identified which of the uses proposed shall be conditional, and is recommending that the continuing jurisdiction provisions for conditional uses referenced in the letter of intent be incorporated into the final zoning text. Staff believes that establishing continuing jurisdiction over the property will provide a necessary mechanism to address any issues that may arise with aspects of the proposed planned development beyond the regular authority of the Zoning Administrator to enforce zoning approvals. In particular, the fabrication of the tiny houses and the residential cooperative village components of the project will become conditional uses in this PD district if it is approved.

Finally, staff is recommending that a detailed phasing/ implementation plan be submitted for approval prior to final approval of the Planned Development zoning and issuance of building permits, which is intended to establish clear benchmarks for when and how certain aspects of the project will be implemented. Staff recommends that the phasing/ implementation plan include estimated costs and proof of financing capability for each of the phases identified. While staff agrees that the proposed tiny houses represent a unique approach to providing housing alternatives, which some feel can help to address the City and region's homeless crisis, it believes that occupancy of the residential cooperative village should not be allowed until the amenities to serve the residents/ stewards of the village have been completed.

(d) The PD District plan shall not create traffic or parking demands disproportionate to the facilities and improvements designed to meet those demands. A traffic demand management plan may be required as a way to resolve traffic and parking concerns. The Plan shall include measurable goals, strategies, and actions to encourage travelers to use alternatives to driving alone, especially at congested times of day. Strategies and actions may include, but are not limited to, carpools and vanpools; public and private transit; promotion of bicycling, walking and other non-motorized travel; flexible work schedules and parking management programs to substantially reduce automobile trips.

Staff believes that this standard can be met. The project should generate little or no vehicular traffic, is served by seven-day Metro Transit service, and will include adequate bike parking.

(e) The PD District plan shall coordinate architectural styles and building forms to achieve greater compatibility with surrounding land uses.

While additional information on the exterior materials and finishes for the building additions and fence enclosure is needed, staff feels that this standard is principally met and will work with the applicant on the final architectural details of the project prior to final approval of the PD district and issuance of building permits.

(f) The PD district shall include suitable assurances that each phase could be completed in a manner that would not result in an adverse effect upon the community as a result of termination at that point.

As noted above in (c), staff is recommending that a detailed phasing/ implementation plan be approved prior to final approval of the Planned Development zoning and issuance of building permits.

Conclusion

The proposed rezoning of the site from NMX to PD to allow the existing auto repair facility and former gas station to be converted into a "residential cooperative village" where wheeled housing units are fabricated represents one of the most unique applications of the Planned Development district in recent memory. Staff acknowledges that a high degree of scrutiny may be warranted due to the many distinctive elements of the

proposed development. However, despite the unique nature of the proposed PD district, staff believes that the Plan Commission can find that the proposed rezoning is generally consistent with the plan recommendations for the site and that it meets the standards for approval. Should the Plan Commission find the standards for approval met, it recommends that any such approval be robustly conditioned to ensure that the proposal can successfully be integrated into the neighborhood that borders it to the south and east, including identifying key components of the project as conditional uses and attaching continuing jurisdiction to the site to address any issues that may arise in the future.

Recommendation

Planning Division Recommendation (Contact Timothy M. Parks, 261-9632)

The Planning Division believes that the Plan Commission can find the applicable standards and criteria for the project met and forward Zoning Map Amendment ID 28.022–00116, rezoning 2046-2050 E. Johnson Street from NMX to PD, to the Common Council with a recommendation of **approval** following a recommendation by the Urban Design Commission and subject to input at the public hearing, the following Planning Division condition(s) and the conditions from reviewing agencies:

1. The development plans shall be revised for final Planning Division approval prior to recording and the issuance of building permits as follows:
 - 1a. 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;
 - 1b. 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;
 - 1c. Include notes on the site plan that no tents, canopies or tarps shall be permitted on the site, 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;
 - 1d. 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;
 - 1e. Each designated tiny house 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 10 feet between sites, which shall be clearly dimensioned on the final plans;
 - 1f. 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;
 - 1g. The tiny homes shall not be located in an area that is subject to the accumulation of surface water.
 - 1h. The applicant shall work with staff to identify a safe and appropriate entry to and exit from the tiny homes. The entry shall not be oriented toward the “hitch” side of the trailer unless an appropriate alternative utilizing this orientation is reviewed and approved by staff.
2. 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:
 - 2a. Revise the Signage section to state that signage shall be approved by the Urban Design Commission or its secretary, and the Zoning Administrator;

- 2b. In lieu of a family definition, a section shall be included that notes that the maximum occupancy of any tiny home unit located on the site shall not exceed 2 persons, and that visitors to the residential cooperative village/living space shall not be permitted to camp on-site or stay overnight in the tiny homes or 2,400 square-foot principal building;
- 2c. 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.
 - No outdoor fires shall be ignited or kindled on the site, including the burning of garbage or waste. Grills may be used for cooking.
- 2d. 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 tiny houses, furnishings and house hold 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 the principal building and outdoor work shall be limited to attaching the roof and final assembly and finishing activities that follow attachment of the roof
 - Residential cooperative village/living space for 9 tiny home 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
- 2e. 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.”

- 2f. That the hours of operation for all activities other than the residential cooperative village/living space shall be 8:00 AM to 8:00 PM seven days a week unless approved as an alteration by the Plan Commission or by the Director of the Planning Division following a recommendation by the district alder.
3. 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.
 4. 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.
 5. No composting toilets or pother holding tank toilets shall be permitted in the residential cooperative village as recommended by Public Health-Madison/Dane County.
 6. In order for all 9 sites to be used, the residential cooperative village 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.
 7. 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. The parking and occupancy of tiny house units in the residential cooperative village shall not be allowed until the bathrooms, showers and kitchen/ lounge facilities have been completed.
 8. That the applicant submit final architectural details of the various building additions, fence enclosure for the residential cooperative village 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.

The following conditions have been submitted by reviewing agencies:

City Engineering Division (Contact Janet Schmidt, 261-9688)

9. 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.

10. The primary access to the site will be from N. Third St. Therefore, the address of the site is 304 N. Third St. The tiny houses will need to use unit numbering as there is no room for individual addresses due to the adjacent parcel using 312 N. Third St.
11. Submit a PDF of all floor plans to izenchenko@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.
12. The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass (POLICY).
13. 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 (POLICY).
14. All work in the public right-of-way shall be performed by a City licensed contractor (MGO 16.23(9)(c)5) and MGO 23.01).
15. All damage to the pavement on North Third Street, East Johnson Street , adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria. For additional information please see the following link: <http://www.cityofmadison.com/engineering/patchingCriteria.cfm> (POLICY).
16. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in the ROCK RIVER TMDL ZONE and by Resolution 14-00043 passed by the City of Madison Common Council on 1/21/2014. You will be expected to meet a higher standard of erosion control than the minimum standards set by the WDNR.
17. The applicant shall demonstrate compliance with MGO Section 37.07 and 37.08 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.
18. Prior to approval, this project shall comply with MGO Chapter 37 regarding stormwater management. Specifically, this development is required to:
 - a) Reduce TSS off of the proposed development by 80% when compared with the existing site.
 - b) 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 MGO Chapter 37.
19. 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 (POLICY).
20. The applicant shall submit, prior to plan sign-off, digital CAD files to the Land Records Coordinator in the City Engineering Division. (Lori Zenchenko) izenchenko@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.

21. 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).
22. 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 (POLICY and MGO 37.09(2)).

Traffic Engineering Division (Contact Eric Halvorson, 266-6527)

23. Occupants of development will need to cross 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.
24. 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.
25. 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.
26. 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.
27. All parking facility design shall conform to the standards in MGO Section 10.08(6).

Zoning Administrator (Contact Matt Tucker, 266-4551)

→ Comments from the Zoning Administrator will be provided in a separate memo.

Fire Department (Contact Bill Sullivan, 261-9658)

28. 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.

Water Utility (Contact Dennis Cawley, 261-9243)

29. 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.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not provide comments for this request.

Parks Division (Contact Kay Rutledge, 266-4714)

30. 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.

31. 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.

32. 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.

33. 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.