



Department of Planning & Community & Economic Development

Planning Division

Heather Stouder, Director

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****BY E-MAIL ONLY****

May 10, 2021

Brenda Konkel
Occupy Madison, Inc.
304 N Third Street
Madison, Wisconsin 53704

RE: Approval of a request to rezone 1901 Aberg Avenue from IL (industrial–Limited District) to PD (Planned Development District) and approval of a General Development Plan and Specific Implementation Plan to convert a restaurant-tavern into a common building for a portable shelter community with 22 portable shelter units (LNDUSE-2021-00017; ID 64797).

Dear Brenda;

On May 4, 2021, the Common Council **approved** your request to rezone the subject property to the PD zoning district subject to the conditions in the following sections, which shall be satisfied prior to final approval and recording of the General Development Plan and Specific Implementation Plan and the issuance of any City permits needed for the project.

Please contact Brenda Stanley of the City Engineering Division at 261-9127 if you have any questions regarding the following nine (9) items:

1. The applicant shall confirm the location of the sewer lateral for this building and include the location on the plans as a condition of site plan approval. City records do not show the location of the sewer lateral.
2. Obtain a Street Terrace Permit for the proposed work in the right of way (installation of the driveway apron, landscaping, etc.).
3. Close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
4. This site appears to disturb less than one (1) acre of land. No submittal to the Wisconsin Department of Natural Resources (WDNR), Capital Area Regional Planning Commission (CARPC) or Wisconsin Department of Safety and Professional Services (DSPA) is required, as the City of Madison Building Inspection Division is an approved agent for DSPS.
5. If this project disturbs 4,000 square feet or more of land area and require an Erosion Control Permit. Submit the Erosion Control Permit Application (with USLE calculations and associated fee) to Megan

Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval.

6. Demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. Include Universal Soil Loss Equation (USLE) computations for the construction period with the erosion control plan. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year.
7. 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 Madison General Ordinances.
8. Submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the City Engineering Division that is to scale and represents final construction with any private storm and sanitary sewer utilities.
9. Submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the City Engineering Division. E-mail PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West).

Please contact Sean Malloy of the Traffic Engineering Division at 266-5987 if you have any questions regarding the following ten (10) items:

10. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be to engineering scale and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; vision triangles; 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.
11. 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.
12. 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.
13. All parking facility design shall conform to the standards in MGO Section 10.08(6). Some of the stalls on the site do not appear to meet ordinance, alteration or elimination of stalls may be needed to meet ordinance. Applicant shall work with Traffic Engineering to find a solution.
14. All bicycle parking adjacent pedestrian walkways shall have a two (2)-foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.

15. Per Section MGO 12.138 (14), this project is not eligible for residential parking permits. It is recommended that this prohibition be noted in the leases for the residential units.
16. The applicant shall adhere to all vision triangle requirements as set in MGO Section 27.05 (No visual obstructions between the heights of 30 inches and 10 feet at a distance of 25 feet behind the property line at streets and 10 feet at driveways.). Alteration necessary to achieve compliance may include but are not limited to; substitution to transparent materials, removing sections of the structure and modifying or removing landscaping elements. If applicant believes public safety can be maintained they shall apply for a reduction of MGO Section 27.05(2)(bb) - Vision Clearance Triangles at Intersections Corners. Approval or denial of the reduction shall be the determination of the City Traffic Engineer.
17. The applicant shall provide a clearly defined five-foot walkway from the front door to the public right of way clear of all obstructions to assist citizens with disabilities, especially those who use a wheel chair or are visually impaired. Obstructions include but are not limited to tree grates, planters, benches, parked vehicle overhang, signage and doors that swing outward into walkway.
18. "Stop" signs shall be installed at a height of seven (7) feet from the bottom of the sign at all class III driveway approaches, including existing driveways, behind the property line and noted on the plan. All directional/ regulatory signage and pavement markings on the site shall be shown and noted on the plan.
19. The applicant shall show the dimensions for the proposed Class III driveway including the width of the drive entrance, width of the flares, and width of the curb cut.

Please contact Jenny Kirchgatter, Assistant Zoning Administrator, at 266-4429 if you have any questions regarding the following seven (7) items:

20. Work with Zoning and Planning staff on final approval of the Zoning text prior to recording of the PD(GDP-SIP).
21. Parking requirements for persons with disabilities must comply with Section 28.141(4)(e). Final plans shall show the required van accessible stall. A van accessible stall is a minimum of 8 feet wide with an 8 foot wide striped access aisle. Show the required signage at the head of the stalls.
22. Bicycle parking for the portable shelter community shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide a minimum of ten (10) short-term bicycle parking stalls located in a convenient and visible area on a paved or pervious surface. Bicycle parking shall be located at least as close as the closest non-accessible automobile parking and within 100 feet of a principal entrance. Note: A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5)-foot wide access area. Provide a detail of the proposed bike rack.
23. Pursuant to Sec. 28.142(3), Landscape Plan and Design Standards: Landscape plans for zoning lots greater than 10,000 square feet in size must be prepared by a registered landscape architect.
24. Exterior lighting provided shall be in accordance with MGO Section 10.085. Provide an exterior lighting plan and fixture cut sheets with the final plan submittal.

25. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.

26. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Chapter 31 Sign Codes and MGO Section 33.24 Urban Design Commission ordinance. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

Please contact Bill Sullivan of the Madison Fire Department at 261-9658 if you have any questions regarding the following two (2) items:

27. Provide gates on the fire lane with an opening width as shown on Sheets S2-S4 18-20 feet clear.

28. The maximum capacity of the existing building for assembly purposes shall be limited in accordance with the International Building Code unless fire sprinkler protection is provided.

Please contact my office at 261-9632 if you have questions about the following seven (7) items:

29. The development plans shall be revised for final Planning Division approval prior to final approval and recording of the Planned Development zoning:

- a.) Any outdoor location for the storage of liquid propane gas containers shall be noted on the final site plan, with details of any such storage facility to be approved by the Fire Department;
- b.) 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;
- c.) Provide a layout and screening details for the waste enclosure. 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;
- d.) The tiny homes shall not be located in an area that is subject to the accumulation of surface water;
- e.) That the location of the food cart be dimensioned from the corner radius at the Aberg-Huxley intersection; queueing of patrons in the public right of way shall be avoided;
- f.) The plans shall be updated to include references to 1901 Aberg Avenue, with references to the OM1 site on N Third Street removed;
- g.) That a phasing plan be provided that demonstrates how the portable shelter community will transition from the 28 temporary portable shelter units to the 22 permanent units.

30. 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.) Provide a Signage section, which states 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 tiny home unit located on the site shall not exceed two (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 portable shelter units (unless as a guest of a resident) or common building;
- c.) Include a "Special Requirements" section in the zoning text that includes the following requirements:
 - No tents, canopies or tarps shall be permitted on the site.
- d.) The use list for the Planned Development district shall be as follows:

Permitted Uses:

- General office, professional offices
- Community garden/market garden/ farm stand
- Greenhouse/ nursery/ garden center
- Service business
- Counseling, community services organization
- Health clinic

Conditional Uses:

- Portable shelter community for 22 portable shelter units as shown on the approved site plans
- Market garden
- Mission house
- Daytime shelter
- Restaurant/ catering
- Outdoor eating area, outdoor cooking operation, outdoor vending machine
- Food cart/ freestanding vending
- Coffee shop/tea house or food and related goods sales
- General retail

Accessory Uses:

- Agriculture/ animal husbandry (fish farming)
- Artisan workshop
- Bicycle sharing facility
- Short-term parking for a mobile grocery store
- Solar and/or wind energy systems
- Composting
- Outdoor storage and personal storage lockers when located entirely within a fenced enclosure and not visible from an abutting street
- Outdoor display or sales
- Keeping of chickens and/or honeybees pursuant to the Supplemental Regulations in Section 28.151 of the Zoning Code

31. That the continuing jurisdiction provisions for conditional uses in Section 28.183(9)(d) be incorporated into the final zoning text.
32. That the hours of operation for all activities on the site other than the portable shelter community (including non-resident use of the common building) shall be 8:00 AM to 10:00 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, except that the operation of the proposed food cart may begin as early as 6:00 AM Monday through Saturday.
33. That a management plan be submitted for approval by the Planning Division and Zoning Administrator that includes the steward selection procedures, conflict resolution procedures for on-site residents/stewards (including potential loss of a unit (eviction)), emergency contact information, and the guest policy.
34. That emergency contact information for the property and/ or contact information for the operator be posted in a conspicuous location along Aberg Avenue or Huxley Street. The content and location of the sign shall be approved by the Planning Division prior to recording and the issuance of building permits.
35. Consistent with the requirements established by the emergency authorizing resolution for the temporary portable shelter community (Resolution 20-00712), the permanent shelter community shall adhere to the following conditions and stipulations, which shall be included in the final zoning text approved by staff and shown on the final site plans when necessary:
 - a.) No composting toilets or pother holding tank toilets shall be permitted in the portable shelter community.
 - b.) A 20-foot wide fire lane shall be provided in accordance with the Fire Code as approved by the Madison Fire Department.
 - c.) Fire extinguishers shall be provided within the compound as approved by the Madison Fire Department.
 - d.) Each portable shelter unit shall contain a working smoke alarm. If the sleeping units are heated with any non-electric heat source (propane, etc.), Carbon Monoxide (CO) detectors shall be provided in each sleeping unit. If the sleeping units are heated with electric heat, no CO detectors are required.
 - e.) The Madison Fire Department shall be provided with an approved key vault for the perimeter fence to allow 24-hour/7-day access.
 - f.) Any fire ring must be located fifteen (15) feet from all combustibles, buildings, and property lines, and must be covered with a spark arrestor.
 - g.) The operator shall provide and regularly empty dumpsters for solid waste disposal, trash and recycling.
 - h.) City water shall be provided from inside the existing principal structure on the property in compliance with building codes.

- i.) The common building shall provide at least three (3) women's toilets (3 stools) and three (3) men's toilets (2 stools and 1 urinal). There shall be no on-site compostable or camping toilets. The common building shall include functioning handwashing sinks. At least one (1) shower shall be provided for every ten (10) occupants of the portable shelter community.
- j.) Ten (10) feet shall be maintained between the portable shelter units.
- k.) An emergency telephone accessible at all times for all occupants of the portable shelter community shall be provided.
- l.) There shall be an appropriate registration process for on-site occupants and their guests.

Please contact Janine Glaeser of the Urban Design Commission at 267-8740 if you have any questions about that commission's approval of the project on April 14, 2021.

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

Please now follow the procedures listed below for obtaining permits for your project:

1. The applicant shall resubmit a PDF copy of the plan set and any other supporting materials that are necessary, as specified in this letter to Zoning@cityofmadison.com. (Note: A 20MB email limit applies and multiple transmittals may be required.). A check for the site plan review fee shall be mailed to the City of Madison Building Inspection Division; PO Box 2984; Madison, WI 53701-2984.
2. City Agencies who submitted conditions of approval will review your revised plans to verify that their conditions, along with any applicable requirements, have been satisfied. When the revised plans are submitted, the applicant will be emailed a hyperlink to a website to follow, in real time, which agencies have reviewed the revised documents, and signed off or need additional information.
3. Upon receipt of the final 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. The recorded originals will be returned to the applicant, with the recording information noted, when the Register of Deeds has completed the recording process.
4. This Planned Development approval shall expire five (5) years after the date of the Common Council approval of the Specific Implementation Plan. 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.
5. No alteration of this proposal shall be permitted unless approved by the Plan Commission, provided, however, the Zoning Administrator may approve minor alterations that are approved by the Director of Planning and Community and Economic Development following consideration by the alderperson of the district, and which are compatible with the concept approved by the Common Council.

If you have any questions regarding obtaining your building permits, please contact the Zoning Administrator at 266-4551. If you have any questions or if you may be of any further assistance, please do not hesitate to contact my office at 261-9632.

Sincerely,

Timothy M Parks

Timothy M. Parks
Planner

cc: Brenda Stanley, City Engineering Division
Jeff Quamme, City Engineering Division – Mapping Section
Sean Malloy, Traffic Engineering Division
Jenny Kirchgatter, Asst. Zoning Administrator
Janine Glaeser, Urban Design Commission
Bill Sullivan, Madison Fire Department
Brian Austin, Madison Police Department, North Dist.

LNDUSE-2021-00017			
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 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:
<input type="checkbox"/>	Water Utility	<input type="checkbox"/>	Other: