



Report to the Plan Commission

May 7, 2012

Legistar I.D. #26215
554 W. Main Street
Conditional Use Alteration

Report Prepared By:
Timothy M. Parks, Planner
Planning Division

Requested Action: Approval of an alteration to an approved conditional use to allow expansion of and a change to the hours of operation for an existing outdoor eating area for a restaurant/ tavern located at 554 W. Main Street.

Applicable Regulations & Standards: Section 28.09(3)(d) identifies outdoor eating areas for restaurants as a conditional use in the C2 General Commercial District. Section 28.12(11) provides the guidelines and regulations for the approval of conditional uses.

Summary Recommendation: The Planning Division recommends that the Plan Commission find the conditional use standards met and **approve** an alteration to the conditional use for an outdoor eating area for a restaurant/ tavern at 554 W. Main Street, subject to input at the public hearing and the conditions from reviewing agencies beginning on page 4 of this report.

Background Information

Applicant & Property Owner: Susan & Katie Bulgrin and Patrick Rynes, Echo Tap & Grill; 554 W. Main Street; Madison.

Proposal: The applicants are requesting to expand an existing outdoor eating area for the Echo Tap & Grill and change the hours of operation for the patio. The applicants wish to proceed as soon as all regulatory approvals have been granted.

Existing Conditions: The site is developed with the Echo Tap & Grill and 3 surface parking stalls, zoned C2 (General Commercial District).

Parcel Location: The subject site is 5,445 square-foot parcel located at the northeasterly corner of W. Main and S. Bedford streets; Aldermanic District 4 (Vermeer); Madison Metropolitan School District.

Land Use and Surrounding Zoning:

North: Heartland Credit Union, zoned C2 (General Commercial District);

South: Mixed-use building and surface parking lot, zoned C2; Bedford Court Condominiums, zoned PUD-SIP;

West: The Depot Apartments, CVS Pharmacy, Fourth Ward Lofts (and Doris House), zoned PUD-SIP;

East: Multi-family residential buildings, zoned R6 (General Residence District), C2 and PUD-SIP.

Adopted Land Use Plan: The Comprehensive Plan identifies the subject site within the Mifflin-Bassett Downtown Residential Sub-district, which generally recommends development of multi-family housing at densities up to 60 units an acre or more, neighborhood commercial uses and mixed-use buildings in two- to four-story structures as recommended in more detailed neighborhood plans.

The subject site is also located within the boundaries of the Bassett Neighborhood Master Plan, which includes the subject site on the western edge of a residential zone generally bounded by S. Bedford, W. Wilson and S. Broom streets and W. Washington Avenue. The zone is recommended for rehabilitation of existing structures, and for selective demolition and infill development in a manner that compliments the existing neighborhood scale character. The intersection of W. Main and S. Bedford streets is also identified as a neighborhood retail site in the plan, which encourages the development and preservation of neighborhood-scale retail uses at the intersection.

Environmental Corridor Status: The site is not located within a mapped environmental corridor.

Public Utilities and Services: This property is served by a full range of urban services.

Zoning Summary: Existing C2 (General Commercial District) zoning:

Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	5,445 sq. ft. existing
Lot Width	50'	33' existing
Front Yard	0'	Existing/ compliant
Side Yards	0'	Existing/ compliant
Rear Yard	30'	107'
Floor Area Ratio	3.0 maximum	Less than 1.0
Building Height	N/A	1 story
No. of Parking Stalls	Central Area–No parking required	3
Accessible Stalls	1	1
Loading	N/A	0
No. Bike Parking Stalls	2	2
Other Critical Zoning Items		
Yes:	Utility Easements, Barrier Free	
No:	Floodplain, Urban Design, Wellhead Protection; Landmark; Adjacent to Park	
<i>Prepared by: Pat Anderson, Asst. Zoning Administrator</i>		

Previous Approval

On March 7, 2011, the Plan Commission approved a conditional use for an outdoor eating area for the Echo Tap & Grill subject to conditions.

Project Review

The Echo Tap & Grill is requesting approval of an alteration to an approved conditional use for an outdoor eating area to allow the outdoor eating area constructed last year at the rear of the existing predominantly one-story restaurant/ tavern to be doubled in size. The applicants are also requesting to alter the hours of operation for the outdoor eating area with this request. The site is located at the northeasterly corner of W. Main and S. Bedford streets in C2 General Commercial District zoning.

The existing approved outdoor eating area provides 5 tables and seating for approximately 20 persons in a 450 square-foot area that generally extends along the rear wall of the building. The outdoor area is enclosed with a four-foot tall wrought iron fence and is primarily accessed from the restaurant/ tavern, with an egress gate provided at the easterly edge of the area as required by the Building and Fire codes. The outdoor eating area was approved in 2011 with a condition that food and beverage service in the outdoor eating area end by 9:00 PM Sunday through Thursday and 10:00 PM on Friday and Saturday. After these hours, the outdoor eating area may be used for smoking, but no food or beverages are allowed. A condition prohibiting outdoor amplified sound, including from televisions, was placed on the original approval, though the applicants did not propose any outdoor amplified sound with the earlier application.

The conditional use alteration request calls for the outdoor eating area to be doubled in size and occupancy. The applicants propose to add 570 square feet of space to the patio in the undeveloped space located between the northerly edge of the current patio and the existing parking lot. Five additional tables and seating for 20 additional people will bring the seating capacity of the 1,020 square-foot patio up to 40 persons, though the posted capacity may be higher when standing patrons are included. Two gates to the enlarged patio will be provided from the parking area. The conditional use alteration plans also call for a fabric tent to be erected during cold weather months above a portion of the original patio space closest to S. Bedford Street. The tent structure will measure 14 feet by 19.5 feet and will be open on the sides. The letter of intent indicates that the tent is intended to provide seasonal cover for smoking patrons and reduce cold air from entering the building during the winter. The tent would be removed during warmer weather when the patio space will primarily be used for outdoor eating. The applicants also propose to add 1 standard stall to the parking lot, which will result in 3 standard parking stalls and 1 accessible stall to serve the restaurant/ tavern.

In addition to the proposed expansion of the outdoor eating area, the applicants propose to alter the hours of operation for the outdoor eating area that were imposed with the initial approval last year. The applicants propose to extend food and beverage service on the patio one additional hour each day, until 10:00 PM Sunday through Thursday, and 11:00 PM on Friday and Saturday.

Analysis & Conclusion

As noted in the 2011 staff report for the original conditional use request, the Echo Tap & Grill is located in a densely developed mixed-use neighborhood that includes a variety of medium- and high-density residential uses located in close proximity to the restaurant/ tavern and the outdoor eating area, including The Depot Apartments located across S. Bedford Street from the site. Other recent residential developments nearby include the Bedford Court and Fourth Ward Loft condominiums and the Bel Mora Apartments. The surrounding area is also home to a number of older established residential properties, including two smaller multi-family buildings located between the subject site and the Bel Mora Apartments along W. Main Street, and a number of converted residential buildings located north of the property along W. Washington Avenue east of the Heartland Credit Union.

The applicants presented their conditional use alteration request to the Bassett District of Capitol Neighborhoods, Inc. on February 13 and March 1, 2012, after which the neighborhood issued a letter (attached) generally supporting the expansion of the outdoor eating area and the seasonal tent structure. The neighborhood does not support the applicants' request to extend the hours of the patio's operation by one additional hour each night. Instead, the neighborhood requested that the hours of operation imposed in 2011 be maintained with the proposed patio expansion so that the impact of the expanded outdoor eating area could be evaluated before the hours were extended.

The limitation would continue to apply to food and beverage service outside; patrons would continue to be allowed in the outdoor area (for smoking, etc.) during normal business hours.

Despite the residential uses nearby, the Planning Division believes the expanded outdoor eating area can meet the conditional use standards. Staff agrees with the neighborhood association regarding the request to extend the hours of operation and believes that it would be best to experience the operation of the expanded outdoor eating area and its increased capacity prior to considering an expansion of the hours of operation. The Plan Commission or Director of the Planning Division may consider a minor alteration to the conditional use in the future to extend the hours of operation for the expanded outdoor eating area after it has been operational following a recommendation by the district alder.

Regardless of the outcome of the discussion regarding extension of the hours of food and beverage service on the patio, staff recommends that the prior conditions limiting use of the outdoor eating area after service hours to smoking be continued, including a condition prohibiting food and beverages on the outdoor eating area outside of the established service hours. The condition prohibiting outdoor amplified sound, including from televisions, should also continue.

Staff Recommendations, Conditions of Approval & General Ordinance Requirements

Major/Non-Standard Conditions are shaded

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

The Planning Division recommends that the Plan Commission find the standards met and **approve** an alteration to the approved conditional use for an outdoor eating area for the Echo Tap & Grill at 554 W. Main Street, subject to input at the public hearing, the following Planning Division conditions and the conditions from reviewing agencies:

1. Outside the hours of operation approved by the Plan Commission for the outdoor eating area, the area may be used for smoking, but that no food or beverages shall be allowed.
2. That the hours of operation for the outdoor eating area be maintained as first approved by the Plan Commission in 2011. Food and beverage service in the outdoor eating area shall end by 9:00 PM on Sunday–Thursday and 10:00 PM on Friday and Saturday. After these hours, the outdoor eating area may be used for smoking but that food and beverages would not be allowed.
3. That outdoor amplified sound, including from televisions, is prohibited.

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

4. The applicant shall submit, prior to plan signoff, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital CAD file shall be to scale and represent final construction. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format and contain only the following data, each on a separate layer name/level number: building footprints; internal walkway areas; internal site parking areas; other miscellaneous impervious areas lot lines; lot/ plat lines, dimensions and labels; right-of-way lines; street names, stormwater management facilities

and; detail drawings associated with stormwater management facilities (including if applicable planting plans). This agency submitted a response with no conditions of approval for this request.

Traffic Engineering Division (Contact John Leach, 267-8755)

This agency submitted a response with no conditions of approval for this request.

Zoning Administrator (Contact Pat Anderson, 266-5978)

5. Parking requirements for persons with disabilities must comply with MGO Section 28.11(3)6.(m) which includes all applicable State accessible requirements, including but not limited to:
 - a.) Provide a minimum of 1 accessible stalls striped per State requirements. The stall shall be a van accessible stall 8' wide with an 8' striped out area adjacent.
 - b.) Show signage at the head of the stalls. Accessible signs shall be a minimum of 60" between the bottom of the sign and the ground.
 - c.) Show the accessible path from the stalls to the building.
6. Bike parking shall comply with MGO Section 28.11: Provide 2 bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. The bike racks shall be securely anchored to the ground or building to prevent the racks from moving. Note: A bike-parking stall is 2 feet by 6 feet with a 5-foot access area.
7. Lighting is required and shall be in accordance with MGO Section 10.085: Provide a plan showing at least .5 footcandle on any surface on any lot and an average of .75 footcandles. The maximum light trespass shall be 0.5 fc at 10 feet from the adjacent lot line. (See City of Madison lighting ordinance for more information).
8. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 of the Madison General Ordinances. Sign permits must be issued by the Zoning Section of the Department of Planning and Community and Economic Development prior to sign installations.
9. Meet applicable Building and Fire codes for the additional outdoor capacity and for ingress and egress of the establishment with the areas and uses for the site. Occupancy is established by the Building Inspection Division. Contact Mike Van Erem at 266-4559 to help facilitate this process.
10. Note: Please contact the City Clerk's Office (266-4601) regarding the changes to your liquor license necessary to allow your proposed outdoor service.

Fire Department (Contact Scott Strassburg, 261-9843)

11. Tents and membrane structures erected for less than 180 days shall comply with IFC Chapter 24.
12. Tents and membrane structures erected for 180 days or more shall comply with IBC Chapter 31 and IFC Chapter 24.
13. IFC Chap 2404.6: Smoking shall not be permitted in tents.

14. Refer to MGO 34.105 for applicable tent permits.

Parks Division (Contact Tom Maglio, 266-4711)

This agency did not submit comments for this request.

Water Utility (Contact Dennis Cawley, 261-9243)

This agency submitted a response with no conditions of approval for this request.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit comments for this request.

Police Department (Contact Frank Chandler, 266-4238)

This agency did not submit comments for this request.