



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 601 North Street  
**Application Type:** Conditional Use  
**Legistar File ID #:** [33464](#)  
**Prepared By:** Heather Stouder, AICP, Planning Division  
Report Includes Comments from other City Agencies, as noted

## Summary

**Applicant/Contact:** Benjamin Altschul; Tip Top Tap, Inc.; 601 North St., Madison, WI 53704

**Property Owner:** Jane Capito; 1348 Jenifer St., Madison, WI 53703

**Requested Action:** Approval of a conditional use for an outdoor seating area associated with an existing tavern.

**Proposal Summary:** The applicant proposes to reconfigure an existing parking area to accommodate a 1,156 square foot outdoor seating area associated with a tavern.

**Applicable Regulations & Standards:** This proposal is subject to the standards for conditional uses (MGO Section 28.183(6)).

**Review Required By:** Plan Commission (PC)

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the conditional use standards can be met and **approve** the request at 601 North Street. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

## Background Information

**Parcel Location:** 601 North Street is located on the northeast corner of North Street and Commercial Avenue; Neighborhood Mixed-Use (NMX) District; Madison Metropolitan School District.

**Existing Conditions and Land Use:** The property is developed with a 1,665 square foot one-story commercial building with a barber shop and a tavern. The remainder of the 5,700 square foot lot is mostly asphalt used for surface parking.

### Surrounding Land Use and Zoning:

North: Single-family home in the TR-C4 (Traditional Residential – Consistent 4) District

East: Single-family home in the NMX District (Neighborhood Mixed-Use) District

South: Across Commercial Avenue to the south, a small commercial building in the NMX District

West: Across North Street to the west, Eken Park Condominiums and a Social Association Building in the Planned Development (PD) District

**Adopted Land Use Plan:** The Comprehensive Plan (2006) recommends NMU (Neighborhood Mixed-Use), and the Emerson East Eken Park Neighborhood Plan (1998, and an update in progress) does not have a more detailed recommendation.

**Zoning Summary:** This property is in the Neighborhood Mixed-Use (NMX) District.

Dimensional Requirements	Required	Proposed
Lot width	50'	47.8'
Front Yard Setback	0	0
Side Yard Setback	One-story: 5' Two-story: 6'	existing
Rear Yard	20'	20'+
Maximum lot coverage	75%	existing
Maximum Height	3 stories/40'	adequate
Site Design	Required	Proposed
Number parking stalls	15% of capacity for tavern (12) 1 per 400 sq. ft. for service business (1) Total 13	4
Accessible stalls	1	1
Number bike parking stalls	5% of capacity (4) 1 per 2,000 sq. ft. for service business (1) Total 5	8
Landscaping	Yes	No
Lighting	No	No
<b>Other critical zoning items:</b> Barrier free (ILHR 69)		

Table Prepared by Patrick Anderson, Assistant Zoning Administrator

**Environmental Corridor Status:** The subject site is not located in a mapped environmental corridor.

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

## Project Description, Analysis, and Conclusion

The applicant proposes to reconfigure an existing asphalt space used for surface parking and trash storage to include a 1,156 fenced in outdoor seating area, a smaller four-stall automobile parking area, a bicycle-parking area, and a new trash enclosure. The outdoor seating area is located directly north of the existing building, and is associated with an existing tavern that has recently been remodeled under new ownership.

As proposed, the outdoor seating area is surrounded with an 8-foot cedar fence, which is also proposed along the northern and eastern property lines. There is space for at least 8 bicycle-parking stalls, and likely more if warranted. The 10-foot by 14-foot trash enclosure is located in the northeast corner.

The tavern currently has a capacity for 80 people in the interior space, and due to building code limitations the owner has explored, this 80-person capacity would remain in place for the establishment as a whole.

### Conditional Use Standards

Staff believes that the proposal can meet the conditional use standards as summarized below:

1. *The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.*

Staff believes that this standard can be met.

- 2. The City is able to provide municipal services to the property where the conditional use is proposed, given due consideration of the cost of providing these services.*

Staff believes that this standard can be met.

- 3. The uses, values, and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner.*

Staff believes that this standard can be met, noting that the proposed hours of operation for the outdoor seating area are until 10:00 pm, and that the proposal will improve the aesthetics of the subject property.

- 4. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.*

Staff believes that this standard can be met.

- 5. Adequate utilities, access roads, drainage, parking supply, internal circulation improvements, including but not limited to vehicular, pedestrian, bicycle, public transit, and other necessary site improvements have been or are being provided.*

Staff believes that this standard can be met, so long as all conditions of approval are addressed. While the very small parking area on the site will not likely support the amount of automobiles, there is ample street parking in the area.

- 6. Measures, which may include transportation demand management (TDM) and participation in a transportation management association have been or will be taken to provide adequate ingress and egress, including all off-site improvements, so designed as to minimize traffic congestion and to ensure public safety and adequate traffic flow, both on-site and on the public streets.*

Staff believes that this standard can be met, so long as all conditions of approval are addressed.

- 7. The conditional use conforms to all applicable regulations of the district in which it is located.*

Staff believes that this standard can be met.

[Standards 8-15 do not apply to this request]

Staff believes that the proposed outdoor seating area will be a nice addition to the property and the surrounding neighborhood. The proposed bicycle parking, four clearly designated parking stalls, and trash enclosure will be an improvement over the existing site condition. With a relatively low capacity, no amplified sound, and hours of operation ending at 10:00 PM, negative impacts on surrounding properties should be minimal.

## **Recommendation**

### **Planning Division Recommendation** (Contact Heather Stouder, 266-5974)

The Planning Division recommends that the Plan Commission find that the conditional use standards can be met and **approve** the request for an outdoor eating area at 601 North Street. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

### Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

#### **Planning Division** (Contact Heather Stouder, 266-5974)

1. The use of the outdoor seating area by tavern patrons is not allowable after 10:00 PM.
2. There shall be no outdoor amplified sound associated with the outdoor seating area.

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

3. The site plan shall identify lot and block numbers of recorded Certified Survey Map or Plat.
4. The site plan shall include all lot/ownership lines, existing building locations, proposed building additions, demolitions, parking stalls, driveways, sidewalks (public and/or private), existing and proposed signage, existing and proposed utility locations and landscaping.
5. The site plan shall include a full and complete legal description of the site or property being subjected to this application.
6. The Applicant shall submit, prior to plan sign-off, 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:
  - a) Building Footprints
  - b) Internal Walkway Areas
  - c) Internal Site Parking Areas
  - d) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
  - e) Right-of-Way lines (public and private)
  - f) All Underlying Lot lines or parcel lines if unplatted
  - g) Lot numbers or the words "unplatted"
  - h) Lot/Plat dimensions
  - i) Street names

All other levels (contours, elevations, etc) are not to be included with this file submittal.

NOTE: Email file transmissions preferred [lzenchenko@cityofmadison.com](mailto:lzenchenko@cityofmadison.com). Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file. (POLICY and MGO 37.09(2) & 37.05(4))

7. The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set. (POLICY and MGO 37.09(2))

PDF submittals shall contain the following information:

- a) Building footprints
- b) Internal walkway areas
- c) Internal site parking areas
- d) Lot lines and right-of-way lines

- e) Street names
- f) Stormwater Management Facilities
- g) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans)

**Zoning Administrator** (Contact Pat Anderson, 266-5978)

8. Meet applicable building/fire codes. The current capacity is set at 80 persons and will not be increased with this new outdoor seating. Capacity shall be established by the Building Inspection Unit. Contact Mike VanErem at 266-4559 to help facilitate this process.
9. Bike parking shall comply with City of Madison General Ordinances Table 28I-3 (General Regulations). Provide 5 bike parking stalls for said uses. Bicycle parking design and location shall comply with MGO Sec. 28.141 (11). A bike parking stall is two feet by six feet with a five-foot access area. Provide detail of bike rack. Provide details on final plans.
10. If outdoor lighting is provided, it must comply with MGO Section 10.085 outdoor lighting standards.
11. An approved parking reduction shall be required. The number of stalls shall be established from the capacity review and can be authorized by an administrative approval in the zoning code.
12. Provide details for refuse enclosure and fence.
13. Provide on final plans a site plan drawn to 1" = 20' scale. Site plan shall include, where applicable, property lines; parcel addresses; pavement markings; signing; building placement; items in the terrace such as signs, surface types such as asphalt, concrete, grass, sidewalk, driveway approaches, parking stall dimensions and drive aisle dimensions.

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

14. 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.
15. 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.
16. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

**Fire Department** (Contact Bill Sullivan, 261-9658)

17. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.

**No other agencies submitted conditions of approval for this request.**