



Project Address: 554 W. Main Street
Application Type: Conditional Use Alteration
Legistar File ID # [31679](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted.

Summary

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

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

Proposal Summary: The applicants are requesting modification of 2011 and 2012 Plan Commission conditions of approval that prohibit outdoor amplified sound, including from televisions, and limit the hours of operation for the outdoor eating area to 10:00 PM on Sunday through Thursday and 11:00 PM on Friday and Saturday for food and beverage service. After those hours, the outdoor eating area may be used for smoking. No other modifications to the site or conditions of approval are being requested at the present time.

Applicable Regulations & Standards: Table 28E-2 in Section 28.072(1) of the Zoning Code identifies outdoor eating areas associated with a food & beverage establishment as a conditional accessory use in the UMX (Urban Mixed-Use) zoning district. Section 28.183 of the Zoning Code provides the process and standards for the approval of conditional use permits.

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find the standards met and **approve** a major alteration to the approved conditional use for an existing outdoor eating area for a restaurant/ tavern located at 554 W. Main Street, subject to input at the public hearing.

Background Information

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 (Verveer); Madison Metropolitan School District.

Existing Conditions and Land Use: The site is developed with the Echo Tap & Grill, outdoor eating area and 3 surface parking stalls, zoned UMX (Urban Mixed-Use District).

Surrounding Land Use and Zoning:

North: Heartland Credit Union, zoned UMX (Urban Mixed-Use District);

South: Mixed-use building and surface parking lot, zoned UMX; Bedford Court Condominiums, zoned PD;

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

East: Multi-family residential buildings, zoned UMX and PD-SIP.

Adopted Land Use Plans: 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 Downtown Plan includes the subject site in the Bassett Neighborhood/District. General recommendations for this district include the continued revitalization of the neighborhood/ district with new housing options continuing the trend of the preceding 20 years, and the addition of a limited amount of neighborhood-serving commercial space primarily in mixed-use buildings. The Generalized Future Land Use Map on page 35 generally identifies the properties on both sides of S. Bedford Street between W. Washington Avenue and W. Main Street, including the subject site, for Downtown Mixed-Use development.

Zoning Summary: Existing UMX (Urban Mixed-Use District) zoning; the existing use of the site conforms to all applicable zoning requirements pursuant to the 2011 and 2012 conditional use approvals, and no site or building modifications are proposed with the subject request.

Environmental Corridor Status: The property is not located within a mapped environmental corridor (Map F8).

Public Utilities and Services: The site is served by a full range of urban services.

Previous Requests

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

On May 7, 2012, the Plan Commission approved an alteration to the approved conditional use to allow expansion of the outdoor eating area and a change to the hours of operation to 10:00 PM on Sunday through Thursday and 11:00 PM on Friday and Saturday. After these hours, the outdoor eating area may be used for smoking but food and beverages would not be allowed.

Project Description

The applicants are seeking to modify the conditions of approval that govern the outdoor eating area located at the rear of the Echo Tap & Grill. Currently, the outdoor eating area operates until 10:00 PM on Sunday through Thursday nights and 11:00 PM on Friday and Saturday nights. After these hours, the outdoor eating area is allowed to be used for smoking, but food and beverages are not allowed. In addition, no amplified sound is permitted in the outdoor eating area, which contains 1,020 square feet of area and seating capacity for 40 persons following an expansion approved last year. The proposed alteration requests that the hours of operation be extended to 12:00 AM midnight seven days a week, and for the restriction on amplified sound to be relaxed to allow "low volume sound" for the 2 televisions located in the outdoor eating area.

Analysis and Conclusion

As noted previously in the 2011 and 2012 staff reports for the subject outdoor eating area, 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 site, including The Depot Apartments located across S. Bedford Street. Despite those nearby residential uses, the Planning Division believes that the addition of 1 hour of operation on Friday and Saturday nights and 2 additional hours during the rest of the week can meet the conditional use standards. Staff also has no concerns about the applicants having volume on their 2 outdoor televisions, though it should be noted that "low volume sound" is not a threshold that staff feels can be quantified, and that any such promise by the applicant or condition of approval to keep the volume at a "low" level will be difficult to enforce.

Staff is not aware of any concerns or complaints regarding the current outdoor eating area. Notices to property owners and occupants within 200 feet of the subject site were mailed in advance of this public hearing, and staff is unaware of any concerns about the proposed modified conditions. Additionally, the applicants presented their current request to the Bassett District of Capitol Neighborhoods prior to filing their application. Finally, as with any conditional use, the Plan Commission maintains continuing jurisdiction to address any issues that might arise in the future with this outdoor eating area, including any concerns that might arise from the additional hours of operation or volume from the outdoor televisions.

Recommendation

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

The Planning Division recommends that the Plan Commission find the standards met and **approve** a major alteration to the approved conditional use for an existing outdoor eating area for a restaurant/ tavern located at 554 W. Main Street, subject to input at the public hearing and the following conditions:

1. That the hours of operation for the outdoor eating area be limited to 12:00 AM midnight, 7 days a week. The Director of the Planning Division may consider a minor alteration to the conditional use in the future to further modify the hours of operation for the outdoor eating area following a recommendation by the district alder.
2. Outdoor amplified sound from other than 2 televisions, including ambient music or from performance, is prohibited.

No conditions of approval were submitted by reviewing agencies for this request.