



## Report to the Plan Commission

March 7, 2011

**Legistar I.D. #21564**  
**554 W. Main Street**  
**Conditional Use**

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

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**Requested Action:** Approval of a conditional use to allow an 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** a 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

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**Applicant & Property Owner:** Patrick Rynes, Echo Tap; 554 W. Main Street; Madison.

**Agent:** Dan Crow, KSW Construction; 5957 McKee Road, Suite 107; Fitchburg.

**Proposal:** The applicant is requesting approval of an outdoor eating area for an existing restaurant and tavern with seating for approximately 20 persons. The applicant wishes to begin use of the outdoor eating area in spring 2011.

**Existing Conditions:** The site is developed with the Echo Tap and 10 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 (Verveer); Madison Metropolitan School District.

#### Land Use and Zoning Surrounding Proposed Building:

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 2-4 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
Side Yards	0'	Existing
Rear Yard	30'	100'
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	5
Accessible Stalls	1	1
Loading	N/A	0
No. Bike Parking Stalls	2	2
<b>Other Critical Zoning Items</b>		
Yes:	Utility Easements, Barrier Free	
No:	Floodplain, Urban Design, Wellhead Protection; Landmark; Adjacent to Park	
<i>Prepared by: Pat Anderson, Asst. Zoning Administrator</i>		

## **Project Review, Analysis & Conclusion**

The Echo Tap is requesting approval of a conditional use to allow an outdoor eating area to be built as part of a proposed addition to the rear and side walls of the existing predominantly one-story restaurant/tavern located at the northeasterly corner of W. Main and S. Bedford streets in C2 General Commercial District zoning.

The existing restaurant/ tavern contains approximately 1,800 square feet of gross first floor area and a small 175 square-foot mezzanine level located at the rear of the building. The building is clad in stucco, faux stone veneer and concrete masonry units, and features entrances at the northwesterly and southwesterly corners off the S. Bedford Street sidewalk. A 10-stall parking lot with a single driveway from S. Bedford Street occupies the remainder of the 5,445 square-foot site.

The applicant is proposing a significant renovation of the building that includes a \$20,000 façade improvement grant provided by the City, which will dramatically improve the exterior appearance of the restaurant/ tavern. The renovation will include small additions along the northerly rear wall and westerly side wall to add additional interior dining space on the first and second floors and a new entry vestibule at the northwesterly corner of the building. The exterior of the building will be resided with a combination of wood siding, wood panels and brick, a substantial number of windows will be added along the two street facades, and new treatments will be installed at the two existing entrances, including a rounded tower element at the northwesterly corner.

The proposed outdoor eating area will extend into the existing parking lot along most of the new rear wall of the building and will provide 5 tables and seating for approximately 20 persons. The outdoor area will be enclosed with a four-foot tall wrought iron fence and will be accessed from the restaurant/ tavern. The existing parking lot will be reconfigured to provide 5 stalls, including 1 accessible stall. The current licensed capacity of 145 will not increase with the proposed addition or outdoor eating area. The applicant proposes hours of operation for the outdoor eating area from 7:00 AM to 2:30 AM daily concurrent with the hours of the restaurant/ tavern. Outdoor amplified sound is not proposed.

The Echo Tap 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 proposed outdoor eating area, including the recently developed 83-unit 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 2 small multi-family buildings located between the Echo Tap and the Bel Mora Apartments along W. Main Street and a number of converted residential buildings located due north of the subject site along W. Washington Avenue east of the Heartland Credit Union.

The applicant presented their project to the Bassett District of Capitol Neighborhoods, Inc. on February 14, 2011, after which the neighborhood issued a letter (attached) supporting the outdoor eating area with limitations on the hours of operation that would end food and beverage service outside at 9:00 PM on Sunday–Thursday and 10:00 PM on Friday and Saturday. After these hours, the neighborhood proposed that patrons could be in the outdoor area but that food and beverages would not be allowed.

Despite the residential uses nearby, the Planning Division believes the proposed outdoor eating area can meet the conditional use standards with restrictions on the use of the area to ensure that it will not have an adverse impact on surrounding uses. As such, staff recommends that the outdoor eating area be approved with the hours of operation recommended by the Bassett neighborhood. Once the eating area is constructed and operational, the Plan Commission or Director of the Planning Division may consider extending the hours of operation in the future by alteration to this conditional use.

### **Staff Recommendations, Conditions of Approval & General Ordinance Requirements**

Major/Non-Standard Conditions are shaded

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

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

1. That food and beverage service in the outdoor eating area 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.
2. That outdoor amplified sound, including from televisions, is prohibited.
3. That the applicant receive all necessary approvals from the City’s Office of Real Estate Services and Traffic Engineering Division for any bike racks located in the public right of way as part of the final approval of its renovation plans.

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

4. In accordance with 10.34 MGO–Street Numbers: Submit a PDF of each floor plan to Lori Zenchenko in the Engineering Mapping Section ([addressing@cityofmadison.com](mailto:addressing@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.
5. 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)

6. The applicant shall submit two site plans for approval according to MGO. One site plan shall be for a seasonal outdoor eating area with parking; the second site plan shall be for a seasonal outdoor eating area without parking.
7. The applicant shall indicate the type of City-approved bicycle racks to be installed and locations on site and proposed in the right of way. The bike rack should be located by the entrances to the building.
8. When the applicant submits final plans of one contiguous plan for approval, the applicant shall show the following: existing items in the terrace (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, showing all easements, all pavement markings, building placement, and stalls, adjacent, signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the 2-foot overhang, and a scaled drawing at 1" = 20'.
9. The applicant shall prevent encroachment onto adjacent land areas and sidewalk by barriers of some type, which shall be noted on the face of the revised for both seasonal plans.

10. The applicant shall show dimensions for the both seasonal parking stalls items A, B, C, D, E, F, and the degree of angle parking width and backing up, according to Figures II "Medium and Large Vehicles" parking design standards in MGO Section 10.08(6)(b)2. Signs and planting areas are to be excluded from the rectangular stall areas including the 2 feet of vehicle overhang. The 2 feet of vehicle overhang shall be shown on the plan and dimensioned.
11. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

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

12. 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 buildings.
13. 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.
14. 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).
15. 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.
16. 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.
17. 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)

18. The Madison Fire Department does not object to the proposed outdoor patio provided the project complies with all applicable fire codes and ordinances. The applicant shall ensure that exiting complies with all applicable codes.

**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.