



PREPARED FOR THE PLAN COMMISSION

Project Address: 6067 Gemini Drive and 5909 Sharpsburg Drive
Application Type: PD(SIP) Alteration and Conditional Use
Legistar File ID # [71243](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted.

Summary

Applicant: Abby Padlock, Vice Grounds, LLC dba Twisted Grounds; 769 North Star Drive, Apt. 201; Madison.

Property Owners: Richard Hanzel, Greyrock at Grandview LLC; 842 Fox Run Court; Oregon; Nursery Drive Investors, LLC; 7475 Hubbard Avenue, Suite 202; Middleton, and Greyrock at Grandview B3, LLC; 708 River Place; Madison.

Requested Actions: Consideration of an alteration to an approved Planned Development District–Specific Implementation Plans (PD-SIP) for 6067 Gemini Drive and 5909 Sharpsburg Drive to amend the zoning texts for a two-building mixed-use development to add conditional uses in the CC-T (Commercial Corridor–Transitional) zoning district as allowable uses in the district; consideration of a conditional use for a restaurant-nightclub ; and consideration of a conditional use for an outdoor eating area for a restaurant-nightclub, all to allow an existing coffee shop to have an entertainment license and outdoor eating area.

Proposal Summary: The applicant is requesting approval of conditional uses to offer entertainment inside the Twisted Grounds coffeehouse tenant space in a one-story, 9,650 square-foot commercial building at 6067 Gemini Drive, and is also seeking approvals to use the landscaped plaza next to the building as an outdoor eating area for the coffeehouse with outdoor entertainment on a stage. The coffeehouse is classified as a restaurant-tavern for zoning purposes, as it serves a full menu of food and has an alcohol license for beer and wine sales in addition to selling coffee beverages. The introduction of entertainment inside would make the space a restaurant-nightclub for zoning purposes. Also, the outdoor eating area and stage are partially located on the property addressed as 5909 Sharpsburg Drive, on which a six-story mixed-use building with approximately 5,800 square feet of commercial space and 150 apartments is currently under construction. Under the specific implementation plans previously approved for the block, the open space and parking located between the six-story mixed-use building and one-story multi-tenant commercial building on the Grandview Commons Town Center ‘B’ Block is to be shared between the two buildings. The applicant indicates that use of the indoor and outdoor spaces as requested will commence as soon as all regulatory approvals have been granted.

Applicable Regulations & Standards: The approval process and standards for the Planned Development district is outlined in Section 28.098 of the Zoning Code. Specifically, Section 28.098(6), entitled “Alterations to a Planned Development District” that decisions about alterations to a Planned Development District shall be made to the Director of Planning and Community and Economic Development to determine if the request constitutes a major or minor alteration. The Director may refer any request for alteration to the Urban Design Commission for an advisory recommendation. Alterations shall only be approved as specified below (**emphasis added**):

- a.) Minor alterations may be approved the Director of Planning and Community and Economic Development or designee following consideration by the alderperson of the district if the requested alterations are consistent with the concept approved by the Common Council. If the alderperson of the district and the Director of Planning and Community and Economic Development do not agree that a request for minor

alteration should be approved, then the request for minor alteration shall be decided by the Plan Commission after payment of the applicable fee in Section 28.206, MGO.

- b.) **Major alterations may be approved by the City Plan Commission if the requested alterations are consistent with the concept approved by the Common Council.**
- c.) Major alterations that represent a substantial departure from the concept approved by the Common Council may be approved only after all of the procedures in Sec. 28.098(5) have been satisfied.

The alteration before the Plan Commission will add conditional uses in the CC-T (Commercial Corridor–Transitional) zoning district to the list of uses allowed in the PD district zoning texts that govern the block, which currently only allows *permitted* uses in CC-T zoning on the property containing the six-story building, while the “B5 Building” is governed by a zoning text dating to 2012, which does not list “restaurant-nightclub” or “nightclub” as allowed uses and restricts outdoor eating areas for food and beverage establishments to not allow outdoor amplified sound. Restaurant-nightclubs are conditional uses in the CC-T district per Table 28D-2 in Section 28.061(1), while outdoor eating areas associated with food and beverage establishment may be permitted or conditional uses depending on supplemental regulations in Section 28.151 of the Zoning Code. See the ‘Supplemental Regulations’ section of this report for requirements for those uses.

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find the standards met and **approve** an alteration to the Planned Development District–Specific Implementation Plans (PD-SIP) for 6067 Gemini Drive and 5909 Sharpsburg Drive and conditional uses for a restaurant-nightclub with outdoor eating area for a tenant space at 6067 Gemini subject to input at the public hearing and the conditions from reviewing agencies beginning on page 7 of this report.

Background Information

Parcel Location: The ‘B’ Block of the Grandview Commons Town Center is a 2.7-acre parcel bounded by Cottage Grove Road on the south, Gemini Drive on the east, Sharpsburg Drive on the north, and North Star Drive on the west; Aldermanic District 3 (Paulson); Madison Metropolitan School District.

Existing Conditions and Land Use: The subject site is developed with a one-story, 9,650 square feet multi-tenant commercial building located in the southeastern corner of the B Block at 6067 Gemini Drive adjacent to the northwestern corner of Cottage Grove Road. A six-story mixed-use building on the northern and western edges of the block is under construction. The entire block is zoned PD.

Surrounding Land Uses and Zoning: The B Block is located west of the 58,000 square-foot Metro Market grocery store completed in 2014 and two (2) one-story multi-tenant retail buildings along the Gemini Drive frontage north of Cottage Grove Road (Buildings ‘C2’ and ‘C3’). West of the B Block, the ‘A’ Block of the town center includes the two-story Great Dane Brew Pub and a one-story multi-tenant commercial building, while the northern edge of the B Block is opposite a private park across Sharpsburg Drive. All of the adjacent properties in Grandview Commons are zoned PD. The property south of Cottage Grove Road is developed with the Shrine of the Schoenstatt Sisters of Mary compound in A (Agricultural District) zoning, with the Richmond Hill residential subdivision further to the east.

Adopted Land Use Plans: The 2018 Comprehensive Plan recommends the portion of the Grandview Commons Town Center west of Gemini Drive (A, B, and E Blocks), including the subject block, for Neighborhood Mixed-Use development. The portion of the town center located east of extended Gemini Drive (C Block), which includes the grocery store, is recommended for Community Mixed-Use development.

The Sprecher Neighborhood Development Plan, as amended in 2012, identifies the Grandview Commons Town Center properties (on the A, B, C and E blocks) for mixed-use commercial/residential development.

Zoning Summary: The site is zoned PD. The request will be reviewed in the following sections.

Other Critical Zoning Items	
Yes:	Urban Design (PD zoning), Utility Easements, Barrier Free
No:	Floodplain, Wellhead Protection, Waterfront Development, Landmark, Adjacent to a Park
<i>Prepared by: Planning and Zoning staff</i>	

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

Public Utilities and Services: The site is served by a full range of urban services, including Metro Transit service between Grandview Commons and the East Transfer Point along North Star Drive.

Previous Approvals & Project History

On February 5, 2002, the Common Council approved a request to rezone 232.6 acres of land located in the northeastern quadrant of Cottage Grove Road and Interstate 39-90 from A (Agriculture District) to PUD-GDP [1966 Zoning Code] and approved the preliminary plat of Grandview Commons for the future development of 557 single-family residences, 20 two-family residences, up to 785 multi-family residential units (throughout the development), 100,000 square feet of retail/ office uses, and 20,000 square feet of additional office space above the first floor in the neighborhood center.

On June 4, 2002, the Common Council approved an Amended PUD-GDP and a PUD-SIP for the first phase of Grandview Commons to allow development of 557 single-family residences, 20 two-family residences, up to 1,248 multi-family residential units (throughout the development), 100,000 square feet of retail/ office uses, 50,000 square feet of flex space, and 20,000 square feet of additional office space above the first floor in the neighborhood center.

On July 17, 2007, the Common Council approved a major alteration to the General Development Plan for the Grandview Commons Neighborhood Center–Mixed-Use district to allow up to 90,000 square feet of retail/office uses and 162 residential units to be developed on the portion of the neighborhood center located east of North Star Drive. The Council also approved a Certified Survey Map to create two lots within the mixed-use center, including a lot donated to the City for a future City library.

On March 20, 2012, the Common Council approved a request to rezone properties generally addressed as 5925 Sharpsburg Drive, 5901-5939 Sharpsburg Drive and 857 Jupiter Drive from Temp. A (Agriculture District), PUD-GDP and PUD-SIP to Amended PUD-GDP and R2T (Single-Family Residence District) to establish a General Development Plan for the future development of 109,000 square feet of retail/office space, a 24,000 square-foot library and 110 multi-family residential units; and approved the preliminary plat of Town Center Addition to

Grandview Commons, creating 18 single-family lots, five town center lots and one outlot for the future development. The approved rezoning request coincided with approval of requests to amend the 2006 Comprehensive Plan and the 1998 Sprecher Neighborhood Development Plan to support the proposed town center mixed-use development contained in the Amended General Development Plan.

On February 2, 2016, the Common Council approved an Amended General Development Plan and Specific Implementation Plan to construct up to 35,000 square feet of commercial space in five buildings on the “B” Block at Grandview Commons Town Center (6001-6033 Gemini Drive), including the 9,650 square-foot “B5” building at 6067 Gemini Drive.

On September 1, 2020, the Common Council approved an amended Planned Development–General Development Plan for Grandview Commons Town Center Block B at 6003-6067 Gemini Drive and approve a Specific Implementation Plan to construct a six-story mixed-use building with approximately 5,800 square feet of commercial space and 150 apartments at 6003-6051 Gemini Drive (now addressed as 5909 Sharpsburg Drive).

Project Description

The applicant operates a coffeehouse, Twisted Grounds, in one of five suites in a one-story, 9,650 square-foot multi-tenant commercial building located at 6067 Gemini Drive in the Grandview Commons Town Center development. The building is located adjacent to the northwestern corner of Gemini Drive and Cottage Grove Road at the southeastern corner of the B Block of the Town Center development, which is also bounded by North Star Drive on the west and Sharpsburg Drive on the north. A six-story mixed-use building is currently being constructed on the northwestern two-thirds of the block, which will share parking and open space in the center of the block with the existing one-story building.

The tenant suite in question contains 1,746 square feet of floor area at the western end of the building, which also includes a pet salon, insurance office, ice cream shop, and chiropractor’s office. While coffee is one of the many products sold at the business, Twisted Grounds is currently considered as a restaurant-tavern for zoning purposes due to having a Class B beer and Class C wine license and serving a full food menu in addition to coffee beverages, etc. The applicant was granted a 21+ entertainment license by the Alcohol License Review Committee on May 4, 2021, thereby making the business a restaurant-nightclub for zoning purposes. The letter of intent indicates that the applicant would like to have live music from 6:00–8:00 p.m. on Fridays and 10:00 a.m.–12:00 p.m. on Sundays.

In addition to the approval to allow the business to operate a restaurant-nightclub, the applicant is also seeking approval to continue using the outdoor area adjacent to the coffeehouse as an outdoor eating area. As shown in the letter of intent submitted by the applicant, the outdoor area includes a series of picnic tables located on the grassy area between the one-story building and six-story building under construction, which is noteworthy for the legacy oak tree located near the center of the green space. Staff noted eight picnic tables and a variety of movable seating in the outdoor area during a visit to the site. The outdoor area included café lights strung above the area. The “chain fence” noted in the letter of intent is a single chain strung between metal pylons located along the southern edge of the parking lot. A raised wood platform located between the oak tree and B5 building is used as a stage for outdoor performances. The applicant proposes a capacity of 100 in the outdoor area.

The condition of the outdoor eating area observed by staff is not reflected on the site plan submitted with the application. If the subject requests are approved, Planning and Zoning staff will work with the applicant to revise the plans to final approval to more accurately reflect the layout of the outdoor space.

Supplemental Regulations

Section 28.151 of the Zoning Code includes the following supplemental regulations for Outdoor Eating Areas Associated with Food and Beverage Establishments (as amended by Ordinance 22-00016 on March 29, 2022):

- (a) Primary access to the area shall be from within the establishment.
- (b) Hours of operation shall end at 9:00 p.m. in all districts except for MXC, CC and RMX, unless extended as part of the conditional use approval.
- (c) No amplified sound is permitted in all districts except MXC, CC and RMX, unless allowed as part of the conditional use approval.
- (d) Where the use is conditional, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

Section 28.151 includes supplemental regulations for a Restaurant-Nightclub, defined as “an establishment where the principal and primary use is serving meals and where fermented malt beverages or intoxicating liquors are sold for consumption upon the premises and which holds an entertainment license under Section 38.06(11)” as follows (as amended by Ordinance 22-00033 on May 10, 2022):

- (a) Maximum capacity to be established by the Director of the Building Inspection Division, not to exceed the number of available seats, plus staff, plus a reasonable number of people waiting for seats, as shown on the floor plan consistent with approved capacity.
- (b) Must serve food at all hours it is open.
- (c) Shall hold entertainment license under Section 38.06(11)
- (d) Shall at all times operate consistent with and according to the requirements of a valid alcohol license issued by the City.

Analysis and Conclusion

The applicant is requesting approvals to offer live entertainment inside the Twisted Grounds coffeehouse tenant space in a one-story, 9,650 square-foot commercial building at 6067 Gemini Drive, and is also seeking approvals to use the landscaped plaza next to the building as an outdoor eating area for the coffeehouse with outdoor entertainment on a stage. The coffeehouse is currently classified as a restaurant-tavern for zoning purposes, as it serves a full menu of food and has an alcohol license to serve beer and wine in addition to selling coffee; the introduction of entertainment inside would make the space a restaurant-nightclub for zoning purposes.

Also, the outdoor eating area and stage are partially located on the property addressed as 5909 Sharpsburg Drive, on which a six-story mixed-use building with approximately 5,800 square feet of commercial space and 150 apartments is currently being constructed. Under the specific implementation plans approved for the block in recent years, the open space and parking located between the six-story mixed-use building and one-story multi-

tenant commercial building on the Grandview Commons Town Center 'B' Block is to be shared between the two buildings, with the east-west pedestrian walkway through the B Block envisioned as far back as 2012 as being part of a continuous east-west pedestrian spine running from North Star Drive to the front of the Metro Market on the 'C' Block across Gemini Drive.

An alteration to the specific implementation plans that govern the B Block is also requested to amend the list of uses allowed on the two subject parcels. Currently the zoning text recorded with the specific implementation plan for the six-story mixed-use building on 5909 Sharpsburg Drive in 2020 only allows *permitted* uses in CC-T zoning for the six-story building. However, restaurant-nightclubs are *conditional* uses in the CC-T district per Table 28D-2 in Section 28.061(1) of the Zoning Code, while outdoor eating areas associated with food and beverage establishment may be permitted or conditional uses depending on adherence to the supplemental regulations in Section 28.151 (see the 'Supplemental Regulations' section of this report for the requirements for those uses). Meanwhile, the zoning text recorded for the "B5 Building" housing the coffeehouse is governed by a zoning text dating to 2012, which does not list "restaurant-nightclub" or "nightclub" as allowed uses (restaurant-nightclubs and nightclubs were not enumerated uses in the Zoning Code until 2014). Additionally, that zoning text allows outdoor eating areas for food and beverage establishments but does not allow outdoor amplified sound in those outdoor areas.

To address the shortcomings in both zoning texts, create a cohesive set of allowed uses for the B Block, and facilitate the establishment of the applicant's proposed entertainment and outdoor eating area elements, staff proposes that the zoning texts be revised to allow uses that are permitted or conditional in the CC-T zoning district. Such an amendment to the zoning texts will allow a conditional use for a restaurant-nightclub for the applicant to be considered on 6067 Gemini while allowing the outdoor eating area and live entertainment for the coffeehouse to be allowed on the greenspace located primarily on the 5909 Sharpsburg parcel, subject to conditional use approval. The supplemental regulations for the proposed uses in Section 28.151 would apply by reference (to Table 28D-2 in Section 28.061(1)), including the restrictions on hours of operation (9:00 p.m. unless approved by conditional use). Staff proposes that amplified sound be allowed in the outdoor eating area between 9:00 a.m. and 9:00 p.m. daily, with additional hours to be approved a subsequent alteration to this conditional use.

No alder, public, or neighborhood association comments have been received as of the writing of this report that would suggest that the Plan Commission could not approve the requests as submitted subject to the proposed conditions in the following section. As with any conditional use, the Plan Commission retains continuing jurisdiction in the event that complaints are received about any of the conditional uses associated with the subject sites, which could result in more restrictive conditions being applied if deemed necessary following an investigation and public hearing.

Recommendation

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 Planned Development District-Specific Implementation Plans (PD-SIP) for 6067 Gemini Drive and 5909 Sharpsburg Drive and conditional uses for a restaurant-nightclub with outdoor eating area for a tenant space at 6067 Gemini subject to input at the public hearing and the following conditions:

Recommended Conditions of Approval: Major/Non-Standard Conditions are Shaded

Planning Division

1. Consistent with the supplemental regulations in Section 28.151, the hours of operation for the outdoor eating area shall be until 9:00 p.m. daily unless approved as a conditional use.
2. Amplified sound is approved for the outdoor eating area between 9:00 a.m. and 9:00 p.m. daily. Additional hours for amplified sound shall be approved an alteration to this conditional use.
3. The applicant shall provide a legible, fully labeled and dimensioned site plan that accurately reflects the existing surface condition (i.e. grass) and includes the number of tables and chairs in the outdoor area west of 6067 Gemini Drive. Once the capacities have been set for the outdoor eating area, those capacities shall be noted on the final plans. The required site plan shall be approved by the Planning Division prior to legal occupancy of the outdoor area.
4. That a revised zoning text or texts be recorded for the parcels at 5909 Sharpsburg Drive (0710-112-2509-4) and 6067 Gemini Drive (0710-112-2507-8) that defaults the allowed uses on both parcels to the permitted and conditional uses in the CC-T (Commercial Corridor–Transitional) zoning district.

City Engineering Division (Contact Brenda Stanley, (608) 261-9127)

This agency has reviewed this request and recommended no conditions or approval.

City Engineering Division–Mapping Section (Contact Julius Smith, (x608) 264-9276)

5. The western portion of the proposed outdoor eating area is located on a separate adjacent parcel owned by a different entity. Provide executed agreement with adjacent owner allowing for the described use of those lands.

Traffic Engineering Division (Contact Sean Malloy, (608) 266-5987)

This agency has reviewed this request and recommended no conditions or approval.

Zoning Administrator (Contact Jacob Moskowitz, (608) 266-4450)

6. Meet applicable building and fire codes. The capacity shall be established for the outdoor eating area. Occupancy is established by the Building Inspection Unit. Contact Mike VanErem at (608) 266-4559 to help facilitate this process.
7. Lighting is not required. However, if it is provided, it must comply with MGO Section 10.085 outdoor lighting standards.
8. Hours of operation shall end at 9:00 p.m., unless extended as part of the conditional use approval.

Fire Department (Contact Bill Sullivan, 261-9658)

This agency reviewed this request and has recommended no conditions of approval.

Water Utility (Contact Jeff Belshaw, 261-9835)

This agency reviewed this request and has recommended no conditions of approval.

Parks Division (Contact Kathleen Kane, 261-9671)

This agency reviewed this request and has recommended no conditions of approval.

Forestry Section (Contact Bradley Hofmann, 267-4908)

This agency reviewed this request and has recommended no conditions of approval.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency reviewed this request and has recommended no conditions of approval.