



PREPARED FOR THE URBAN DESIGN COMMISSION AND PLAN COMMISSION

**Project Address:** 5851 Gemini Drive and 841 Jupiter Drive  
**Application Type:** Amended Planned Development (PD) District- General Development Plan and Specific Implementation Plan  
**Legistar File ID #** [32271](#)  
**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted.

## Summary

**Applicant & Property Owner:** Dan Brinkman, DSI Real Estate Group, Inc.; 2800 Royal Avenue; Madison.

**Agent:** Brian Munson, Vandewalle & Associates; 120 E. Lakeside Street; Madison.

**Requested Actions:** Approval of an amended General Development Plan and a Specific Implementation Plan for 5851 Gemini Drive to allow construction of a mixed-use building containing 2,000-15,000 square feet of commercial space and 82 residential units, and approval of an amended General Development Plan for 841 Jupiter Drive to allow for the future construction of a 38-unit apartment building adjacent to the mixed-use building.

**Proposal Summary:** The applicant, DSI Real Estate Group, Inc., is requesting approval of a specific implementation plan to allow construction of an L-shaped, six-story mixed-use building that will extend along the west side of North Star Drive between Gemini Drive and Jupiter Drive on the northern edge of the Grandview Commons Town Center. Construction of the development will commence as soon as all regulatory approvals have been granted, with completion anticipated in 2015. The applicant is also seeking approval of an amended general development plan for 841 Jupiter Drive to allow for the future construction of a four-story, 38-unit apartment building following approval of a subsequent specific implementation plan.

**Applicable Regulations & Standards:** The approval process and standards for Planned Development districts is outlined in Section 28.098 of the Zoning Code. The decision process for the approval of or major amendments to Planned Development districts is the same as set forth in Section 28.182 of the Zoning Code for zoning map amendments.

**Review Required By:** Urban Design Commission, Plan Commission and Common Council.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission forward Zoning Map Amendment ID 28.022-00094, approving an Amended PD-GDP-SIP for 5851 Gemini Drive and an Amended PD-GDP for 841 Jupiter Drive, to the Common Council with a recommendation of **approval**, subject to input at the public hearing and the conditions from reviewing agencies beginning on page 4 of this report.

## Background Information

**Parcel Location:** The subject site is a 2.6-acre parcel generally located at the northwestern corner of North Star Drive and Gemini Drive, Aldermanic District 3 (Cnare); Madison Metropolitan School District.

**Existing Conditions and Land Use:** The subject site is currently undeveloped, zoned PD (Planned Development District).

**Surrounding Land Uses (all zoned PD (Planned Development District)):**

North: Planned multi-family residences across Gemini Drive, including the foundation of a townhouse building;

South: Multi-tenant retail buildings (Great Dane Brewpub, Edward Jones, Stacey Dental); Chamomile assisted living facility; Jupiter Crossing Apartments; undeveloped land in the Grandview Commons Town Center;

West: Existing and planned multi-family residences along Gemini and Jupiter drives;

East: Private parkland maintained by the Grandview Commons homeowners association.

**Adopted Land Use Plans:** The Comprehensive Plan recommends the portion of the Grandview Commons Town Center east of extended Gemini Drive southeast of the subject site for Community Mixed-Use development. The portion of the town center located west of extended Gemini Drive, including the site of the proposed mixed-use building, is recommended for Neighborhood Mixed-Use development. The entire mixed-use town center is also identified as a Transit-Oriented Development node. The lands located generally to the north and west of the proposed mixed-use building are recommended for Medium-Density Residential uses.

The Sprecher Neighborhood Development Plan identifies the site of the proposed mixed-use building and Grandview Commons neighborhood mixed-use center located on both sides of North Star Drive and extending east to the Copps grocery store currently under construction for mixed use-commercial/ residential. Properties to the north and west of the proposed mixed-use building and mixed-use area are recommended for medium-density residential uses. The private park located across North Star Drive from the site is recommended for park, drainage and open space uses.

**Zoning Summary:** The 5851 Gemini Drive property will be zoned Amended PD-GDP-SIP and the 841 Jupiter Drive property zoned Amended PD-GDP with this request. The projects will be reviewed in the following sections.

<b>Other Critical Zoning Items</b>	
Yes:	Urban Design (PD zoning), Utility Easements, Barrier Free
No:	Floodplain, Wellhead Protection, Waterfront Development, Landmark
<i>Prepared by: Pat Anderson, Asst. Zoning Administrator</i>	

**Environmental Corridor Status:** The property is not located within a mapped environmental corridor (Map G7).

**Public Utilities and Services:** The site is served by a full range of urban services, including weekday Metro Transit service.

## Previous Approvals

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, 1966 Zoning Code) to PUD-GDP 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 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, 5 town center lots and 1 outlot for the future development. The approved rezoning request coincided with approval of requests to amend the Comprehensive Plan and the Sprecher Neighborhood Development Plan to support the proposed town center mixed-use development contained in the amended general development plan.

## Project Description

The applicant, DSI Real Estate Group, Inc., is requesting approval of an amended general development plan and a specific implementation plan to allow construction of an L-shaped mixed-use building that will extend along the west side of North Star Drive between Gemini Drive and Jupiter Drive on the northern edge of the Grandview Commons Town Center. The building currently seeking specific implementation plan approval will contain 5 full stories above grade and will include up to 82 residential units and between 2,000-15,000 square feet of first floor commercial space. A sixth floor rooftop amenity for residents is also proposed. The applicant is also seeking approval of an amended general development plan for 841 Jupiter Drive to allow for the future construction of a four-story, 38-unit apartment building following approval of a subsequent specific implementation plan.

The applicant has provided two scenarios for the build-out of the first floor of the mixed-use building that include an initial 2,050 square feet of commercial at the southeastern corner of the building adjacent to the North Star Drive-Jupiter Drive intersection (see Sheet A101). The remainder of the first floor in this scenario calls for 14 dwelling units as well as a residential lobby facing North Star Drive, clubroom, resident storage closets and small tenant fitness center. In the second scenario (see Sheet A101.1), the commercial space expands to 7,680 square feet along the Jupiter Drive side of the building, and 2 commercial spaces of 3,400 square feet and 3,780 square feet are created from the residential units located north of the residential lobby, clubroom, and tenant fitness center, which would remain. The 3 commercial spaces in the second scenario would total 14,860 square feet if fully realized. The specific implementation plan also includes two scenarios for the fifth floor of the building, which include 17 apartments (see Sheet A105) or 12 condominium units (Sheet A105.1) depending on market interest.

The proposed building will be located within close proximity to the North Star Drive and Gemini Drive property lines but will be set back behind a raised plaza along the southern façade of the building parallel to Jupiter Drive in order to maintain the view corridor of the State Capitol from the private park located across North Star from the subject site created by the original general development plan and plat of Grandview Commons.

Parking for the proposed building will be provided on 2 levels of under-building parking containing 52 stalls each (104 total), and in 31 surface stalls. Access to the upper level of structured parking and surface parking stalls will be provided by a driveway from Gemini Drive, while access to the lower parking level will be provided from a

driveway off Jupiter Drive that will be shared in the future with the 38-unit apartment building to be constructed later.

## Analysis and Conclusion

The proposed mixed-use building at 5851 Gemini Drive requires approval of an amended general development plan as well as approval of a specific implementation plan due to the maximum residential density of the building exceeding the intensity of development anticipated in the most recent general development plan for the Grandview Commons mixed-use neighborhood town center approved in 2012. That plan called for a five-story mixed-use building with 15,000 square feet of retail/ office space, 45-75 dwelling units, and approximately 50 parking stalls located at the rear of the "E1" building.

In order for the maximum 82-unit residential density to be developed on the E1 site, the applicant is requesting approval to reapportion some of the approved dwelling units from the adjacent "E5" site at 841 Jupiter Drive. The general development plan recommended that the E5 site and 3 other "Town Center Residential" properties be developed at a net density of 28.5 units an acre, or approximately 46 units for the 1.63-acre E5 parcel. As a result of the proposed amended general development plan, up to 39 dwelling units could be built in the future on the 841 Jupiter Drive property.

The Planning Division otherwise believes that the proposed mixed-use building conforms substantially to the Grandview Commons Town Center General Development Plan as amended in March 2012. The text of the general development plan stated that the E1 mixed-use building was positioned to maximize Capitol views for upper-story apartment or condominium units while forming the western edge of the "village green walking district" and capping the North Star Drive end of the view corridor to the State Capitol. The general development plan identified that flex space may be used for the initial build out of the first floor, with outdoor seating or additional public plaza space is anticipated along the North Star Drive-Jupiter Drive intersection.

Staff believes that the proposed mixed-use building can meet the criteria for Planned Development Districts and feels that the proposed building is generally well designed and that it will serve as an attractive complement to other existing and planned developments in and near the Grandview Commons Town Center. Staff also believes that the sixth floor rooftop open space is consistent with intent of the general development plan to maximize Capitol views and that it will provide a striking amenity for the residents of the building while having little or no impact on the appearance or mass of the building when viewed from other properties nearby.

## Recommendation

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

The Planning Division recommends that the Plan Commission forward Zoning Map Amendment ID 28.022-00094, approving an Amended PD-GDP-SIP for 5851 Gemini Drive and an Amended PD-GDP for 841 Jupiter Drive, to the Common Council with a recommendation of **approval** subject to input at the public hearing, the following Planning Division condition(s) and the conditions from reviewing agencies:

1. The development plans shall be revised for final Planning Division approval prior to recording and the issuance of building permits as follows:
  - 1a. Provide a detail of how the 20% required open space in Section 28.098 of the Zoning Code is being provided for this development, including all applicable yard spaces and all porches and balconies, but not including the surface parking area;

- 1b. Show the plaza and its proposed uses on Sheets A101 and A101.1 based on the build-out of the first floor.
2. The zoning text shall be revised for final Planning Division approval prior to recording and the issuance of building permits as follows:
  - 2a. Permitted uses for the E1 building shall follow the final use list included in the approved PD-GDP for Grandview Commons Town Center, except for the E5 parcel, which shall be limited to multi-family residences as shown on the approved future specific implementation plan for that property and any accessory uses related thereto;
  - 2b. A family definition shall be provided; staff recommends that the definition as it applies in the TR-V2 residential district be used.

**The following conditions have been submitted by reviewing agencies:**

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

3. The Site plan indicates that the lot line between Lot 2 and Lot 3 of Certified Survey Map 11827 will be reconfigured. A CSM and required supporting information shall be prepared and submitted to the City of Madison Planning Division. The CSM shall be approved by the City, recorded with the Dane County Register of Deeds and all new parcel land records information completed in appropriate City databases prior to issuance of building permits.
4. The proposed lots within this development have a common access shown for the underground parking facilities and also common sidewalk areas for pedestrian access. A private common access easement/agreement between the lots within this development shall be drafted, executed and recorded prior to site plan sign off.
5. The proposed lots within this development are dependent on each other for overland and subsurface stormwater drainage. A private storm sewer/drainage easement/agreement for all lots within this development shall be drafted, executed and recorded prior to site plan sign off.
6. All of the boundary information, easements and restrictions (dimensioning, easements, etc.) contained on the final recorded Certified Survey Map for this site shall be shown on the site plan.
7. Provide details on the method of construction. If extensive public infrastructure repairs are necessary to accommodate the construction, a Developer's Agreement may be required.
8. The construction of this building will require removal and replacement of sidewalk, curb and gutter and possibly other parts of the City's infrastructure. The applicant shall enter into a City / Developer agreement for the improvements required for this development. The applicant shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The applicant shall meet with the City Engineer to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. The developer shall sign the Developer's Acknowledgement prior to the City Engineering Division signing off on this project.
9. The site plan shall identify lot and block numbers of recorded Certified Survey Map or Plat

10. In accordance with 10.34 MGO, Street Numbers, submit a PDF of each floorplan to Lori Zenchenko ([lzenchenko@cityofmadison.com](mailto:lzenchenko@cityofmadison.com)) at Engineering-Mapping 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.
11. The site plan shall include a full and complete legal description of the site or property being subjected to this application.
12. The approval of this development does not include the approval of the changes to roadways, sidewalks or utilities. The applicant shall obtain separate approval by the Board of Public Works and the Common Council for the restoration of the public right of way including any changes requested by developer. The City Engineer shall complete the final plans for the restoration with input from the developer. The curb location, grades, tree locations, tree species, lighting modifications and other items required to facilitate the development or restore the right of way shall be reviewed by the City Engineer, City Traffic Engineer, and City Forester.
13. The applicant shall replace all sidewalk and curb and gutter that abuts the property that is damaged by the construction, or any sidewalk and curb and gutter, which the City Engineer determines needs to be replaced because it is not at a desirable grade, regardless of whether the condition existed prior to beginning construction.
14. The applicant shall provide the City Engineer with the proposed earth retention system to accommodate the restoration. The earth retention system must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the retention system.
15. All work in the public right of way shall be performed by a City-licensed contractor.
16. All street tree locations and tree species within the right of way shall be reviewed and approved by City Forestry. Please submit a tree planting plan (in PDF format) to Dean Kahl, of the Parks Division ([dkahl@cityofmadison.com](mailto:dkahl@cityofmadison.com) or 266-4816). Approval and permitting of any tree removal or replacement shall be obtained from the City Forester and/or the Board of Public Works prior to final approval of the site plan.
17. All damage to the pavement on North Star Drive, Jupiter Drive and Gemini Drive adjacent to this development shall be restored in accordance with the City's Pavement Patching Criteria.
18. The plan set shall be revised to show a proposed private internal drainage system on the site. This information shall include the depths and locations of structures and the type of pipe to be used.
19. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 7.5-tons per acre per year.
20. Effective January 1, 2010, the Wisconsin Department of Commerce's authority to permit commercial sites for stormwater and erosion control has been transferred to the Wisconsin Department of Natural Resources (WDNR). As this site is greater than one acre, the applicant is required by State Statute to obtain a Water Resources Application for Project Permits (WRAPP) from the WDNR prior to beginning construction. This

permit was previously known as a Notice of Intent Permit (NOI). Contact Eric Rortvedt of the WDNR at 273-5612 to discuss this requirement. The City of Madison cannot issue an erosion control and stormwater management permit until concurrence is obtained from the WDNR.

21. The lots within this certified survey map are interdependent upon one another for stormwater runoff conveyance, and/or a private drainage system exists for the entire site an agreement shall be provided for the rights and responsibilities of all lot owners. Said agreement shall be reviewed and placed on file by the City Engineer, referenced on the Certified Survey Map and recorded at the Dane County Register of Deeds.
22. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to: provide infiltration in accordance with Chapter 37 of MGO; provide oil & grease control from the first 1/2" of runoff from parking areas, and; complete an erosion control plan and complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website as required by Chapter 37 of MGO.
23. The applicant shall submit, prior to plan sign-off, digital CAD files to the Land Records Coordinator in the City Engineering Division. (Lori Zenchenko) [izenchenko@cityofmadison.com](mailto:izenchenko@cityofmadison.com). The digital copies shall be drawn to scale and represent final construction including: building footprints, internal walkway areas, internal site parking areas, lot lines/ numbers/ dimensions, street names, and other miscellaneous impervious areas. All other levels (contours, elevations, etc.) are not to be included with this file submittal. E-mail file transmissions are preferred. The digital CAD file shall be to scale and represent final construction. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format. Please include the site address in this transmittal.
24. The applicant shall submit, prior to plan sign-off, digital PDF files to the City Engineering Division. The digital copies shall be to scale, shall have a scale bar on the plan set, and shall contain the following items: building footprints; internal walkway areas; internal site parking areas; lot lines and right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).
25. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management File including: SLAMM DAT files; RECARGA files; TR-55/HYDROCAD/etc., and; sediment loading calculations. If calculations are done by hand or are not available electronically the hand copies or printed output shall be scanned to a PDF file and provided.
26. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction.
27. The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service.

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

28. The applicant shall enter into a developer's agreement with the City Engineering and Traffic Engineering divisions to extend the bump-outs located on North Star Drive at Jupiter Drive to accommodate Metro buses picking up and dropping off passengers at this location.

29. When the applicant submits plans for approval, the applicant shall show the following on one contiguous plan: existing items in the terrace (e.g., signs and street light poles), type of surfaces, percent of slope, existing and proposed property lines, addresses, all easements, all pavement markings, building placement, adjacent driveway approaches to lots on either side and across the street, signage, semitrailer movements and vehicle routes, dimensions of radii, aisles, driveways, parking stall dimensions including the 2 feet overhang on a scaled drawing at 1" = 20'. Contact the Traffic Engineering Division if you have questions.
30. 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.
31. The City Traffic Engineer may require public signing and marking related to the development; the developer shall be financially responsible for such signing and marking.
32. All parking facility design shall conform to the standards in MGO Section 10.08(6).

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

33. Provide a detail of how the 20% required open space in Section 28.098 of the Zoning Code is being provided for this development.

34. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Section 31, Sign Code prior to sign installations.

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

35. The building is required to be protected with an automatic fire sprinkler system in accordance with NFPA 13, 2013 edition.

**Water Utility** (Contact Dennis Cawley, 261-9243)

36. All operating private wells shall be identified and permitted by the Madison Water Utility and all unused private wells shall be abandoned in accordance with MGO Sec. 13.21.

**Metro Transit** (Contact Tim Sobota, 261-4289)

Note: This agency did not provide conditions of approval for this request but will work with the City Engineering and Traffic Engineering divisions on modifications to the bump-outs located on North Star Drive at Jupiter Drive to accommodate Metro buses picking up and dropping off passengers at that intersection.

**Parks Division** (Contact Kay Rutledge, 266-4714)

37. The developer shall pay approximately \$201,879.90 for park dedication and development fees for the new 82 multi-family units at the E1 site. Park fees for the E5 site development will be assessed at the time of the SIP amendment submittal (38 multi-family units are proposed as part of the GDP). The developer must select a method for payment of park fees before signoff on the PD-GDP-SIP approval. This development is



within the Door Creek park impact fee district (SI23). Please reference ID# 13168 when contacting Parks Division staff about this project.

Park dedication fees for 2014 are \$1,799.00 per multi-family unit; park development fees in 2014 are \$662.95 per multi-family unit for a combined fee of \$2,461.95. Park impact fees are adjusted on January 1 of each calendar year, and the park impact fees due at the time of building permit issuance may be higher than the amounts stated above to reflect these annual adjustments.

38. Existing street trees shall be protected. Please include the following note on the site plan: Contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266-4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry. Tree protection specifications can be found in Section 107.13 of the City of Madison Standard Specifications for Public Works Construction.

39. Approval of plans for this project does not include any approval to prune, remove or plant trees in the public right of way. Permission for such activities must be obtained from the City Forester, 266-4816.