

PLANNING DIVISION STAFF REPORT

June 9, 2025



PREPARED FOR THE PLAN COMMISSION

Project Address: 842 Jupiter Drive (District 3, Alder Field)
Legistar File ID #: [88198](#) and [88199](#)
Prepared By: Chris Wells, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant and Contact: Moshe Shamie; Wellbrook Recovery, LLC; 13850 W Capitol Drive; Brookfield, WI 53005

Owner: Shields Properties, LLC; 2724 Thinnest Street; Cross Plains, WI 53528

Requested Actions: There are three related requests before the Plan Commission: 1) Consideration of an alteration to an approved Planned Development District-Specific Implementation Plan (PD-SIP) to amend the zoning text to allow 'Community living arrangements with greater than 15 residents' and 'Community and counseling services' as conditional uses at 842 Jupiter Drive; and 2 & 3) Consideration of a conditional use in the Planned Development (PD) District for Grandview Commons for a community living arrangement with greater than 15 residents, and consideration of a conditional use in the same PD District for community and counseling services, to allow an assisted living facility to be converted into an approximately 54-bed residential substance abuse treatment facility with inpatient and outpatient counseling services at 842 Jupiter Drive.

Proposal Summary: The applicant proposes to convert a 22-room assisted living facility into an approximately 54-bed residential substance abuse treatment facility with resident (inpatient) and outpatient counseling services.

Applicable Regulations & Standards: MGO Section 28.098(6) states that alterations to Planned Developments may be approved by the Plan Commission if the requested alterations are consistent with the concept approved by the Common Council using the review standards in Section 28.098(2). MGO Section 28.183(6) lists the standards of approval for conditional uses. MGO Section 28.151 lists the Supplemental Regulations for *Community Living Arrangement (CLA) Serving More Than 15 Residents*. Per 33.24(4)(g)2., when, subsequent to the UDC's approval of a plan for which UDC approval was required under Sec. [33.24\(4\)](#) or elsewhere in these ordinances, a request is made to alter the plans, the Secretary of the Urban Design Commission may approve such alteration(s) on behalf of the UDC, if in the exercise of her/his professional judgment, a change does not substantially alter the approved design, and may make that recommendation to the Director of the Department of Planning and Community and Economic Development.

Review Required By: Plan Commission.

Summary Recommendation: The Planning Division recommends the following to the Plan Commission regarding the applications for 842 Jupiter Drive. All recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies.

- That the Plan Commission find the proposed alteration to amend the zoning text to allow 'Community living arrangements with greater than 15 residents' and 'Community and counseling services' as conditional uses to be consistent with the Specific Implementation Plan approved by the Common Council and the Planned Development standards and **approve** the request;
- That the Plan Commission find the approval standards for conditional uses are met and **approve** the request in the Planned Development (PD) District for Grandview Commons for a community living arrangement with greater than 15 residents; and
- That the Plan Commission find the approval standards for conditional uses are met and **approve** the request in the same PD District for community and counseling services at 842 Jupiter Drive.

Background Information

Parcel Location: The 69,718 square-foot (1.6-acre) parcel is located on the south side of Jupiter Drive, just west of the intersection with North Star Drive. It is located within Alder District 3 (Alder Field) and the Madison Metropolitan School District.

Existing Conditions and Land Use: The site is developed with a one-story, roughly 24,500-square-foot, 22-unit assisted living facility. City Assessor's Office records note it was constructed in 2004.

Surrounding Land Use and Zoning:

North: Across Jupiter Drive is a 2-story and a 3-story mixed-use building, both zoned Planned Development (PD) District;

East: A one-story multi-tenant commercial building and a two-story commercial building containing a brewery (Great Dane Pub), both zoned PD District;

South: Across Cottage Grove Drive are various vacant parcels zoned A (Agriculture) District and single-family residences zoned SR-C1 (Suburban Residential – Consistent 1) District; and

West: A three-story, 57-unit apartment building, zoned PD District.

Adopted Land Use Plan: The [Comprehensive Plan](#) (2023) recommends Neighborhood Mixed-Use (NMU) development for the property.

Zoning Summary: The property is in the Planned Development (PD) District.

Requirements	Required	Proposed
Lot Area (sq. ft.)	6,000 sq. ft.	43,669 sq. ft.
Lot Area (sq. ft.)	As per approved plan	37,043 sq. ft.
Lot Width	As per approved plan	As per previous approved
Front Yard Setback	As per approved plan	As per previous approved
Side Yard Setback	As per approved plan	As per previous approved
Rear Yard Setback	As per approved plan	As per previous approved
Maximum Lot Coverage	As per approved plan	As per previous approved
Building Height	As per approved plan	2 story existing building

Requirements	Required	Proposed
Number Parking Stalls	As per approved plan	21 existing stalls
Electric Vehicle Stalls	Not required	None
Accessible Stalls	Yes	Yes
Loading	As per approved plan	Existing 10' x 35' loading
Number Bike Parking Stalls	Community living arrangement: 1 per dwelling	Yes
Landscaping and Screening	Not required	Existing landscaping
Lighting	Not required	Existing lighting
Building Form and Design	As per approved plan	2 story existing building

Other Critical Zoning Items	
Yes:	Urban Design (PD), Barrier Free (ILHR 69), Utility Easements, Wellhead Protection (WP-25)
No:	Floodplain, Landmarks, Waterfront Development, Adjacent to Park, TOD Overlay

Prepared by: Jenny Kirchgatter, Assistant Zoning Administrator

Environmental Corridor Status: This property is not 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

There are three requests before the Plan Commission. The first request is to amend the PD-SIP zoning text to allow 'Community living arrangements with greater than 15 residents' and 'Community and counseling services' as conditional uses at 842 Jupiter Drive. The second and third requests are both conditional use requests in the Planned Development (PD) District for Grandview Commons – for a community living arrangement with greater than 15 residents, and for community and counseling services.

More specifically, the applicant proposes to convert a 22-room assisted living facility into an approximately 54-bed State-licensed, substance abuse treatment facility which will offer a multi-level continuum of care, including detox, residential, and outpatient services. The new facility will be operated by Wellbrook Recovery, a for-profit company who has operated a similar facility in Brookfield, Wisconsin since October of 2000 (under the name [Midwest Detox](#)). While the facility will treat all substance abuse disorders, roughly 75-percent of their patients seek help for alcohol-related issues.

A neighborhood meeting was held on May 7, 2025 at which the applicant clarified operational details for the facility. Planning staff understands that the average length of stay for inpatient treatment is 30-42 days and the typical patient is 35- to 45 years old and male, who will come from all over the region. (Staff note that the new facility will not be restricted to just males) The applicant looks to open a Madison facility as many of their Brookfield facility patients were travelling from Dane County for treatment. They however found that the distance (and therefore time) required to access these services in Brookfield was a barrier for patients to complete their treatment.

Planning staff understands that patients come to the facility for treatment on their own volition. They cannot just be dropped off – by the police or by family or friends – for treatment. Instead, in order to receive treatment, all must first go through a scheduled, pre-admission interview with a licensed clinician. Facility staff will screen patients to make sure that the type of treatment needed is one that Wellbrook provides. Generally, Wellbrook Recovery does not accept patients who want to enroll as a condition of release from jail, or who have a history of domestic abuse or other violent offenses. After the pre-admission is conducted and the patient is approved for treatment, a drop off time is scheduled. The drop off is typically done by a family member or friend as patients do not drive themselves. This means that the patients will not be bringing a car.

By law, this facility will not be allowed to hold patients against their will, meaning that the patients are free to end treatment and leave at any time, as long as facility staff do not believe they are a safety risk. (Staff may however help by reaching out to the patient's contact or call a ride share to make sure they safely get to where they want to go). Should the patient stay for the entire treatment, it typically lasts 30-42 days. Some may choose to continue their treatment afterward through Wellbrook's outpatient services. This typically consists of living at home but continuing to attend the group sessions held during typical work hours (9am-12pm and 1-4pm). Here applicants typically do drive themselves. Wellbrook estimates that at the Jupiter Drive facility, approximately five percent of patients on site will be outpatients (this works out to approximately two patients). Wellbrook also plans to open a separate licensed facility on the west side of Madison (Heartland Trail) specifically for outpatient services. It is not yet operational.

As for staffing levels, peak levels are anticipated to reach as high as 15 during the daytime when the patients are in group sessions (9am-12pm and 1-4pm). During the overnight shift, staffing levels typically include 6-7 employees. The applicant notes that there will be at least one registered nurse on site at all times.

As for changes to the building and site, no exterior changes to the building or site are proposed. (As such, the Secretary of the Urban Design Commission will review the project administratively on behalf of the commission). The building's interior will be renovated. In order to roughly double the patient capacity of the facility (from 22 to 54), the existing in-unit family rooms will be converted to add another bedroom. Regarding security, the facility will have closed-circuit (CC) video monitoring in the halls and in common rooms and Wellbrook has agreed to share footage with the Madison Police Department if there are any incidents. Furthermore, Staff/patients will need a badge/fob to enter the building. As for visitations, resident patients are allowed to have visitors but they must first be approved by the patient's therapist.

As for smoking, patients will use the covered porch area located along the building's east façade, roughly 30 feet back from the Jupiter Drive sidewalk. In communications with Staff, the applicant has confirmed that they plan to install a trash receptacle for cigarette butts in the porch location. Residents will only be able to go outside and smoke between 7:00 a.m. and 9:00 p.m., when not in group session.

The fact that the proposed facility would be located next to a Great Dane Brewery Brew Pub, which serves alcohol, has been acknowledged by the applicant. They note that the treatment has been specifically aimed at preparing the patient to be able to face and overcome real world situations where alcohol could be bought or obtained. They also described some of the outings during treatment, like going to a local bowling alley, a place where there would likely be people drinking alcohol. Such an outing would be used as an opportunity for the patients to examine their reactions to it and gauge how their treatment was progressing.

Definition and Supplemental Regulations

Community Living Arrangement (CLA) Serving More Than 15 Residents.

A Community living arrangement is any facility licensed or operated by the State of Wisconsin Department of Health and Family Services, including child welfare agencies, group homes for children, foster homes, treatment foster homes, and community based residential facilities, where care, treatment or services above the level of room and board but less than skilled nursing care are provided to persons residing in the facility. Such care, treatment or services are provided as the primary function of such facility. Adult family homes, day care homes, nursing homes, general hospitals, special hospitals, prisons, jails and foster family homes that are the primary domiciles of a foster parent and four (4) or fewer children are not community living arrangements for purposes of this ordinance.

Supplemental Regulations (for Community Living Arrangement (CLA) serving more than 15 residents):

- a) The loss of any state license or permit by a CLA shall result in an automatic revocation of that facility's use permit.
- b) The applicant must disclose in writing the capacity of the community living arrangement.
- c) No community living arrangement shall be located within two thousand five hundred (2,500) feet of an existing community living arrangement.
- d) The total capacity of all CLAs within an alder district shall not exceed twenty-five (25) persons or one percent (1%) of the population, whichever is greater, of such district.
- e) All CLAs serving more than fifteen (15) residents require conditional use approval, regardless of the distance from other CLAs or the density of CLAs within the alder district.

- f) No conditional use permit under this section shall be transferable to another location or person.
- g) The bulk requirements for multi-family uses in the district apply. For purposes of calculating bulk requirements, one (1) bedroom is equal to one (1) lodging room and five (5) lodging rooms is equal to one (1) dwelling unit. If the number of lodging rooms is not divisible by five (5), round up to the nearest dwelling unit for the purpose of determining bulk requirements. For example, six (6) lodging rooms equals two (2) dwelling units.

Staff believe that all of the supplemental regulations above are met.

Conformance with Adopted Plans

The [Comprehensive Plan](#) (2023) recommends Neighborhood Mixed-Use (NMU) development for the subject site. The Neighborhood Mixed-Use (NMU) category includes relatively small existing and planned Activity Centers that include residential uses, as well as retail, restaurant, service, institutional, and civic uses primarily serving nearby residents. Nonresidential uses in NMU areas typically focus on serving nearby residents, though some buildings may also include specialty businesses, services, or civic uses that attract customers from a wider area. Staff believe the proposed use is consistent with the Plan's recommendations.

Alteration to the Planned Development (PD) District

Alterations to Planned Developments may be approved by the Plan Commission if the requested alterations are consistent with the concept approved by the Common Council using the review standards in MGO Section 28.098(2). Staff believe the proposed use can be found consistent with that approved by the Council given that both uses are residential facilities with residents in small units assisted by medical and various administrative staff.

As requested by the Zoning Administrator, a revised zoning text should be provided. Planning staff recommend the following amendments to the PD-SIP zoning text:

1. Add the following list of uses allowed only with conditional use approval:
 - a. Community living arrangements with greater than 15 residents
 - b. Community and counseling services

Regarding the PD approval standards, Staff believe the proposed use is consistent with the Comprehensive Plan. Due to the fact that the vast majority of patients will not be driving themselves to treatment, not keeping a car on site, and not driving to and from the facility each day, Staff do not believe the proposed uses will create significant traffic impacts on the surroundings. Regarding the provision of municipal services, Staff do not anticipate that such a provision will be more onerous than required by the existing assisted care facility. On-balance, staff believe that the proposed amendment can be found to meet the Planned Development (PD) approval standards.

Conditional Use Standards

The conditional use approval standards state that the Plan Commission shall not approve a conditional use without due consideration of the City's adopted plan recommendations, design guidelines, supplemental regulations, and finding that all of the conditional use standards of MGO §28.183(6) are met. Please note, recent changes to state law requires that conditional use findings must be based on "substantial evidence" that directly pertains to each standard and not based on personal preference or speculation.

Approval Standard 3 states, *"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 is aware that there have been concerns expressed from some neighborhood residents regarding whether the existing 18 surface automobile parking on site will be sufficient. The applicant has communicated with Staff that their

Brookfield, Wisconsin facility serves 25-35 patients (mostly in an inpatient capacity) with at most 10 staff on site at a given time who use 10-12 parking stalls during regular, busy program hours. With up to 15 staff on site at a given time at the Jupiter Drive facility, plus a few spots used by the few outpatients that attend sessions each day, the 18 stalls should be sufficient but staff acknowledge that there may be times when visitors or additional staff need to use adjacent street parking. While there are some portions of Jupiter Drive that have on-street parking restrictions, there appears to be available on-street parking adjacent to the site. Staff encourages the applicant to work with surrounding properties owners on exploring shared parking arrangements, though staff does not have substantial evidence to suggest that there is insufficient parking based on the provided information.

Staff believe if well run, the proposed facility will not have significant negative impacts on the surroundings. Staff believe this is due to such factors as the experienced clinical director, currently heading up operations at the Brookfield facility, who will be transferring to oversee operations at the new facility; the low automobile impacts anticipated (patients don't typically drive themselves and there are at most 15 staff on site at a given time), the fact that the company operates other facilities around the country (and therefore has experience opening new facilities); and the security plan which will include the use of fobs/cards for all patients and staff entering, closed-circuit (CC) video monitoring in the halls and in common rooms, and the screening of all patient's visitors by staff therapists.

Staff note that the Plan Commission retains continuing jurisdiction over conditional uses, meaning that should complaints be filed, the Plan Commission could take further action on a Conditional Use as allowed in MGO §28.183(9)(d).

On balance, Staff believe the approval standards can be found met.

Recommendation

Planning Division Recommendation (Contact Chris Wells, (608) 261-9135)

The Planning Division recommends the following to the Plan Commission regarding the applications for 842 Jupiter Drive. All recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies.

- That the Plan Commission find the proposed alteration to amend the zoning text to allow 'Community living arrangements with greater than 15 residents' and 'Community and counseling services' as conditional uses to be consistent with the Specific Implementation Plan approved by the Common Council and the Planned Development standards and **approve** the request;
- That the Plan Commission find the approval standards for conditional uses are met and **approve** the request in the Planned Development (PD) District for Grandview Commons for a community living arrangement with greater than 15 residents; and
- That the Plan Commission find the approval standards for conditional uses are met and **approve** the request in the same PD District for community and counseling services at 842 Jupiter Drive.

Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

Zoning Review (Contact Jenny Kirchgatter, (608) 266-4429)

1. The approved site and civil plans that were submitted do not match the current parking lot layout and site conditions. An Alteration to PD-SIP approved in February 2005 shows the current parking lot layout and site conditions. Submit the current approved plans for the site plan verification.

2. Submit the proposed Zoning text for review and approval by Zoning and Planning staff.
3. Bicycle parking shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide a minimum of ten (10) short-term bicycle parking stalls located in a convenient and visible area on a paved or pervious surface. Bicycle parking shall be located at least as close as the closest non-accessible automobile parking and within one hundred (100) feet of a principal entrance. Note: A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5) foot wide access area. Provide a detail of the proposed bike rack.
4. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.
5. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

Forestry Review (Contact Jeffrey Heinecke, (608) 266-4890)

6. On this project, street tree protection zone fencing is required. The fencing shall be erected before the demolition, grading or construction begins. The fence shall include the entire width of terrace and, extend at least 5 feet on both sides of the outside edge of the tree trunk. Do not remove the fencing to allow for deliveries or equipment access through the tree protection zone. Add as a note on the site plan.
7. Additional street trees are needed for this project. Tree planting specifications can be found in section 209 of City of Madison Standard Specifications for Public Works Construction (website: <https://www.cityofmadison.com/business/pw/specs.cfm>) - All street tree planting locations and tree species within the right of way shall be determined by City Forestry. A landscape plan and street tree planting plan shall be submitted in PDF format to City Forestry for approval of planting locations within the right of way and tree species. All available street tree planting locations shall be planted within the project boundaries. Add following note on the landscape plan: At least one week prior to street tree planting, Contractor shall contact City Forestry at (608) 266-4816 to schedule inspection and approval of nursery tree stock and review planting specifications with the landscaper.

Metro Transit (Contact Tim Sobota, (608) 261-4289)

8. Metro Transit operates daily all-day transit service along Cottage Grove Road thru the North Star Drive intersection near this property - with trips at least every 60 minutes (every 30 minutes or less during the day on weekdays).
9. Metro Transit would initially estimate the following counts of potentially eligible trips towards US Green Building Council/LEED Quality Access to Transit points: 45 Weekday & 17 Weekend. Please contact Metro Transit if additional analysis would be of interest.

City Engineering Review - Mapping (Contact Julius Smith, (608) 264-9276)

10. Submit a complete set of building Floor Plans in PDF format to Lori Zenchenko (lzenchenko@cityofmadison.com) that includes a floor plan of each floor level on a separate sheet/page for the development of an interior sleeping room addressing plan.

The Addressing Plan for the entire project shall be finalized and approved by Engineering (with consultation and consent from the Fire Marshal if needed) PRIOR to the verification submittal stage of this LNDUSE with Zoning.

The final approved Addressing Plan shall be included in said Site Plan Verification application materials. Per 34.505 MGO, a full copy of the approved addressing plan shall be kept at the building site at all times during construction until final inspection by the Madison Fire Department.

For any changes pertaining to the location, deletion or addition of a unit, or to the location of a unit entrance, (before, during, or after construction), a revised Address Plan shall be resubmitted to Lori Zenchenko to review addresses that may need to be changed and/or reapproved.

Parking Review (Contact Trent W Schultz, (608) 246-5806)

A Transportation Demand Management (TDM) Plan is required for the project, per MGO 16.03. The applicant shall submit a TDM Plan to tdm@cityofmadison.com. Applicable fees will be assessed after the TDM Plan is reviewed by staff.

The following agencies reviewed the request and recommended no conditions of approval: Engineering, Traffic Engineering, Fire Department, Parks Division, Water Utility.