



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 675 S. Whitney Way  
**Application Type:** Conditional Use  
**Legistar File ID #** [62962](#)  
**Prepared By:** Chris Wells, Planning Division  
Report includes comments from other City agencies, as noted.  
**Reviewed By:** Kevin Firchow, AICP, Planning Division

**Summary**

**Applicant & Contact:** Aaron Adelman; SMJ International o/b/o Tesla; 49030 Pontiac Trail, Suite 100; Wixom, MI 48393

**Property Owner:** Hy-Vee Inc.; 5820 Westown Parkway; West Des Moines, IA 50266

**Requested Action:** The applicant requests conditional use approval to construct an auto service station (i.e. an electric car charging facility) at 675 S. Whitney Way.

**Proposal Summary:** The applicant requests approval to install eight electric vehicle-charging stations for Tesla vehicles in the S. Whitney Way Hy-Vee Grocery store parking lot. The stations will be added to existing stalls.

**Applicable Regulations & Standards:** This proposal is subject to the standards for Conditional Uses in MGO §28.183 as Table 28D-2 in Section 28.061(1) notes that an auto service station is a Conditional Use in the Commercial Center (CC) District. The Supplemental Regulations [MGO §28.151] contain further regulations for this use.

**Review Required By:** Plan Commission. (The Secretary of the Urban Design Commission reviewed this request administratively on behalf of the Urban Design Commission).

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the request to construct an auto service station (i.e. an electric car charging facility) at 675 S. Whitney Way. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

**Background Information**

**Parcel Location:** The 355,520-square-foot (8.16-acre) subject property is located to the northeast corner of the intersection of S. Whitney Way and Odana Road. It is located in Aldermanic District 10 (Ald. Henak) and the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The parcel is currently developed with a roughly 90,000-square-foot, Hy-Vee Grocery Store located on the eastern half of the site and surface parking located on the western. The subject site is zoned CC (Commercial Center) District.

**Surrounding Land Uses and Zoning:**

**North:** The roughly 204,000-square-foot, former Westgate Mall whose demolition was recently approved. In its place is a large redevelopment involving market rate, affordable, and senior apartments as well as a potential future office/clinic building. It is zoned PD (Planned Development District). Further to the north, across Tokay Boulevard, is a 2-story office building located within the University Research Park, zoned SE (Suburban Employment District);

**South:** Across Odana Road are multi-family apartments, zoned SR-V2 (Suburban Residential – Varied 2 District) and single-family residences, zoned SR-C1 (Suburban Residential – Consistent 1 District). Across S. Segoe Road are multi-family apartments, zoned PD;

**West:** Located to the west of the subject site is a Mobil gas station, zoned CC (Commercial Center District). Across S. Whitney Way is the Whitney Square Shopping Center which has a Walgreens, Jiffy Lube, Rubins Furniture Store, Vintage Brewing, Taco Bell located along its S. Whitney Way frontage. All are zoned CC; and

**East:** The City of Madison Odana School Park, zoned CN (Conservation District).

**Adopted Land Use Plans:** The 2018 [Comprehensive Plan](#) recommends Community Mixed-Use (CMU) uses for the subject site. It notes that among other things, retail uses serving both adjacent neighborhoods and wider community markets are recommended for CMU areas. The site is also within the planning area of the [Midvale Heights/Westmorland Joint Neighborhood Plan](#) (2009). That plan recommends mixed-use development with retail, commercial, office, and/or residential uses.

**Zoning Summary:** The property is zoned CC (Commercial Center District).

Requirements	Required	Proposed
Front Yard Setback	None	Adequate
Side Yard Setback: Other cases	One-story: 5' Two-story or higher: 6'	Adequate
Rear Yard Setback	The lesser of 20% of lot depth or 20'	Adequate
Maximum Lot Coverage	85%	TBD <i>(See Comment #9)</i>
Maximum Building Height	5 stories/ 68'	Existing building

Site Design	Required	Proposed
Number Parking Stalls	No minimum required	8 vehicle charging stalls <i>(See Comment #8)</i>
Accessible Stalls	Yes	No change <i>(See Comment #8)</i>
Loading	Not required	No change
Number Bike Parking Stalls	Not required	No change <i>(See Comment #8)</i>
Landscaping and Screening	Yes	Yes <i>(See Comment #10)</i>
Lighting	Yes	Yes <i>(See Comment #11)</i>
Building Forms	Not required	None

Other Critical Zoning Items	
Yes:	Urban Design (Planned Multi-Use Site), Utility Easements, Barrier Free (ILHR 69), Adjacent to Park
No:	Floodplain, Wetlands, Historic District, Wellhead Protection District

*Prepared by: Jenny Kirchgatter, Assistant Zoning Administrator*

**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.

## Project Description

The applicant requests conditional use approval to establish an eight-stall electric vehicle charging station for Tesla Vehicles. The Zoning Administrator has determined that this use is considered an “automobile service station” which requires conditional use approval.

The electric charging station is proposed at the southern end of the site, near the southwestern corner of the store. It will occupy the eight existing parking stalls located immediately to the west of the Odana Road entrance, along the public sidewalk. The facility will be available 24 hours a day, seven days a week and will be part of the national network of charging stations for Tesla vehicles.

Each of the eight stalls will be equipped with a vehicle “charging post.” Five of these posts will be placed at the back of the parking stall (i.e. the back side of the curb), while in three cases, they will be located to the side of the stall, on the adjacent parking lot island. The applicant also proposes to provide additional light for the charging area via a roughly 20-foot tall pedestrian light pole located at the base of the parking lot island which divides the charging stations.

Associated electrical equipment will be added at the southwest corner of the parking lot, roughly 30 feet west of the most western charging station, in an area of the parking lot which currently sits empty. The applicant proposes to create a new parking lot island here, roughly the size of two parking stalls. On it will sit a utility transformer, electrical switchgear equipment, and two Tesla Supercharger V3 cabinets. This equipment will range from roughly four to six feet in height.

Screening of the proposed equipment and charging stations from the street and parking lot will be provided by way of groupings of tall ornamental landscape grass which will be planted along this portion of the parking lot’s frontage – i.e. from the eastern most charging station to the electrical equipment. Additional groupings will be planted along the east side of the electrical equipment (where possible).

## Analysis and Conclusion

The Zoning Administrator has determined that the proposed use is an “auto service station” which is a conditional use in the CC (Commercial Center) zoning district. As such, this proposal is subject to the approval standards for Conditional Uses. The Supplemental Regulations [MGO §28.151] contain further regulations for this use.

### Conformance with Adopted Plans

The 2018 [Comprehensive Plan](#) recommends Community Mixed-Use (CMU) uses for the subject site. It notes that among other things, retail uses serving both adjacent neighborhoods and wider community markets are recommended for CMU areas. The site is also within the planning area of the [Midvale Heights/Westmorland Joint Neighborhood Plan](#) (2009). That plan recommends mixed-use development with retail, commercial, office, and/or residential uses. Staff believe the proposal is compatible with adopted plan recommendations.

### 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.

Staff believe that the Conditional Use standards can be found met. Firstly, Staff believe that this proposal is compatible with both adopted plans, as noted above. Staff also note that while the proposal is located within a planned multi-use site, due to the relatively modest scope of the changes, the Urban Design Commission Secretary reviewed the plans on behalf of the Urban Design Commission. The Secretary's recommended modifications was for the addition of the groupings of tall grasses to provide additional screening, which the applicant has already incorporated into the plan set before the Plan Commission.

### **Supplemental Regulations for Automotive Service Centers**

Automotive Service Centers are also subject to the Supplemental Regulations of M.G.O. §28.151. Note: the regulations below are broad as they also apply to Automobile Body Shops, Automobile Sales and Rentals, Automobile Service Stations, and Convenience Stores. That said, the supplemental regulations for these uses are the following:

- a) *All automobile servicing and repair activities shall be carried on within an enclosed building.*
- b) *No automobile servicing and repair activities may take place between the hours of 7:00 p.m. and 7:00 a.m. unless all of the building's windows and doors are closed.*
- c) *A convenience store shall not be located within one thousand nine hundred eighty (1,980) feet distance of three (3) or more existing convenience stores, as measured along the center lines of streets.*
- d) *The following activities and equipment are allowed outside if located within the rear yard and building envelope, and at least fifty (50) feet from a residential zoning district:*
  1. *Storage of vehicle parts and refuse.*
  2. *Temporary storage of vehicles during repair and pending delivery to the customer.*
  3. *Vacuuming and cleaning.*
- e) *Outside storage or parking of any disabled, wrecked, or partially dismantled vehicle is not allowed for a period exceeding ten (10) days during any thirty (30) day period.*
- f) *No building, structure, canopy, gasoline pump, or storage tank shall be located within twenty-five (25) feet of a residential zoning district.*
- g) *In the NMX, DC, UMX and TSS Districts, the requirement in (g) above, may be modified as part of the conditional use approval so that pump islands are located in front of the building if provides more effective circulation, aesthetics or buffering of neighboring uses.*

The Planning Division believes the supplemental regulations listed above are satisfied by the proposal and offer the following comments regarding Supplemental Regulation (f), which states that *no building, structure, canopy, gasoline pump, or storage tank shall be located within 25 feet of a residential zoning district*. Staff note that the nearest residential property, located to the south, across Odana Road, is roughly 105 feet from the proposed charging stations.

### **Public Comment**

Staff have been made aware of some public comments which were sent to the District Alder. The two primary concerns pertained to 1) the proposed location on the site and 2) the lack of compatibility of these chargers with other electric cars.

Regarding the first point, the applicant has provided the following response:

*The charging station location was chosen based on several factors outlined below:*

- *Feedback from the property owner Hy-Vee about where we can locate, with a focus on being in a less used area of the parking lot to minimize disruption to existing customer parking habits*
- *The location is near available power from the utility, as this station requires a new utility connection that is not available at all areas of the property.*
- *It is proximate to an existing gas station so is nearby existing similar infrastructure*
- *The Segoe Rd. area is not an option as that parking area is high usage for wine and spirits customers/vendors. There are also several underground utilities and easements around that side and back of the store there that would prevent construction.*

Regarding the second point, the applicant has confirmed that the chargers will only service Tesla vehicles.

### Conclusion

The Planning Division believes that the proposal can be found to meet the conditional use approval standards, as well as the applicable supplemental regulations. Staff believes the proposal is compatible with adopted plan recommendations. Given the limited scope of the proposal and location off to the side of a large parking lot, staff does not believe the proposal will result in new or negative impacts on the rest of the site or the surrounding properties.

## Recommendation

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

The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the request to construct an auto service station (i.e. an electric car charging facility) at 675 S. Whitney Way. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

### **Recommended Conditions of Approval** Major/Non-Standard Conditions are Shaded

### City Engineering Division – Mapping Section (Contact Jeff Quamme, 266-4097)

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| 1. The address of the charging station is 675 S Whitney Way # EVCS. The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records. |
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### Traffic Engineering (Contact Sean Malloy, (608) 266-5987)

2. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.

3. 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.
4. 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.
5. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
6. Include a parking plan demonstrating how specific stalls, to be used by the commercial site, will be reserved. Include any signage to be used to achieve this goal in the submitted plans.
7. The applicant shall be aware that the approvals for the Westgate Mall site to the North require reconfiguration of the existing S. Whitney Way driveway to be restricted to right in/right out/left in access only.

**Zoning Administrator** (Contact Jenny Kirchgatter, (608) 266-4429)

8. Submit a parking lot summary including the number of existing vehicle stalls, accessible stalls, and bicycle stalls to remain, and proposed charging stalls.
9. Provide a calculation and plan detail for lot coverage. The lot coverage maximum is 85%. Lot coverage is defined as the total area of all buildings, measured at grade, all accessory structures including patios, etc., and all paved areas as a percentage of the total area of the lot, with the following exceptions: sidewalks or paved paths no wider than five (5) feet, pervious pavement, green roofs and decks. If the existing site currently exceeds 85% maximum lot coverage, proposed site improvements may not further increase lot coverage above the maximum.
10. Submit the landscape plan and landscape worksheet for the project area stamped by the registered landscape architect. Show the existing trees and landscaping to remain as well as new or relocated landscaping. Any displaced landscaping elements must be replaced on the site and shown on a revised landscaping plan.
11. Exterior lighting provided shall be in accordance with City of Madison General Ordinances Section 10.085. Provide an exterior lighting plan and fixture cut sheets with the final plan submittal.
12. 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.
13. 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 and Chapter 33 Urban Design District ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

**The following agencies reviewed this request and had no recommended conditions of approval:**

City Engineering – Main Office, Fire, Parks, Forestry, Water Utility, Metro