



**Project Address:** 89 East Town Mall  
**Application Type:** Conditional Use  
**Legistar File ID #** [31312](#)  
**Prepared By:** Kevin Firchow, AICP, Planning Division  
Report Includes Comments from other City Agencies, as noted

## Summary

**Applicant:** Drew Bennett; Tesla Motors, Inc. c/o Black & Veatch; 3500 Deer Creek Rd; Palo Alto, CA 94304  
**Contact:** Carmen Kleckler; Black & Veatch Corporation; 30150 Telegraph Rd; Bingham Farms, MI 48025  
**Property Owner:** James J. Gudin; Madison Joint Venture; 3418 Pelhan Place; Avon, OH 44011

**Requested Action:** The applicant requests conditional use approval to construct an electric vehicle charging station at East Towne Mall.

**Proposal Summary:** The applicant, Tesla Motors, requests approval to construct a six-stall electric vehicle charging station in a portion of the East Towne Mall parking lot. In total, eight (8) parking stalls will be removed.

**Applicable Regulations & Standards:** This proposal is subject to the standards for Conditional Uses in Section 28.183 of the Madison General Ordinances.

**Review Required By:** Plan 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 electric vehicle charging station at 89 East Towne Mall. 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 subject property is located on the East Towne Mall site, fronting onto East Towne Way (a private mall ring-road). The subject site is just north of the East Towne Mall bus stop. The site is within Aldermanic District 17 and within the limits of the Sun Prairie School District.

**Existing Conditions and Land Use:** The subject site is currently developed as a surface parking lot with sidewalk on the private ring road.

### Surrounding Land Use and Zoning:

North: Commercial development lining East Washington Avenue, zoned CC (Commercial Center District);

South: East Towne Mall, zoned CC (Commercial Center District);

East: East Towne Mall, zoned CC (Commercial Center District);

West: Surface Parking Lots serving East Towne Mall, zoned CC. This includes a recently approved restaurant development on the opposite side of the Mall's ring road.

**Adopted Land Use Plan:** The Comprehensive Plan recommends regional mixed-use development.

**Zoning Summary:** The property is zoned CC (Commercial Center District). Comments were not received in time to be included in this report.

**Environmental Corridor Status:** The subject site is not located in a mapped environmental corridor.

**Public Utilities and Services:** This property is served by a full range of urban services.

## Project Description

The applicant, Tesla Motors, requests approval to convert seven parking stalls into an electric vehicle charging station. These stalls abut East Towne Way, a private ring road circling East Towne Mall. An eighth parking stall on the opposite side of the drive aisle will also be removed for circulation purposes. The proposed charging station is located just north of the East Towne Mall bus stop.

There will be six vehicle “charging posts” provided. In addition, a 64 square foot transformer will be added to the site. An eight-foot tall decorative metal fence is proposed to enclose and provide partial screening of the “super charger” cabinets. The applicant will reconfigure and modify existing tree islands to install the charging station and will not remove any sidewalk installed as part of the bus stop relocation. This was discussed with the Traffic Engineering Division, Metro Transit, and Planning Division staff prior to this application being made. The Traffic Engineering Division has requested that additional pavement markings be added. The letter of intent indicates that the facility would be available 24 hours a day, seven days a week. The charging station would be part of a national network of charging stations for Tesla vehicles.

## 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. Additionally, this is an amendment to the East Towne Mall development, which is approved as a conditional use “multi-use site.” Due to these factors, Plan Commission review of this request is required. This proposal is subject to the standards for Conditional Uses in Section 28.183 of the Madison General Ordinances.

Staff believes that the conditional use standards can be met. Staff’s only suggestion relates to the screening along the charging station. Prior to submittal, the applicant proposed a solid wood fence to screen the charging station from the mall’s ring road. Staff suggested that the applicant consider alternatives that better addressed the surrounding context. In response, the applicant has proposed the wrought iron fence which is depicted in the attached plans and photo simulation graphics. Staff believes the proposed decorative metal fence is an improvement over the wood fence. Due to the relatively modest scope of the changes, the Urban Design Commission Secretary reviewed the plans on behalf of the Urban Design Commission. He recommended that the metal fencing be more contemporary in character, utilize a dark bronze color, and use a design with a flat-rail top versus the proposed projecting ornamental finials in order to better match the surrounding context. He also recommended that plantings be added to the base of the fence. Currently, there is about a one-foot mulched area between the edge of sidewalk and the back of curb. Based on the submitted plans, it appears that there would be some room to expand this planting area to allow for small plantings.

Staff was not aware of any concerns on this request at the time of report writing.

## Recommendation

### Planning Division Recommendation (Contact Kevin Firchow, 267-1150)

The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the request to construct an electric vehicle charging station at 89 East Towne Mall. This recommendation is subject to input at the public hearings and the conditions recommended by the Planning Division and the other reviewing agencies.

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

#### Planning Division (Contact Kevin Firchow, 267-1150)

1. That the applicant revises the fence detail for staff approval. A wrought iron or other decorative metal fence is acceptable. Per the recommendation of the Urban Design Commission Secretary, a dark bronze color is recommended over the black finish and that the fence include a flat-rail design along the top, compared to the proposed projecting ornamental finials.
2. That plantings are provided between the back of the sidewalk and decorative fence, with details to be approved by the Planning Division.

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

3. Confirm the location and show on the site plan(s) the property line between the Madison Joint Venture Property and the J.C. Penny Property to the north as required. This site is very close to this common parcel line.
4. The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set. (POLICY and MGO 37.09(2)) PDF submittals shall contain the following information: a) building footprints, b) internal walkway areas, c) internal site parking areas, d) lot lines and right-of-way lines, e) street names, f) stormwater management facilities, and g) detail drawings associated with stormwater management facilities (including if applicable planting plans).

#### Traffic Engineering Division (Contact Eric Halvorson, 266-6572)

5. Pavement markings will be required to assist vehicles navigating the irregular movement created with the installation of charging station.
6. 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 two (2) feet overhang on a scaled drawing at 1" = 20'. Contact City Traffic Engineering if you have questions.

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

Comments were not received in time to be included within this report.

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

7. The International Fire Code 2012 edition is the applicable fire code for the City of Madison.

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

8. This property is not in a wellhead protection district. All operating private wells shall be identified and permitted by the Water Utility in accordance with Madison General Ordinance 13.21. All unused private wells shall be abandoned in accordance with Madison General Ordinance 13.21. The Water Utility will not need to sign off the final plans, and not need a copy of the approved plans.

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

This agency did not provide comments for this request.

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

This agency did not provide comments for this request.