



Project Address: 701-703 Rethke Avenue (15th Aldermanic District – Ald. Ahrens)
Application Type: Demolition and Official Map Amendment
Legistar File ID # [54397](#) and [54543](#)
Prepared By: Colin Punt, Planning Division
Report includes comments from other City agencies, as noted.
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant & Owner: Mark Plavcan; Twisted Fitness; 2114 Winnebago Street; Madison, WI 53704

Contact: Chad Hoff; Hoff Construction; PO Box 138; Mt. Horeb, WI

Requested Action: Approval of a demolition permit to demolish a commercial building at 703 Rethke Avenue to construct health/sports club in the Traditional Employment (TE) zoning district. The proposed use is a permitted use. A related amendment to the Official Map to remove a reservation for Burke Avenue across the property is also requested.

Proposal Summary: The applicant is seeking the approvals to demolish a commercial building at 703 Rethke Avenue and construct a gym and fitness center with parking lot on the combined properties.

Applicable Regulations & Standards: Section 28.185 M.G.O. provides the process for demolition and removal permits.

Review Required By: Plan Commission.

Summary Recommendations: The Planning Division recommends that the Plan Commission find the standards met and **approve** a demolition permit to demolish the building at 703 Rethke Avenue and construct a health/sports club at 701-703 Rethke Avenue subject to input at the public hearing and the conditions from reviewing agencies in this report. Further, the Planning Division recommends that the Plan Commission forward the amendment to the Official Map to Common Council with a recommendation to **approve**.

Background Information

Parcel Location: The subject site encompasses two parcels, totaling 44,858-square-foot (1.03 acres) located on the east side of Rethke Avenue between East Washington Avenue and Commercial Avenue. It is within Aldermanic District 15 (Ald. Ahrens) and the Madison Metropolitan School District.

Existing Conditions and Land Use: 701 Rethke Avenue has no structures and is used as a parking yard for trucks and trailers. 703 Rethke Avenue is currently occupied by a small one-story commercial building built in 1960. The site is zoned TE (Traditional Employment District).

Surrounding Land Uses and Zoning:

North: 60-unit Rethke Terrace permanent supportive housing apartment building zoned CC-T (Commercial Corridor-Transitional District);

West: Across Rethke Avenue, a large vehicle repair garage zoned TE (Traditional Employment District), and a motel zoned CC-T;

South: A commercial building zoned TE; and

East: A warehouse zoned TE and single-family homes zoned TR-V1 (Traditional Residential – Variable 1).

Adopted Land Use Plan: The [Comprehensive Plan](#) (2018) identifies the subject site and the properties immediately north and south as Community Mixed Use. The [Carpenter-Hawthorne-Ridgeway-Sycamore-Truax Neighborhood Plan](#) (2001) recommends commercial uses on Rethke Avenue.

Zoning Summary: The subject property is zoned TE (Traditional Employment District):

Requirements	Required	Proposed
Lot Area (sq. ft.)	6,000	44,838
Lot Width	50 ft	250 ft
Front Yard Setback	None	8.66 ft
Side Yard Setback	None	7 ft
Rear Yard Setback	20 ft	22.85 ft
Maximum Lot Coverage	85%	73%
Minimum Building Height	22 ft	26 ft
Maximum Building Height	5 stories/ 68 ft	26 ft

Site Design	Required	Proposed
Number Parking Stalls	20% capacity maximum	45
Accessible Stalls	2	2
Loading	No	No
Number Bike Parking Stalls	5% capacity minimum	12
Landscaping	Yes	Yes
Lighting	Yes	Yes
Building Forms	Yes	Yes

Other Critical Zoning Items	Utility Easements

Table prepared by Jacob Moskowitz, 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 is seeking a demolition permit a small commercial building at 703 Rethke Avenue in order to build a new fitness center gym and parking lot on the site. The existing site includes a small vacant concrete block building at 703 Rethke Avenue and a concrete building foundation at 701 Rethke Avenue. The site is predominantly gravel and used to park trucks. A small area along the southern property line and near the building at 703 Rethke Avenue are paved with asphalt.

After demolition is completed, a 14,000-square foot fitness center and gym building is proposed to be constructed on the northern portion of the site, with a 45-stall parking lot to be constructed on the southern portion. The building itself will be constructed of tilt-up concrete panels, with horizontal accent bands and two levels of windows. A canopied entrance is located near the southwest corner of the building, facing the parking

lot at the corner nearest Rethke Avenue. Small plantings are to be placed on the street- and parking lot-facing sides of the proposed buildings, as well as lining the street-facing side of the parking lot. New trees will be planted on the street-facing side of the parking lot, as well as within parking lot planter islands.

The fitness center/gym will be used as a martial arts and wellness facility that includes Jiu-Jitsu and kickboxing training, as well as CrossFit and an athletic training facility.

A related request accompanies the demolition. This request amends the official map to remove an Official Map reservation located on the property. The existing reservation is an extension of Burke Avenue, which would intersect with Rethke Avenue. A sidewalk, varying between 10 and 12 feet and built upon a public easement, will run between the building and the parking lot and connect the Rethke Avenue frontage with Burke Avenue to the east.

Analysis & Conclusion

This request is subject to the standards for demolition permits, as well as for amendments to the City's Official Map. This section begins with adopted plan recommendations, and then analyzes demolition standards, and finally a related request to release an officially mapped road reservation.

Adopted Plan Recommendations

The [Comprehensive Plan](#) (2018) identifies the subject site and the properties immediately north and south as Community Mixed Use. The Community Mixed-Use category includes an intensive mix of residential, commercial, and civic uses. The [Carpenter-Hawthorne-Ridgeway-Sycamore-Truax Neighborhood Plan](#) (2001) recommends commercial uses on Rethke Avenue.

Demolition Permit Standards

In order to approve a demolition request, M.G.O §28.185(7) requires that the Plan Commission must find that the requested demolition and proposed use are compatible with the purpose of the demolition section of the zoning code and the intent and purpose of the TE (Traditional Employment) Zoning District. Per MGO §28.084(1), the Traditional Employment district is established to "encourage a broad range of employment activities, taking advantage of the varied transportation options and proximity to urban activities and cultural amenities found in many TE locations."

The demolition standards state that the Plan Commission shall consider and may give decisive weight to any relevant facts including impacts on the normal and orderly development of surrounding properties and the reasonableness of efforts to relocate the building. Furthermore, the proposed use following demolition or removal should be compatible with adopted neighborhood plans and the [Comprehensive Plan](#). The proposed. The demolition standards also state that the Plan Commission shall consider the report of the City's Historic Preservation Planner regarding the historic value of the property as well as any report submitted by the Landmarks Commission. At its July 11, 2018 meeting, the Landmarks Commission found that the existing building at 703 W Rethke Avenue has no known historic value.

The Planning Division believes that the Plan Commission can find the standards for demolition met with the request to raze the existing building to construct a gym in its place.

Official Map

During the review of this submittal, it was determined by City Engineering that the project was not consistent with the City's Official Map which includes a 66-foot wide reservation the purpose of extending Burke Avenue to Rethke Avenue from its current western terminus at the east boundary of the subject property. The purpose of the Official Map is to establish the exterior lines of planned new streets, parkways, highways, historic districts, and other improvements. No building permits may be issued for buildings within reservation areas shown on the Official Map.

Upon learning of this issue, the applicant's team has participated in several staff discussions and considered plan modifications, including City release of the reservation and the applicant's granting of a sidewalk easement in its place. The current plans now include an on-site, 10-12-foot wide sidewalk along the building's south side. The City Engineer, Traffic Engineer, and District Alder have found that the proposed bicycle and pedestrian connection satisfies the intent for the neighborhood connection in this location while maintaining a developable and economically useable site. They therefore support a subsequent modification to the Official Map for this property based on the proposed plan. A condition of approval is noted in the Recommendation Section noting that such an amendment must be approved by the Common Council, after Plan Commission review, prior to the recording of plans and issuance of building permits. The Transportation Commission recommended approval of the modification of the Official Map at its February 13, 2019 meeting. See Legislative File ID [54543](#) for more information regarding this modification to the Official Map.

Conclusion

On balance, staff believes that the applicable approval standards can be found to be met. Staff believes the proposal's permitted use, conformance with adopted plan recommendations, and compatibility with adjacent residential uses as an employment-zoned site should be considered in relation to the standards. Importantly, approval of this request should be conditioned on the satisfactory modification of the Official Map, as well as other conditions outline below. A time of report writing, staff has received no written comments.

Recommendation

Planning Division Recommendations (Contact Colin Punt 243-0455)

The Planning Division recommends that the Plan Commission find the standards met and **approve** a demolition permit to demolish a vacant commercial building at 703 Rethke Avenue to build a gym at 701-703 Rethke Avenue, and forward an amendment to the Official Map to the Common Council with a recommendation to **approve**, subject to input at the public hearing and the following conditions:

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

Planning Division

1. There is an Official Map Reservation for a 66-foot wide reservation the purpose of extending Burke Avenue to Rethke Avenue from its current western terminus at the east boundary of the subject property. Buildings are not permitted within an Official Map reservation. Prior to final sign-off and recording of this Planned Development, the necessary amendments to the Official Map shall be approved by the Common Council.

2. The Applicant shall grant, at no cost to the City of Madison, a Permanent Limited Easement for Public Pedestrian and Bicycle Path Purposes across the site connecting Burke Avenue and Rethke Avenue. A sidewalk shall be constructed within said easement if required by the City Engineer and according to plans approved by the City Engineer.

Zoning Administrator (Contact Jacob Moskowitz, 266-4560)

3. Primary building entrances on all new buildings shall be oriented to the primary abutting public street. The entrance shall have a functional door. Additional, secondary entrances may be oriented to a secondary street or parking area. Entries shall be clearly visible and identifiable from the street, and delineated with elements such as roof overhangs, recessed entries, landscaping, or similar design features.
4. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.
5. Provide a detail of the bicycle rack design.
6. Section 28.185(7)(a)5 requires that if a demolition or removal permit is approved, it shall not be issued until the reuse and recycling plan is approved by the Recycling Coordinator, Bryan Johnson (608-266-4682).
7. A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
8. Every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(7)(a)5 shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition.
9. 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.

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

10. Per the WDNR closure letter, this property was closed with residual soil and/or groundwater contamination (BRRTS #02-13-582515). Written approval from the WDNR is required prior to disturbing the existing barrier cap. Proof of coordination with the WDNR shall be submitted to Brynn Bemis (608.267.1986, bbemis@cityofmadison.com).
11. Per the WDNR closure letter for BRRTS #02-13-582515, the property contains residual contaminated soil. If contaminated soil is encountered as part of this redevelopment, all WDNR and DSPS regulations must be followed for proper handling and disposal.
12. Prior to approval, the owner or owner's representative shall obtain a permit to plug each existing sanitary sewer lateral that serves a building which is proposed for demolition. For each lateral to be plugged the owner shall complete a sewer lateral plugging application and pay the applicable permit fees. The permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
13. All outstanding Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to

Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (608-261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.

14. 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.
15. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in a TMDL ZONE. The project will be expected to meet a higher standard of erosion control than the minimum standards set by the WDNR in order to comply with TMDL limits.
16. The Applicant shall submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division with any private storm and sanitary sewer utilities. The digital CAD file shall be to scale and represent final construction. The CAD file shall be in a designated coordinate system (preferably Dane County WISCRS, US Ft). The single CAD file submittal can be either AutoCAD (dwg) Version 2013 or older, MicroStation (dgn) V8i Select Series 3 or older, or Universal (dxf) format and shall contain the only the following data, each on a separate layer name/level number:
 - a) Building Footprints
 - b) Internal Walkway Areas
 - c) Internal Site Parking Areas
 - d) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
 - e) Right-of-Way lines (public and private)
 - f) Lot lines or parcel lines if unplatted
 - g) Lot numbers or the words unplatted
 - h) Lot/Plat dimensions
 - i) Street names
 - j) Private on-site sanitary sewer utilities (including all connections to public sanitary)
 - k) Private on-site storm sewer utilities (including all connections to public storm)

All other levels (contours, elevations, etc) are not to be included with this file submittal.

NOTE: Email CAD file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West). Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement, private on-site sanitary sewer utilities, or private on-site storm sewer utilities during construction will require a new CAD file.

17. The applicant shall submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West). 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) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
 - e) Right-of-Way lines (public and private)
 - f) Lot lines or parcel lines if unplatted
 - g) Lot numbers or the words unplatted
 - h) Lot/Plat dimensions
 - i) Street names

j) Stormwater Management Facilities

k) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).

18. Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any BMP used to meet stormwater management requirements on this project. Include copies of all stormwater, utility, and detail plan sheets that contain stormwater practices on 8.5x14 size paper in the draft document. These drawings do not need to be to scale as they are for informational purposes only. Once City Engineering staff have reviewed the draft document and approved it with any required revisions submit a signed and notarized original copy to City Engineering. Include a check for \$30.00 made out to Dane County Register of Deeds for the recording fee. City Engineering will forward the document and fee for recording at the time of issuance of the stormwater management permit. Draft document can be emailed to Tim Troester (west) at ttroester@cityofmadison.com, or Daniel Olivares at DAOlivares@cityofmadison.com final document and fee should be submitted to City
19. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the 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 5.0 tons per acre per year.
20. This site appears to disturb over one (1) acre of land and requires a permit from the WDNR for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR216 and NR-151 however a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process. Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement. Information on this permit application is available on line <http://dnr.wi.gov/Runoff/stormwater/constrformsinfo.htm>
21. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to Reduce TSS by 80% off of the proposed development when compared with the existing site.
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 the Madison General Ordinances.
23. 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 the MGO.
24. The Applicant shall execute a waiver of notice and hearing on the assessments for the improvement of Rethke Ave in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO.
25. The Applicant shall provide the City Engineer with a survey indicating the grade of the existing sidewalk and street. The Applicant shall hire a Professional Engineer to set the grade of the building entrances adjacent to the public right of way. The Applicant shall provide the City Engineer the proposed grade of the building entrances and future sidewalk on Rethke Ave. The City Engineer shall approve the grade of the entrances prior to signing off on this development.

26. The construction of this project will require that the applicant shall enter into a City / Developer agreement for the required infrastructure improvements. The applicant shall contact City Engineering 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. Obtaining a developer's agreement generally takes approximately 4-6 weeks, minimum.
27. Developer shall construct 10' sidewalk from Burke Rd ROW to Rethke Ave ROW as required by City Engineer. City shall reimburse for 1/2 cost of sidewalk as allowed by law.

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

28. Prior to the issuance of any permits to demolish, raze or remove 703 Rethke Avenue and construct a building on the Property, the Applicant shall grant, at no cost to the City of Madison, a Permanent Limited Easement for Public Pedestrian and Bicycle Path Purposes as generally shown on the site plan. The conditions and restrictions for the easement shall be as approved by the City of Madison Engineer and drafted by the Office of Real Estate Services. The Applicant shall pay any administrative fees and provide any documentation required by the City of Madison Engineer or Office of Real Estate Services to administer the grant of said Easement to the City of Madison. Contact Jeff Quamme to coordinate the Easement. (jrquamme@cityofmadison.com)
29. An amendment to the City of Madison Official Map releasing the street reservation across this site has been entered as Legislative File ID 54543. Prior to the issuance of any permits to demolish, raze or remove 703 Rethke Avenue and construct a building on the Property the resolution shall be adopted and the conditions satisfied.
30. The owner shall grant a Right of Entry to the City of Madison for any associated grading and entry needed on the property for the reconstruction of Rethke Avenue. Contact Jeff Quamme (jrquamme@cityofmadison.com) to coordinate the document.
31. The two tax parcels shall be combined into one prior to issuance of a demolition or building permit. Contact Sally Sweeny of the Assessor's Office (267-8747) to make the request.
32. Provide a demolition plan.
33. The address of the proposed building is 711 Rethke Ave. 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.

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

34. The applicant shall work with Traffic Engineering to provide a more direct bike connection across their site to Burke Avenue per agreement to release of Official Map Reservation.

Fire Department (Contact Bill Sullivan, 261-9658)

35. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Division Chief Tracy Burrus at tburrus@cityofmadison.com or (608)266- 5959.