



Project Address: 3802 Regent Street (5th Alder District – Ald. Vidaver)
Application Type: Conditional Use
Legistar File ID #: [65486](#)
Prepared By: Chris Wells, Planning Division
Report includes comments from other City agencies, as noted.
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant & Contact: Kirk Lewis; Eppstein Uhen Architects; 309 W Johnson Street, Suite 202; Madison, WI 53703
Property Owner: Brandon Halverson; Madison Metropolitan School District; 545 Dayton Street; Madison, WI 53703

Requested Action: Consideration of a conditional use in the Traditional Residential-Consistent 2 (TR-C2) District for a school; and consideration of a conditional use pursuant to Section 28.139 of the Zoning Code for nonresidential development adjacent to a public park, to allow renovation of and construction of an addition to the former Hoyt School to enable its conversion into Capital High School at 3802 Regent Street.

Proposal Summary: The applicant is seeking approval to make a number of small changes and updates to the former Hoyt School - most notably adding a roughly 1,000-square-foot addition on the north side of the facility consisting of a small 3-story elevator, vestibule, and toilet room - to enable its conversion into Capital High School.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses [M.G.O. §28.183(6)], as Table 28C-1 in §28.032(1) notes that *Schools, Public and Private* are a conditional use in the Traditional Residential-Consistent 2 (TR-C2) District and §28.139(1) states, “*nonresidential development immediately adjacent to the boundary of a City-owned public park shall be reviewed as a conditional use.*” This request is also subject to regulations of the TR-C2 District [M.G.O. §28.043]. Finally, the Supplemental Regulations [MGO §28.151] contain further regulations for this use.

Review Required By: Landmarks Commission, Urban Design Commission, and Plan Commission.

Summary Recommendations: The Planning Division recommends that the Plan Commission find the standards met and **approve** the Conditional Uses - for a School in the Traditional Residential-Consistent 2 (TR-C2) District; and for nonresidential development adjacent to a public park - to allow renovation of and construction of an addition to the former Hoyt School to enable its conversion into Capital High School at 3802 Regent Street. This recommendation is subject to input at the public hearing and the conditions from reviewing agencies in this report.

Background Information

Parcel Location: The subject site is a roughly 138,000-square-foot (3.17-acre) parcel is located on the north side of Regent Street, between Larkin Street and Glenway Street, to the southeast of City of Madison Hoyt Park. It is within Alder District 5 (Ald. Vidaver) and the Madison Municipal School District (MMSD).

Existing Conditions and Land Use: The site is home to the Hoyt School, a three-story MMSD facility which currently houses their Madison School and Community Recreation (MSCR) Department, a public recreation provider in the City of Madison. The school building sits near the middle of the site. A small surface parking lot, located to the

southwest of the building, takes access from Regent Street. A pedestrian path snakes along the eastern property line from Regent Street to provide access to the rear of the building while another pedestrian path leads north from the building to provide a pedestrian connection to Shepard Terrace at the northeastern corner of the site. The site is zoned Traditional Residential-Consistent 2 (TR-C2) District.

Surrounding Land Uses and Zoning:

North & West: City of Madison Hoyt Park (a Designated Madison Landmark), zoned PR (Parks and Recreation);
South: Across Regent Street is a 2-story office building, zoned Neighborhood Mixed-Use (NMX) District; and
East: Single-family residences, zoned Traditional Residential-Consistent 2 (TR-C2) District.

Adopted Land Use Plan: The [Comprehensive Plan](#) (2018) recommends Special Institutional (SI) uses for the subject site. The [Hoyt Park Area Joint Neighborhood Plan](#) (2014) recommends Institutional uses (such as schools and school-related uses) for the subject parcel.

Zoning Summary: The subject property is zoned Traditional Residential-Consistent 2 (TR-C2) District

Requirements	Required	Proposed
Lot Area (sq. ft.)	4,800	137,919
Lot Width	40 ft	276 ft
Front Yard Setback	20 ft	38 ft
Side Yard Setback	10 ft	22 ft, 90 ft
Rear Yard Setback	Equal to building height but at least 30	180 ft
Maximum Lot Coverage	65%	22%
Maximum Building Coverage	50%	12%
Maximum Building Height	35 ft	31 ft

Site Design	Required	Proposed
Number Parking Stalls	1 space per classroom + 1 space per 5 students of legal driving age based on the maximum number of students attending classes at any one time	23
Accessible Stalls	1	2
Loading	No	No
Number Bike Parking Stalls	1 space per 5 students	Unknown <i>(See Comment #17)</i>
Landscaping	Yes	Yes <i>(See Comment #18)</i>
Lighting	No	No <i>(See Comment #19)</i>
Building Forms	Yes	Civic Building

Other Critical Zoning Items	Urban Design (Public Building); Adjacent to a Park; Utility Easements
------------------------------------	---

Tables prepared by Jacob Moskowitz, Assistant Zoning Administrator

Environmental Corridor Status: Portions of the subject property are located within a mapped environmental corridor, though the improvements appear to be outside of those areas.

Public Utilities and Services: The site is served by a full range of urban services. However, currently, Metro Transit does not operate any all-day transit service along Regent Street adjacent this property. The closest bus stops having daily all-day transit service, with trips at least every 30 minutes, are 1/2 mile walking distance east along Regent Street (at Highland Avenue) or 1/2 mile walking distance south along Glenway Street (at Speedway Road). Additional service, with trips at least once an hour, is available 1/3 mile walking distance to the north - along Kendall Avenue.

Related Approvals

As this proposed development is adjacent to a local Madison landmark (Hoyt Park), the Zoning Code requires that the Landmarks Commission provides an advisory recommendation as to whether the development is “*so large or visually intrusive as to adversely affect the historic character or integrity of the adjacent landmark.*” At their May 17, 2021 meeting, the Landmarks Commission found that this proposal did NOT adversely affect the adjacent landmark (Hoyt Park) (Legistar #65203).

At their meeting on June 30, 2021, the Urban Design Commission granted this proposal final approval. (Legistar File # 65572).

Project Description

The applicant is requesting conditional use approval in the Traditional Residential-Consistent 2 (TR-C2) District for a school; and consideration of a conditional use pursuant to Section 28.139 of the Zoning Code for nonresidential development adjacent to a public park, to allow renovation of and construction of an addition to the Hoyt School to enable its conversion into Capital High School at 3802 Regent Street.

The applicant, as part of the 2020 Madison Metropolitan School District (MMSD) Referenda facility work, is proposing a number of minor modifications to the existing Hoyt School building in order to convert it into the Capital High School facility. The facility is currently the home of the MMSD’s Madison School and Community Recreation (MSCR) Department, a public recreation provider in the City of Madison. As stated by the applicant in their submitted materials, an addition totaling roughly 1,000 square-foot building and consisting of a small 3-story elevator, vestibule, and toilet room will be added at the northern end of the building. The exterior materials of the addition will match the existing, with stone veneer cladding the lower level, vertical wood paneling cladding the upper two floors, and an asphalt roof. Additionally, all of the windows in the building will be replaced and small improvements will be made to the site in order to improve pedestrian circulation.

Analysis & Conclusion

This proposal is subject to the standards for Conditional Uses [M.G.O. §28.183(6)], as Table 28C-1 in §28.032(1) notes that *Schools, Public and Private* are a conditional use in the Traditional Residential-Consistent 2 (TR-C2) District and §28.139(1) states, “*nonresidential development immediately adjacent to the boundary of a City-owned public park shall be reviewed as a conditional use.*” This request is also subject to regulations of the TR-C2 District [M.G.O. §28.043]. Finally, the Supplemental Regulations [MGO §28.151] contain further regulations for this use.

The [Comprehensive Plan](#) (2018) recommends Special Institutional (SI) uses for the subject site. The Plan notes that the Special Institutional (SI) designation is used primarily to identify current or recommended locations for grade schools, colleges, etc. and recommends that campus development “*should be compatible with surrounding uses and their design characteristics, and mitigate potential negative impacts on adjacent areas.*” The [Hoyt Park Area Joint Neighborhood Plan](#) (2014) recommends Institutional uses (such as schools and school-related uses) for the subject parcel. The Planning Division believes the proposal could be found consistent with adopted plan recommendations.

Given the Landmarks Commission's finding that the proposal did NOT adversely affect the adjacent landmark (Hoyt Park), the Urban Design Commission's approval of this public building, and the fact that Staff believe this proposal conforms to the adopted plan recommendations, the Planning Division believes that the Conditional Use Approval Standards can be found met.

Lastly, according to Table 28F-2 in MGO §28.082, *Public and Private Schools* must adhere to the Supplemental Regulations found in MGO §28.151. For these uses, there are the following two supplemental regulations:

- (a) A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street.
- (b) Where the use is conditional, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

Staff believes the Supplemental Regulations can be found met. Given the fact that the facility has existed as a school for many years (i.e. it has existed long before the effective date of this ordinance), the Zoning Administrator has determined that Supplement Regulation (a) above does not apply.

While the Supplemental Regulation (a) has been determined not to apply, there are a number of additional upgrades that are being recommended as part of this proposal. In order to accommodate buses arriving from either direction, Metro Transit is recommending a condition be added requiring the applicant to 1) maintain/replace the roughly 100-foot-long concrete boarding terrace surface on the north side of Regent Street, west of Glenway Street, and 2) install and maintain a new, 100-foot-long concrete boarding terrace surface on the south side of Regent Street, west of Glenway Street. Installation of the later shall include accessible curb ramps and marked crosswalk facilities, crossing Regent Street to the proposed high school building. Both boarding areas shall be posted no stopping, standing or parking – during school hours - as needed to provide Metro Transit bus service.

At the time of report writing, staff did not receive any public comment on this proposal.

Recommendation

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

The Planning Division recommends that the Plan Commission find the standards met and **approve** the Conditional Uses - for a School in the Traditional Residential-Consistent 2 (TR-C2) District; and for nonresidential development adjacent to a public park - all to allow renovation of and construction of an addition to the former Hoyt School to enable its conversion into Capital High School at 3802 Regent Street. This recommendation is subject to input at the public hearing and the following conditions:

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

City Engineering Division (Contact Brenda Stanley, (608) 261-9127)

1. Obtain a permit to Excavate in the Right-of-Way for completing the improvements in the public Right-of-Way. The permit application is available on the City Engineering Division website at <http://www.cityofmadison.com/engineering/Permits.cfm>. As a condition of the permit, a deposit to cover estimated City expenses will be required.

2. Construct bus stop pads and associated sidewalk, terrace, curb and gutter and asphalt to a plan as approved by City Engineer.
3. This site appears to disturb less than one (1) acre of land. No submittal to the WDNR, CARPC or Department of Safety and Professional Services (DSPA) is required as the City of Madison Building Inspection Department is an approved agent for DSPA.
4. This project will disturb 20,000 sf or more of land area and require an Erosion Control Plan. Please submit an 11" x 17" copy of an erosion control plan (pdf electronic copy preferred) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval.

Demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. Include Universal Soil Loss Equation (USLE) computations for the construction period with the erosion control plan. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year. The WDNR provided workbook to compute USLE rates can be found online at <https://dnr.wi.gov/topic/stormwater/publications.html>

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 Madison General Ordinances.

5. Submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division that is to scale and represents final construction with any private storm and sanitary sewer utilities.
6. 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).

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

7. There is a 2" water service for Hoyt Park that crosses the south side of this lot. Applicant shall grant a Water Main Service Easement(s) to the City of Madison. To better acknowledge this in the public record, coordinate with Jeff Quamme the required map exhibits and description of a 15' wide easement centered on the actual location of the facilities. He will set up a Real Estate project to administer, execute and record the easement.

Traffic Engineering Division (Contact Sean Malloy, (608) 266-5987)

- | |
|--|
| <ol style="list-style-type: none">8. The applicant shall construct bus stop pads and associated sidewalk, crosswalks, terrace, curb and gutter and asphalt to a plan as approved by City Engineer. |
|--|
9. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be to engineering scale and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; vision triangles; 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.

10. 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.
11. 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.
12. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
13. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
14. Dimensions of the driveways shall be noted on the plan including the width of driveway and width of driveway flares or curb cut.
15. Secure parking facility. This is usually done with continuous six (6) inch curb, timbers, preformed wheel stops, guardrail erected at a height of eighteen (18) inches or fencing of sufficient strength to act as a vehicle bumper.
16. Applicant shall submit for review a student drop off and pickup plan. This plan shall include the number of students, estimated modes of arrival by percentage, estimated arrival times and any requested passenger loading zones.

Zoning Administrator (Contact Jacob Moskowitz, (608) 266-4560)

17. Bicycle parking for the project shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide a minimum of 1 short-term bicycle parking stall per 5 students located in a convenient and visible area on a paved or impervious 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 two (2) feet by six (6) feet with a five (5) foot wide access area. Provide a detail of the proposed bike rack.
18. 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.
19. 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.
20. Provide detail of compliance with Sec. 28.129: Bird-Safe Glass Requirements.
21. Submit a rooftop plan showing the location of any proposed rooftop mechanical equipment and screening. All rooftop and ground level mechanical equipment and utilities shall be fully screened from view from any street or residential district per Section 28.142(9)(d).

Fire Department (Contact Bill Sullivan, (608) 261-9658)

22. Provide fire sprinkler protection in the new addition and areas where supply piping needs to be routed.

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

23. Metro Transit operates no daily all-day transit service along Regent Street adjacent this property. The closest bus stops having daily all-day transit service, with trips at least every 30 minutes, are 1/2 mile walking distance east along Regent Street (at Highland Avenue) or 1/2 mile walking distance south along Glenway Street (at Speedway Road). Additional service, with trips at least once an hour, is available 1/3 mile walking distance to the north - along Kendall Avenue.
24. Metro Transit operates daily all-day transit service with trips at least every 30 minutes to stops no more than a 1/4 mile walking distance serving all existing Madison Metropolitan School District high school buildings in the City of Madison (Memorial HS/Adjacent along Mineral Point Road; West HS/Adjacent along Regent Street; East HS/Adjacent along E Washington Avenue; LaFollette HS/Adjacent along Pflaum Road; Shabazz HS/Adjacent along N Sherman Avenue; Capital High West/South along Gammon Road to Mineral Point Road; Capital High East/South Along Ingersoll Street to East Washington Avenue). Metro Transit also operates daily all-day transit service with trips at least every 30 minutes to stops serving the largest private high school building in the City of Madison (Edgewood HS/Adjacent along Monroe Street).
25. The Madison Metropolitan School District has expressed plans to fund Metro Transit trips during the academic year, to directly serve this high school building, with buses scheduled to arrive and depart around daily bell times.
26. The applicant shall maintain or replace the concrete boarding terrace surface (~100') on the north side of Regent Street, west of Glenway Street. This area shall be posted no stopping, standing or parking – during school hours - as needed to provide Metro Transit bus service.
27. The applicant shall install and maintain a new concrete boarding terrace surface (~100') on the south side of Regent Street, west of Glenway Street. Installation shall include accessible curb ramps and marked crosswalk facilities, crossing Regent Street to the proposed high school building. This area shall be posted no stopping, standing or parking - during school hours - as needed to provide Metro Transit bus service.
28. The applicant shall include the location of these facilities on the final documents filed with their permit application, so that Metro Transit may review and effectively plan for City transit access to this property.

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

Parks; Forestry; Water Utility