



PREPARED FOR THE PLAN COMMISSION

Project Addresses: 4205 Portage Road; 17th Ald. Dist. (Halverson)
Application Type: Zoning Map Amendment
Legistar File ID # [63216](#)
Requested Action: [Substitute] Approval of a request to rezone 4205 Portage Road from Temp. A (Agricultural District) to TR-U1 (Traditional Residential–Urban 1 District) for future multi-family development.
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted
Reviewed By: Kevin Firchow and Brian Grady, Planning Division

Addendum

Background

On October 21, 2020, the applicant, Nick Patterson of Interstate Overlook, LLC, submitted a request to rezone an undeveloped 11.35-acre at 4205 Portage Road from Temp. A (Agricultural District) to TR-U2 (Traditional Residential–Urban 2 District) for future multi-family development. The request was referred at the applicant’s request at the January 11, 2021 Plan Commission meeting following issuance of the staff report, which noted the inconsistency of the rezoning request with the 2000 Hanson Neighborhood Development Plan, which recommends that the site be developed with low-density residential uses up to 8 units an acre, and the 2018 Comprehensive Plan, which recommends the site for Low Residential (LR).

Hanson Neighborhood Development Plan Amendment

Following the January 11 referral, the applicant and Planning Division staff discussed the potential for the Hanson Neighborhood Development Plan to be amended to allow greater density on the subject site and properties to the immediate north than currently recommended. As a result of those discussions, an amendment to the neighborhood development plan was prepared by staff and introduced to the Common Council on May 4, 2021 as Resolution ID [65260](#), which will be considered by the Plan Commission earlier on the June 21, 2021 agenda. The proposed amendment provides revised land use, circulation, and utility extension recommendations for the portion of the Hanson planning area bounded by Hanson Road on the north, Interstate 39/90/94 on the east, DiLoreto Avenue on the south and Starkweather Creek on the west.

Revised Rezoning Request

On March 17, 2021, the applicant submitted a revised rezoning request to zone the 11.35 acre to TR-U1 rather than the denser TR-U2 district previously requested. The revised materials are attached to the legislative file for the zoning map amendment (ID [63216](#)). An illustrative concept plan submitted with the revised rezoning request shows that the parcel would be developed in the future with approximately 575 apartments in six buildings with a combination of surface and structured parking. A private drive extending north through the site from DiLoreto Avenue continues to be shown on the concept plan similar to the one submitted with the previous concept plan. The density of the revised concept plan is approximately 50.66 units per acre. The revised materials are attached to the legislative file for the rezoning as ‘Project Materials_06-21-21.’

Relevant Zoning Code Amendments

On June 1, 2021, the Common Council adopted a series of amendments to the Zoning Code to increase allowable densities and decrease conditional use thresholds in certain multi-family residential, mixed-use, and commercial zoning districts in an effort to facilitate the development of additional housing around the City. The amendments to the Zoning Code were adopted as Ordinance 21-00044 (ID [63902](#)).

Among the changes approved were changes to the TR-U1 district to increase the number of units in a multi-family dwelling before conditional use approval by the Plan Commission is required from eight units to 24 units, and to decrease the lot area per multi-family dwelling unit from 1,000 square feet to 750 square feet. As a result of the recent changes, the allowed density of multi-family housing allowed in TR-U1 zoning has increased from 43.56 units and acre to 58.08 units per acre.

As a result of the recent amendments, the approximate 50.66-unit per acre density conceptually envisioned for the site by the applicant is allowed in the TR-U1 zoning district. However, residential building complexes such as the one shown on the applicant's concept plan, which are defined as "a group of two or more residential buildings on a single parcel or tract of land, developed under single ownership and common management," continue to be a conditional use in the TR-U1 district and will require Plan Commission approval following a review by the Urban Design Commission.

Revised Project Analysis

Unlike the earlier rezoning request for the subject site, which had significant consistency issues with the land uses and density recommended by both the 2000 Hanson Neighborhood Development Plan and 2018 Comprehensive Plan, the revised request to rezone the site to the TR-U1 district could be found to be at least partially consistent with the proposed amendments to the neighborhood development plan pending before the Plan Commission.

As shown on the proposed amendment maps attached to ID [65260](#), most of the 11.35-acre site is recommended for a combination of Housing Mix 3 (HM3) and Housing Mix 4 (HM4), with the exception of an area adjacent to the Portage-DiLoreto intersection that is recommended for stormwater and other open space corresponding with a low spot on the property.

Housing types within HM3 areas in the amended Hanson Neighborhood Development Plan should consist of a mix of townhouses, condominiums, and apartment buildings developed at densities of 20-40 dwelling units per net acre. Buildings in HM3 are recommended to be two- to three-stories tall. The HM4 areas are intended to include multi-family residential buildings and limited townhouse development at higher intensities up to 70 units per net acre, with a district average of 40 dwelling units per net acre. Buildings in HM4 should generally be two to five stories in height and may be larger and closer together compared to those buildings in the HM3 district. Buildings in both HM3 and HM4 should be oriented to and front on adjacent streets and be designed to help define and enhance the public realm along the street edge, with parking located behind or beneath buildings to minimize its visual impact on the neighborhood. The design of these complexes should incorporate interior access drives and walkways that establish direct connections across the site in order to prevent isolated islands of development. Multi-unit developments in HM3 and HM4 should include a mix of unit sizes, including larger two- and three-bedroom units suitable for families with children.

The portion of the site recommended in the amended neighborhood development plan for HM4 sits adjacent to Portage Road and extends approximately a block to the east to a north-south public street that is planned to

mostly parallel Portage Road to provide the primary access for future development on this site and the smaller parcels to the north should they develop. The HM4 recommendation at the northeastern corner of Portage and DiLoreto Avenue is intended to orient the highest recommended density and mass in the amendment area toward Portage Road and Churchill Heights Park to the west. Staff is recommending the local street to provide access to the denser residential development recommended with the amended neighborhood development plan instead of having access for that future higher-density development directly from Portage Road. As noted in the staff reports for the plan amendment, Portage Road is a collector street that becomes, narrower, hillier, and curvier as it continues north of DiLoreto Avenue towards Hanson Road. East of the north-south public street, the site is recommended for HM3 to transition the intensity of development closer to the interstate.

The plan submitted with the revised rezoning request is intended to illustrate how 575 units could be developed on the subject site, and more detailed plans will be required in order for the Plan Commission to be able to consider conditional uses for future residential development of the site. A subdivision or land division of the property may also be required prior to further development. However, while the 50.66-unit per acre density envisioned by the applicant is consistent with densities allowed in the recently amended TR-U1 district and is at least partially consistent with the densities recommended in the proposed amendment to the Hanson Neighborhood Development Plan, staff believes that any approval of the rezoning should include direction on the form that future development of the site should take. While the TR-U1 district generally allows the forms and density of development recommended in the proposed HM3 and HM4 districts, staff encourages that the densest development of the site occur between Portage Road and the north-south public street, which should be dedicated and constructed concurrent with the approval of more detailed development plans for the site. The scale and intensity of development should then taper between the new street and Interstate 39/90/94 consistent with the HM3 recommendations in the amended neighborhood development plan. Those conditions would be fulfilled through subsequent conditional use and subdivision requests following the rezoning.

Recommendation

Subject to approval of the pending amendment to the Hanson Neighborhood Development Plan (ID [65260](#)), the Planning Division recommends that the Plan Commission forward [Substitute] Zoning Map Amendment ID 28.022-00482 to rezone 4205 Portage Road from Temp. A to TR-U1 to the Common Council with a recommendation for **approval** subject to input at the public hearing, the conditions from reviewing agencies beginning on **page 6 of the staff report dated January 11, 2021** (“Staff Comments_01-11-21”), and the following conditions/notifications:

1. Future development of the site shall include the dedication and construction of a north-south public street consistent with the land use and street plan in the amended Hanson Neighborhood Development Plan.
2. Future development of the site will be expected to reflect the character recommended in the amended Hanson Neighborhood Development Plan, including higher density west of the future north-south street consistent with the Housing Mix 4 recommendation, and reduced scale and density between that street and Interstate 39/90/94 consistent with the Housing Mix 3 recommendation.