

CITY OF PORTAGE

115 West Pleasant Street
Portage, Wisconsin 53901
Telephone: (608) 742-2176 • Fax: (608) 742-8623



"Where the North Begins"

Summary of Variance Request for Preliminary Plat – Phase I Rolling Prairie

June 30, 2022

Variations Requested

The City review of the Preliminary Plat for Rolling Prairie – Phase I observed a number of items that were not in compliance with the City's Subdivision Ordinance (Chap 70). Sect. 70-2(e) does provide the ability of Plan Commission to grant variances to the requirements of the subdivision ordinance after notification of abutting property owners, receiving input from a public hearing and recommending approval of the variance in conjunction with the Preliminary Plat approval to the Common Council. Per Sec. 70-2(e), in order for Plan Commission to recommend variances to the Subdivision ordinance requirements the applicant (owner/developer) must prove the following:

1. Compliance with the Ordinance requirements would unreasonably prevent the owner/developer from using the property for the proposed use or conformance with the requirements would unnecessarily burden the owner/developer;
2. The owner/developer must show a hardship in complying with the ordinance requirements that is unique or peculiar to the property. Typically the hardship or difficult in compliance must not be self-imposed or be solely a financial hardship.
3. Approval of the variance(s) must not harm the public and protect the interests of the public enjoyment of the development and surrounding properties.

Staff received the requested justifications for the variances on 6/15/2022, which were reviewed by Plan Commission at their June 20, 2022 meeting. Plan Commission voted to hold a public hearing at their July 18, 2022 Plan Commission meeting to seek public input on the variance requests.

Specifically, the following variances to the Subdivision ordinance are sought:

1. Sec. 70-7(c)(1) requires 66' minimum ROW width for local and collector streets and 70' minimum ROW for arterial streets. Additionally, Sec. 70-7(c)(1) requires minimum pavement width of 36' for local streets, 40' for collector and 48' for arterial streets.

Applicant seeks variances for:

- a. Bluejay Ln (Phase II): Cul du Sac ROW 60'.
- b. Ridgeview Dr: ROW is 60' and pavement width is 29' (Local street);
- c. Gunderson Dr: ROW is 66' and pavement is 37' (Collector).

Initial staff review comments:

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~Staff concludes applicant justifies that granting of variances does not harm the public interest if on-street parking is prohibited on cul du sacs.

~The reduced pavement width on Ridgeview would necessitate no on-street parking on one side of the street.

~The unnecessary hardship provision in seeking variances for less than minimum pavement width for streets, in our opinion has not been met (applicant indicates lots would be less marketable).

2. Sec. 70-7(c)(2) requires cul du sac street not to exceed 500' in length and minimum ROW radius of 66' and outside radius to curb of 45' with no parking.

Applicant seeks variances for:

- b. Bluebird Dr: 55.5' ROW for cul du sac
- c. Gunderson Dr: 37.5' outside radius to curb
- d. Prairie View Dr (Phase I):
 - i. Cul du Sac Length is 1000' (Phase II length is 590').
 - ii. Cul du Sac ROW Radius is 55.5' (both Phases).

Initial staff review comments:

~Staff concludes applicant seeks variance on ROW width primarily to make lot justifies that granting of variances does not harm the public interest if on-street parking is prohibited on cul du sacs.

~45' minimum curb to curb clearance on cul du sacs is acceptable to Fire Department for access to properties and hydrants as long as on-street parking is prohibited.

~Staff is supportive of variance to maximum length for cul du sacs if water utility connectivity and stormwater management are adequately provided.

~While Staff believes the unnecessary hardship provision for cul du sac lengths exceeding maximum was justified; seeking variances for narrower pavement width on streets was not justified as applicant referenced financial hardship only (lots are less marketable).

3. Sec. 10-268(d)(4)a.1. requires 75' minimum building setback from delineated wetlands. Sec. 10-275 provides that applicants may appeal for variance to Stormwater Management requirements to the Plan Commission.

Applicant has indicated they sought and received a wetland delineation report; however Staff has not said report has not been received and reviewed by Staff. Lots 4-49 and Outlot 3 in Phase I and lots north of Prairie View(Phase II) may be impacted by this.

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4. Sec. 90-31(5) allows 16 units per acre maximum density for R-5 Multi-Family developments.

Applicant seeks variance for Lot 18 to allow 26.8 units/acre. Staff is supportive of additional density for this parcel however staff recommends applicant seek Planned Development (PD) overlay zoning approval for this lot pursuant to Sec. 90-475 when a site plan is developed for this parcel.

Preliminary Plat (Phase I) Rolling Hills Attached