

## PLANNING COMMISSION

October 7, 2010

The City of Portage Planning Commission meeting of October 7, 2010 was called to order by Chairman Cheesebro at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Approximately 30 citizens were in attendance.

### **MEMBERS PRESENT:**

Cory Bailes, Mark Siegfried, Paul Welch, Rick Bosch, Jim Pearson, Miko Dargitz, Bill Patterson, and Chairman James Cheesebro.

### **MEMBERS ABSENT:**

None.

### **MEMBERS EXCUSED:**

Wayne Stoffer.

### **IN ATTENDANCE:**

Christopher Forth, Deputy Director of Planning and Development Services; Michael West, Assistant City Planner and Charlie Bear, Assistant City Attorney.

### **PLEDGE OF ALLEGIANCE:**

The Planning Commission, staff and the audience recited the Pledge of Allegiance.

### **APPROVAL OF MINUTES:**

Chairman Cheesebro referred the Commission to the September 16, 2010 meeting minutes. A motion was made by Commissioner Welch, seconded by Commissioner Bosch, to approve the minutes as submitted. The minutes were unanimously approved.

### **PUBLIC HEARINGS:**

None.

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1. Special Land Use Permit: Wiggles, Waggles & Tails (dog day care), 8585 Portage Road. Mr. West summarized the staff report dated October 1, 2010 regarding the request by Ms. Shannon Reeves to establish a dog day care facility at 8585 Portage Road. Mr. West summarized the proposed use and the analysis contained in the staff report. Mr. West indicated that staff was recommending approval of the application subject to the three conditions listed in the staff report.

Ms. Shannon Reeves (applicant) was present to support the application. Ms. Reeves confirmed that no overnight boarding of dogs was proposed or desired. Chairman Cheesebro opened the public hearing. No citizens spoke in regard to the proposed dog day care use. A motion was then made by Commissioner Welch, seconded by Commissioner Bailes, to close the public hearing. The motion was unanimously approved. After a brief discussion, a motion was made by Commissioner Dargitz, seconded by Commissioner Bosch, to approve the Special Land Use Permit for Wiggles, Waggles & Tails, 8585 Portage Road, subject to the following conditions: 1) No overnight boarding, breeding or selling of dogs; 2) Hours of operation be restricted to 6:30am-6:00pm; and

3) Compliance with all applicable City of Portage Code of Ordinances including Community Quality (Chapter 24) related to the operation of this use including noise, odors, sanitation and health. The motion was unanimously approved.

**PLATS/RESIDENTIAL CONDOS:**

None.

**OLD BUSINESS:**

1. Valley Family Church-Kalamazoo, 2500 Vincent Drive – background information. Mr. Forth summarized the staff report dated October 1, 2010 and indicated the Valley Family Church-Kalamazoo (VFC-K) requested that the attached document entitled “City/Traffic Documentation” be provided to the Planning Commission for review, prior to the October 21, 2010 public hearing.

The Commission and staff briefly discussed issue of noise complaints listed in the documentation provided by VFC-K. Assistant City Attorney Bear stated the noise complaints were being handled by the Police Department and City Attorney Office. Commissioner Pearson briefly provided some background information regarding the May 2008 approval and the conditions that were attached to the approval. Since six of the nine current Commissioners were not part of the May 2008 consideration, Commissioner Pearson asked that the legal opinion previously provided by the City Attorney in regard to the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) be reissued to the Planning Commission prior to the October 21, 2010 public hearing. Assistant City Attorney Bear stated that the legal opinion would be provided prior to the October 21, 2010 meeting.

**NEW BUSINESS:**

1. Request that the Planning Commission initiate an Ordinance Amendment for the keeping of hens in residential zones from Mr. Fernando Costas. Mr. West summarized the staff report dated October 1, 2010 involving the request from Mr. Fernando Costas that the Planning Commission initiate an ordinance amendment that would allow the keeping of hens in residential zones. Mr. West referred the Commission to the materials provided by Mr. Costas including existing ordinance language samples from other communities, suggested ordinance language and a May 2008 study prepared by the University of New Mexico entitled “Residential Urban Chicken Keeping: An Examination of 25 Cities.”

Mr. Fernando Costas (7619 Harvest Lane) was presented to support the request. Mr. Costas stated that he was requesting the Planning Commission initiate the ordinance amendment because he could not afford the application fee. Mr. Costas briefly discussed the proposal and materials provided and stated that he has a petition signed by more than 80 people supporting the proposed ordinance amendment. Seven additional citizens spoke in support of Mr. Costas and the proposed ordinance amendment: 1) Ms. Lynda Stewart, 329 East VanHoesen; 2) Mr. Mike Zajac, 8143 Brookwood Drive; 3) Ms. Betty Ongley, 8620 Tozer Court; 4) Mr. Roger Schultz, 3208 Romence Road; 5) Mr. Earnest Noel, 1812 Apple Street; 6) Mr. Eric Myers, 7245 Balfour Drive and 7) Mr. Luke Ostrem, 1515 Dogwood Drive.

After additional discussion, a motion was made by Commissioner Bailes, seconded by Commissioner Patterson, that the Planning Commission initiate an ordinance amendment to consider the keeping/raising of chickens, and other possible poultry/animals, and schedule a public hearing for the November 18, 2010 meeting. The motion was unanimously approved.

2. Farmland and Open Space Preservation Application, 7943 South 25<sup>th</sup> Street, Pavilion Township. Mr. Forth summarized the staff report dated October 1, 2010 involving the notification provided by Pavilion Township regarding a PA 451 Farmland and Open Space Preservation application for an approximate 56 acre tract of land located at 7943 South 25<sup>th</sup> Street. Mr. Forth indicated the statute stipulates that communities located within three miles of subject property are afforded an opportunity to comment on the application. Mr. Forth stated the last

application reviewed by the Planning Commission and City Council occurred in 2007 for another property located in Pavilion Township.

Some Commissioners indicated they did not receive the staff report and application materials in their agenda packets while other Commissioners stated they did receive the report and materials. The Commission suggested postponing action on this agenda item until the October 21<sup>st</sup> meeting. Mr. Forth stated any comments regarding this application must be forwarded to Pavilion Township within 30 days of receipt and the application was received on September 23<sup>rd</sup>. If postponed until the October 21<sup>st</sup> Planning Commission meeting, City Council would not consider the application until November 2<sup>nd</sup>. Although the statute only requires review by the governing body (City Council), these applications are provided to the Planning Commission for review/recommendation since it is a land use matter. The Commissioners who received the application materials shared the information with those who did not. Mr. Forth suggested a short recess while the Commission members reviewed the material. Mr. Forth reiterated the purpose of the application is to obtain a State of Michigan tax credit in exchange for preserving farmland and/or open space and, as a result, comments from the City of Portage that may affect the application are unlikely. After a short discussion, a motion was made by Commissioner Pearson, seconded by Commissioner Welch, to accept the Farmland and Open Space Preservation application for 7943 South 25<sup>th</sup> Street, Pavilion Township. The motion was unanimously approved. If the Commission members had any additional comments regarding the application, the comments would be provided to staff by the middle part of next week.

**STATEMENT OF CITIZENS:**

None.

**ADJOURNMENT:**

There being no further business, the meeting was adjourned at 8:05 p.m.

Respectfully submitted,

Christopher Forth, AICP  
Deputy Director of Planning and Development Services