

CITY OF PORTAGE PLANNING COMMISSION

FINAL AGENDA

November 18, 2010

(7:00 p.m.)

Portage City Hall Council Chambers

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

November 4, 2010

SITE/FINAL PLANS:

1. Site Plan: Air Zoo (expansion), 6151 Portage Road

PUBLIC HEARINGS:

1. Special Land Use Permit (amendment): Air Zoo (expansion), 6151 Portage Road
- * 2. Final Report: Valley Family Church-Kalamazoo, 2500 Vincent Avenue – special land use permit review
- * 3. Preliminary Report: Ordinance Amendment #10-01, Keeping of Hens and Other Animals

PLATS/RESIDENTIAL CONDOS:

OLD BUSINESS:

NEW BUSINESS:

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

Star (*) indicates printed material within the agenda packet.

Maurice Evans - Planning Commission Meeting on Nov.18

From: Jim Stordahl <mnjrs49@hotmail.com>
To: <evansm@portagemi.gov>
Date: 11/11/2010 10:53 PM
Subject: Planning Commission Meeting on Nov.18

Mr. Evans,

I would like to provide you several comments regarding the issues concerning the Valley Family Church that will be discussed at the Planning Commission meeting scheduled for Nov.18, 2010. Please forward my comments to the Planning Commission members. I live on Wedgwood Dr. in Portage.

The "No Right Turn, Local Traffic Only" sign has been effective. I'm aware that KVC offered to put the sign up initially and now wants to "unvolunteer" for it to remain. Despite some regrettable angst on the part of some on both sides of the issue, I feel strongly that the effort to keep all but bonafide local traffic exiting left from the church is an effective traffic control strategy. Please keep the sign!

The issues regarding noise and lights do not effect me directly as my home is not immediately adjacent to the church. My comment is that it seems prudent on the part of the Planning Commission to keep current setbacks in place until the noise/light issues are resolved.

My last comment is not a specific suggestion but it is crucial that it be considered in the Planning Commissions' deliberations. We, the residents of the neighborhoods surrounding the KVC, do not have any representation other than as individual residents. We have no organization that brings issues to our attention; no financial means to hire lawyers to represent us and no color coordinated shirts to show solidarity of purpose. We therefore look to the Planning Commission to level the playing field and look out for our interests.

Respectfully,

James R. Stordahl

RECEIVED

OCT 28 2010

COMMUNITY DEVELOPMENT

October 27, 2010

Jeff Erickson, Director of Community Development
City of Portage
7900 South Westnedge Ave
Portage, MI 49002

RE: May 1, 2008 Special Land Use Permit (review): Valley Family Church –Kalamazoo,
2500 Vincent Drive

Dear Mr. Erickson,

As residents of the neighborhood just west of the Valley Family Church we have some comments and suggestions to be considered by the Planning Commission in its required October 2010 review of the May 1, 2008 Special Land Use Permit for the Valley Family Church-Kalamazoo.

We are appreciative of the positive efforts to date exhibited by the church to meet the conditions of the original permit for construction that included required development features conforming with the city's Zoning Code, on going documentation of attendance and traffic generation and the provision of traffic control officers at the Oakland Drive Vincent intersection. By its own admission, the church has informed the city and planning department that the policies and systems agreed to in the original permit are working. For the most part, we agree.

We do take strong exception, however, to the church broadly characterizing their neighbors as being hostile. It just is not true. Their efforts to document every intrusion by a few individuals has sent a very negative message to the entire population of the Angling Road area and works in complete opposition to the church's statements of wanting to be a good neighbor.

We sympathize with the neighbors who are experiencing the noise and light issues. In our opinion, the city should be pro-active to solve the problems. Citizens should not have to or be expected to call the police every time there is an occurrence.

In the discussion of the original land use plan, public access and the right to use Vincent and Angling was a major issue. Safety and integration into the neighborhood were signature issues considered in the discussion. The "good neighbor act" volunteered by the church to install the "No Right Turn, Local Traffic Only" sign was accepted in good faith and has been a king-pin to reducing the impact of traffic into the neighborhood. Right now, it is very effective and traffic utilization along Angling is reasonable. Under the present process, the church states that they are emptying their lots in +/- 20 minutes. That is excellent.

In the early presentation of their plans, however, we recall that the church anticipates growing to 6000 members which will exponentially equate to more cars stacking in their parking lots waiting to exit. If the suggestion to drop the sign is in anticipation of this possibility, the result will be far too many cars utilizing Angling Road as an exit. Once approved to be removed, the sign will never be re-installed. The planning department must keep this on the table.

The City of Kalamazoo intersection at Angling and Oakland was not designed for heavy use. Those of us living in the area have experienced some very long waits. At peak times when Oakland Drive traffic dominates, it is not unusual for as many as ten cars to stack waiting for a light change. Presently, during church services, residents of the area use that intersection as their exit allowing the church to dominate the Oakland Vincent intersection. And that works. If the church is allowed to utilize Angling Road, be it now or in the future, the process would become untenable.

We appreciate your attention to these comments.

Most sincerely,

A handwritten signature in black ink, appearing to read 'E. Asken', with a long horizontal flourish extending to the right.

Evie and Gene Asken
3707 Wedgwood Drive
Portage, MI 49024
269-344-4789

c: Maurice Evans, City Manager
Pete Strazdas, Mayor

November 11, 2010

Mr. Jeffrey Erickson and the Portage City Council
Director of Community Development
City of Portage
7900 South Westnedge
Portage, MI 49024

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NOV 17 2010
COMMUNITY DEVELOPMENT

RE: Chickens—Proposed Ordinance

Dear Mr. Erickson and Portage City Council Members:

My husband and I strongly **oppose** approval of the proposed ordinance/ordinance variance that would legalize chickens in residential neighborhoods in the City of Portage. This proposed ordinance is a non-conforming use of property in residential areas and interferes with our rights as property owners to enjoy our residential property.

We have several concerns/issues with this proposed ordinance: First,

- A neat, clean chicken coop seems to be a misnomer. I don't know how one can maintain a neat, clean chicken coop. Can the City Council members define this? How will you enforce the ordinance?
- Who determines what is a "well-maintained chicken coop structure"? How do you define it?
- What about the "8-12-foot run" that will be needed? How long before both the chicken coop and the run look unkempt, dilapidated, and offensive in odor and appearance?
- A 15-foot fence and chickens next to our house and in view of our dining room, living room, and family room are unacceptable and should not be considered at all in a residential neighborhood.
- How will chickens and chicken coops impact us when we try to sell our house?
- What happens when a neighbor takes a pile of left-over wood, tin, and other materials and builds a chicken coop and says it is "well-maintained"? Well-maintained according to whom?
- What are the specifications/requirements? What if someone takes a big black tarp (or red, green, orange, etc.) and loop it over to make a cover for the chickens and says it is well-maintained? (see photo). Clearly, what one person thinks is neat, pleasing, or well-maintained is not so neat, pleasant or well-maintained to another who is forcibly and negatively impacted by approval of this proposed chicken ordinance.
- What about cannibalism among chickens and the "beaking" problem seen with confinement?
- What about debeaking? How will you prevent it from happening?
- What about egg-selling? How will you prevent egg-selling businesses from cropping up in residential neighborhoods? How will you prevent it?
- What about owner liability for damage to neighbors' property? What happens when chickens get out and damage and litter neighbors' yards? "Free-range", "city chickens", etc., although you say fencing is required, inherently means "Free to roam, no management, unfenced, and owner not liable for damage."

- What about Zoning? Do you disregard or change **residential zoning laws** designed to protect citizens who have already purchased property based on existing zoning restrictions in order to accommodate a those who knew the rules before them moved into Portage? Why should zoning laws—"the rules" be changed in mid-stream? We have a major investment in residential real estate which we do not want jeopardized by changing a residentially-zoned neighborhood into a quasi-farm.
- What about proper care? Not everyone will properly care for the chickens... it is human nature! Not everyone will clean up behind their chickens. That is also human nature!...and a Reality!

We see too many TV programs where owners completely neglect their animals, and especially so when finances become an issue. The approval of an ordinance that would allow chickens in residential neighborhoods would create a problem where one **need not**, and **should not** exist. Personally, I would like for City officials to enforce the ordinances that are currently on the books rather than create new ones that are difficult, and most likely, impossible to enforce. And hiring someone to enforce the ordinance is not economically feasible in this economic climate.

To reiterate, Clean", "Cleanliness", "Neat", "Sanitary", "Odor-Free", and "Quiet" are **NOT** words one **associates** with chickens and chicken coops, regardless of what the newspaper article says. They simply **DO NOT GO TOGETHER**, and it is disingenuous to make such statements in an attempt to convince reasonable people that such a statement is true...It Is Not!

In my experience, I have discovered that by nature, people might have good intentions, but sometimes are just not able to follow through, especially if they are tempted to get chickens (or any animal) for their children. Typically, the children might be given the chore of caring for their pets, and possibly, these chickens, but do not follow through for an extended period of time. Within a couple of weeks, no one would be tending the coop. Maintenance would drop, offensive odors would increase, and it would not take very long before the fence is damaged/sagging, the coop wood is rotted, paint (if painted) would be chipping and peeling, wood (if left natural) would look like an old chicken coop, "make-do repairs" would be obvious, odors would be manifest, and rodents would be infesting that property and the entire neighborhood. Foxes, coyotes, skunks, hawks, and dogs would be attracted to these chickens, and neighbors would be awakened in the middle of the night because of noisy disturbances created from predators would be attracted to the chickens. Chickens can be noisy. They cackle and squawk, especially in the morning, and they defecate more often than mammals. Management of the excrement could potentially be a problem, increasing the likelihood of odor problems, and rodent and vermin infestation.

Secondly, It is reasonable to expect that a family might have a common pet such as a dog. However, it is **NOT** reasonable that we would expect to have chickens and chicken coops in view of our living room and dining room and 10-feet from our property. Most people with dogs and cats in our neighborhood keep their animals in the house most of the time and only let them out occasionally. Chickens, however, will be outside all the time, and neighbors would be constantly forced to deal with the chickens, the noise, odors, and unattractiveness that naturally go along with chickens, chicken coops, and other related farm animals and structures, that do not belong in a residential neighborhood. Moreover, an ordinance that would force every resident to live with chickens because 1 child wants to have a hen for 4-H is unfair to residents who did not expect to have chickens as neighbors.

Thirdly, it is unreasonable to expect that a family living in a home on a small, confined lot within a residential neighborhood would have a desire to be forced to live with chickens and other animals that belong on a farm. If we start with chickens, what will be next? Turkeys? Rabbits? Ducks? Geese? Llamas? Sheep? Goats? Where does it stop? Do we disregard our residential zoning restrictions that were in effect before the faddish thought of “city chickens” materialized? I certainly hope not!

In my opinion, 0.25 acres or less with a 10-foot clearance between properties is clearly an infringement on the personal rights of all neighbors. This essentially means that chicken coops could be right outside a neighbor’s bedroom window or right across from our dining room. This is unreasonable. Farms structures and farm animals belong on a farm where the land boundaries are more generous, PLUS, the land should be zoned farmland/agricultural (not residential), and should be outside City limits.

Fourth, there are 4-plexes on our street. If you allow each single-family resident to own 4 chickens, we would have a major monstrosity in our neighborhood. No one would be responsible for maintenance, noise, clean-up, upkeep, etc. Property values would plummet!

Finally, we simply believe that fowl and other farm animals should be restricted to farm property, outside of residential neighborhoods. As such, we **do not** want to live next door to chickens. If we did, we would have chosen to live on a farm, or in a surrounding city, like Vicksburg, Scotts, Schoolcraft, Parchment, Kalamazoo Township, etc. where neighbors who move into those areas EXPECT that they could potentially be forced to live with chickens, horses, and the like. Clearly, this is NOT the Expectation we had when we moved into Portage. Moreover, we think it is unfair to expect us to accept such a drastic change to the living conditions in our neighborhood.

Unmistakably, neighborhood chickens and chicken coops pose a whole host of problems and concerns, and this matter must NOT be allowed to move forward because a few people want to bring farming into residential neighborhoods. Rather, we would like to see persons interested in having chickens work together to achieve their goals outside of residential neighborhoods, and outside of city limits.

We recommend that the Proposed Chickens Ordinance BE REJECTED AND NOT APPROVED.

Thank you, Mr. Erickson, for reading this letter and seriously considering our concerns. We request that you would please ensure that each City Council Member receive a copy of this letter.

Sincerely,



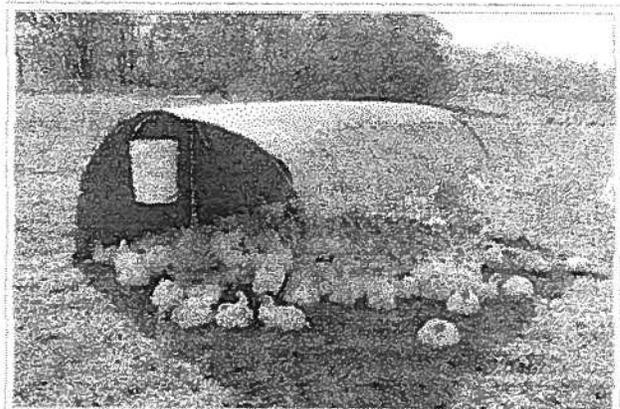
Moses and Dorothy McMillan

Free range poultry

In recent years, with the days of free-range cattle mostly in the past, neither the presence of a "legal fence" surrounding the farm nor the pros and cons of old-time free-range ranching are the main points of interest. Instead, the term "free range" is mainly used as a marketing term rather than a husbandry term, meaning something on the order of, "low stocking density," "pasture-raised," "grass-fed," "old-fashioned," "humanely raised," etc. In poultry-keeping, "free range" is widely confused with yarding, which means keeping poultry in fenced yards. Yarding, as well as floorless portable chicken pens ("chicken tractors") may have some of the benefits of free-range livestock but, in reality, the methods have little in common with the free-range method.

A behavioral definition of free range is perhaps the most useful: "chickens kept with a fence that restricts their movements very little." This has practical implications. For example, according to Jull, "The most effective measure of preventing cannibalism seems to be to give the birds good grass range."^[5] De-beaking was invented to prevent cannibalism for birds not on free range, and the need for de-beaking can be seen as a litmus test for whether the chickens' environment is sufficiently "free-range-like."

The U.S. Department of Agriculture Food Safety and Inspection Service (FSIS) requires that chickens raised for their meat have access to the outside in order to receive the free-range certification. There is no requirement for access to pasture, and there may be access to only dirt or gravel. Free-range chicken eggs, however, have no legal definition in the United States. Likewise, free-range egg producers have no common standard on what the term means. Many egg farmers sell their eggs as free range merely because their cages are two or three inches above average size, or because there is a window in the shed.^[citation needed]



Free range meat chickens seek shade on a U.S. farm

The USDA has no specific definition for "free-range" beef, pork, and other non-poultry products. All USDA definitions of "free-range" refer specifically to poultry.^[6] No other criteria-such as the size of the range or the amount of space given to each animal-are required before beef, lamb, and pork can be called "free-range". Claims and labeling using "free range" are therefore unregulated. The USDA relies "upon producer testimonials to support the accuracy of these claims."

In a December 30, 2002 Federal Register notice and request for comments (67 Fed. Reg.

http://en.wikipedia.org/wiki/Free_range

10/23/2010

McMillan Attachment

