

PLANNING COMMISSION

November 18, 2010

The City of Portage Planning Commission meeting of November 18, 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 twenty-five citizens were in attendance.

MEMBERS PRESENT:

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

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

Jim Pearson.

IN ATTENDANCE:

Christopher Forth, Deputy Director of Planning and Development Services; Christopher Barnes, Director of Transportation and Utilities; and Randall Brown, 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 November 4, 2010 meeting minutes. A motion was made by Commissioner Bailes, seconded by Commissioner Patterson, to approve the minutes as submitted. The minutes were unanimously approved.

PUBLIC HEARINGS:

1. Special Land Use Permit Amendment: Air Zoo, 6151 Portage Road. Mr. Forth summarized the staff report dated November 12, 2010 involving a request by Air Zoo officials to amend the special land use permit approved by the Planning Commission in 2003 to permit construction of an approximate 46,000 square foot building addition and associated site improvements. The proposed building addition will be located on the east side of the existing building and will be used for additional aircraft display: Exhibits from the original museum located at the east end of East Milham Avenue will be transferred to the new addition.

The public hearing was opened by Chairman Cheesebro. Mr. Scott Musser, Delta Design, was present to speak in support of the special land use permit amendment. Patrick Ellstiffer, 2711 East Milham Avenue, asked about the use of earth movers and other heavy equipment that may generate noise. Mr. Ellstiffer was also concerned about construction traffic on East Milham Avenue. Mr. Musser stated all major earth work has been completed and construction traffic will use Portage Road and not East Milham Avenue. No other citizens were present to speak in support or opposition to the special land use permit amendment. The public hearing was closed. There being no further discussion, a motion was made by Commissioner Welch, seconded by Commissioner Bosch, to approve the special land use permit amendment for the Air Zoo, 6151 Portage Road. The motion was unanimously approved.

SITE/FINAL PLANS:

1. Site Plan: Air Zoo, 6151 Portage Road. Mr. Forth summarized the proposed site plan improvements involving construction of an approximate 46,000 square foot building addition and associated site improvements. Mr. Scott Musser, Delta Design, was present to support the plan. There being no further discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Siegfried, to approve the Site Plan for the Air Zoo, 6151 Portage Road. The motion was unanimously approved.

PUBLIC HEARINGS:

1. Final Report: Valley Family Church – Kalamazoo, 2500 Vincent Avenue, Special Land Use Permit Review. Mr. Forth introduced the item, summarized the October 21, 2010 public comment and noted all conditions of the May 1, 2008 special land use permit approval have been fulfilled. Mr. Forth also summarized the four requests made by Valley Family Church – Kalamazoo (VFC-K) to modify previous conditions of special land use permit or site plan approval. Commissioner Welch asked what happens after September 2012 when the Traffic Control Services Agreement expires. Mr. Forth responded by stating the traffic situation will be monitored by city and MDOT staff and evaluated for continuation of the Agreement and/or roadway/signalization improvements.

Attorney Dan Dalton was present to speak on behalf of VFC-K. Mr. Dalton stated VFC-K desires to withdraw three of the four requests. VFC-K would, however, like to eliminate the site plan condition that requires the center driveway to be gated except for special events. The Commission discussed with Mr. Dalton and VFC-K representative Don DeBruyen, use of the center driveway, traffic flow before and after church services, full utilization of the west driveway (church now limits tuning movements), impacts on Vincent Avenue and at the intersection of Oakland Drive/Vincent Avenue

Chairman Cheesebro reconvened the public hearing. Mr. Mark Wollam, 5235 Greenhill Street, commended VFC-K officials for their efforts to reduce the noise levels and acknowledged MDOT efforts to fill the gap in the existing vegetative screen located along the south side of his home. In order to ensure adequate on-street parking for Angling Road Elementary School, Mr. Woolam asked how far west the no parking order extends. Mr. Barnes stated the no parking order extends to the point where the school zone speed limit begins. Mr. Woolam also asked if the dumpster located near the northeast corner of the parking lot also had to meet the 150 foot setback distance referenced in condition No. 6. Mr. Forth responded that the 150 setback distance is not applicable to the dumpster. Aaron Johnson and Richard Pilger, VFC-K representatives, also spoke in support of removing the condition that the center driveway be gated except for special activities. Mr. Johnson and Mr. Pilger explained the internal traffic flow patterns. There being no further public comment, the public hearing was closed.

The Commission discussed the VFC-K request to allow unrestricted use of the center drive. Commissioners Welch, Patterson and Chairman Cheesebro believed use of three full service Vincent Avenue driveways would result in unnecessary and avoidable traffic conflicts and congestion along Vincent Avenue and at the Oakland Drive/Vincent Avenue intersection. VFC-K officials currently have available two full-service Vincent Avenue driveways that can be used to distribute inbound and outbound traffic. There being no further discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Dargitz, to conclude the one-year special land use permit review, with additional action to modify special land use permit Condition No. 1 and Condition No. 2 as approved by the Planning Commission on May 1, 2008:

1. VFC-K maintain the executed agreement to provide and pay for traffic enforcement/control services consistent with the terms of the Traffic Control Services Agreement through September 2012. After this date, either traffic enforcement/control services, traffic improvements along Oakland Drive and Vincent Avenue or at the Oakland Drive – Vincent Avenue intersection, or other appropriate option, will be determined by the City Council using the existing process to deliberate and consider such actions during the annual City of Portage budget process including the Capital Improvement Program.

2. The submission of bi-monthly attendance reports by VFC-K to the City of Portage be discontinued effective immediately.

Commissioner Stoffer noted that noise appears to be a lingering issue and suggested a six month review. City Attorney Brown advised the Commission that his office is working with the church and neighbors to address the matter. His office can provide an update to the Commission in six months but at this point in time it is appropriate for the Planning Commission to conclude the public hearing. Issues involving noise complaints are outside the jurisdiction of the Planning Commission. The Commission discussed this issue and an amendment to the motion. The motion was not amended. Chairman Cheesebro asked for a roll call vote: Siegfried – Yes; Stoffer– Yes; Dargitz – Yes; Patterson – Yes; Bailes, – Yes; Cheesebro – Yes; Welch – Yes; Bosch – Yes. Motion was approved 8-0.

Chairman Cheesebro asked for a motion regarding the VFC-K request to eliminate the site plan condition that the center Vincent Avenue driveway be gated except for special events at the existing cathedral. A motion was offered by Commissioner Patterson, seconded by Commissioner Welch, that site plan Condition No. 1 not be eliminated and the center driveway remain gated and only utilized during special events at the existing cathedral. The motion was unanimously approved.

2. Preliminary Report: Ordinance Amendment #10-01, Keeping of Hens and Other Animals. Mr. Forth introduced the item and summarized the November 12, 2010 staff report regarding an amendment to the Zoning Code initiated by the Planning Commission during the October 7, 2010 meeting in response to a request from a Portage resident to raise/keep chickens in residential areas. Mr. Forth summarized the options presented in the staff report. There was a brief discussion regarding rabbits as domestic pets and as an animal for sustainability purposes. Chairman Cheesebro opened the public hearing.

The following people spoke in support of ordinance language that would allow chickens on small residential lots in the city: Charles Agusty, 1723 Romence Road; Bryan Mohny, 7911 Lakewood; Eric Myers, 7245 Balfour; Jamie Jager, 8810 South Westnedge; Janice Ryan, 225 Crockett; Melanie Brothers, 7011 Winters; Dave Ostrem, 1515 Dogwood; Andrea Stork, 1515 Dogwood; Molly Ostrem, 1515 Dogwood; Roger Schultz, 3208 Romence Road; Lynda Stewart, 329 East Vanhoesen Blvd; Lauren Wise, 710 Ludington Avenue; Cody Smith, 4465 West Milham Avenue; Fernando Costas, 7639 Harvest Lane; Mary Kindt, 1603 East Centre Avenue; Betty Ongley, 8620 Tozar Court; and Channon Mondoux, 6924 Angling Road. Reasons cited for support included sustainability, minimize government involvement, minimal odors and noise, health concerns related to avian flu and parasites are unfounded, chickens are permitted in the City of Kalamazoo and there have been no problems, chickens make good pets and teaches children responsibility.

The following people spoke in opposition of ordinance language that would allow chickens on small residential lots in the city: Laura Taylor, 2302 Abbott Avenue; Mildred Taraszka, 410 Merrylynn Court; Dana Steele, 8149 Black Forest Drive; Terry Martin, 6614 Cypress Street; Sami Taylor, 2302 Abbott Avenue; Angie Brodie, 4263 Suffield Woods; and Steve Rodia, 7220 Prestwick Lane. Reasons cited for opposition included concerns involving salmonella and e-coli, negative impact from odors, attraction of rodents and predators, financial cost to the city to administer and enforce the ordinance, farm animals do not belong in a small lot residential neighborhood, keeping of farm animals may increase tension between neighbors, decrease in property values, animal cruelty and release of chickens into the wild.

There being no further public comment, a motion was made by Commissioner Welch, seconded by Commissioner Bosch to adjourn the public hearing until the December 16, 2010 meeting. The motion was unanimously approved. Mr. Forth asked for Commissioner feedback on the several options presented to the Planning Commission. Commissioner Bosch asked for clarification regarding issuance of a permit. Mr. Forth responded by saying the staff-prepared options presented to the Commission would not require a permit but residents must comply with ordinance requirements. Mr. Forth referenced keeping a horse(s) as a similar ordinance provision not requiring a permit. Commissioners Welch, Patterson and Bailes believed issuance of a permit is needed to help regulate the placement of the coop and for enforcement action if it becomes necessary.

Attorney Brown asked if the Commission wanted to consider chickens as pets and whether or not the ordinance should be expanded to include other animals. The consensus of the Commission is chickens are not pets and to limit the ordinance language to only chickens. Commissioner Patterson also suggested allowing up to six chickens. Mr. Forth indicated staff would revise the ordinance language based on Commission comments.

PLATS/RESIDENTIAL CONDOS:

None.

OLD BUSINESS:

None.

NEW BUSINESS:

None.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

Commissioner Stoffer requested that staff provide an update to the Commission in June 2011 regarding the efforts by Valley Family Church – Kalamazoo to address the noise complaints from adjacent neighbors. After a brief discussion, it was the consensus of the Commission that staff provide a brief update in June 2011.

There being no further business, the meeting was adjourned at 9:50 p.m.

Respectfully submitted,

Christopher Forth, AICP
Deputy Director of Planning and Development Services