

## PLANNING COMMISSION

January 6, 2011

The City of Portage Planning Commission meeting of January 6, 2011 was called to order by Chairman Cheesebro at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Approximately 18 citizens were in attendance.

### **MEMBERS PRESENT:**

Jim Pearson, Wayne Stoffer, Rick Bosch, Paul Welch, Mark Siegfried, Bill Patterson, and Chairman James Cheesebro.

### **MEMBERS ABSENT:**

None.

### **MEMBERS EXCUSED:**

Miko Dargitz.

### **IN ATTENDANCE:**

Christopher Forth, Deputy Director of Planning and Development Services; Michael West, Assistant City Planner 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 December 16, 2010 meeting minutes. A motion was made by Commissioner Patterson, seconded by Commissioner Pearson, to approve the minutes as submitted. The minutes were unanimously approved.

### **SITE/FINAL PLANS:**

None.

### **PUBLIC HEARINGS:**

1. Special Land Use Permit: Auto World of Portage, 7940 South Sprinkle Road. Mr. West summarized the staff report dated December 30, 2010 regarding a request by Auto World of Portage to establish a new/used automobile dealership at 7940 South Sprinkle Road. Mr. West provided background information regarding past approvals and uses at the site and discussed the existing nonconforming nature of greenstrip landscaping along the South Sprinkle Road and East Centre Avenue frontages. Consistent with current ordinance requirements and to eliminate the existing nonconformity, Mr. West indicated staff is recommending installation of greenstrip landscaping along East Centre Avenue frontage (trees and shrubs) and along the South Sprinkle Road frontage (trees only). Mr. West stated that similar landscaping and site

enhancement conditions were attached to other special land use permit approvals involving establishment of new/used car dealerships.

The Commission and staff discussed various issues associated with the installation of landscaping including the presence of power lines along the South Sprinkle Road frontage, traffic safety and visibility at the South Sprinkle Road/East Centre Avenue intersection and previous automobile dealership reviews by the Commission. Mr. West indicated that Consumers Energy Company provides guidance and recommendations regarding planting of trees near power lines and a low growing deciduous tree species can be selected by the applicant. Mr. West also indicated the Department of Transportation & Utilities had reviewed the plan and landscaping recommendations and concluded that no traffic safety or vision obstruction issues would result.

Mr. Jim Murphy (property owner) and Mr. Bob Dixon (Auto World of Portage) were present to support the application. Mr. Murphy stated he has owned the property for 32 years and provided a history of uses at the site. Mr. Murphy requested the Planning Commission approve the application with no landscaping requirements citing concerns with overhead power lines, traffic safety at the South Sprinkle Road/East Centre Avenue intersection, salt spray from snow plowing, maintenance expense and visibility for the proposed automobile dealership. Mr. Dixon expressed concerns regarding vehicle visibility from the public street and requested the Planning Commission not require landscaping. Mr. West reviewed the general standards of review for special land use permits and the intent/purpose of the greenstrip landscaping provisions as detailed in the zoning ordinance. Mr. West discussed the staff rationale and recommendation for greenstrip landscaping and indicated it was based on current ordinance standards, consistent with past approvals and would eliminate an existing nonconformity at the site. The public hearing was opened by Chairman Cheesebro. No citizens spoke in regard to the special land use permit application. A motion was made by Commissioner Welch, seconded by Commissioner Bosch, to close the public hearing. The motion was unanimously approved.

The Commission discussed alternatives that would provide the property owner more flexibility regarding greenstrip landscape installation while still meeting the intent of the landscaping ordinance. After additional discussion, an amended motion was made by Commissioner Welch, seconded by Commissioner Pearson, to approve the Special Land Use Permit for Auto World of Portage, 7940 South Sprinkle Road, subject to installation of greenstrip landscaping along the East Centre Avenue and South Sprinkle Road frontages with the following exceptions: Three deciduous trees within the South Sprinkle Road greenstrip and three deciduous trees and 16-inches tall shrubs spaced no greater than 10-feet apart within the East Centre Avenue greenstrip. The motion also allowed the applicant to determine where low growing deciduous trees would be planted within the greenstrip areas and included a finding that the reduction in landscaping was based on high traffic and visibility concerns at the South Sprinkle Road/East Centre Avenue intersection. The motion was unanimously approved.

2. Ordinance Amendment #10-A, Keeping of Hens and Other Animals. Mr. Forth summarized the December 30, 2010 and December 10, 2010 staff reports regarding an amendment to the Zoning Code, initiated by the Planning Commission in response to a request from a Portage resident, to raise/keep chickens and other animals in residential areas. Mr. Forth indicated that additional discussion and consensus by the Planning Commission on various ordinance related issues was necessary prior to staff and the City Attorney revising the proposed ordinance language. Mr. Forth reviewed the discussion topics outlined in the December 10<sup>th</sup> staff report, options available and requested additional comments from the Commission.

Chairman Cheesebro reconvened the public hearing. A total of twelve citizens spoke regarding the proposed ordinance amendment. Three citizens spoke in opposition to the proposed ordinance: Courtney McMillan, 5813 Hagg Road, Lansing, MI; Dorothy McMillan, 8460 Valleywood Lane and Moses McMillan, 8460 Valleywood Lane. Ms. Courtney McMillan discussed the demographics and goals/objectives of the City of Portage and stated she did not believe the keeping of chickens and other "livestock" animals was appropriate in residential neighborhoods. Ms. Dorothy McMillan presented a letter dated January 6, 2011

which cited her reasons for opposing the ordinance, discussed ongoing issues with a neighbor who raises rabbits and stated she does not believe chickens are suitable for residential neighborhoods. Mr. McMillan also discussed ongoing issues with a neighbor who raises rabbits and expressed concerns over enforcement of the ordinance. Nine citizens spoke in support of the ordinance amendment: Bryan Mohny, 7911 Lakewood Drive; Dave Ostrem, 1515 Dogwood Drive; Lynda Stewart, 329 East VanHoesen Boulevard; Theresa Schwartz, 8408 Lovers Lane; Andrea Stork, 1515 Dogwood Drive; Tom Parker, 2312 Byrd Drive; Molly Ostrem, 1515 Dogwood Drive; Sherry Grundyke, 7234 South 8<sup>th</sup> Street, Kalamazoo, MI; and Fernando Costas, 7639 Harvest Lane. Mr. Mohny stated he supports the keeping of four hen chickens with restrictions and suggested no specific coop design standards since there are some many different options available. Mr. Ostrem cited successful implementation of chicken ordinances in Ann Arbor, East Lansing and other communities and indicated proposed restrictions would ensure proper care and minimal impacts on adjacent properties. Ms. Stewart stated hens are quieter than dogs and there are more problems with irresponsible people who keep dogs and cats. Ms. Stork stated chickens are educational and restrictions in ordinance would minimize impacts on adjacent properties and ensure proper care. Mr. Parker spoke in support of the ordinance and stated the keeping of chickens and other animals has nothing to do with reduction in property values or detrimental neighborhood impacts. Ms. Molly Ostrem spoke in support of the ordinance citing friends who like participating in 4-H programs. Ms. Grundyke spoke in support of the keeping of up to six chickens and indicated they are a wonderful experience for children. Mr. Costas indicated the proposed ordinance is about sustainability, allowing people more control over their food sources and stated proper regulations and responsible ownership will ensure no disturbances to neighbors. Mr. Costas stated most chicken keepers have an enclosed coop/run that is moveable. Mr. Costas clarified the original intent of his proposal was to allow the keeping of up to four hen chickens on lots ¼ acre or less with an option for more chickens on larger lots. No additional citizens spoke during the public hearing.

The Commission discussed several issues associated with the proposed ordinance language including whether chickens should be considered pets, minimum lot size for keeping of chickens, substandard and lakefront lots, coop/enclosure requirements and appropriate setbacks, permitting/fees, number of chickens allowed and other animals allowed with Planning Commission review/approval. After discussing these issues, Attorney Brown and Mr. Forth summarized the Commission discussion points and consensus on various aspects of the proposed ordinance language. The Commission reached consensus on the following discussion topics: 1) Chickens should not be considered pets; 2) Lot size requirements based on the zoning district with additional consideration for substandard and/or lakefront lots; 3) Allowance for 4-6 chickens (hens only) with additional chickens or other animals subject to Planning Commission review/approval; 4) General coop/enclosure design standards; 5) A one-time permit fee to ensure dissemination of information and ordinance requirements and assist with compliance; 6) Rear yard placement and minimum coop/enclosure setbacks from property line (10-feet) and adjacent residences (30-feet); 7) Confinement of chickens to the coop/pen enclosure; and 8) Inclusion of sanitation related provisions. Attorney Brown and Mr. Forth indicated the ordinance language would be modified and presented to the Commission for further consideration. After additional discussion, a motion was made by Commissioner Welch, seconded by Commissioner Bosch, to adjourn the public hearing for Ordinance Amendment #10-A, Keeping of Hens and Other Animals, to the February 3, 2011 meeting. The motion was unanimously approved.

**PLATS/RESIDENTIAL CONDOS:**

None.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

None.

**STATEMENT OF CITIZENS:**

None.

**ADJOURNMENT:**

There being no further business, the meeting was adjourned at 9:40 p.m.

Respectfully submitted,

Christopher Forth, AICP  
Deputy Director of Planning and Development Services