

## PLANNING COMMISSION

February 17, 2011

The City of Portage Planning Commission meeting of February 17, 2011 was called to order by Chairman Cheesebro at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Five citizens were in attendance.

### **MEMBERS PRESENT:**

Miko Dargitz, Wayne Stoffer, Paul Welch, Jim Pearson, Mark Siegfried, Bill Patterson, Allan Reiff, and Chairman James Cheesebro.

### **MEMBERS ABSENT:**

None.

### **MEMBERS EXCUSED:**

Rick Bosch.

### **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 February 3, 2011 meeting minutes. A motion was made by Commissioner Welch, seconded by Commissioner Patterson, to approve the minutes as submitted. The minutes were unanimously approved.

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

1. Final Plan for Greenspire Retail (Phase I), 3201 West Centre Avenue. Mr. West summarized the staff report dated February 11, 2011 involving a final plan submitted by H & G II, Inc. to construct Phase I of the retail portion of the Greenspire Planned Development (PD). Mr. West stated Phase I involves a 13,400 square foot retail building and associated site improvements along the eastern portion of the subject site, opposite Cooley Drive. Mr. West indicated the plan was previously reviewed and recommended for approval by the Commission on July 1, 2010 and subsequently approved by City Council on July 13, 2010. Consistent with the PD ordinance and since construction did not begin within 120 days of final plan approval, Mr. West stated the final plan has expired. Mr. West indicated the applicant has resubmitted the final plan with no changes from the previously approved plan. Mr. West stated the final plan is consistent with the Greenspire PD tentative plan approved by City Council in April 2010 and was recommended for re-approval.

Mr. Greg Dobson of H & G II, Inc. was present to support and explain the retail project. Mr. Dobson stated the project was delayed due to a variety of factors, however, now the project is ready to move forward and construction is expected to begin within 60 days. No citizens spoke in regard to the development project. After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Stoffer, to recommend to City Council the Final Plan for Greenspire Retail (Phase I), 3201 West Centre Avenue, be re-approved. The motion was unanimously approved.

**PUBLIC HEARINGS:**

1. Final Report: Ordinance Amendment #10-A, Keeping of Hens and Other Animals. Mr. Forth summarized the February 11, 2011 staff report 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 summarized the ordinance changes requested by the Commission during the February 3, 2011 meeting including: 1) Removed reference that would allow the occupants of a “two family dwelling” to keep chickens; 2) Allow a resident to keep up to six chickens without Planning Commission review/approval; 3) Allow chickens to roam in the rear yard outside of the coop/pen, if the rear yard area is enclosed by a 6-foot tall opaque fence and the chickens are supervised; and 4) Require authorization from the property owner (if the occupant/applicant is not the owner) for all applications involving the keeping of chickens and require both the owner and occupant (if different than the owner) of adjacent properties to receive notification for applications requiring Planning Commission consideration. Mr. Forth also referred the Commission to the final agenda packet and the February 17<sup>th</sup> email communication and Powerpoint presentation from Ms. Katie Drenth supporting the proposed ordinance.

Commissioner Stoffer suggested a slight change to Section 42-121.D.3.a that would not require the coop and pen to be located within and completely enclosed by a 6-foot tall opaque fence to allow the chickens to roam. The Commission discussed the intent of the proposed language change that would allow a citizen to enclose a separate area within the rear yard of the site with a 6-foot tall opaque fence where the chickens could roam outside of the coop and pen. If the Commission concurs on the ordinance change, Attorney Brown asked that the Commission allow him and staff to develop specific language to address the intent of the change. A motion was then made by Commissioner Stoffer, seconded by Commissioner Dargitz, to modify Section 42-121.D.3.a of the proposed ordinance language as discussed. After a brief discussion, the motion was approved 6-2 with Commissioner Welch and Chairman Cheesebro voting no.

Chairman Cheesebro reconvened the public hearing. One citizen, Fernando Costas (7639 Harvest Lane), spoke in support of the proposed ordinance. Mr. Costas stated he supports the proposed change that would allow chickens to roam outside of the coop and pen, in a smaller fenced enclosed area. Mr. Costas requested the Planning Commission consider increasing the maximum coop/pen height requirement above 6-feet to allow easier access for taller people to clean the coop/pen area. After a brief discussion, the Commission agreed to retain the maximum 6-foot tall coop/pen requirement citing numerous coop design examples that are less than 6-feet in height. Mr. Costas thanked the Commission for their efforts over the past several months in the ordinance development process. No additional citizens spoke during the public hearing. A motion was then made by Commissioner Welch, seconded by Commissioner Pearson, to close the public hearing. The motion was unanimously approved. After additional discussion, a motion was made by Commissioner Pearson, seconded by Commissioner Dargitz, to recommend to City Council approval of Ordinance Amendment #10-A, Keeping of Hens and Other Animals with the proposed language change to Section Section 42-121.D.3.a, as previously discussed. The motion was unanimously approved. Commissioner Welch thanked staff for their hard work and research with the ordinance development and also thanked Mr. Costas for his patience during the process.

**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 7:35 p.m.

Respectfully submitted,

Christopher Forth, AICP  
Deputy Director of Planning and Development Services