

CITY OF PORTAGE PLANNING COMMISSION

F I N A L A G E N D A

October 21, 2010

(7:00 p.m.)

Portage City Hall Council Chambers

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

SITE/FINAL PLANS:

PUBLIC HEARINGS:

- * 1. Valley Family Church-Kalamazoo, 2500 Vincent Avenue – Special Land Use Permit review

PLATS/RESIDENTIAL CONDOS:

OLD BUSINESS:

NEW BUSINESS:

- 1. 2010-2011 City Council Assigned Goals and Objectives Update (November 2010)

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

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

Jeffrey Erickson - Fw: Request from VFC to alter setbacks

From: SANDRA JOHNSON <skjohnsonb@yahoo.com>
To: <jeffrey.erickson@portagemi.gov>
Date: 10/18/2010 3:53 PM
Subject: Fw: Request from VFC to alter setbacks

Please forward to all Planning Commissioners. Thank you.

--- On **Mon, 10/18/10**, SANDRA JOHNSON <skjohnsonb@yahoo.com> wrote:

From: SANDRA JOHNSON <skjohnsonb@yahoo.com>
Subject: Request from VFC to alter setbacks
To: evansm@portagemi.gov
Date: Monday, October 18, 2010, 1:54 PM

Dear Planning Commission:

I live at 3029 Hillanbrook.

Increased traffic in any residential neighborhood increases response time for emergency vehicles. This is a huge concern to those who live here because of our neighborhood configuration and I do not believe it is unreasonable to expect that City of Portage officials should consider it their top priority. Keeping VFC traffic off of Angling Road should be of paramount concern. Please keep in mind that many VFC attendees are using Angling Road to get to VFC, not just to leave VFC when they become impatient. Also many of the vehicles using Angling exceed the speed limit through the Portage section of Angling Road, which is 25 miles per hour.

After disregarding the representations they made to obtain approval for expansion (especially over-communicating to attendees to use Vincent/Oakland, following residential area ordinances regarding noise, allowing walking on their grounds) and after occupying the facility and immediately 1) illegally utilizing a semi trailer as a sign in their parking lot and 2) unofficially expanding their parking lot by parking on the grass (both issues had to be addressed by city officials and I find no mention of these struggles in the agenda packets), I believe that the quality of life in our neighborhood, which has declined, is of no concern to VFC officials. Please keep these things in mind as you consider the VFC request to alter a condition of approval imposed by the Planning Commission regarding setbacks.

During the approval process we had yard signs that read "Keep Our Neighborhood Quiet and Safe"; apparently it was too much to ask.

Thank you for your time.
Sandra Johnson-Bradford



October 20, 2010

Mr. Randall Brown, Attorney
1662 E. Centre Avenue
Portage, MI 49002

RECEIVED

OCT 20 2010

3:00

COMMUNITY DEVELOPMENT

Dear Mr. Brown,

As both the City of Portage and Valley Family Church are aware, there have been a number of calls from one person made to the Portage Police in regards to alleged noise issues from our property beginning in the month of July 2010 through the present. Specifically, the alleged issues have been during times that our high school and college ministries conduct their services on Sunday evenings and Thursday evenings, respectively. These ministries always meet in the northwest corner of the facility in the room we refer to as the Youth Auditorium. These ministries meet on these evenings between the hours of 4:00 pm and 7:30 pm, which is the timeline of when these complaints have been made.

As it relates to the noise complaints, we felt it would be helpful to provide specifics, in writing, regarding the numerous efforts we have made as a church to address the alleged noise concerns from the neighborhood surrounding the church.

First - We made a proactive decision to minimize any potential noise in the design and construction of the building by double dry walling and double insulating the north and west exterior walls of this Youth Auditorium.

Second - To be proactive, we have taken these steps in response to the neighbor's complaints.

1. We have installed numerous acoustical treatments to the walls of the Youth Auditorium.
2. We had a face-to-face meeting and multiple phone conversations with Mr. Wollam, the neighbor who has filed the noise complaints in effort to identify and address the specific issues that he felt were of concern.
3. We communicated to the staff and volunteers to lower the maximum dB in the Youth Auditorium, as well as making sure all doors are closed during all rehearsals, worship sets, services, etc.
4. We have asked pastoral staff, volunteers and security personnel to walk the perimeter of our property during service times, rehearsals, worship sets, etc. in order to listen for excessive noise and to do dB readings, making sure that we are well beneath the maximum of 5 dBs over ambient noise levels.

Third - As we mentioned, we feel that this complaint is simply another example of being unfairly harassed by neighbors who appear to have an additional agenda regarding their frustration with our existence on the property. Recently, several of our security personnel advised us that Mr. Wollam came onto our property to tell our security personnel that it wasn't just the noise he disliked - it was the lights and the fact that we don't allow neighbors to walk their dogs on our property. His comments confirmed our suspicions regarding the recent flurry of noise complaints. Nevertheless, in an effort to be a good neighbor, we are proactively pursuing these additional measures:

1. We have purchased base mats to help to absorb the low frequency base sounds from the bass speakers.
2. We plan to add some additional acoustical treatment to various walls and ceiling.
3. We plan to build a drum cage to "house" the drum kit.

-OVER-

Fourth – Recently an MDOT representative mentioned that they may provide trees for us to plant on the north boundary of our property to minimize highway noise and we will be happy to cooperate with MDOT. We also may be willing to consider looking into planting additional trees, hedging or shrubs as finances become available for that purpose. However, we would be willing to plant trees either donated by the city or by neighbors.

We feel that based on the proactive efforts we have already taken and the efforts we are currently making, we have gone over and above the call of reasonable duty and we would expect the opposing parties to be reasonable as well.

In addition, we thought it would be helpful and informative to share the communication we provided our congregation in regards to the meeting on Thursday, October 21 and potential meeting on Thursday, November 4. Enclosed is a copy of that communication. We further feel it is important that both this letter and the enclosed communication be provided to the planning commission members.

Thank you again for your time and should you have any questions, feel free to contact me at 269-324-5599 x117 or at ajohnson@valleyfamilychurch.org.

Sincerely,

A handwritten signature in black ink that reads "Aaron Johnson". The signature is written in a cursive style with a large initial "A" and "J".

Aaron Johnson
Executive Director

c: Maurice Evans, City Manager
Jeffrey Erickson, Director of Community Development
Christopher Forth, Deputy Director of Community Development
Jeff and Beth Jones, Senior Pastors
Dan Dalton, VFC Attorney

Enclosure



Portage Planning Commission Meeting

Thurs Oct 21 | 7pm | Portage City Hall

Dear Church Family,

Valley Family Church is coming up on a final review of our site plan approval *this Thursday, October 21 at 7pm*. We wanted to inform you on the status of this meeting and invite you to attend. If you are able to attend (you may want to arrive early), we encourage you to wear your VFC gear - sweatshirts, volunteer VFC shirts, green bandanas, etc. - so it's obvious and evident who you are representing. If you desire to make any comments, please be courteous and use this Fact Sheet as your guideline.

We really don't know what type of meeting to expect. For all practical purposes, this meeting should be straight-forward and our final approval should be simple; however, our experience for the past two years has been one of constant surprises, opposition and harassment from a small group of neighbors, so we are not sure what their approach will be at this meeting.

According to our understanding, the purpose of this meeting is for the City to review the conditions they required of us when they approved our site plan. By reading this document, you will be educated on our compliance with the conditions, as well as our expectations going forward. Our attorney, Dan Dalton will be representing us. He is extremely gifted in this particular area of law.

These are the Primary Conditions of our Site Plan Approval:

1. CONDITION: An executed contract or agreement with an authorized law enforcement agency be provided by VFC-Kalamazoo to the City of Portage for review by the City Attorney prior to the issuance of the Certificate of Occupancy, with provisions to provide and pay for traffic enforcement/control services before and after Saturday worship service and Sunday worship service. The contract or agreement must also provide that traffic enforcement/control services be provided for activities conducted at other times during the week, whether sponsored by the church or other organizations, when the capacity of the facility sanctuary exceeds 80% (1,600 people), or 681 vehicles are parked on 2500 Vincent Avenue. The contract or agreement must be in effect from the first weekend service after issuance of the Certificate of Occupancy (projected to be 2009) to October 2010, or as determined by the Planning Commission. The motion was unanimously approved. *WE HAVE FULFILLED THIS 100%*.

2. CONDITION: A traffic report be prepared and provided by the City of Portage Department of Transportation & Utilities to the Planning Commission that documents traffic volumes and turning movements at the Oakland Drive-Vincent Avenue intersection and, if traffic data is available from the City of Kalamazoo, traffic volumes and turning movements at the Oakland Drive/Angling Road intersection. This traffic report is to also incorporate traffic volume, traffic counts on Vincent Avenue west of the VFC and turning movement information collected by MDOT for the

Oakland Drive-I-94 interchange as traffic data is available. Any recommendations from MDOT, the City of Kalamazoo and from the City of Portage are to be included in the traffic report. The traffic report is to be prepared and provided to the Planning Commission not later than October 2010. The motion was unanimously approved. *PORTAGE HAS DONE THIS AND IT IS POSTED ON THE PORTAGE CITY GOVERNMENT WEBSITE.*

3. CONDITION: Portage City Council consider a) enacting a traffic order to prohibit on street parking along Vincent Avenue to ensure the carrying capacity of this major street; and b) completion of the extension of the Vincent Avenue right turn lane from Oakland Drive to 300 feet west by the City of Portage prior to issuance of the VFC-Kalamazoo Certificate of Occupancy. The motion was unanimously approved. *WE FULFILLED OUR PART OF THIS COMPLETELY AND NEVER PARKED CARS ON VINCENT. SEVERAL OF OUR OPPOSING NEIGHBORS DID NOT FOLLOW THIS TRAFFIC ORDER AS THEY PARKED ALONG VINCENT TO COUNT OUR CARS, HARASS VFC'ERS AND FOLLOW CARS THAT TURNED RIGHT. THE POLICE ASKED THESE CARS TO MOVE AND AS YOU KNOW, THEY FOUND ALTERNATE SPOTS. PORTAGE DID EXTEND THE RIGHT TURN LANE OF VINCENT.*

4. CONDITION: Any activities or events conducted on the outside of the existing cathedral or planned addition within the 30-acre property that involves the erection of temporary buildings or structures such as tents, gazebos or other similar facilities be situated not less than 150 feet from the north property line and north of the west property lines to further protect the adjacent residential properties when these activities or events are occurring. A reduced buffer of 50 feet from the south ~ of the west property line is allowed until such time that residential development occurs on 5201 Angling Road or 3130 Vincent Avenue, whereby the setback would be increased to 150 feet. The motion was unanimously approved. *WE COMPLIED 100%, ALTHOUGH WE FEEL IT IS AN UNFAIR RESTRICTION ON OUR RIGHT TO USE OUR PROPERTY. THE NORMAL SET BACK IS 40 FEET, SO WE ARE REQUESTING A CHANGE IN THIS CONDITION.*

5. CONDITION: Mr. Robert Carson, attorney representing Valley Family Church stated that the church would voluntarily agree to install a "No Right-Turn, Local Traffic Only" sign on their property at the western most driveway. *WE INSTALLED THE SIGN AND FULFILLED THIS COMPLETELY; IN ADDITION, WE ENCOURAGED THE CONGREGATION TO ABIDE BY IT, SO THAT AN AVERAGE OF 92% OF OUR CARS TURNED LEFT WITH ABOUT 8% TURNING RIGHT DURING OUR WEEKEND SERVICES. WE WOULD LIKE TO "UNVOLUNTEER" THE INSTALLATION OF THIS SIGN, THE POLICE OFFICERS WHO DIRECT TRAFFIC ASKED THAT WE REMOVE IT AS IT HAS CREATED CONFUSION FOR NEIGHBORS AND IT IS NOT A REGULATORY SIGN.*

These Are the Issues We Have Consistently Faced From A Small Group of Neighbors:

(These things may come up at the Planning Commission Meeting; so for your information, this is the background)

1. EXISTENCE: Several neighbors don't want us to exist and unfortunately, there is nothing we can do to please them.

2. TRAFFIC: Some neighbors would like 100% of the cars to turn left out of our parking lot. We don't believe this is reasonable; especially since Angling Road is a public, feeder road paid for by all tax-payers. We installed the "No Right Turn - Local Traffic Only" sign we volunteered to install at our west exit and with an annual average of over 90% of VFC cars abiding by this sign and turning left (92% average across all days, 85-90% average on Sundays), we feel we have gone over and above the call of duty. Through VFC's hiring and paying for traffic control officers at Oakland and Vincent, traffic issues have been mitigated. Some neighbors predicted traffic nightmares, accidents and joggers being run over by VFC cars exiting the property - to our knowledge, there

has not been one traffic incident or accident due to VFC attendees. In addition to these things, we also don't believe it is reasonable for the neighbors to park next to our property to count cars every week, or to follow VFC cars down Angling or to harass our attendees. We are abiding by the law and should be free to enter and exit our property without issues, as we exercise our freedom to worship.

3. DOGS: Neighbors would like to walk their dogs on our property. Unfortunately, due to the hostile behavior of some neighbors, allowing their dogs to defecate on Cathedral steps, being rude and unpleasant with our staff and security personnel and belligerent when asked to leave the property; we will not allow dog walkers on our private property.

4. NOISE: In the recent months leading up to the Planning Commission meeting, a few neighbors have complained about noise coming from the worship music during our en fuego and Threshold meetings. (We have been running the same audio db levels since our Grand Opening so we found these complaints suspicious.) With the exception of one evening this past summer when new audio volunteers were running sound and the teens had the garage door open and music was heard through that open door; we have been diligent at keeping a reasonable audio level for young people. In an effort to monitor sound, numerous pastoral staff and on-site security personnel have walked the property line during the worship times on Thursday and Sunday nights to measure audio levels and listen for excessive noise; they have all concurred that the noise is not excessive. Nevertheless, in an effort to be proactive, we have asked the audio volunteers to keep the dbs down, keep the doors closed, etc. In spite of these things, the City notified us that they had planned to issue a citation of disturbing the peace to VFC regarding one noise incident in September 2010, based on complaints from neighbors, not based on actual db readings. We rebutted and made the case that many of these same neighbors have a history of harassment and we did not feel their complaints and the timing of these complaints were objective, but rather stemmed from a personal agenda and anger towards VFC. To prove our contention we recently presented the City Attorney with a DVD demonstrating the db levels for noise on a Thursday night during a Threshold meeting. Our video team stood on our property near the property line where the neighbors complaint originated and recorded/measured ambient noise, highway noise, the noise made by a weed-whacker, chain saw, Harley and idling truck as compared to the music from the worship team. The worship music was 2 dbs over ambient noise; while the weed-whacker, chain saw, Harley and idling truck were 10-20 db over ambient. In other words, the worship music does not exceed the noise ordinance and is not disturbing the peace. We also videotaped the audio levels of a local marching band at a football game to show an exaggerated comparison. Our contention is that we have not violated the noise ordinance, but rather, we have gone the extra mile to minimize noise and we are being penalized without cause. We were informed yesterday that the citation will not be issued.

5. HARASSMENT: For the past two years, since we purchased the property, we have done our best to be good neighbors; we have added extra trees and berms at neighbor's requests; we have prayed for our neighbors, been patient and gracious while exercising our rights to freely worship the Lord. In spite of these things, VFC have received consistent hateful emails, mean-spirited voice mails, letters to the Editor and threatening comments that are being investigated for criminal activity. We have chosen to respond to these things through reasonable communication when possible or by notifying the police and other authorities when necessary. Unfortunately, these things have put our church under a substantial burden these past two years in terms of time and expense in utilizing our human resources and hiring legal assistance so that we may worship freely. We have asked the City to do all that they can to inform and communicate with the neighbors concerning our rights and to mediate when possible and we have requested that we are treated with the same fair treatment they would give to any non-religious entity - schools, hospitals, retail outlets, manufacturing and office developments. We continue to be hopeful. (Much of this has been documented and sent to the City and it has been posted on the

Portage City Government website.)

This gives you the overview. We appreciate your prayers and support at the meeting.

NOTE: We recently saw a posting on the City's website that there will be two meetings regarding our site plan.

Thurs, Oct 21, 7pm: The Public Hearing for Public Comment - we welcome your support and comments!

Thurs, Nov 4, 7pm: A Public Hearing for Final Determination - we welcome your support!

LOCATION:
Portage City Hall
7900 South Westnedge Avenue
Portage, MI 49002

Jesus is building His Church & the gates of hell shall not prevail against it!

Valley Family Church | 2500 Vincent Ave, Kalamazoo, MI 49024 | 269.324.5599
valleyfamilychurch.org

This message was sent from Valley Family Church to aaronjohnson@kvfc.org. It was sent from: Valley Family Church, 2500 Vincent Ave, Kalamazoo, MI 49024. You can modify/update your subscription via the link below.

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