CITY OF
PORTAGE
A Place for Opportunities to Grow

PLANNING COMMISSION

October 21, 2010

CITY OF PORTAGE PLANNING COMMISSION

A G E N D A

October 21, 2010
(7:00 p.m.)

Portage City Hall Council Chambers

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

* October 7, 2010

SITE/FINAL PLANS:

PUBLIC HEARINGS:

* 1. Valley Family Church-Kalamazoo, 2500 Vincent Drive – Special Land Use Permit review
   - Email communication from Mr. Garnet Eckstrand dated October 6, 2010
   - Email communication from Ms. Melody Nedrud dated October 14, 2010

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

September 20, 2010 Zoning Board of Appeals meeting minutes
September 21, 2010 City Council meeting minutes

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

PLANNING COMMISSION

DRAFT

October 7, 2010

The City of Portage Planning Commission meeting of October 7, 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 30 citizens were in attendance.

MEMBERS PRESENT:

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

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

Wayne Stoffer.

IN ATTENDANCE:

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

PUBLIC HEARINGS:

None.

PUBLIC HEARINGS:

1. Special Land Use Permit: Wiggles, Waggles & Tails (dog day care), 8585 Portage Road. Mr. West summarized the staff report dated October 1, 2010 regarding the request by Ms. Shannon Reeves to establish a dog day care facility at 8585 Portage Road. Mr. West summarized the proposed use and the analysis contained in the staff report. Mr. West indicated that staff was recommending approval of the application subject to the three conditions listed in the staff report.

Ms. Shannon Reeves (applicant) was present to support the application. Ms. Reeves confirmed that no overnight boarding of dogs was proposed or desired. Chairman Cheesebro opened the public hearing. No citizens spoke in regard to the proposed dog day care use. A motion was then made by Commissioner Welch, seconded by Commissioner Bailes, to close the public hearing. The motion was unanimously approved. After a brief discussion, a motion was made by Commissioner Dargitz, seconded by Commissioner Bosch, to approve the Special Land Use Permit for Wiggles, Waggles & Tails, 8585 Portage Road, subject to the following conditions:

DRAFT

1) No overnight boarding, breeding or selling of dogs; 2) Hours of operation be restricted to 6:30am-6:00pm; and 3) Compliance with all applicable City of Portage Code of Ordinances including Community Quality (Chapter 24) related to the operation of this use including noise, odors, sanitation and health. The motion was unanimously approved.

PLATS/RESIDENTIAL CONDOS:

None.

OLD BUSINESS:

1. Valley Family Church-Kalamazoo, 2500 Vincent Drive – background information. Mr. Forth summarized the staff report dated October 1, 2010 and indicated the Valley Family Church-Kalamazoo (VFC-K) requested that the attached document entitled "City/Traffic Documentation" be provided to the Planning Commission for review, prior to the October 21, 2010 public hearing.

The Commission and staff briefly discussed issue of noise complaints listed in the documentation provided by VFC-K. Assistant City Attorney Bear stated the noise complaints were being handled by the Police Department and City Attorney Office. Commissioner Pearson briefly provided some background information regarding the May 2008 approval and the conditions that were attached to the approval. Since six of the nine current Commissioners were not part of the May 2008 consideration, Commissioner Pearson asked that the legal opinion previously provided by the City Attorney in regard to the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) be reissued to the Planning Commission prior to the October 21, 2010 public hearing. Assistant City Attorney Bear stated that the legal opinion would be provided prior to the October 21, 2010 meeting.

NEW BUSINESS:

1. Request that the Planning Commission initiate an Ordinance Amendment for the keeping of hens in residential zones from Mr. Fernando Costas. Mr. West summarized the staff report dated October 1, 2010 involving the request from Mr. Fernando Costas that the Planning Commission initiate an ordinance amendment that would allow the keeping of hens in residential zones. Mr. West referred the Commission to the materials provided by Mr. Costas including existing ordinance language samples from other communities, suggested ordinance language and a May 2008 study prepared by the University of New Mexico entitled "Residential Urban Chicken Keeping: An Examination of 25 Cities."

Mr. Fernando Costas (7619 Harvest Lane) was presented to support the request. Mr. Costas stated that he was requesting the Planning Commission initiate the ordinance amendment because he could not afford the application fee. Mr. Costas briefly discussed the proposal and materials provided and stated that he has a petition signed by more than 80 people supporting the proposed ordinance amendment. Seven additional citizens spoke in support of Mr. Costas and the proposed ordinance amendment: 1) Ms. Lynda Stewart, 329 East VanHoesen; 2) Mr. Mike Zajac, 8143 Brookwood Drive; 3) Ms. Betty Ongley, 8620 Tozer Court; 4) Mr. Roger Schultz, 3208 Romence Road; 5) Mr. Earnest Noel, 1812 Apple Street; 6) Mr. Eric Myers, 7245 Balfour Drive and 7) Mr. Luke Ostrem, 1515 Dogwood Drive.

After additional discussion, a motion was made by Commissioner Bailes, seconded by Commissioner Patterson, that the Planning Commission initiate an ordinance amendment to consider the keeping/raising of chickens, and other possible poultry/animals, and schedule a public hearing for the November 18, 2010 meeting. The motion was unanimously approved.

2. Farmland and Open Space Preservation Application, 7943 South 25th Street, Pavilion Township. Mr. Forth summarized the staff report dated October 1, 2010 involving the notification provided by Pavilion Township regarding a PA 451 Farmland and Open Space Preservation application for an approximate 56 acre tract of land located at 7943 South 25th Street. Mr. Forth indicated the statute stipulates that communities located within three

DRAFT

miles of subject property are afforded an opportunity to comment on the application. Mr. Forth stated the last application reviewed by the Planning Commission and City Council occurred in 2007 for another property located in Pavilion Township.

Some Commissioners indicated they did not receive the staff report and application materials in their agenda packets while other Commissioners stated they did receive the report and materials. The Commission suggested postponing action on this agenda item until the October 21st meeting. Mr. Forth stated any comments regarding this application must be forwarded to Pavilion Township within 30 days of receipt and the application was received on September 23rd. If postponed until the October 21st Planning Commission meeting, City Council would not consider the application until November 2nd. Although the statute only requires review by the governing body (City Council), these applications are provided to the Planning Commission for review/recommendation since it is a land use matter. The Commissioners who received the application materials shared the information with those who did not. Mr. Forth suggested a short recess while the Commission members reviewed the material. Mr. Forth reiterated the purpose of the application is to obtain a State of Michigan tax credit in exchange for preserving farmland and/or open space and, as a result, comments from the City of Portage that may affect the application are unlikely. After a short discussion, a motion was made by Commissioner Pearson, seconded by Commissioner Welch, to accept the Farmland and Open Space Preservation application for 7943 South 25th Street, Pavilion Township. The motion was unanimously approved. If the Commission members had any additional comments regarding the application, the comments would be provided to staff by the middle part of next week.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 8:05 p.m.

Respectfully submitted,

Christopher Forth, AICP
Deputy Director of Planning and Development Services

s:\commdev\2010-2011 department files\board files\planning commission\minutes\pcmin100710.doc

CITY OF
PORTAGE
A Place for Opportunities to Grow

Department of Community Development

TO: Planning Commission **DATE:** October 15, 2010

FROM: Jeffrey M. Erickson, Director of Community Development

SUBJECT: Preliminary Report: Valley Family Church - Kalamazoo, 2500 Vincent Avenue, Special Land Use Permit Review

I. INTRODUCTION

On May 1, 2008, the Planning Commission approved a special land use permit and site plan for Valley Family Church – Kalamazoo (VFC-K) to construct an approximate 85,000 square foot church facility, 681 off-street parking lot and related site improvements. Approval of the special land use permit included several conditions requiring a formal review one year after issuance of the certificate of occupancy, but not later than October 2010. (A copy of the May 1, 2008 approved meeting minutes with the motion of approval was previously provided to the Planning Commission.)

This report is provided to assist the Planning Commission in the review of the approved project and each condition of approval. The report concludes with a recommendation.

II. BACKGROUND INFORMATION

A copy of staff reports, traffic study/review information and various correspondence and meeting minutes related to the VFC-K project approved on May 1, 2008 was provided to Planning Commissioners on September 10, 2010. A copy of materials entitled "City/Traffic Documentation" submitted by VFC-K on September 16th and updated on September 30th, 2010 was also forwarded to the Planning Commissioners and briefly discussed on October 7, 2010. Accompanying this preliminary report is the Traffic Impact Report prepared by the Department of Transportation & Utilities, dated October 2010.

III. CONDITIONS OF APPROVAL

Approval of the special land use permit and site plan included several conditions. To assist the Planning Commission, each condition of approval is identified and is followed by comments. The information begins with the special land use permit conditions and is followed by the conditions of approval applicable to the approved site plan.

<u>Special Land Use Permit – Conditions of Approval</u>

1. *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.

Comments: Following review and approval by the City Attorney, the City of Portage executed an agreement entitled "Traffic Control Service Agreement" with VFC-K on September 16, 2009 in which the Portage Police Department would provide traffic control services before and after Saturday and Sunday worship services and other activities that exceed 1,600 people or 681 vehicles parked at 2500 Vincent Avenue with the cost for the traffic control services to be paid by VFC-K. The City of Portage has been reimbursed for traffic control service consistent with the agreement. The Planning Commission reviewed and accepted the agreement during the September 17, 2009 Planning Commission meeting. The certificate of occupancy was issued on October 23, 2009 and church services began on October 24, 2009. The agreement was amended on April 12, 2010 to provide for traffic control services before and after a 7:00 p.m. Monday worship service, which commenced on May 1, 2010. Finally, the Traffic Control Service Agreement was renewed with expiration on September 30, 2012.

Also, the City of Portage entered into a "Traffic Control Response Agreement" with the City of Kalamazoo on November 30, 2009. The City of Kalamazoo Department of Public Safety (KPS) was requested by VFC-K to provide traffic control services and the City of Portage authorized KPS to provide this service in the event services cannot be provided by the City of Portage Police Department with no costs to the City of Portage. The agreement was renewed for a two year period with expiration on September 30, 2012.

2. *A bi-monthly report be provided by VFC-Kalamazoo to the City of Portage that tabulates attendance in the facility sanctuary at the Saturday worship service and Sunday worship service and at other activities at 2500 Vincent Avenue when 1,000 or more people are in attendance. The bi-monthly reports are to commence when the Certificate of Occupancy is issued (projected to be October 2009) and continue until October 2010, or as determined by the Planning Commission.*

   Comments: Attached are the bi-monthly reports provided by VFC-Kalamazoo officials. (Refer to No. 3 below.)

3. *A formal review of the special land use permit for VFC-Kalamazoo, 2500 Vincent Avenue, be performed by the Planning Commission one year from the granting of the Certificate of Occupancy, but not later than October 2010. This review will be for the purposes of surveying the bi-monthly attendance reports, ensuring conformance with the special land use permit application, applicable conditions in the Zoning Code (Sections 42-182 and 42-462), the Code of Ordinances (Noise and other applicable ordinances) and the conditions of approval established by the Planning Commission, examining the traffic report as established in No. 4 below and considering other relevant information to determine if any improvements are necessary to ensure traffic safety.*

   Comments: Following is information regarding each issue referenced in the condition of approval.

   Bi-monthly Attendance Reports. The bi-monthly reports commenced when services began in October 2009. The VFC Sanctuary Attendance Report, summarizes the attendance figures for the 122 church services conducted in the new 1500 seat sanctuary since October 2009. Of the 122 services, 50 were held on Saturday (one Saturday service was cancelled due to a power outage), 51 on Sunday and 21 on Monday. The highest number of attendees occurred on Saturday, March 13, 2010 with an attendance of 1,263 people. The lowest attendance, 327 people, occurred on Saturday July 3, 2010. The following table shows the number of attendees per church service.

Table 1: Sanctuary Attendees Per Church Service Since October 2009												
Number of attendees	Greater than 1,000			800-1,000			600-799			Less than 600		
Day of service	Sat.	Sun.	Mon.	Sat.	Sun.	Mon.	Sat.	Sun.	Mon.	Sat.	Sun.	Mon.
Number of services	10	26	0	14	18	0	8	5	3	18	2	18
Total number of services	36			32			16			38		

Per the preceding table, the greatest number of people attended Sunday services, when 26 services exceeded 1,000 attendees. The lowest attended services (less than 600) occurred on Saturday and Monday (18).

Also, attendance levels were highest during the fall and winter and, based on the information provided by church officials, with a decline beginning in May 2010. The former cathedral that seats an additional 500 people has not been used in conjunction with Saturday, Sunday or Monday services.

As previously provided to the Planning Commission, VFC-K officials also prepared an Attendance and Vehicle Count and Ratios table, which they began in May 2010. This table shows total attendance (VFC-K staff, VFC-K volunteers and children between birth through 8th grade, who participate in other church-related activities while the main sanctuary service is underway), sanctuary attendance and various car counts. The number of vehicles parked in the Vincent Avenue parking lot range from a low of 261 to a high of 644 with an average of 441.82 vehicles in the on-site 681 off-street parking facility. Of interest are the right three columns that show vehicle turn movements. A significant majority of exiting vehicles have turned left and proceeded to the Vincent-Oakland intersection (average of 403.95 vehicles, or 92.89%). Per the table, a high count of 122 vehicles turned right at the May 9, 2010 Sunday service, with a low count of five vehicles that turned right at the July 26, 2010 Monday service. However, on average, 36.42 vehicles (7.22%) turned right onto Vincent Avenue.

The total and sanctuary attendance numbers reported to date are less than estimated by Midwestern Consulting (traffic consultant hired by VFC-K) in the April 21, 2008 Traffic Impact Study. The study and recommendations prepared by Midwestern Consulting was based on 1,600 attendees or 80% of the church capacity, which is 2,000 attendees (1,500 in the new sanctuary and 500 in the former cathedral sanctuary).

Conformance with Section 42-182 of the Zoning Code. This section of the Zoning Code specifies two conditions of approval that must be fulfilled: Building height and setbacks and adjacency and access to a major thoroughfare. The established conditions have been met.

Conformance with Section 42-462 of the Zoning Code. Section 42-462 contains the General Standards of Review that staff and the Planning Commission use to assist in the evaluation of requests for special land use permits. The General Standards of Review include:

- Promote the intent and purpose of this article.
- Be compatible with adjacent uses of land and the natural environment.
- Not unduly affect the capacities of public services or facilities.
- Be consistent with the public health, safety and welfare.
- Be harmonious with and in accordance with the general objectives or with any specific objective of the Comprehensive Plan.

- Be planned and designed to ensure that the nature and intensity of the principal use and all accessory uses, and the site layout and its relation to the streets giving access to it, shall not be hazardous or otherwise detrimental to the area or unduly conflict with normal traffic to and from the use.

Per the approved special land use permit and site plan, it was determined the VFC-K development proposal fulfilled the General Standards of Review, as referenced in the April 28, 2008 Department of Community Development staff report. After construction, but before the church opened in October 2009, staff reviewed the project in order to ensure compliance with the approved special land use permit and site plan. The project was constructed per Planning Commission approval including the building and accessory facilities, parking lot/building setback distances, site lighting, installation of significant landscaping/screening, and so forth.

Since the church opened, staff has monitored church operations and has concluded the VFC-K facility continues to fulfill the General Standards of Review. Additional comments regarding complaints received concerning vehicular traffic (right-turning vehicles from 2500 Vincent Avenue) and noise is provided in the following sections.

As information, in September 2009, when construction of the church was nearing completion, staff responded to a Greenhill Street resident complaint about site lighting and screening. The outdoor lighting units are shielded fixtures and meet applicable ordinance standards. Although not required, VFC-K installed additional evergreen tree plantings along the northeastern portion of this landscaped berm, adjacent to Greenhill Street.

Code of Ordinances (Noise and other applicable ordinances). The Police Department has responded to approximately nine noise complaints. The complaints involve sound associated with music being played inside the church. VFC-K has been advised by the city of the noise issues. The alleged violations of the Noise Ordinance will be reviewed in a manner consistent with the Noise Ordinance.

4. *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.*

Comments: The Department of Transportation & Utilities has prepared the accompanying report. Following is summary information regarding traffic impacts. (Refer to the October 2010 Traffic Impact Report for detailed analysis.)

- Weekday traffic along Vincent Avenue and Oakland Drive is significantly greater than weekend traffic before and after the opening of the VFC-K facility.
- Traffic counts recorded by MDOT before and after church opening in the vicinity of Vincent Avenue and Oakland Drive are consistent with traffic counts recorded by the Department of Transportation & Utilities.
- Anticipated traffic from the closure of I-94 ramps has not significantly impacted the traffic flows along Oakland Drive during church service periods.
- The significant majority of VFC-K traffic is utilizing the Oakland and Vincent intersection

- Vehicular traffic exiting VFC-K services conducted at 2500 Vincent Avenue and using Angling Road through the neighborhood is minimal.
- Traffic control services provided by uniformed police officers from the Portage Police Department and Kalamazoo Department of Public Safety have been effective.
- Signalization changes or street improvements involving the I-94, Oakland Drive and Vincent Avenue intersection area are not warranted at this time.

5. *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.*

   Comments: The City Council has enacted a traffic order prohibiting parking along Vincent Avenue and extension of the right turn from Oakland Drive to 300 feet west was completed by the City of Portage in August 2009 prior to VFC-K services beginning in October 2009. Appropriate traffic enforcement actions, which have constituted verbal warnings, have been initiated as necessary to ensure conformance with the order.

6. *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 ½ 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 ½ 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.*

   Comments: Staff is not aware of any outside activities or events conducted by VFC-K since the Special land Use Permit and site plan were approved in May 2008. (Attached is a letter dated September 16, 2010 in which VFC-K has requested the 150 foot setback from the north and west property lines be reduced to no more than 50 feet. A staff recommendation regarding this setback reduction request will be prepared and included in the final report, which will be provided to the Planning Commission for action on November 4, 2010.

Approved Site Plan – Conditions of Approval

1. *Two additional full-service Vincent Avenue driveways (one located at the east end of the property and one at the west end of the property) with the center driveway proposed to be gated and only utilized during special events at the existing cathedral such as weddings and funerals. Given the traffic levels on Vincent Avenue, no development potential along the south side of Vincent Avenue/I-94 and information contained in the traffic impact study, two new full-service driveways are consistent with the Access Management Ordinance.*

   Comments: The site has been developed consistent with Planning Commission approval: Two additional full-service driveways have been constructed and the existing center driveway is gated so that use of this access can be properly controlled.

2. *The alternative method of screening as proposed by the applicant and as shown on the site plan consistent with Section 42-573.F that includes increased parking lot setback distances, preservation of existing mature trees and vegetation located within the setback areas and installation of*

additional screening around the perimeter of the site consisting of earthen berms and planting evergreen and deciduous trees.

Comments: The alternate method of screening proposed by VFC-K has been installed consistent with the approved site plan. For Commission information, the landscaped berm installed by VFC-K is substantial and exceeds specifications identified on the approved site plan (i.e., taller and more continuous). Although not required, VFC-K installed additional evergreen tree plantings along the northeastern portion of this landscaped berm, adjacent to Greenhill Street.

3. *Installation of a "No Right-Turn, Local Traffic Only" sign on the church property at the western driveway, as offered by the applicant.*

   Comments: The "No Right-Turn, Local Traffic Only" sign was voluntarily installed by VFC-K consistent with the site plan approval. (The attached September 16, 2010 VFC-K letter also requests removal of this sign. A staff recommendation regarding the request to modify this condition of site plan approval in order to remove the sign will be prepared and included in the final report, which will be provided to the Planning Commission for action on November 4, 2010.)

As information for the Planning Commission and consistent with the April 11, 2008 Department of Community Development staff report concerning approval of the Special Land Use Permit and site plan, a parking plan to construct up to the maximum allowed parking, or an addition 53 parking spaces at 2500 Vincent Avenue, was administratively approved on August 3, 2010. Construction of the parking lot has not yet commenced.

IV. RECOMMENDATION:

It is advised that the Planning Commission accept public comment and adjourn the public hearing to November 4, 2010 at which time the Planning Commission can take final action on the Special Land Use Permit review and the requests received from VFC-K.

Staff will be prepared to further assist the Planning Commission at the upcoming meeting.

Attachment: VFC-K Bi-monthly attendance reports
September 16, 2010 letter from Aaron Johnson, VFC-K

valleyfamilychurch
KALAMAZOO

2500 Vincent Avenue

VFC Sanctuary Attendance Report

Required to report attendance in the VFC Sanctuary at Saturday and Sunday worship services

Attendance in Sanctuary		
Saturday, October 24, 2009	6:00 pm service	836
Sunday, October 25, 2009	10:00 am service	1,101
Saturday, October 31, 2009	6:00 pm service	440
Sunday, November 1, 2009	10:00 am service	1,146
Saturday, November 7, 2009	5:00 pm service	1,257
Saturday, November 7, 2009	7:15 pm service	637
Sunday, November 8, 2009	9:00 am service	668
Sunday, November 8, 2009	11:15 am service	1,106
Saturday, November 14, 2009	6:00 pm service	1,030
Sunday, November 15, 2009	10:00 am service	1,070
Saturday, November 21, 2009	6:00 pm service	733
Sunday, November 22, 2009	10:00 am service	1,225
Saturday, November 28, 2009	6:00 pm service	946
Sunday, November 29, 2009	10:00 am service	1,187
Saturday, December 5, 2009	6:00 pm service	674
Sunday, December 6, 2009	10:00 am service	1,062
Saturday, December 12, 2009	6:00 pm service	606
Sunday, December 13, 2009	10:00 am service	986
Saturday, December 19, 2009	5:00 pm service	1,234
Saturday, December 19, 2009	7:15 pm service	812
Sunday, December 20, 2009	9:00 am service	547
Sunday, December 20, 2009	11:15 am service	1,069
Saturday, December 26, 2009	6:00 pm service	586
Sunday, December 27, 2009	10:00 am service	1,112
Saturday, January 2, 2010	6:00 pm service	912
Sunday, January 3, 2010	10:00 am service	968
Saturday, January 9, 2010	6:00 pm service	996
Sunday, January 10, 2010	10:00 am service	1,038
Saturday, January 16, 2010	6:00 pm service	1,005
Sunday, January 17, 2010	10:00 am service	1,101
Saturday, January 23, 2010	6:00 pm service	1,090
Sunday, January 24, 2010	10:00 am service	927
Saturday, January 30, 2010	6:00 pm service	950
Sunday, January 31, 2010	10:00 am service	1,136
Saturday, February 6, 2010	6:00 pm service	1,030
Sunday, February 7, 2010	10:00 am service	1,060
Saturday, February 13, 2010	6:00 pm service	921
Sunday, February 14, 2010	10:00 am service	1,064

Saturday, February 20, 2010	6:00 pm service	933
Sunday, February 21, 2010	10:00 am service	998
Saturday, February 27	6:00 pm service	924
Sunday, February 28	10:00 am service	1,020
Saturday, March 6	6:00 pm service	932
Sunday, March 7	10:00 am service	1,154
Saturday, March 13	6:00 pm service	1,263
Sunday, March 14	10:00 am service	1,027
Saturday, March 20	6:00 pm service	1,144
Sunday, March 21	10:00 am service	1,141
Saturday, March 27	6:00 pm service	961
Sunday, March 28	10:00 am service	1,120
Saturday, April 3	5:00 pm service	1,147
Saturday, April 3	7:15 pm service	632
Sunday, April 4	9:00 am service	916
Sunday, April 4	10:15 am service	1,158
Saturday, April 10	6:00 pm service	885
Sunday, April 11	10:00 am service	1,153
Saturday, April 17	6:00 pm service	945
Sunday, April 18	10:00 am service	1,124
Saturday, April 24	6:00 pm service	1,062
Sunday, April 25	10:00 am service	1,158
Saturday, May 1	6:00 pm service	811
Sunday, May 2	10:00 am service	991
Monday, May 3	7:00 pm service	581
Saturday, May 8	6:00 pm service	750
Sunday, May 9	10:00 am service	1,059
Monday, May 10	7:00 pm service	465
Saturday, May 15	6:00 pm service	663
Sunday, May 16	10:00 am service	830
Monday, May 17	7:00 pm service	465
Saturday, May 22	6:00 pm service	615
Sunday, May 23	10:00 am service	994
Monday, May 24	7:00 pm service	485
Saturday, May 29	6:00 pm service	435
Sunday, May 30	10:00 am service	724
Monday, May 31	7:00 pm service	408
Saturday, June 5	6:00 pm service	544
Sunday, June 6	10:00 am service	813
Monday, June 7	7:00 pm service	415
Saturday, June 12	6:00 pm service	528
Sunday, June 13	10:00 am service	833
Monday, June 14	7:00 pm service	514
Saturday, June 19	6:00 pm service	Cancelled – power outage
Sunday, June 20	10:00 am service	1,047
Monday, June 21	7:00 pm service	617
Saturday, June 26	6:00 pm service	433
Sunday, June 27	10:00 am service	704
Monday, June 28	7:00 pm service	447
Saturday, July 3	6:00 pm service	327
Sunday, July 4	10:00 am service	577

Monday, July 5	7:00 pm service	461
Saturday, July 10	6:00 pm service	506
Sunday, July 11	10:00 am service	742
Monday, July 12	7:00 pm service	490
Saturday, July 17	6:00 pm service	391
Sunday, July 18	10:00 am service	905
Monday, July 19	7:00 pm service	362
Saturday, July 24	6:00 pm service	580
Sunday, July 25	10:00 am service	829
Monday, July 26	7:00 pm service	431
Saturday, July 31	6:00 pm service	449
Sunday, August 1	10:00 am service	928
Monday, August 2	7:00 pm service	425
Saturday, August 7	6:00 pm service	496
Sunday, August 8	10:00 am service	791
Monday, August 9	7:00 pm service	603
Saturday, August 14	6:00 pm service	528
Sunday, August 15	10:00 am service	914
Monday, August 16	7:00 pm service	494
Saturday, August 21	6:00 pm service	504
Sunday, August 22	10:00 am service	1,168
Monday, August 23	7:00 pm service	630
Saturday, August 28	6:00 pm service	459
Sunday, August 29	10:00 am service	930
Monday, August 30	7:00 pm service	490
Saturday, September 4	6:00 pm service	595
Sunday, September 5	10:00 am service	861
Monday, September 6	7:00 pm service	413
Saturday, September 11	6:00 pm service	489
Sunday, September 12	10:00 am service	967
Monday, September 13	7:00 pm service	412
Saturday, September 18	6:00 pm service	551
Sunday, September 19	10:00 am service	950
Monday, September 20	7:00 pm service	423

valleyfamilychurch

RECEIVED
SEP 16 2010
COMMUNITY DEVELOPMENT

September 16, 2010

Mr. Jeffrey Erickson, Director of Community Development
City of Portage
7900 South Westnedge
Portage, MI 49002

Dear Mr. Erickson,

As we discussed in our meeting on August 18, 2010, we are preparing for the upcoming Portage Planning Commission Meeting scheduled for Thursday, October 21 being based on the Planning Commission's requirement approved at the May 15, 2008 Planning Commission Meeting. Our understanding is that this meeting is based on the requirement that a *formal review of the special land use permit for VFC-Kalamazoo, 2500 Vincent Avenue, be performed by the Planning Commission one year from the granting of the Certificate of Occupancy, but not later than October 2010.* As described in the requirements, *(t)his review will be for the purposes of surveying the bi-monthly attendance reports, ensuring conformance with the special land use permit application, applicable conditions in the Zoning Code, the Code of Ordinances and the conditions of approval established by the Planning Commission, examining the traffic report as established in No. 4 below and considering other relevant information to determine if any improvement are necessary to ensure traffic safety.*

Based on preliminary reports and documented traffic impacts, we feel confident that the law enforcement traffic control that has been in place for our regular worship services has proved to be successful at eliminating traffic concerns. We are very pleased with the tremendous job being done by both the Portage Police officers, as well as the Kalamazoo Public Safety officers.

However, in order to provide documented evidence of the minimal traffic impact, we have enclosed a binder which includes traffic and attendance reports.

Also included in the enclosed binder is additional information that provides significant evidence of continued neighbor harassment, including theft, verbal threats, harassment and tailgating of church attendees, defamatory newspaper publications, etc. Please review this material and provide it to the Planning Commissioners for their review in preparation for the October 21st meeting. We truly hope that as a result of this meeting, we can be freed from these ongoing incidences that continue to hinder our ability to conduct our worship services free from harassment. Thank you for reviewing this information.

Additionally, we would like to make two requests of the Planning Commission.

First, in an attempt to help alleviate some of the concerns addressed by the neighbors during the May 2008 Planning Commission Meetings, we voluntarily agreed to install a "No Right-Turn, Local Traffic Only" sign on our property at the western most driveway. While we do continue to encourage this, law enforcement officers, have requested that the sign be removed due to the fact that it was causing confusion and is not legally enforceable. In light of the fact that we agreed to install it, we have left it in place. However, based on the law enforcement's request and as a way to reduce confusion about this non-enforceable sign, we would like to withdraw our willingness to voluntarily post that sign and would like to remove it.

In reference to condition 6 placed on the church regarding restrictions on use of our property, we believe this restriction is beyond reasonable based on the excessive limitations on the use of our own property. As the restriction stands right now, approximately 21.5% of property (6.24 of 29 acres) on Vincent Avenue is virtually unusable. We feel that the set back requirement should be reduced to no more than 50 feet. This would reduce the unusable space to just 8.7% of property (2.55 of 29 acres). Therefore, we request that the setback to erect temporary buildings or structures such as tents, gazebos or other

-OVER-

2500 Vincent Avenue, Kalamazoo, MI 49024 | Phone: 269.324.5599 | Fax: 269.324.5511 | valleyfamilychurch.org

similar facilities be reduced from 150 feet to no more than 50 feet from both the north and the west property lines; 50 feet should be sufficient enough to protect the adjacent residential properties as well as limit our restriction on usage of our property.

We believe that as you review our requests, you will agree with our assessment and subsequently recommend that the adjustments be made as requested.

Should you have any questions, feel free to contact me at 269-324-5599 x217 or at ajohnson@valleyfamilychurch.org.

Sincerely,

Aaron Johnson
Executive Director

c: Maurice Evans, City Manager
Jeff and Beth Jones, Senior Pastors

Mike West - VFC - Traffic Flow Analysis.xls

From: "Eckstrand, Garnet" <garnet.eckstrand@pfizer.com>
To: <westm@portagemi.gov>
Date: 10/6/2010 3:04 PM
Subject: VFC - Traffic Flow Analysis.xls
Attachments: VFC - Traffic Flow Analysis.xls; VFC - Traffic Flow Analysis.xls

Mr. West:

I have attached a spreadsheet of traffic flow numbers - from KVFC through the neighborhood. As you can see, I counted cars on 9
Sunday mornings over the past year - and, unfortunately, the church only provided their own traffic flow numbers for a time period that overlaps
only 2 of my counts.

But - for those two Sundays - May 2, 2010 and August 22, 2010 - the counts that the church provided are "within reason" when compared to the counts I gathered.

As far as highlights of the attachment...

- during Planning Commission review - the church stated that there would be approximately 20 cars turn west based on expert traffic analysis
- over my 9 observation mornings - the averaged number of cars turning west was **102!**
- the highest number I observed was **160** cars turning west over a 20 minute period!

This means that the neighborhood has an extra car on our streets every 8-10 seconds - a huge impact on quality of life.

Please include this information for the October 21st Planning Commission meeting.

Thanks
Garnet Eckstrand

VFC Traffic Flow Observations

- traffic leaving the church through the Angling Road Neighborhood

A	B	C	D	E	F	G	H		
Date	**Observed Car Count**	**# Times Expert Evidence**	**Start Time**	**End Time**	**# Minutes**	**Cars / Minute**	**# Seconds / Car**		KVFC Counts
8-Nov-09	62	3.0	12:50 PM	1:05 PM	15	4.1	15		
15-Nov-09	45	2.2	11:35 AM	11:51 AM	16	2.8	21		
6-Feb-10	89	4.4	11:30 AM	11:52 AM	22	4.0	15		
28-Mar-10	144	7.0	11:30 AM	11:51 AM	21	6.9	9		
11-Apr-10	145	7.1	11:32 AM	11:52 AM	20	7.3	8		
18-Apr-10	160	7.8	11:24 AM	11:44 AM	20	8.0	8		
2-May-10	120	5.9	11:30 AM	11:54 AM	24	5.0	12		115
22-Aug-10	68	3.3	11:28 AM	11:57 AM	29	2.3	26		69
26-Sep-10	88	4.3	11:33 AM	12:00 PM	27	3.3	18		
Averages:	**102.3**	**5.0**							
		20.43							

The Expert Traffic evidence provided by the KVFC stated that 9% of the church congregation lived north of the church site and "in their expert opinion" approximately 1/3 of those may choose to travel home after church service using Vincent-Angling Road and driving through the neighborhood. Based on this expert analysis - there would be no more than **20** cars after each service.

Legend	
Column A	- Contains the date of the neighborhood observation
Column B	- Contains the number of cars observed travelling West out of the parking lot
Column C	- Calculated multiplier of (number of cars / 20)
Column D	- Time Observation began
Column E	- Time Observation ended
Column F	- Number of minutes of observation
Column G	- Number of cars through the neighborhood per minute
Column H	- Number of seconds between cars through the neighborhood

Jeffrey Erickson - Re: Valley Family Church

PL. rgh

From: Maurice Evans
To: Nedrud, Melody
Date: 10/15/2010 6:53 AM
Subject: Re: Valley Family Church

Good morning Ms. Nedrud,

Your comments will be passed on to the Planning Commission as I will provide Jeff Erickson, who the Director of Community Development, with a copy.

Respectfully,

Maurice S. Evans,
City Manager
City of Portage
7900 South Westnedge Ave
Portage, MI 49002
Ph: 269-329-4400
Fax: 269-324-9244
Cell: 269-217-0455
evansm@portagemi.gov
Learner, Achiever, Positivity, Relator, Responsibility

>>> Melody Nedrud <jimel08@att.net> 10/14/2010 4:28 PM >>>
Dear Maurice,

I am contacting you because I don't have email addresses for the Planning Commission. I would appreciate it if you would direct this to the Planning Commission on my behalf.

Dear Planning Commission Chairman and Commissioners,

I am writing you at this time because I know that the Planning Commission is in the process of reviewing the site plan for the Valley Family Church.
I am a neighbor living on Wedgwood. I have some concerns that I would like you to take into account as you continue your review process. They are as follows:

1. I believe that safety and traffic continue to be concerns at the Oakland/Vincent intersection. The traffic has increased as a result of the Church's activities on Vincent Drive. The requirement that the Church have police direct traffic at that corner when they have services and large events has helped and I feel should continue as a requirement for the Church. I also feel that traffic both Church related and in general has increased in that area. I hope that when you review this requirement that you review traffic counts at all times of the day and all days of the week. Also a review of traffic accidents in this area should be reviewed. I would hope as a result of this review that added traffic solutions be considered in addition to the police directing traffic like the consideration of a traffic light.

2. In addition to the Oakland/Vincent intersection traffic concern I am also concerned with Church traffic driving through the neighborhood on Angling. The Church currently has a sign posted at the West exit from their parking lot for right turns for local traffic only. I request that this sign be continued as a requirement for that Church. I don't count the number of cars that leave and turn right but I have noticed an increase in the traffic on Angling. I frequently walk along Angling for exercise and personal enjoyment as do others in the neighborhood. If you are not familiar with the neighborhood I encourage you to visit it to better understand the situation. Certainly those members of the Church who live in the neighborhood should be allowed the easy route to their homes but those who are simply using it as a short cut to avoid the traffic should use the east exit and turn left. The Church should have been
well area of the potential traffic problems when the decided to purchase the property. In the discussions last year my impression was that the Church voluntarily agreed to this requirement and would ask their members to only use Angling for local traffic.

3. Finally the restriction that the Church not be allowed certain activity with in so many feet of it's neighbors should continue. It is my understanding there has been some noise issues in the area and added activity closer to the neighbors should not be considered until the noise issue is solved.

Thank you for your consideration. I am a neighbor expressing my own personal concerns, not a part of any neighborhood organization but I hope that you will carefully review my concerns. Melody Nedrud

CITY OF
PORTAGE
A Place for Opportunities to Grow

Department of Community Development

TO: Planning Commission **DATE:** October 15, 2010

FROM: Jeffrey M. Erickson, Director of Community Development

SUBJECT: 2010-2011 City Council Assigned Goals and Objectives Update (November 2010)

In November and April of every year, updates on progress made by the respective advisory boards/commissions on the City Council-assigned activities are requested. Attached is a copy of the City Council assigned Advisory Boards and Commissions 2010-2011 Goals and Objectives (activities) that have been approved.

The Commission is advised to review the attached materials and draft transmittal to City Council for discussion during the October 21, 2010 meeting. The information must be submitted to the Office of the City Clerk by November 10, 2010. If additional discussion is needed, this item can be included on the November 4, 2010 Planning Commission agenda. Once finalized, the transmittal can then be forwarded to the City Council.

Attachments: Advisory Board communication from Deputy City Clerk dated October 1, 2010
DRAFT Planning Commission transmittal to City Council dated October 22, 2010
Advisory Boards and Commissions Approved FY 2010-2011 Goals and Objectives

S:/Commdev/2010-2011 Department Files/Board Files/Planning Files/PC Reports/PC G&O's 2010-11 Update (Nov 2010).doc

RECEIVED
OCT 1 1 2010
COMMUNITY DEVELOPMENT

CITY OF PORTAGE COMMUNICATION

TO: Advisory Board Chairperson*

DATE: October 1, 2010

FROM: Adam Herringa, Deputy City Clerk

SUBJECT: Goal Updates for 2010-11

This is a reminder that the first goal updates for 2010-11 need to be prepared and forwarded to the City Clerk Office by November 10, 2010. The goals and objectives updates will be compiled and forwarded to City Council for review. Proposed goals and objectives for 2011-12 will be due in early April 2011.

A hard copy of the update as well as an electronic copy, sent to herringa@portagemi.gov, would be appreciated.

Please contact the City Clerk Office if you need further assistance.

* Jason Howard, Chair, Environmental Board
Mark Reile, Chair, Historic District Commission
Amy Tuley, Chair, Human Services Board
Mike Zajac, Chair, Park Board
James Cheesebro, Chair, Planning Commission
James Hoppe, Chair, Senior Citizens Advisory Board

c: Maurice S. Evans, City Manager
Staff Liaison: Christopher Barnes, Environmental Board
MaryBeth Block, Historic District Commission
Vicki Georgeau, Human Services Board
William Deming, Park Board
Chris Forth, Planning Commission
Jason Horan, Senior Citizens Advisory Board

DRAFT

TO: Honorable Mayor and City Council

FROM: Planning Commission

DATE: October 22, 2010

SUBJECT: 2010-2011 Planning Commission Goals and Objectives Update (November 2010)

Consistent with the request of City Council, this communication represents an update on the progress made during the 2010-2011 fiscal year on assigned goals and objectives.

2010-2011 Planning Commission Goals and Objectives Update

1. *Continue to guide development to appropriately planned area of the community.*

   The Planning Commission continues to guide development consistent with the 2008 Comprehensive Plan Update and Future Land Use Map. Additionally, the Planning Commission also continues to ensure new development projects are designed consistent with applicable ordinances through review of site plans, plats and other development proposals.

   Since the last update (April 2010), the Planning Commission has reviewed/approved the following private development projects: Portage Soccer Club (outdoor soccer facility), 8201 Cox's Drive; Cross Creek Self Storage (expansion), 800 Gladys Street; Senior Meadows Senior Apartments, 1405-1419-1503 East Centre Avenue; Fifth-Third Bank, 2610 East Milham Avenue; The Homestead III (preliminary plat), 3820 Hollow Wood Drive; Mikkel Need (accessory building), 1921 Wetherbee Avenue; Kelly VanDenBos (group day care home), 5203 Oakland Drive; Greenspire Retail (Phase I), 3201 West Centre Avenue; Greenspire Apartments (Phase IV), 8380 Greenspire Drive; Lake Michigan Credit Union, 4100 West Centre Avenue; Midwest Fasteners (addition), 9031 Shaver Road; The Bridge Church (outdoor fields/accessory building), 7198 Angling Road; The Bark Park (dog park/dog day care), 6604 Lovers Lane; CrossFit Health & Fitness, 1176 Gernaat Court; and Wiggles, Waggles & Tails (dog day care), 8585 Portage Road.

2. *Consider and act appropriately upon site-specific rezonings in the context of the 2008 Comprehensive Plan and the 2008 City Centre Area Plan to encourage residential, commercial, industrial, planned development and high-tech development opportunities, as appropriate.*

   Since the last update (April 2010), no rezoning applications have been received. The Commission will continue to review all future rezoning applications in context with the 2008 Comprehensive Plan and 2008 City Centre Area Plan. The Department of Community Development is finalizing a review and analysis of the three commercial revitalization areas identified in the Comprehensive Plan. Review by the Planning Commission including efforts to address this Comprehensive Plan implementation strategy involving possible programs, improvements and incentives within the revitalization area(s) will commence later this Fall.

3. *During project plan review, consider parking lot interconnection, driveway consolidation, access from adjacent local/collector street or other methods intended to improve traffic flow and safety.*

   The Planning Commission continues to implement provisions of the Access Management Ordinance during site plan review to achieve ordinance objectives. Site plans approved since the last update (April 2010) that included access management related improvements and commitments include Senior

DRAFT

Meadows Senior Apartments, 1405-1419-1503 East Centre Avenue; Fifth Third Bank, 2610 East Centre Avenue; Greenspire Retail (Phase I), 3201 West Centre Avenue; Greenspire Apartments (Phase IV), 8380 Greenspire Drive; Lake Michigan Credit Union, 4100 West Centre Avenue and The Bark Park (dog park/dog day care), 6604 Lovers Lane

4. *Review and recommend the annual Capital Improvement Program.*

   The Planning Commission will be reviewing the annual Capital Improvement Program (CIP) during the Winter/Spring 2011.

5. *Review/update of the Major Thoroughfare Plan components of the Comprehensive Plan, where necessary.*

   In conjunction with the annual CIP review, the Planning Commission will also be reviewing the 2011 Major Thoroughfare Plan Update during the Winter/Spring 2011.

6. *Forward update to goals for FY 2010-11 (November 2010 and April 2011) and recommended goals for FY 2011-12 (April 2011).*

   Attached.

If Council needs any further information, please advise.

Sincerely,

CITY OF PORTAGE PLANNING COMMISSION

James Cheesebro
Chairman

s:\commdev\2010-2011 department files\board files\planning commission\pc reports\mccpc g&o's2010-2011update(november 2010).doc

ADVISORY BOARDS AND COMMISSIONS
APPROVED 2010-2011 GOALS AND OBJECTIVES

ENVIRONMENTAL BOARD

1. Continue to implement the City Council approved Purple Loosestrife bio-control plan:
   a. Release additional beetles at appropriate surveyed sites as beetle supplies are available.
   b. Provide oversight to the work group.
   c. Submit an annual progress report to City Council.

2. Promote general environmental awareness to the public.
   a. Organizing Earth Day activities
   b. Increase the use of the city's website for environmental education
   c. Publish articles in the *Portager*
   d. Update the public sign in Lakeview Park
   e. Continue to develop the rain garden at the new water treatment plant
   f. Work with other regional organization promoting public environmental programs.

3. Communicate with City Council on environmental issues and periodically discuss the Summary Environmental Activity report with the city staff liaison.

4. Continue to expand relationships with other environmental groups such as Kalamazoo Environmental Council, Sustainable Business Forum, Watershed Council and Portage area lake associations as time permits.

5. Forward update to goals for FY 2010-11 (November 2010 and April 2011) and recommended goals for FY 2011-12 (April 2011).

6. Present an annual verbal report to the City Council.

HISTORIC DISTRICT COMMISSION

1. Safeguard the heritage of the city through the exterior preservation of the historic district by evaluating and considering applications for Certificates of Appropriateness. Identify and evaluate historically significant structures in the City of Portage.

2. Increase visibility and public awareness of the Portage Historic District.
   a. Continue to interview and transcribe select interviews with historic homeowners and other people knowledgeable about Portage's history.
   b. Continue with book sales of *Where the Trails Crossed.*
   c. Continue to support the historic educational programs in the Portage Schools.
   d. Continue to have communication and cooperation with similar organizations in the local community.

3. Maintain a Library exhibit wall of framed photos representing the history of Portage. Continue to add new material throughout the year. This exhibit will be on display at the Portage District Library.

4. Present a Preservation Award to a citizen who has met the criteria as established by the Portage Historic Commission.

5. Continue the biannual newsletter called *Picket Fences* to be distributed to homeowners of Portage historic homes, council members and other supporters.

6. Observe National Preservation Week in May by presenting a special event in the community.

7. Forward update to goals for FY 2010-11 (November 2010 and April 2011) and recommended goals for FY 2011-12 (April 2011).

8. Present an annual verbal report to the City Council.

HUMAN SERVICES BOARD

1. Fulfill advisory role requirements for CDBG program and human/public service funding requests.
   a. To make recommendations regarding the Community Development Block Grant (CDBG) Program.
   b. To make recommendations regarding human/public service funding from the CDBG Program and General Fund to the City Council
      - Convene public hearings for the CDBG Program Consolidated Plan, Annual Action Plan, and Consolidated Annual Performance Evaluation Report.
      - Hear appeals from the CDBG Housing Program Guidelines.
      - Review fair housing activities.
      - Review applications and presentations from agencies for human/public services and recommend funding levels to City Council.

2. To serve as a resource and provide information to City Council regarding public transportation in the City of Portage.
   a. Advise City Council on matters pertaining to public transportation in the City of Portage and make recommendations as appropriate.
      - Review public transportation needs within the City of Portage.
      - Review countywide demand/response of transportation services.

3. To serve as a resource to City Council for special projects.
   a. To take appropriate action on projects as assigned by City Council
   b. Identify and educate City Council on emerging human service issues in Portage.
      - Continue to serve on Metro Transit ADA Advisory Committee.
      - Assist City Council with Red Ribbon Week activities.
      - Review mechanisms for identifying human service needs in the community, such as the community survey.

4. Forward update to goals for FY 2010-11 (November 2010 and April 2011) and recommended goals for FY 2011-12 (April 2011).

5. Present an annual verbal report to the City Council.

PARKS BOARD

1. Continue to participate in Portage cultural and special events as event volunteers and fundraising for marketing efforts. Possible venues include:
   a. Concerts
   b. Festivals
   c. Recreation programs special events

2. Continue implementation of a Kayak Race using Ramona Park as the staging area and expand the event for 2011.

3. Continue cooperative assistance with Youth Advisory Committee and Environmental Board for an Earth Day event, building upon the framework developed for previous years' events.

4. Coordinate a "Health Day" event in one or more park facilities to promote the Healthy Community movement.

5. Forward update to goals for FY 2010-11 (November 2010 and April 2011) and recommended goals for FY 2011-12 (April 2011).

6. Present an annual verbal report to the City Council.

PLANNING COMMISSION

1. Continue to guide development to appropriately planned area of the community.

2. Consider and act appropriately upon site-specific rezonings in the context of the 2008 Comprehensive Plan and the 2008 City Centre Area Plan to encourage residential, commercial, industrial, planned development and high-tech development opportunities, as appropriate.

3. During project plan review, consider parking lot interconnection, driveway consolidation, access from adjacent local/collector street or other methods intended to improve traffic flow and safety.

4. Review and recommend the annual Capital Improvement Program.

5. Review / update the Major Thoroughfare Plan components of the Comprehensive Plan, where necessary.

6. Forward update to goals for FY 2010-11 (November 2010 and April 2011) and recommended goals for FY 2011-12 (April 2011).

SENIOR CITIZEN ADVISORY BOARD

1. Help to increase new and renewal membership to 2,500 or more.

2. Help to increase funding for operational support: investigate new ideas and sources of funding in cooperation with the Friends of the Portage Senior Center.

3. Continue development of innovative programming to reach the population of seniors 50 years of age and older.

4. Conduct discussions on specific senior center topics in cooperation with the Friends of the Portage Senior Center and the City Council on the results of the Portage Visioning Project.

5. Advise the City Council and the Portage Senior Center management on issues or projects pertaining to the seniors and the Portage Senior Center.

6. Assist with the self assessment in preparation for re-accreditation of the Portage Senior Center.

7. Continue working with the Portage Community Center to explore the potential for new opportunities for volunteers, services and other interactions.

8. Forward update to goals for FY 2010-11 (November 2010 and April 2011) and recommended goals for FY 2011-12 (April 2011).

9. Present an annual verbal report to the City Council.

MATERIALS TRANSMITTED

CITY COUNCIL MEETING MINUTES FROM SEPTEMBER 21, 2010

The Regular Meeting was called to order by Mayor Strazdas at 7:30 p.m.

At the request of Mayor Strazdas, Councilmember Margaret O'Brien gave the invocation and the City Council and the audience recited the Pledge of Allegiance.

The City Clerk called the roll with the following members present: Councilmembers Elizabeth A. Campbell, Margaret E. O'Brien, Patricia M. Randall and Claudette S. Reid, Mayor Pro Tem Edward J. Sackley and Mayor Peter J. Strazdas. Councilmember Terry R. Urban was absent with excuse. Also in attendance were City Manager Maurice S. Evans, City Attorney Randall Brown and City Clerk James R. Hudson.

APPROVAL OF MINUTES: Motion by O'Brien, seconded by Reid, to approve the September 7, 2010 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 5 to 0 with Mayor Pro Tem Sackley abstaining.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Reid to read the Consent Agenda. Councilmember O'Brien asked that item F.3, Closed Session, be removed from the Consent Agenda. Motion by Reid, seconded by Campbell, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 6 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF SEPTEMBER 21, 2010:** Motion by Reid, seconded by Campbell, to approve the Accounts Payable Register of September 21, 2010. Upon a roll call vote, motion carried 6 to 0.

REPORTS FROM THE ADMINISTRATION:

* **TAX EXEMPTION FOR HEARTHSIDE APARTMENTS I & II:** Motion by Reid, seconded by Campbell, to accept for first reading an ordinance to amend the Codified Ordinances of the City of Portage to grant Portage Hearthside Limited Dividend Housing Association Limited Partnership a tax exemption, establish a payment in lieu of taxes for the Hearthside Apartments I & II and take final action on October 5, 2010. Upon a roll call vote, motion carried 6 to 0.

* **BOLINGBROOK DRIVE ISLAND AGREEMENT:** Motion by Reid, seconded by Campbell, to approve the revised Bolingbrook Drive Island Agreement to permit the installation of a sign in the public right-of-way that identifies the Romence Ridge single-family residential plat and authorize the City Manager to execute the Agreement. Upon a roll call vote, motion carried 6 to 0.

CLOSED SESSION: Councilmember O'Brien recused herself from discussing this matter and abstained from voting on this item due to a conflict. City Attorney Brown indicated that the basis of Councilmember O'Brien's decision is because of her associational ties with the applicant and her attorney. Discussion followed. Motion by Sackley, seconded by Reid, to hold a closed session immediately following the regularly scheduled City Council meeting of September 21, 2010, to discuss an attorney/client communication. Upon a roll call vote, motion carried 5 to 0 with Councilmember O'Brien abstaining.

* **ANALYSIS OF ZONING CONSISTENCY (FY 2009-2010 UPDATE) – INFORMATION ONLY:** Motion by Reid, seconded by Campbell, to receive the communication from the City Manager regarding the Analysis of Zoning Consistency (FY 2009-2010 Update) as information only. Upon a roll call vote, motion carried 6 to 0.

* **AUGUST 2010 SUMMARY ENVIRONMENTAL ACTIVITY REPORT – INFORMATION ONLY:** Motion by Reid, seconded by Campbell, to receive the communication from the City Manager regarding the August 2010 Summary Environmental Activity Report as information only. Upon a roll call vote, motion carried 6 to 0.

* **DEPARTMENT MONTHLY REPORTS:** Motion by Reid, seconded by Campbell, to receive the Department Monthly Reports from the various city departments. Upon a roll call vote, motion carried 6 to 0.

COMMUNICATION:

SENIOR CITIZENS ADVISORY BOARD CHAIR JAMES HOPPE: City Council received a presentation and update by Senior Citizens Advisory Board Chair James Hoppe. Mr. Hoppe introduced Mary Lou Petrulio, Ruth Michelhaugh, former President of the Friends of the Senior Center Mary Prange and Parks and Recreation Director Bill Deming as Senior Citizen Services Manager Jason Horan could not be present at the meeting.

Mr. Hoppe indicated that the main task of the Senior Center has been to improve the quality of life for its members which has been a challenge as there is an increase in the need for the services of the Senior Center. He indicated that the staff is top notch and continue to develop quality programs. He highlighted the efforts of many of the volunteers, Personal Action Towards Health (P.A.T.H.), some of the quality activities at the Senior Center, membership efforts, the Trip Committee and the Friends of the Portage Senior Center. He also reviewed goals of the Senior Center, cited some of the successful fundraisers and invited City Council to join the Portage Senior Center. Discussion followed.

UNFINISHED BUSINESS:

* **ORDINANCE AMENDMENT – DISTURBING THE PEACE:** Motion by Reid, seconded by Campbell, to approve the proposed amendment to the City of Portage Code of Ordinances, Chapter 50, Section 50-116 – Disturbing the Peace. Upon a roll call vote, motion carried 6 to 0. Ordinance recorded on page 137 of City of Portage Ordinance Book No. 12.

* **MINUTES OF BOARDS AND COMMISSIONS:** City Council received the minutes for the following boards and commissions:

Portage Human Services Board of August 5, 2010.
Portage Environmental Board of August 11, 2010.
Kalamazoo County Board of Commissioners Committee of the Whole and Regular of August 17, 2010.
Portage Planning Commission of August 19, 2010.

CITY COUNCIL ENTERED INTO CLOSED SESSION (F.3): 7:50 p.m.

NEW BUSINESS:

FREEDOM OF INFORMATION ACT APPEAL BY THERESA CYPHER ON BEHALF OF CASIMER KOPEC: When Mayor Strazdas reconvened the meeting at 8:14 p.m., City Attorney Randy Brown indicated for the record that City Council went into closed session to discuss an attorney/client privileged communication. Motion by Sackley, seconded by Reid, to affirm the denial of a Freedom of Information Act request and appeal filed by Mr. Casimer Kopec, 4867 Foxfire Trail, for reason that no separation of exempt and non-exempt information could be made, and no portion of the

reports could be released without revealing exempt information. Upon a roll call vote, motion carried 5 to 0 with Councilmember O'Brien abstaining.

BID TABULATION:

* **ANNUAL SUNGUARD ENTERPRISE SOFTWARE LICENSING AND MAINTENANCE FEE:** Motion by Reid, seconded by Campbell, to approve an annual licensing and software maintenance services agreement with SunGard, Incorporated, at a total cost of $65,526 and authorize the City Manager to execute all related documents. Upon a roll call vote, motion carried 6 to 0.

* **BIKEWAY TRAIL REPAIR – BID RECOMMENDATION:** Motion by Reid, seconded by Campbell, to accept the low bid submitted by A-1 Asphalt, Incorporated, in an amount of $43,756.31 for Lovers Lane, Romence Road Parkway and Shaver Road Bikeway trail asphalt improvements and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Reid thanked all who helped make the Kalamazoo Area Footchase a success. She mentioned that as a part of the national take-back initiative, over the counter solid prescription medication can be dropped off Saturday, from 10 a.m. to 2 p.m. at the Kalamazoo Public Safety Building, 150 Crosstown Parkway, Kalamazoo. She said she mentioned this as an opportunity to get rid of substances without polluting the environment and to keep them out of the hands of youth. She also indicated that needles, injected products, marijuana and methamphetamine will not be accepted. Finally, she announced that October is a brush collection month.

Councilmember Randall indicated that she learned from the Bishop that today is International Peace Day, not absence of war, but peace. She mentioned the three projects of The Ark on Pleasant Drive where three shelters are being built for nine young people from ages 18 to 24. Also, she disclosed that she was charged $407.30 for public information pertaining to her ongoing concerns regarding questionable assessing practices in Portage. She indicated that she was never given a cost estimate for these charges. She said that from the professionals assisting her, she was told that this was an outrageous fee. She expressed her concern that the public obtain accurate cost estimates for information. She also indicated that she was not aware of any Councilmember who was ever charged for information and that a preliminary analysis of the information that she has received has raised more questions than answers and that she is therefore requesting the same information for the years 2000 through 2004.

Councilmember O'Brien thanked Councilmember Reid and her sister and brother-in-law for allowing her to participate in the Kalamazoo Area Footchase were she was wanted "as a person impersonating a politician." She indicated that she was a crisis worker 15 years ago at the Ark and echoed Councilmember Randall and her appreciation for the efforts to help young people and families at The Ark. She also mentioned the new Lake Center Elementary School and the refurbishing of Portage Northern High School as welcomed additions to the community as state-of-the-art facilities. As an attendee of the Kingdom Entrepreneurial Summit in Portage, she said it was nice to see an organization trying to help people start businesses in a time of economic crisis. Finally, she announced that the Senior Center Pig Roast fundraiser is from 2 p.m. to 6 p.m., Saturday, September 25, 2010, in conjunction with AppleFest in Shrier Park.

City Manager Evans asked for City Council to think about and give direction to the Administration regarding the comments from Councilmember Randall about questionable assessing practices since, as far as he can tell, the Assessor's Office has been exonerated with regard to

questionable assessing practices. Mr. Evans advised that this matter should be brought to City Council as a Whole since City Council voted unanimously to end its investigation of assessment practices in April 2010. With regard to the Freedom of Information Act (FOIA) request and being charged as a Councilmember for a FOIA request, he indicated that Councilmember Randall was charged as a citizen not as a Councilmember and reiterated that she did not take his encouragement to bring the matter to City Council as a Whole.

Next, in light of the recent Ponzi scheme that befell Comstock Township, Mr. Evans reviewed the Portage Investment Policy and provided assurances that care and caution within the investment practices of the City of Portage has protected Portage from being subjected to schemes of this nature. He defined and explained what constitutes a Ponzi Scheme and indicated that it is a promise of high returns with little or no risk which puts up a red flag. He discussed the Investment Committee and the General Investment Guidelines, including: the city will utilize a pooling approach to cash balances, which maximizes investment yields and reduces banking fees; all cash balances, accounted for in the various funds of the city, are subject to this investment policy, unless specifically excluded by other restrictions such as bond covenants or contractual agreements; and the Finance Director prepares a monthly investment report which is submitted to the City Manager. He also discussed the Financial Institution Guidelines, including: the city may not invest more than 40% of its surplus funds in or through any one bank, savings and loan, or broker-dealer; the total city investment in any one bank or savings and loan must represent less than 1% of the institution's Tier 1 capita; and the fact that the city will not do business with any bank, savings and loan, or broker-dealer who does not maintain either FDIC or SIPC insurance. Lastly, he listed some of the Investment Options/Limitations, including: Certificates of Deposit; U.S. Treasury and Agency obligations; Commercial Paper; Banker's Acceptances issued by domestic banks only; and Repurchase Agreements that are backed by any U.S. Treasury or Agency obligation which the city is allowed to purchase directly. He emphasized that the city has a very good policy, reviews the reports on a daily basis and takes investments very seriously and that checks and balances exist with the Mayor, the Finance Director, two outside private individuals who are in the investment business and himself as members of the Investment Committee. Plus, any decisions by the Investment Committee are also presented to City Council for review and approval which was last done on April 29, 2008. He referred the public to the detailed notes on pages 43 to 46 in the Comprehensive Annual Financial Report (CAFR) as another check and balance on how the city is doing financially. Mayor Strazdas expressed his appreciation for the comments from Mr. Evans and the report and expressed his confidence in the investment practices of the City of Portage. Discussion followed.

Mayor Pro Tem Sackley echoed Councilmembers Randall and O'Brien and expressed his appreciation for the efforts of The Ark and indicated he missed the groundbreaking because he appeared before the Kalamazoo County Board of Commissioners Committee of the Whole requesting a revolving fund for the Austin Lake Governmental Lake Board for continuing the work of aeration there. Mayor Strazdas welcomed him back.

Mayor Strazdas thanked City Council for their engagement in the community at the many positive community events and celebrations.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 8:30 p.m.

_____

James R. Hudson, City Clerk

***Indicates items included on the Consent Agenda.**

CITY OF PORTAGE PLANNING COMMISSION

A G E N D A

October 21, 2010
(7:00 p.m.)

Portage City Hall Council Chambers

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

* October 7, 2010

SITE/FINAL PLANS:

PUBLIC HEARINGS:

* 1. Special Land Use Permit (review) - Valley Family Church-Kalamazoo, 2500 Vincent Drive
- Community Development preliminary staff report dated October 15, 2010
- Email communication from Mr. Garnet Eckstrand dated October 6, 2010
- Email communication from Ms. Melody Nedrud dated October 14, 2010
- Email communication from Mr. Frank Szopo (City of Kalamazoo) dated May 1, 2008

PLATS/RESIDENTIAL CONDOS:

OLD BUSINESS:

NEW BUSINESS:

* 1. FY 2010-2011 Planning Commission Goals and Objectives Update (November)

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

Email communication from Mr. Frank Szopo (City of Kalamazoo) dated May 1, 2008
September 20, 2010 Zoning Board of Appeals meeting minutes
September 21, 2010 City Council meeting minutes

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

CITY OF PORTAGE ZONING BOARD OF APPEALS
Minutes of Meeting – September 20, 2010

The City of Portage Zoning Board of Appeals meeting was called to order by Vice Chair Rob Linenger at 7:00 p.m. in the Council Chambers. Approximately 2 people were in the audience.

MEMBERS PRESENT: Timothy Bunch, Rob Linenger, Betty Schimmel, Lowell Seyburn, Donald Mordas, Henry Kerr, David Felicijan, Daniel Rhodus

MEMBERS EXCUSED: Marianne Singer

IN ATTENDANCE: Jeff Mais, Zoning & Codes Administrator, Charles Bear, Assistant City Attorney

APPROVAL OF THE MINUTES: Linenger moved and Schimmel seconded a motion to approve the August 9, 2010 minutes as submitted. Upon voice vote, motion was approved 7-0.

NEW BUSINESS:

ZBA# 10-05; 1716 Charles Street: Staff summarized the request for a 51 square-foot variance from the maximum permitted 25% building lot cover to construct an 80 square-foot shed. Lorri and Terry Hutchins, were present to answer any questions. Kerr stated he was having difficulty finding a hardship and inquired if the applicant could explain why they needed a variance. Ms. Hutchins stated there was no garage or other storage area for lawn mowers, gas cans, or other yard equipment and that the small shed would look much nicer than storing those items outdoors. Kerr inquired if the applicant had considered available storage space before acquiring the property. Terry Hutchins stated he understood storage was limited, but admittedly was unaware of the lot coverage requirement.

A public hearing was opened. No one was present to speak for or against the request. There being no further comments the public hearing was closed.

A motion was made by Linenger, supported by Felicijan, to grant a 51 square-foot variance from the maximum permitted 25% building lot cover to construct an 80 square-foot shed. There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district, which include the legally nonconforming lot size, the legally nonconforming dwelling size and lack of storage; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to store lawn equipment, which is similar to that possessed by other properties in the same zoning district; the immediate practical difficulty causing the need for the variance request was not created by the applicant; the variance will not be detrimental to adjacent property and the surrounding neighborhood due to other properties in the neighborhood having similar sheds; and the variance will not materially impair the intent and purpose of the Zoning Ordinance. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at the hearing are to be incorporated in the record and the action of the Board shall be final and effective immediately. After further discussion and upon roll call vote: Linenger-Yes, Schimmel-Yes, Bunch-Yes, Seyburn-Yes, Kerr-Yes, Felicijan- Yes, Mordas-Yes) motion carried 7-0.

STATEMENT OF CITIZENS: None

ADJOURNMENT: There being no further business, the meeting was adjourned at approximately 7:12 p.m.

Respectfully submitted,

Jeff Mais
Zoning & Codes Administrator