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**NOTICE
OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

REGULAR MEETING – VIRTUAL

(Refer to the www.oshtemo.org Home Page for Virtual Meeting Information, or page 3 of the packet)

**Thursday, July 9, 2020
6:00 p.m.**

AGENDA

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approval of Agenda
5. Approval of Minutes: June 11th, 2020
6. **Public Hearing Cont.: Special Use, Pathway Solutions Communication Tower**
Pathway Solutions, on behalf of Kelly Verhage-Mallory and Kevin Verhage, is requesting Special Use and Site Plan approval to erect a 199-foot tall communication tower at 8619 W ML Avenue.
7. **Public Hearing: Rezoning from AG, Agricultural District to R-R, Rural Residence District**
James Endres, Trustee of the James and Marilyn Endres Trust, is requesting to rezone approximately 11.6 acres of the property at 9037 West G Avenue from the “AG” Agricultural District to the “R-R” Rural Residence District of the Oshtemo Charter Township Zoning Ordinance.
8. Public Comment
9. Other Updates and Business
10. Adjournment

**Policy for Public Comment
Township Board Regular Meetings, Planning Commission & ZBA Meetings**

All public comment shall be received during one of the following portions of the Agenda of an open meeting:

a. Citizen Comment on Non-Agenda Items or Public Comment – while this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official or staff member to respond at a later date. More complicated questions can be answered during Township business hours through web contact, phone calls, email (oshtemo@oshtemo.org), walk-in visits, or by appointment.

b. After an agenda item is presented by staff and/or an applicant, public comment will be invited. At the close of public comment there will be Board discussion prior to call for a motion. While comments that include questions are important, depending on the nature of the question, whether it can be answered without further research, and the relevance to the agenda item at hand, the questions may not be discussed during the Board deliberation which follows.

Anyone wishing to make a comment will be asked to come to the podium to facilitate the audio/visual capabilities of the meeting room. Speakers will be invited to provide their name, but it is not required.

All public comment offered during public hearings shall be directed, and relevant, to the item of business on which the public hearing is being conducted. Comment during the Public Comment Non-Agenda Items may be directed to any issue.

All public comment shall be limited to four (4) minutes in duration unless special permission has been granted in advance by the Supervisor or Chairperson of the meeting.

Public comment shall not be repetitive, slanderous, abusive, threatening, boisterous, or contrary to the orderly conduct of business. The Supervisor or Chairperson of the meeting shall terminate any public comment which does not follow these guidelines.

(adopted 5/9/2000)
(revised 5/14/2013)
(revised 1/8/2018)

Questions and concerns are welcome outside of public meetings during Township Office hours through phone calls, stopping in at the front desk, by email, and by appointment. The customer service counter is open from Monday-Thursday 8:00 am- 5:00 pm, and on Friday 8:00 am-1:00 pm. Additionally, questions and concerns are accepted at all hours through the website contact form found at www.oshtemo.org, email, postal service, and voicemail. Staff and elected official contact information is provided below. If you do not have a specific person to contact, please direct your inquiry to oshtemo@oshtemo.org and it will be directed to the appropriate person.

Oshtemo Township Board of Trustees		
<u>Supervisor</u>		
Libby Heiny-Cogswell	216-5220	libbyhc@oshtemo.org
<u>Clerk</u>		
Dusty Farmer	216-5224	dfarmer@oshtemo.org
<u>Treasurer</u>		
Grant Taylor	216-5221	gtaylor@oshtemo.org
<u>Trustees</u>		
Cheri L. Bell	372-2275	cbell@oshtemo.org
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Zak Ford	271-5513	zford@oshtemo.org
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Township Department Information		
<u>Assessor:</u>		
Kristine Biddle	216-5225	assessor@oshtemo.org
<u>Fire Chief:</u>		
Mark Barnes	375-0487	mbarnes@oshtemo.org
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Rick Suwarsky	216-5227	rsuwarsky@oshtemo.org
<u>Parks Director:</u>		
Karen High	216-5233	khigh@oshtemo.org
Rental Info	216-5224	oshtemo@oshtemo.org
<u>Planning Director:</u>		
Iris Lubbert	216-5223	ilubbert@oshtemo.org
<u>Public Works:</u>		
Marc Elliott	216-5236	melliott@oshtemo.org

Zoom Instructions for Participants

Before a videoconference:

1. You will need a computer, tablet, or smartphone with a speaker or headphones. You will have the opportunity to check your audio immediately upon joining a meeting.
2. If you are going to make a public comment, please use a microphone or headphones with a microphone to cut down on feedback, if possible.
3. Details, phone numbers, and links to videoconference or conference call are provided below. The details include a link to “**Join via computer**” as well as phone numbers for a conference call option. It will also include the 11-digit Meeting ID.

To join the videoconference:

1. At the start time of the meeting, click on this link to [join via computer](#). You may be instructed to download the Zoom application.
2. You have an opportunity to test your audio at this point by clicking on “Test Computer Audio.” Once you are satisfied that your audio works, click on “Join audio by computer.”

You may also join a meeting without the link by going to [join.zoom.us](#) on any browser and entering this **Meeting ID: 880 7816 6359**

If you are having trouble hearing the meeting or do not have the ability to join using a computer, tablet or smartphone then you can join via conference call by following instructions below.

To join the conference by phone:

1. On your phone, dial the toll-free teleconferencing number: **1-929-205-6099**
2. When prompted using your touchtone (DTMF) keypad, enter the Meeting ID number: **880 7816 6359#**

Participant controls in the lower-left corner of the Zoom screen:



Using the icons at the bottom of the Zoom screen, you can (some features will be locked to participants during the meeting):

- Participants – opens a pop-out screen that includes a “Raise Hand” icon that you may use to raise a virtual hand. **This will be used to indicate that you want to make a public comment.**
- Chat – opens pop-up screen that allows participants to post comments during the meeting.

If you are attending the meeting by phone, to use the “Raise Hand” feature **press *9 on your touchtone keypad.**

Public comments will be handled by the “Raise Hand” method as instructed above within Participant Controls.

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**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

DRAFT MINUTES OF A VIRTUAL MEETING HELD JUNE 11, 2020

Agenda

**PUBLIC HEARING: Special Use, Pathway Solutions Communication Tower
Pathway Solutions, on behalf of Kelly Verhage-Mallory and Kevin Verhage, is
requesting Special Use and Site Plan approval to erect a 254-foot tall
communication tower at 8619 W. ML Avenue.**

A virtual meeting of the Oshtemo Charter Township Planning Commission was held Thursday, June 11, 2020, commencing at approximately 6:00 p.m.

ALL MEMBERS
WERE PRESENT:

Bruce VanderWeele, Chair
Ron Commissaris
Dusty Farmer
Micki Maxwell, Vice Chair
Mary Smith
Anna Versalle
Chetan Vyas

Also present were Iris Lubbert, Planning Director, James Porter, Township Attorney, Josh Owens, Assistant to the Supervisor, and Martha Coash, Meeting Transcriptionist.

In addition, Robert LaBelle, Attorney for Pathway Solutions, Matthew Kundert, Project Lead for Unwired Consulting, and Richard Comi, Consultant from the Center for Municipal Solutions, were in attendance.

Call to Order and Pledge of Allegiance

Chairperson VanderWeele called the meeting to order at approximately 6:00 p.m. and invited participants to join in the Pledge of Allegiance.

Approval of Agenda

Hearing no suggestions for change, Chairperson VanderWeele let the agenda stand as presented.

Approval of the Minutes of the Meeting of May 28, 2020

The Chair asked if there were additions, deletions or corrections to the Minutes of the Meeting of May 28, 2020. Hearing none, he asked for a motion.

Mr. Vyas made a motion to approve the Minutes of the Meeting of May 28, 2020 as presented. Ms. VerSalle seconded the motion. The motion was approved unanimously by roll call vote.

Chairperson VanderWeele moved to the next agenda item.

PUBLIC HEARING: Special Use, Pathway Solutions Communication Tower Pathway Solutions, on behalf of Kelly Verhage-Mallory and Kevin Verhage, is requesting Special Use and Site Plan approval to erect a 254-foot tall communication tower at 8619 W. ML Avenue.

Ms. Maxwell recused herself from voting on this item as she owns neighboring property within 300 feet of the proposed tower property.

Chairperson VanderWeele asked Ms. Lubbert for her presentation.

Ms. Lubbert explained this public hearing was for a proposed 254 foot tall unmanned communication tower at 8619 W ML Avenue – the property known by many in the community as the VerHage Fruit Farms and Cider Mill – located south east of the South 4th Street and W ML Avenue intersection. Communication towers within the Agricultural Zoning District are considered a special use and require review and approval by the Planning Commission before they can be constructed. Pathway Solutions, with the consent of the owners of the property, have requested this public hearing in order to pursue that site plan and special use approval.

She noted communication towers require a unique level of review – they are one of two uses (the other being religious uses) that have imposed federal regulations which impact local zoning. Generally zoning is purely a state and local issue. Although communication towers have special protections from the Federal Government and the Federal Government dictates some of what can be done, municipalities have been granted a level of control over the placement, construction and modifications of wireless service facilities. As such, the Township's Zoning Ordinance, like most, if not all, other communities, allows for the construction of communication towers as long as a need for the tower is demonstrated. The Township's code also provides legal tools and criteria to review a proposal against, which she said she would detail.

She also noted that because of the uniqueness of communication towers it is common practice for the Township to engage the services of a consultant specialized in the field to assist staff. Richard Comi, with the Center for Municipal Solutions (CMS), was hired by the Township to provide that service and was also in attendance to help answer any questions from Commissioners.

Ms. Lubbert said there are multiple levels of requirements which a proposal for a new communication tower needs to be reviewed against. She said she would start with the general site plan requirements as they would give both the Planning Commission

and the Public a clear image of what is physically being considered and set the stage for discussion of Special Use requirements.

She said the proposal consisted of Pathway Solutions leasing a 60' by 100' area within the property in question to hold their 254 foot tall communication tower and supporting equipment. The proposed location of the tower is approximately 600 feet from the right-of-way line of West ML Avenue and about 470 feet from the nearest property line to the west. The tower and its equipment will be surrounded by a 6 foot tall chain link fence and accessed through a locked double wide access gate. The existing dirt and gravel drives through the property will be used to access this proposed use. As this is an unmanned tower no onsite parking is required. A local service provider will be on call for snow removal, debris removal, and weed control. A site plan for the proposed tower was submitted and was reviewed by the Township's Fire, Building, and Planning Departments as and by the Township's Engineering Consultant, Prein & Newhof. All of the general site plan requirements and comments have been addressed.

However, she said communication towers have a significant visual impact when constructed and as such Special Use requirements have been created in addition to the general site plan requirements to ensure that a proposal, if approved, is truly appropriate. Although the proposal meets the site plan requirements of the Township Code it does not meet the Special use requirements. The current submission is actually deemed incomplete by staff.

Generally the Planning Commission will see completed applications for consideration. Staff tries to work closely with applicants to ensure that all necessary information is provided at this stage so the Planning Commission can make the most informed decision about an application. In this case, although staff has tried to collect the necessary information from the applicant since January, when this project was first submitted, there is still not enough information to satisfy the requirements of the code. For this reason, she said, staff could not recommend approval of this request.

She said despite staff feedback, the applicant remains steadfast that their application is complete and requested to move forward to the Planning Commission for consideration. The complete written correspondence between staff and the applicant was provided in the updated packet and provided to Commissioners per the applicant's request.

Ms. Lubbert said she would go into detail on the special use requirements of our code and present the Commission and public an evaluation of the proposal against those requirements. She noted she would touch on the highlights and that the written staff report goes into more detail.

Section 65.30 of the Ordinance outlines the general requirements that all special use requests are held against. She provided a slide summarizing the criteria of this section of the code and noted items in red with an open check box are criteria that staff

and our consultant have deemed unmet and following that organization those that have a check mark are deemed met.

She said the first topic that needing to be considered in reviewing a special use is whether the proposal is consistent with the Township's Zoning Ordinance and Master Plan. As noted before, the Township's Zoning Ordinance allows for the construction of communication towers within the Township as long as a need for the tower is demonstrated and the Code provides legal tools and criteria to review the proposal against. The applicant notes within the application that they are a wireless internet service provider. However, they offer no documentation to substantiate that statement. No information was provided, and Staff was unable to identify through research, other communities that Pathway Solutions services with high speed internet. The applicant reasons that the tower is needed at this location as Pathway Solutions currently has no existing systems in the area. However, no documentation has been provided to show what service this area does or does not have. It is unclear what need is being fulfilled and whether this tower is necessary. At this time, no need for the proposed tower has been demonstrated.

She said the second area to consider is whether general site plan requirements are met. She said they have. The site provides adequate parking, meets setbacks, has adequate fencing, etc. No adverse effects are anticipated in this area.

The third criteria takes into consideration the impact the proposed tower would have on surrounding properties. Is it compatible? Although the property in question is zoned AG, Agricultural, all surrounding properties are zoned RR, Rural Residential. The proposed 254' tall communication tower is not harmonious with the character of the rural residential area. However, if demonstrated as necessary, it would provide high speed internet service to surrounding residents. The proposed use would not be detrimental, hazardous, or disturbing to adjacent uses by reason of excessive traffic, noise, smoke, or odors. However, a 254-foot tower would create a substantial visual impact. For reference, the existing METC transmission towers located just south of the proposed site (located within the Amtrak property) are approximately 90 feet tall, close to one third of the height of this proposed facility (35.4%), and are not lighted. The proposed tower design has lighting at 125 feet and at the top of the tower per FAA guidelines. In terms of glare, if the facility is approved, lighting will be further reviewed in conjunction with the structural evaluation of the tower at the time of the building permit.

Ms. Lubbert said the fourth area to consider is the impact the proposal would have on any natural features. Aside from the trees that will be cleared to accommodate the 60-foot by 100-foot lease area for the tower, all natural features of the site will remain. Tied to the previous points, the applicant has not demonstrated the need for the tower and therefore the need for the 60-foot by 100-foot lease area and why all the trees within the area need to be cleared.

The fifth consideration is whether the proposal can be supported by local infrastructure. Adequate public facilities are in place to support the proposed use.

She said the last item referenced Section 49.70, which asks if the proposal meets specific requirements outlined in the code regarding communication towers. She provided a slide summarizing the requirements for this section and noted there is a lot of overlap in this section with the last, so she said she would just cover new points and focus on incomplete items. She referenced the staff report which provides more detail.

Ms. Lubbert said as she touched on before, the applicant has failed to provide any justification for the proposed tower. In their application they note that “the only existing structures within the search radius; and two miles for that matter, are the METC transmission towers. These towers are only approximately 90’ tall and too short to provide the coverage necessary to provide adequate broadband service to the area.” This argument would meet the third exception listed in this section if documentation is provided by a qualified and licensed professional engineer. However, the applicant has not provided documentation on why this specific search radius was chosen nor why this final location was chosen for a potential communication tower. It is unclear what need this proposed communication tower would be filling. Also, no documentation from a qualified engineer was provided to show that any existing towers within the Township would not meet the applicant’s needs. Co-location is always preferred, and actually required, over new tower construction.

In terms of Design, she said the proposed tower is designed to support Pathway Solutions equipment and two additional carriers with a 15-foot minimum separation distance. The proposed tower is a galvanized steel grey color and screened by the existing vegetation that surrounds the property. The applicant also noted the “tower will blend in with the existing METC transmission towers that run along the back portion of the property”. Although the applicant is right that grey is preferred for a tower of this height, no attempt at camouflaging the tower has been made. In addition, saying that the tower will blend into the METC transmissions towers located along the back of the property in question, which are again only about a third (35.4%) of the height of the proposed tower is unreasonable.

She explained no accessory structures are proposed for this site. Equipment supporting the structure (equipment cabinets, generator, and propane tank) will all be located within the proposed fenced compound. She explained she marked lighting as incomplete because more evaluation by staff will be needed. The proposed tower design has lighting at 125 feet and then at the top of the tower per FAA guidelines. A FLASH technology lighting system will be used that includes horizontal beams. No additional lighting is proposed on site. If the facility is approved, lighting will be further reviewed in conjunction with the structural evaluation of the tower at the time of the building permit. She also noted that aside from a plaque to be installed at the entrance of the compound, which identifies the site as a Pathway Solutions facility and provides a phone number to call in case of an emergency, no other signage was being proposed.

Ms. Lubbert provided a slide listing the other requirements of this section. Similarly, there is a lot overlap and she said she would just touch on new information and focus on the incomplete items.

An intermodulation study was provided and shows that the proposed tower would not interfere with public safety telecommunications or create any other interference.

The applicant outlined inspections, there is some minor clarification still needed in this area. Also the necessary language has been provided in the lease to ensure the tower will be taken down if no longer in use.

But really, she said, the most important section for this review is the last which requests specific documentation supporting the rationale of the request. A letter was provided from the applicant indicating that the tower will meet the regulations of the FCC and the FAA. A tower of this type and height must be certified to ensure that it would not negatively impact aircrafts. No such documentation has been provided. Although the height of the tower was provided, no explanation was given, nor documentation provided, as to how and why the proposed height was chosen. In addition, the applicant has been asked on multiple occasions to provide documentation outlining the reasoning for this tower. Why this location and again, why this height? Although the applicant responded, the information provided was grossly inadequate. Several requests to discuss the proposal with Pathway Solutions and/or Unwired Consulting by Oshtemo's CMS consultant were unsuccessful.

Ms. Lubbert said, in summary, although the standard site plan requirements have been met, the requirements for the special use request have not. No reasoning has been provided as to why this tower and height is necessary. Based on the submitted documents, the Oshtemo Township's Planning Department, Attorney's office, and Consultant Richard Comi, with the Center for Municipal Solutions, recommended the Planning Commission deny the request.

She noted she received five comments from the public regarding this request, one was included in the packet and the other four were received after the packet was sent out. She said she would be happy to read them to the Commission during public comment.

She said, with that, she would be happy to answer any questions the commission has on this presentation and noted again that Mr. Comi was present to help answer questions. She also noted the applicant and their team were also in attendance.

Chairperson VanderWeele thanked Ms. Lubbert for her presentation and asked whether Commissioners had questions for her.

Mr. Vyas commented the application was incomplete in multiple sections and asked whether it should be complete before being considered by the Commission.

Attorney Porter said more complete information has been requested, but at the insistence of the applicant it was decided to move forward with the public hearing.

Chairperson VanderWeele asked whether the applicant wished to comment.

Robert LaBelle, Attorney for Pathways Solutions, said he would speak on behalf of the applicant and noted Mr. Matthew Kundert, project lead with Unwired Consulting, would also comment.

Attorney LaBelle first confirmed the meeting was being recorded.

He said that despite staff saying that the application was not complete, although the answer may not be liked, it is in fact complete. He described the differences in statute for cellular service and wireless internet service (WIS). He said that what the applicant was asking for was different from the standard cellular phone provider and their project was governed by an overlay of Federal laws. He said there was a difference in the requirement for a "need" for service vs. a gap in service.

He argued "justification" is required by Township ordinance rather than "a need." A gap in service needs to be shown for WIS. The proposed tower will serve a dual purpose in this target area not served at all by WIS in the Township. Pathway Solutions is an Iowa-based company that provides service for rural unserved areas. WIS coverage is needed for a variety of reasons.

Mr. Kundert said that the placement of a tower in an area that is zoned mostly RR would benefit the residents there that are mostly overlooked by broadband services and would provide another option for those who live in the area. He said the metric data is pretty skimpy. Calls are dropped. For a fixed wireless system to work it needs to be centrally located. Installation of this tower will help to drive completion of cost and service for the area.

Attorney LaBelle noted the application submission of more than 100 pages. He said certification from an engineer is not done for WIS. They know from their own analysis that there is a lack of WIS in the proposed area. The TeleCom Act is trying to provide competition in the areas of price and quality of service. An engineer is not required to provide a complete application. Anyone can put together a line of sight map with a LOS generator. They could have used an engineer but that would be misleading. WIS is not provided in the area by anyone. The huge gap in service covers a large area.

He indicated they were trying to provide a less intrusive alternative for WIS with the method they had chosen. They found a less intrusive site and the site characteristics fit with the project. He said the staff report insinuates that you can only place a tower if you cannot see it.

Mr. Kundert said when they investigate locations they always try to minimize visual impact by providing a less intrusive solution. The proposed tower includes lattice, no guy-wires, it is located far back from the front of the property, has a 700 foot setback when only 254 feet is required, was changed from the colors of orange and white to grey, has a horizontal lighting package, is 1,600 feet from property line with a wooded area to the east. Other vertical elements are already present and the tower is consistent with the property's character.

Attorney LaBelle said they couldn't add their service to an existing tower as the two that are closest to this site are more than two miles away. METC towers cannot be used as they are too short. They could be extended to 250 feet, but that is not allowed. Existing electrical towers have electrical fields that would be dangerous for crews.

He said it seems although they have provided answers to staff questions, the staff does not want to accept them. The decision is up to the Planning Commissioners, it is not up to the staff. A court decision has indicated all that is needed is to show a gap in service. This process has been costly to his applicant as they have been trying to reduce obtrusiveness. They have provided the best possible location in the least obtrusive way possible.

He continued, saying they do not have to show need, that the design blends into the environment, is in keeping with the character of neighboring properties concept and character as there are already towers there to provide a necessary service.

He said it was claimed that glare from lighting will result in visual clutter. If that is the case every tower would be prohibited because WIS towers have to be the height they are. The lighting/glare is reduced at ground level. The lights are necessary at the top of the tower for airplanes.

The 60' x 100' parcel is needed to be available for co-location. Verizon has already shown some interest in adding cellular service to the tower and the room needs to be available to add that service. They have done several costly modifications to try and camouflage the tower.

They are willing to waive on the record any extension of the tower beyond 254 feet even if it is allowed by state statute.

Finally he said WIS is a critical service and an essential part of life. They are just trying to provide services. They do not fit the pattern, are a little different than what people are used to seeing, but they provide what the Township needs, meet the ordinance and federal law and will provide service in the least obtrusive way.

Chairperson VanderWeele asked if Commissioners had questions for the applicant.

Ms. Smith asked how large the service area would be that would receive WIS from a 254 foot tower and asked whether the primary use for the tower would be WIS.

Mr. Kundert said service would reach a six mile diameter/three mile radius from the tower. He explained the two closest towers are over two miles away and can't be used for co-location for WIS, which is the primary intended use for the new tower.

Ms. Smith asked what the site area requirements would be if the tower were ground wired.

Mr. Kundert said they would need about 200' x 200'.

Mr. Vyas was concerned about a lack of proof of need especially considering the limitation of a three mile radius. He also wondered if the expertise of a licensed professional engineer could not be relied upon, who could?

Attorney LaBelle reiterated the point about increasing competition between carriers encouraged by the TeleCom Act in areas with service gaps. Competition would likely result in the areas of price and quality of service.

He said if required by the Township for approval, they could have an engineer look at the three mile radius to certify what is not currently covered and what would be covered by the proposed WIS service.

Mr. Vyas said he was not impressed by the gap in service claim and what areas of coverage might be from additional carriers in the future. He was also concerned about the different kinds of radio emissions. He asked if it would be possible for Mr. Comi to address the questions he raised.

Mr. Comi, CMS, said he is the owner of the largest municipal wiring firm in the country and has worked with Oshtemo Township in the past. He listened to what Attorney LaBelle and Mr. Kundert have had to say and explained he has tried to speak with them eight – 10 times over the past months, but couldn't get conversations.

Mr. Comi said although it was said they reduced the height of the tower from 300 ft. to 245 feet, there is nothing reflecting that in the paperwork. If it could be reduced to 245 ft., he wondered if it could be reduced further. He thought the tower they want to put up was going to have a 12 mile service diameter and wondered how many other locations were considered. How many facilities do they have and where are they? He would like to discuss with other communities their quality of service.

Many of the counted services mentioned in the paperwork refer to cellular phone service, not WIS, and wondered if they were using matches in an accurate way.

The documents show three antennas, but all looked identical and the same size. No information was given regarding antenna models. He was surprised to find cell and WIS service need the same antenna.

Also, the document states that 15 feet of separation is needed for cellular, which is no longer true. What is necessary is 10 feet, center line to center line.

It was noted by Attorney LaBelle that Verizon expressed interest in co-location. Why was an application not made by Verizon for cellular since? A lot more people use cellular service than WIS.

A guy-wire tower is very short; it takes more space for the guy wires, but a large area is available. A guy wire tower is more expensive; was the proposed tower an issue of dollars?

Why was this site and location chosen? Where is the documentation stating 245 feet is needed? The whole area does not have WIS; the document states Pathway Solutions does not have it in the State of Michigan at all.

Justification or need of a 245 ft. tower is a significant, intrusive issue and the tower will be there a long period of time. With Rural Residential being the surrounding zoning area, this tower will be sitting in a residential area for a long time to come.

Chairperson VanderWeele asked if there were further questions from Commissioners.

Ms. Farmer said she had been included multiple times when Mr. Comi tried to have conversations via phone calls and knows his description of that issue is correct. She asked why the tower height requested was chosen.

Attorney LaBelle indicated it was chosen based on the distance to cover. The higher the tower, the more area is covered, which reduces the number of towers needed. Reducing from 300 to 245 feet is less obtrusive and achieves reasonable coverage.

Mr. Kundert said it is also related to the limit of the capacity of equipment. The more people who use the service, the more the capacity is eaten up. The target area is expected to match the capacity of the tower.

Ms. Versalle asked why this specific location was chosen over other areas in Oshtemo Township who also have a gap, and whether another tower within the Township might fill the gap.

Attorney LaBelle said there are a variety of gaps; they had to start somewhere. All they need to show is a gap in service. Positive factors included size, density of trees, ability to move back on the property, a willing landlord. They are trying to strike a balance. There is no other tower within the Township that will fill this gap.

Hearing no further questions, the Chair moved to public comment.

Ms. Maxwell said she was commenting as a private citizen and member of the public. She felt there were too many unanswered questions to approve this request, including why the location was chosen, how this would negatively affect the Dark Sky Initiative, and the need to remove trees and landscaping.

David, he did not give his last name, said that it had fully been his intention to support this project, but after listening to the discussion it sounded incomplete. He

would be more supportive if full support cellular service was provided. He did not see any benefit in the proposed tower until cell service was available.

Randy and Charlene Estes objected to the changes the tower would bring. They did not choose their property for something like that. Their service works wonderfully – it is adequate and they do not want a tower. They also mentioned health concerns that could result if a tower is built utilizing 5G.

Amanda David said the current towers are 90 feet tall; 250 feet is obnoxiously tall. She also felt 5G health concerns are legitimate.

Attorney Porter explained 5G is regulated by federal law; the Commissioners cannot consider RF radiation.

There were no other persons from the public attending the meeting, but Ms. Lubbert indicated five letters were received from residents of the area in question, all objecting to the project. She read the letters to the Commission. Copies of these letters are appended to these minutes.

Chairperson VanderWeele closed public comment.

Attorney LaBelle asked the Commission to table the request. They will look at a smaller tower, engage an engineer certified for line of sight maps, will talk with Verizon to see if they are serious and potentially make changes to the proposed tower.

Attorney Porter said if the Commission tables this item the gamesmanship should stop. When asked about need, the applicant says need is not required, but that what is required is a gap in service, but then the gap is not shown. The Township will explore hiring an engineer to verify the gap. He said he has read everything provided but has not seen the need to fill the gap made clear. The information provided at this meeting is the first time he has understood anything about this application. The Township needs to do further investigation and the applicant needs to submit further information in a reasonable time frame so the questions asked can be addressed. A motion to table should include a date certain.

It was agreed the information needed from both the applicant and the Township could be produced in time for July 9th, the first Planning Commission meeting in July.

Ms. Versalle made a motion to table this item until the July 9th meeting of the Planning Commission. Mr. Vyas seconded the motion. The motion passed 6 - 0 by roll call vote, with Ms. Maxwell abstaining.

PUBLIC COMMENT

There were no public comments. The Chair moved to the next item.

OTHER UPDATES AND BUSINESS

Ms. Lubbert reported Governor Whitmer has said public meetings with more than 10 people cannot be held indoors until at least June 30. It is uncertain whether Planning Commission meetings will be able to be held indoors at the Township Hall in July. She will keep Commissioners informed of any developments.

Attorney Porter said the Governor lightened some meeting requirements and he was hopeful the Planning Commission could return to holding meetings in the Township Hall in July.

ADJOURNMENT

With there being no further business to consider, Chairperson VanderWeele adjourned the meeting at approximately 8:03 p.m.

Minutes prepared:
June 12, 2020

Minutes approved:
_____, 2020

To Whom it may concern,

I am opposing the building of a communications tower on 8619 W ML Ave. I have several concerns and I find the lack of information concerning. First, I do not understand the lack in the ability to submit a complete application and moving forward with such a project. As well as the inability to demonstrate a need for the proposed tower, and the inability to verify the company wishing to erect the tower. From what I have read in the township document I received this already goes against the ordinance. As far as the subjected communicated need, just because Pathway Solutions does not have a tower in the area does not demonstrate a need. We cannot even verify the communities the company does serve. Currently, we have high speed service and good cell reception. So where is the actual need for the community rather than for the company.

Furthermore, does this proposed construction result in the changing of the agricultural zoning status to commercial? After all the federal guidelines for such a structure on an agricultural property are being blatantly ignored. Wouldn't that mean the Orchard needs to be zoned commercial if it doesn't meet the federal guidelines? This will lower our property value by 2-20% and only benefit the orchard. Not to mention the size tower can be increased by 20ft after the fact. How will this affect the flight patterns of the private airports nearby? How can I make an informed decision if I am lacking so much information? The Orchard already creates a fair amount of light pollution. With a tower that size it would be necessary as stated to include lighting. I just bought my house 2 years ago. One of my favorite aspects is being able to see the sky, my daughter has a telescope and an interest in what lies beyond our world. I moved here to help foster a curiosity and kindness within my kids. To keep them adventurous and exploring. How am I to do that when she can no longer see the stars? This would negatively impact my family. Not only for the increased light and loss of visual astetics, but in a health manner as well. Yet another reason we moved to the country. For cleaner, healthier living.

The World Health Organization has put out a statement on the increased risks of cancer in individuals living close to these towers. There are gaps of knowledge still needing to be filled on the health risks, however, they have created the EMF Project to address the correlations and gaps in knowledge. (World Health Organization, 2016) According to a German study prolonged exposure within 400 meters showed an increase in cancer among residents. (Eger, Hagen, Lucas, Vogel, & Voit, 2004) I have included links to these statements/studies as well a few news articles detailing the erection of such towers on school property and cancer clusters within the children attending these schools. The correlation is hard to ignore, and first and foremost as a parent I need to keep my children safe. We will not be guinea pigs for the sake of a quick buck. I will not allow my kids to be victimized such as the children exposed to the PFAs in Plainwell. We already live close to these power lines. We do not need to keep dipping our hand in hot water hoping to not get burned.

If this tower is constructed I will also be willing to share this research and more with the surrounding public. I will inform all of those attending any of things the Verhage Orchard has to offer of the increased health risks their child has from partaking in the activities on their property. I will find it irresponsible to continue to bring children onto their property for school tours, apple picking, and fall activities with the growing concerns and current lack of data. I am also including a very informative study on increased malignant glioma rates and EMF from the University of Berkley. I can not access it to include a citation but here is a link to the PDF:

<https://uhs.berkeley.edu/sites/default/files/cellphonescelltowerswirelessafety.pdf>

Thank you for your time.

Mary Stephens

Articles

https://www.dailymail.co.uk/health/article-6886561/Cell-phone-tower-shut-elementary-school-eight-kids-diagnosed-cancer.html?ito=facebook_share_article-top&fbclid=IwAR003I3hr4fPxBDEueHzILY30y6quENsABsb6NYm89xrQ8XfhVOIRswrUw4

<https://www.cbsnews.com/news/cell-tower-shut-down-some-california-parents-link-to-several-cases-of-childhood-cancer/>

References

World Health Organization. (2016, August 4). Research. Retrieved from <https://www.who.int/peh-emf/research/en/>

Eger, H., Hagen, K. U., Lucas, B., Vogel, P., & Voit, H. (2004, January 1). The Influence of Being Physically Near to a Cell Phone Transmission Mast on the Incidence of Cancer. Retrieved from https://www.researchgate.net/publication/241473738_The_Influence_of_Being_Physically_Near_to_a_Cell_Phone_Transmission_Mast_on_the_Incidence_of_Cancer

June 2, 2020

SUBJECT: COMMENTS ON SPECIAL USE REVIEW FOR 254-FOOT TALL COMMUNICATION TOWER at 8619 WEST ML AVENUE.

OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION
7275 W. Main Street
Kalamazoo, MI 49009
Iris Lubbert, Planning Director

I OBJECT to the construction of a communication tower on the property located at 8619 W. ML Avenue, Kalamazoo, MI.

My property is directly across the road from the subject property and in my opinion the property at 8619 W. ML is already in blatant violation of Oshtemo Township lighting ordinances. I currently suffer the nuisance of these lights blazing away from dusk to dawn every night interfering with the enjoyment of my property at night.

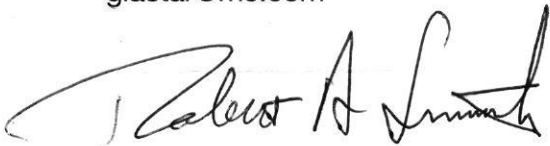
Given the current violation of Oshtemo Township Lighting ordinances I cannot believe that a tower with a blinking light on top is going to be anything other than an additional detraction from the nighttime enjoyment of my property.

Further the VerHages DO NOT LIVE AT THE SUBJECT PROPERTY! They themselves do not have to suffer the presence of a tower.

Thank you for the opportunity to make my objections known. I hope you seriously consider my objection at the June 11, 2020 meeting.

Regards

Robert A. Smith
8716 W ML Ave
Kalamazoo, MI. 49009
269 808-7440
glastar@me.com



Hello Iris,

I spoke with Dusty on the phone a bit ago about the planning meeting tomorrow night. I would like to submit comments for you to share aloud at the meeting. We are Amanda and Zach David and live at 2761 S. 4th Street with our two kids and our property is adjacent to the Verhages. We would be very close to the tower. Below are my concerns.

Aesthetic value: Cell phone towers are hideous to look at. We already have to look out at the recently erected power lines and don't want to see a cell phone tower as well. We moved into this great house in the country in 2015 and two months later we found out about the power lines going up. There was an easement on our property the prior owner neglected to tell us about- suddenly trees on the back corner of our property were cut down and our view out of the back window changed. We already had a bad taste in our mouths after the power lines and now are being told a cell phone tower may be added to our view.

Property value. Again, just like the power lines this would only negatively affect the property value of my house.

And **most importantly** : My family's health. I have read a lot of conflicting information about the health effects of living near a cell phone tower. For every article out there that says there is no need for concern and it's nothing but a conspiracy theory, there is another stating I do need to worry, and we can expect symptoms that range from headaches, depression, and irritability to an increased risk for cancer. We don't want to take any chances with our health or the health of our children and I would hope the property owners could understand that.

Bottom line - we have already had the power lines pushed on us and we don't need a cell phone tower, too. We DO NOT NEED the tower. The absolute only benefit is the financial gain for the property owners.

Thank you for your consideration,

Amanda David

Randy and Charlene Estes

3201 S 5th Street

Kalamazoo, MI 49009

To the Charter Township of Oshtemo

Kalamazoo County, Michigan

To be read at the public hearing of the Planning Commission of the Charter Township of Oshtemo on Thursday, June 11, 2020.

We are writing this letter in response to a letter we received from the Oshtemo Charter Township concerning the application of Pathway Solutions request for a special use and site plan approval to erect a 254 foot tall communication tower on the property belonging to Kelly Verhage-Mallory and Kevin Verhage , located at 8619 West ML Avenue, Kalamazoo, MI 49009. Our letter was stamped with a message that the agenda item is within 300 feet of our property.

We have lived in Oshtemo Township for ten years on our 12-acre horse farm. In these ten years, we have diligently worked and cared for our property and have enjoyed a good relationship with our neighbors. The very fact that this proposed tower is 254 feet tall, would make it pretty hard to ignore and would change dramatically the lovely sanctuary we now call home and our neighborhood.

We object to the erection of a 254 feet tower within 300 feet of our property line.

People live in the country specifically to not have to look at tall buildings or towers. We value nature and all of its beauty and the peace that comes from living this way. We value being able to see the night sky because there are no other lights competing with it. City people get used to never being able to see the stars or moon. We don't want to live like that.

Please consider our request to deny this project from moving forward.

Sincerely,



Randy Estes and Charlene Estes

Hi Iris,

My name is Lynette Burkett. I live at 2769 S 4th St, Kalamazoo. I am writing regarding the proposed tower on Verhages property. I have concerns regarding this tower. I will list them;

1. The unknown health risks (I will provide a link to just one of many articles).
2. The eye sore that it will be almost directly in back of my property. I can only imagine this will decrease the value of my property (we already have to look at the power towers and deal with the health risks as well as our decreased value of our property that came with the installation of the ones that were put up a few years ago).
3. I believe there is a 5g cell tower not to far away already. I would like to know exactly why we need another.

--

Lynette Burkett

July 2, 2020



Mtg Date: July 9, 2020

To: Planning Commission

From: Iris Lubbert, Planning Director
Richard Comi, Center for Municipal Solutions, Consultant

Applicant: Pathway Solutions

Owner: Kelly Verhage-Mallory and Kevin Verhage

Property: 8619 W ML Avenue, Parcel numbers 3905-05-28-330-010

Zoning: AG, Agricultural

Request: Special Use approval for a Wireless Communication Tower

Section(s): Section 4.40: Communication towers in AG, Agricultural Zoning
Section 65.30: Special Use Review Criteria
Section 49.70: Special Use Requirements for Communication Towers

Project Name: Pathway Solutions Communication Tower

PROPOSAL:

Pathway Solutions is requesting Special Use and Site Plan approval to construct a 199-foot-tall unmanned communication tower at 8619 W ML Avenue. Pathway Solutions is a wireless broadband wholesale provider for service and infrastructure. Note: Pathway Solution's original proposal was for a 254-foot-tall unmanned communication tower.

BACKGROUND:

Communication towers are a use that require a unique level of review; it is for this reason that the Township's practice is to engage the services of a consultant specialized in the field to assist staff. Richard Comi, with the Center for Municipal Solutions (CMS), was hired by the Township to provide that service.

The proposed communication tower was first submitted to the Township for consideration in January of this year. The application was found incomplete at the time and returned to the applicant to refine and resubmit. Since that time several iterations have been reviewed but have continually been deemed insufficient. Regardless of an incomplete application, Pathway Solutions requested to move the project forward to the Planning Commission for review and approval. Per the applicant's request, a public hearing for the proposed communication tower was held at the June 11th Planning Commission meeting. The notice of public hearing was mailed to all property owners within 300 feet of 8619 W ML Avenue on May 18th and published in the paper on May 21st. At that June 11th Planning Commission meeting,

Commission members expressed concerns about the proposal. After discussion, the applicant agreed to provide additional information and defer the discussion of the project to the July 9th Planning Commission meeting.

The analysis section of this report is comprised of the original staff report analysis from the June 11th meeting and staff's analysis reflecting the new information provided by the applicant, denoted in red.

ANALYSIS:

The entirety of the property in question is zoned AG, Agricultural. Uses permitted in the AG zoning district are outlined in Article 4 of the Township's Zoning Code. *Communication towers* are identified as a Special Use within this section and require review and approval of the Planning Commission. When reviewing a Special Use there are two sets of criteria that need to be considered: the general Special Use review criteria outlined in Section 65.30 and the specific requirements for the use in question outlined under Section 49.70. Below is an analysis of the proposal against these two Sections.

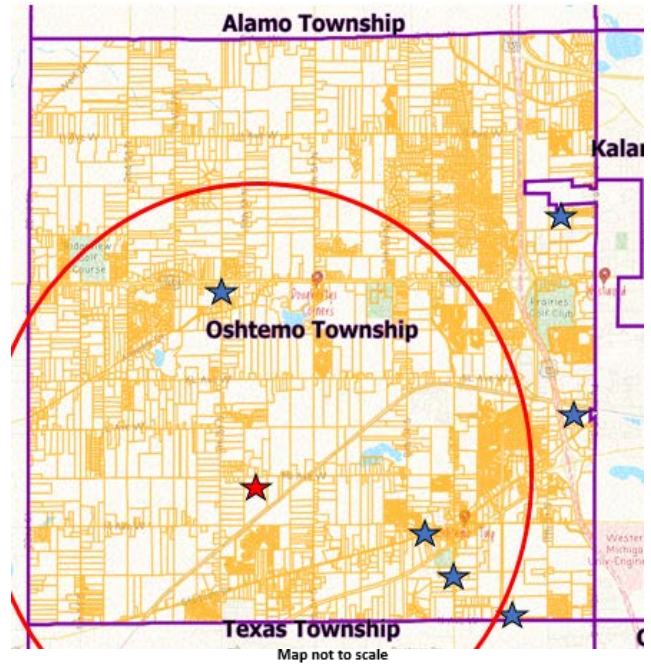
Section 65.30: Special Use Review Criteria

A. Master Plan/Zoning Ordinance: The proposed use will be consistent with the purpose and intent of the Master Plan and Zoning Ordinance, including the District in which the use is located.

Zoning is purely a state and local issue except in two areas where Congress has imposed federal regulations: religious uses and telecommunications. Communication towers have special protections from the Federal Government and although the Federal Government dictates some of what can be done, municipalities have been granted a level of control over the placement, construction, and modification of wireless service facilities. As such, the Township's Zoning Ordinance allows for the construction of communication towers within the Township as long as "a need" for the tower is demonstrated. The code also provides legal tools and criteria to review the proposal against.

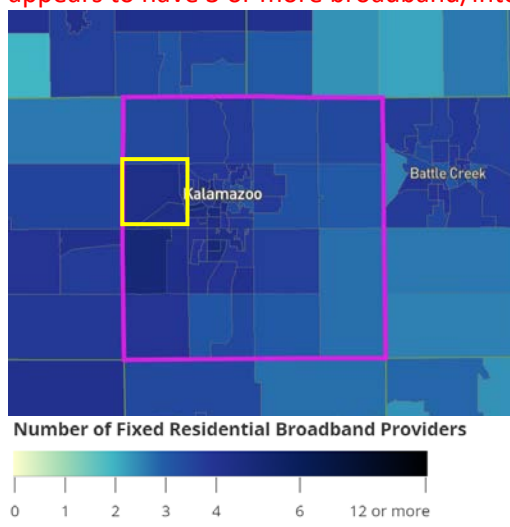
The applicant notes within the application that they are a wireless internet service provider. However, they offer no documentation to substantiate that statement. No information was provided, and Staff was unable to identify through research, other communities that Pathway Solutions services with high speed internet. **The applicant shared at the June 11th meeting that their company is based in Iowa where they currently have one communication tower.** The applicant reasons that the proposed tower is needed at the proposed location as Pathway Solutions currently has no existing systems in the area. **The applicant went further in their comments at the June 11th meeting noting that they have no existing systems or service in Michigan.** However, no documentation has been provided to show what service this area does or does not have. **The applicant has since the June 11th meeting provided line of sight maps, see attached. These maps show how far someone at the top of the tower would be able to see if built. However, wireless internet is not a line of sight service, meaning that you do not have to see the properties in order for them to be serviced. The provided line of sight maps do not answer any of the questions posed by staff or the Commission in terms of service or lack thereof.**

One of the main Ordinance requirements when considering a new tower is that “A proposed tower shall not be established unless the communications equipment/antenna(s) planned for the proposed location cannot be accommodated on an existing or approved tower within the area of the proposed tower” (Section 49.70). Staff worked with the Township’s Assessing Department to identify the six existing communication towers within Oshtemo Township, indicated by blue stars in the map to the right. The applicant claims that their proposed tower, shown with a red star, would have a service radius of about three miles, approximately shown on the map with a red line. There are three existing towers within the proposed tower’s service area. No documentation has been provided as to why the applicant could not collocate their services onto one of these towers. It is unclear why the applicant could not start to provide their services and build their network in Oshtemo, and anywhere else in Michigan, without using any of the existing infrastructure.

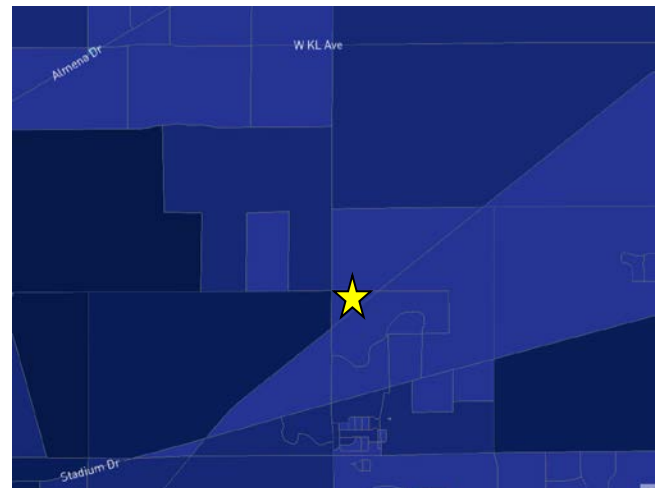


- ★ Existing Communication Towers in Oshtemo: 4048 S 9th St, 624 N 4th St, 5656 Beech St, 6831 Stadium Dr, 5088 West Michigan Ave, 6018 W N Ave
- ★ Proposed Communication Tower: 8619 W ML Avenue
- Stated 3 mile service radius

In addition, according to broadbandmap.fff.gov, Oshtemo Township currently has more broadband/internet providers than other neighboring areas in Michigan. See map on the bottom right, Kalamazoo county outlined in pink, Oshtemo Township in yellow. Zooming into the area in question, see map on the bottom left, the proposed location for the new tower appears to have 3 or more broadband/internet providers.



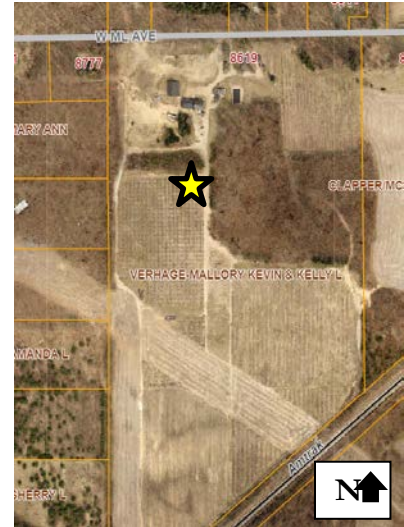
Broadband
 Technology ADSL, Cable, Fiber, Fixed Wireless, Satellite, Other
 Speed ≥ 25/3 Mbps
 Date June 2019 (latest public release)



It is **still** unclear what need is being fulfilled and if this tower is necessary. At this time no need for the proposed tower has been demonstrated.

B. Site Plan Review: The Site Plan Review Criteria of Section 64.80.

Pathway Solutions is proposing to lease a 60 foot by 100 foot area within 8619 W ML Avenue to hold their 254 foot tall communication tower and supporting equipment. The proposed location of the tower is approximately 600 feet from the right-of-way line of West ML Avenue and about 470 feet from the nearest property line to the west; see map to the right (property lines are shown in orange and the proposed location for the tower is stared). The tower and its equipment will be surrounded by a 6 foot tall chain link fence and accessed through a locked double wide access gate. The existing dirt and gravel drives through the property will be used to access this proposed use. A local service provider will be on call for snow removal, debris removal, and weed control.



A site plan for the proposed tower has been submitted. This site plan has been reviewed by Township’s Fire, Building, and Planning Departments as well as by the Township’s Engineering Consultant, Prein&Newhof. All site plan requirements and comments have been addressed.

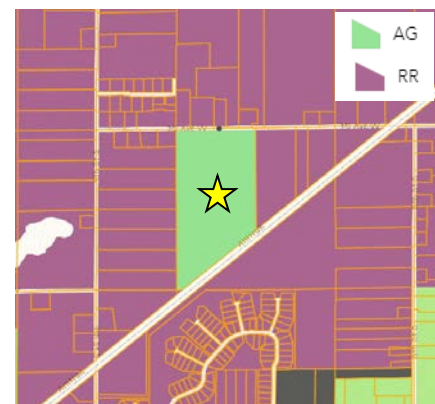
In response to the Planning Commission’s concerns the applicant has submitted an amended site plan, see attached. Changes to the plan include a new tower style and height. Due to the shorter proposed tower, lighting is no longer required. All other aspects of the site plan have remained the same.

C. Impacts:

1. The proposed use would be compatible, harmonious and appropriate with the existing or planned character and uses of adjacent properties; meaning the proposed use can coexist with neighboring uses in a stable fashion over time such that no neighboring use is unduly negatively impacted.

Although the property that will host the proposed tower is zoned AG, Agricultural, all surrounding properties are zoned RR, Rural Residential. The proposed communication tower is not harmonious with the character of the rural residential area.

However, if demonstrated as necessary, the applicant has stated that the proposed communication tower would provide high speed internet service to surrounding residents **within an approximate three-mile radius**. See the map under the analysis of Section 65.30 (A) for a visual representation of the proposed coverage area.



- 2. Potentially adverse effects arising from the proposed use on adjacent properties would be minimized through the provision of adequate parking, the placement of buildings, structures and entrances, as well as the location of screening, fencing, landscaping, buffers or setbacks.**

The proposed communication tower meets all site plan requirements. The site provides adequate parking, meets setbacks, has adequate fencing, etc. No adverse effects are anticipated in this area.

- 3. The proposed use would not be detrimental, hazardous, or disturbing to existing or future adjacent uses or to the public welfare by reason of excessive traffic, noise, smoke, odors, glare, or visual clutter.**

The proposed use would not be detrimental, hazardous, or disturbing to adjacent uses by reason of excessive traffic, noise, smoke, or odors. However, a 254-foot tower would create a substantial visual impact/clutter. **The amended proposal decreases the tower's height from 254 feet to 199 feet which is a visual improvement.** For reference, the existing METC transmission towers located south of the proposed site are approximately 90 feet tall, **now 45% (instead of 35.4%)** of the height of this proposed facility, and are not lighted. **However, even with the decrease in height the METC transmission towers are still under half of the height of this proposed facility. At the Planning Commission meeting on June 11th the applicant noted that before they approached the township their original plan was for a 300 foot tall tower but that they decreased it to 254 feet when they applied. With this resubmittal the applicant has again shortened the tower. It raises the question of whether the tower could be made even shorter to better assimilate into the environment. Still no documentation has been provided to show the need for the original or the newly proposed tower's height.**

In terms of glare, if the facility is approved, lighting will be further reviewed in conjunction with the structural evaluation of the tower at the time of the building permit. **Note that due to the decrease in height of the proposed tower to under 200 feet, lighting is no longer required by the FAA and has been removed from the proposal. However, if this tower is approved, a co-locator would be allowed to increase the structure by 10% or 20 feet, whichever is taller, without proof of need and without application approval. It would be considered an "eligible facility". A colocation of this nature would then trigger lighting to be installed at that time. Without written assurance from the applicant, the applicant did note at the June 11th meeting that they would be willing to waive the right to allow for the increase in height in their tower that could occur with a co-location, lighting for the proposed tower would still come into play but just at a later date.**

- D. Environment: The natural features of the subject property shall only be cleared or altered to the extent necessary to accommodate site design elements, particularly where the natural features assist in preserving the general character of the area.**

Aside from the trees that will be cleared to accommodate the 60-foot by 100-foot lease area for the tower, all natural features of the site will remain. The applicant has not demonstrated the need for a 60-foot by 100-foot lease area and why all the trees within the area need to be cleared.

- E. **Public Facilities: Adequate public and/or private infrastructure and services already exist or would be provided, and will safeguard the health, safety, and general welfare of the public.**
Adequate public facilities are in place to support the proposed use.

- F. **Specific Use Requirements: The Special Use development requirements of Article 49. -**
All of the specific use requirements in Section 49.90 are outlined below.

Section 49.70: Communication Towers

A communication tower shall be erected, constructed, located or established in compliance with the following:

1. **Justification. A proposed tower shall not be established unless the communications equipment/antenna(s) planned for the proposed location cannot be accommodated on an existing or approved tower within the area of the proposed tower due to the following reasons (*the code then outlines four exceptions*).**

The applicant notes that “the only existing structures within the search radius; and two miles for that matter, are the METC transmission towers. These towers are only approximately 90’ tall and too short to provide the coverage necessary to provide adequate broadband service to the area.” This argument would meet the third exception listed in this section if documentation is provided by a qualified and licensed professional engineer. However, the applicant never provided documentation on why this specific search radius and final location were chosen for a potential communication tower. It is unclear what need this proposed communication tower would be filling. Also, no documentation from a qualified engineer was provided to show that any existing towers within the Township would not meet the applicant’s needs. *See discussion under Section 65.30 (A) for further analysis.*

2. **Design of tower.**

- a. **Any proposed or modified tower shall be designed and constructed to accommodate future co-locations. Towers shall be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.**

The proposed tower is designed to support Pathway Solutions equipment and two additional carriers with a 15-foot minimum separation distance. If approved, construction documents will be required at the time of the building permit to confirm this distance. Please note that the industry today only requires a 10-foot separation between service providers. *The applicant has modified their proposal to accommodate a 10-foot separation between service providers.*

- b. **A proposed or modified tower shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities and located on the site so as to minimize its visibility from the public right-of-way and residentially zoned properties.**

The proposed tower is a galvanized steel grey color and screened by the existing vegetation that surrounds the property. The applicant also notes that the “tower will blend in with the existing METC transmission towers that run along the back portion of the property”. Although the applicant is right that grey is preferred for a tower of this height, no attempt at camouflaging the tower has been made. In addition, saying that the tower will blend into the METC

transmission towers located along the back of the property in question, which are only 35% of the height of the proposed tower, is unreasonable.

In the applicant's resubmittal the design of the tower has been changed to a monopole style tower rather than a self-support lattice tower. The tower design remains grey in order to "blend better to the typical Michigan sky". The newly proposed design does visually blend in better than the original design. However, the proposed tower is still more than twice as tall as the existing METC transmission towers to the south of this proposed facility and would visually stand out. If possible, a shorter tower would be preferred.

- 3. Height. The height of a tower shall be determined by measuring the vertical distance from the tower's point of contact with the ground or rooftop to the highest point of the tower, including all antennas or other attachments. When towers are mounted upon other structures, the height shall be considered with the combined height of the structure and tower.**

The proposed tower is 250 feet tall and will have a 4-foot lightning rod. No engineering documents were provided as to why this height is necessary. It should be noted that if this tower is approved a co-locator would be allowed to increase the structure by the taller of 10% or 20 feet without proof of need and the application must be approved. It would be considered an "eligible facility".

The proposed tower is now 195 feet tall and will have a 4-foot lightning rod. Despite the decrease in height no engineering documents were provided as to why this height is necessary. This raises the question of whether the tower could be designed even shorter.

4. Tower setbacks.

- a. **A tower shall be located so that the setback from all property lines is equal to or greater than the height of the tower. The reviewing body may deviate from such requirements if the deviation is consistent with the spirit and intent of the Ordinance.**

The proposed tower will be a total of 199 feet tall (originally 254 feet) and located at least 400 feet from any property line.

- b. **Towers shall not be located between a principal structure and a public street.**

The proposed tower is located behind the principle structure.

- c. **A tower's setback may be reduced or its location to a public street varied to allow the integration of a tower into an existing or proposed structure, such as a church steeple, utility pole, power line support device or other similar structure.**

Not applicable.

- d. **Towers shall be set back at least 150 feet from any adjacent residences, residentially zoned property or a public street.**

The tower is located at least 400 feet from any property line.

- 5. Accessory structures. Structures accessory to a tower, including utility buildings, shall be designed and located on the site to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district.**

No accessory structures are proposed for this site. Equipment supporting the structure (equipment cabinets, generator, and propane tank) will all be located within the proposed fenced compound. See page C-2 of the site plan for more details.

6. Landscaping/screening.

a. Landscaping/screening at the site shall be designed and maintained to minimize visibility of the tower and related equipment from the public right-of-way and residentially zoned properties.

Existing landscaping on the site will be utilized. There are wooded areas to the north, south, east, and west. The existing landscaping will help lessen the visibility of the tower from the public right of way and neighboring residentially zoning properties.

b. Ground-mounted equipment and accessory buildings and structures may be required to be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding area.

The proposed tower enclosure will not be visible from the road or neighboring properties. The requirement for additional landscaping of this nature is not required.

7. Security fencing. Security fencing of at least six feet (unless other height is required by state or federal regulations) shall be required to prevent access to the tower, accessory building/structure and/or guyed wires. The reviewing body may deviate from such requirements if the deviation is consistent with the spirit and intent of the Ordinance.

A 6-foot-tall chain link fence will be located around the proposed tower and its equipment.

8. Lighting. Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. Site lighting shall comply with Article 54.

The proposed tower design has lighting at 125 feet and then at the top of the tower per FAA guidelines. A FLASH technology lighting system will be used that includes horizontal beams. No additional lighting is proposed on site. If the facility is approved, lighting will be further reviewed in conjunction with the structural evaluation of the tower at the time of the building permit.

The applicant is proposing a 199-foot-tall tower. At less than 200', this tower no longer requires lighting by FAA guidelines. No lighting is being proposed. However, as noted previously, if this tower is approved, a co-locator would be allowed to increase the structure by 10% or 20 feet, whichever is taller, without proof of need and without application approval. It would be considered an "eligible facility". A co-location of this nature would then trigger lighting to be installed at that time. Without written assurance from the applicant, lighting for the proposed tower would still come into play but just at a later date.

9. Signs and advertising. The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

Aside from a plaque to be installed at the entrance of the compound, which identifies the site as a Pathway Solutions facility and provides a phone number to call in case of an emergency, no other signage is being proposed.

- 10. Interference with public safety telecommunications. No new or existing telecommunications service shall interfere with public safety telecommunications. All applications for new service shall be accompanied by an intermodulation study by a qualified and licensed professional engineer which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems.**

An intermodulation study was provided and shows that the proposed tower would not interfere with public safety telecommunications or create any other interference.

- 11. Site access and parking. The reviewing body may allow deviation from the Access Management Guidelines, paving and/or parking standards of the Zoning Ordinance.**

The proposed compound is accessed using the site's existing gravel and dirt drives. No parking spaces are required for an unmanned facility.

- 12. Inspections. All towers shall be inspected at regular intervals, no less than once a year, and serviced as frequently as may be necessary, to maintain the tower in a safe and weather-withstanding condition. Reports as to all inspections and servicing shall be made available to the Township upon written request.**

The applicant indicates that the tower will be visited by a technician two to three times per month. It is also noted that the equipment cabinets, radio equipment, and tower will be monitored via an alarm system, and if activated, would trigger a site visit.

- 13. Updated information. The tower owner or representative shall annually update the Township with the following information:**

- a. Name, address, phone number of tower owner; name, address and phone number of contact persons for engineering, maintenance and other notice purposes.
- b. Organization name, address, phone number, and contact person of each co-locator and the operational status of the equipment.
- c. Notification of date of lease expiration and/or cessation of operation of any equipment and date of removal.

The applicant has noted that the tower will be fully inspected once per year and have the reports available for the Township to review along with the requested above information. Per ANSI – CIA 222, a standalone tower, such as what is proposed, must be inspected once every 5 years. The applicant has not stated that this is the full inspection that they are referring to.

- 14. Abandonment or Unused towers, portions of towers, tower mounted equipment, and associated facilities. Abandoned or unused towers, portions of towers, tower mounted equipment and associated facilities shall be removed as follows:**

- a. All abandoned or unused towers, portions of towers, tower mounted equipment, and associated facilities shall be removed within 12 months of the cessation of operations at the site unless a time extension is approved by the reviewing body.
- b. In the event that a tower, portions of towers, tower mounted equipment, and/or associated facilities are not removed within 12 months of cessation of operations at a site, the subject facilities may be removed by the Township and the costs of removal assessed against the property.

- c. **A copy of a signed lease, which includes a requirement that the applicant shall remove the tower, portion of tower, tower mounted equipment and associated facilities upon cessation of operations at the site shall be submitted at the time of application, if applicable.**

A copy of the lease was provided; the requirement to remove the tower upon cessation of operations at this site is addressed under item 7. Improvements of the lease.

In addition to the information required for the Site Plan review and Special Use review, applications for towers shall include the following supplemental information:

1. Tower plans and a report from a qualified and licensed professional engineer which:

- a. **Describes the tower height and design, including a cross section and elevation;**

Provided. However, no explanation was given, nor documentation provided, as to how the proposed height was chosen.

- b. **Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distance between antennas;**

The height for each of the mounting positions for colocations are shown in the site plan elevation.

- c. **Describes the tower's capacity, including the number and type of antennas/equipment that it can accommodate;**

The proposed tower is designed to support Pathway Solutions equipment and two additional carriers with a 15-foot separation distance. A total of 36 antennas are proposed (12 per carrier). High speed internet is to be provided by Pathways Solutions per their application. The tower design must include all equipment necessary for Pathways Solutions as well as for the two additional carriers. In today's environment each carrier normally has an equipment platform and 12 antennas with cabling running from their equipment on the ground to their antennas. There was no documentation provided as to how Pathways Solutions will be connecting to the public network (cable, fiber, or microwave) and will need to be documented if approved. The descriptions of the antennas can be found on page C-2 of the site plan. The descriptions show that all sets of antennas are identical for each provider.

The separation between the co-locator antennas has been decreased from 15 feet to 10 feet. The applicant notes that they have "shown the antennas as "typical"" adding that as they "cannot know now just what antennas will be proposed by future co-locators, so we used the antenna depictions and descriptions on the site plan as placeholders until the actual antennas are ordered and then later proposed when co-locators arrive to the tower." Although using placeholders is sufficient at this stage, it should be noted that after additional research staff has found that the proposed antennas would not support the wireless internet service that Pathways Solutions plans to provide. Clarification is needed.

- d. **Documents what steps the applicant will take to avoid interference with established public safety telecommunications;**

Not applicable as the intermodulation study shows that the proposed tower will not create interference.

- e. **Includes an engineer's stamp and registration number;**

Engineer's stamp is included: Christopher J Warren, registration number 6201050020.

f. Indicates that the proposed tower complies with regulations administered by the Federal Communications Commission and the Federal Aviation Administration.

A letter is provided from the applicant indicating that the tower will meet the regulations of the Federal Communications Commission and the Federal Aviation Administration. A tower of this type and height must be certified to ensure that it would not negatively impact aircrafts. No such documentation has been provided.

g. Includes information necessary to allow determination of compliance with Building Code, Electrical Code and other applicable Township Ordinances.

Additional information regarding the communication tower's construction will need to be provided if approved by the Planning Commission and at time of the building permit. However, the information provided does not demonstrate a need and therefore does not meet the special use requirements of the Township Ordinance.

h. Includes other information necessary to evaluate the request.

The applicant has been asked on multiple occasions to provide documentation outlining the reasoning for this tower (why this location? why this height?). Although the applicant responded to the question, that information was grossly inadequate. Several requests to discuss the proposal with Pathway Solutions and/or Unwired Consulting were unsuccessful by the Oshtemo's CMS consultant. **After the June 11th Planning Commission meeting the applicant has been in communication with the Township Attorney. However, there has still been no direct communication with the Township Consultant, Richard Comi.**

2. A letter of intent committing the tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use. Further, a request to co-locate antennas on a tower shall not be unreasonably refused. No provider or lessee or agent thereof shall unreasonably fail to cooperate to accommodate co-location.

Provided within the lease.

RECOMMENDATION:

Based on the submitted documents, the Oshtemo Township's Planning Department, Attorney's office, and Consultant Richard Comi with the Center for Municipal Solutions cannot recommend the approval of the proposed communication tower. Although the standard site plan requirements have been met, the requirements for the special use request have not. In summary, no reasoning has been provided as to why this tower is necessary. At this time, it is recommended to deny the request. **After reviewing the resubmitted documents, the recommendation for denial remains the same.**

Attachments: Letter to the PC, Line of Sight Maps, Amended Site Plan

To view attachments to the original report, outlined below, click here <https://oshtemo.org/wp-content/uploads/2020/06/2020-06-11-PC-Packet-Updated.pdf> :Evaluation provided by Richard Comi, Center for Municipal Solutions, Township Application Form, Letter of Intent, Site Plan, Applicant's Zoning Addendum, Provided search radius document, Letter acknowledging FCC and FAA regulations, Received Public Comment, Additional information request by the applicant to be included (6/9/2020)

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Williams Williams Rattner & Plunkett, P.C.
Attorneys and Counselors

380 North Old Woodward Avenue

Suite 300

Birmingham, Michigan 48009

Tel: (248) 642-0333

Fax: (248) 642-0856

ROBERT A. LABELLE

Direct: (248) 530-0717

ral@wwrplaw.com

June 24, 2020

Chairperson, Planning Commission
Charter Township of Oshtemo
7275 West Main Street
Kalamazoo, Michigan 49009

by Federal Express

Re: Special Use Approval for Communications Tower
8619 W ML Avenue, Parcel number 3905-05-28-330-010
Supplemental Materials and Letter

Dear Commissioners:

Thank you very much for the opportunity to discuss with you at the last Planning Commission meeting our proposal to bring wireless internet service to the residents and visitors of Oshtemo Township. At that meeting, we were tabled in order to provide additional materials and a revised proposal to the next Planning Commission meeting. Attached are those supplemental materials. Below we explain how each addresses matters raised at the meeting.

To begin with, we have attached a revised site plan which makes significant visual changes to the proposed tower. We heard the concerns regarding height and lighting. The top of the new proposed tower has been reduced to 195' with a 4' lightning rod. At less than 200', for this tower, lighting is no longer required by the FAA, one of the major concerns. (Please see note on the Site Plan stating that FAA guidelines will not require lighting.) In addition, at less than 200', the tower could be changed to a monopole, rather than a self-support, lattice tower. The monopole presents a far more minimal profile. The monopole will also be grey to blend better to the typical Michigan sky.

In addition, the site plan now shows the 10' separation between collocators, as was suggested in the Staff Report. We have also shown the antennas as "typical". We, of course, cannot know now just what antennas will be proposed by future collocators, so we used the antenna depictions and descriptions on the site plan as placeholders until the actual antennas are ordered and then later proposed when collocators arrive to the tower.

Also included are Line of Sight Plots which have been certified by a licensed professional engineer, to address your Ordinance requirement. There are 3 Line of Sight Plots: Without Proposed Tower, Proposed at 195' (centerline of our proposed WISP antennas), and Proposed at 245' (original centerline). The 195' Line of Sight Plot shows the primary area of potential service provided by the newly-proposed 195' monopole, which will be, as mentioned, an approximate 3-mile radius from the tower.

Oshtemo Township Planning Commission
June 24, 2020
Page Two

While no longer proposed, the 245' Line of Sight Plot shows how the service radius around the tower would have been much more solidly covered at this height. Even higher would have provided even more service area more solidly covered. We proposed the original 245' tower to obtain the better service area, but, addressing the concerns from the last meeting, we believe that the now-proposed 195' tower may be a better compromise between the larger, more reliable service area and the concerns of the Township.

This is in keeping with the discussion from the last Planning Commission meeting. In accordance with FCC recommendations (as well as other federal and state agencies), Pathway Solutions focuses efforts to provide wireless internet service in unserved and underserved rural residential areas. As discussed at the prior meeting, Oshtemo Township and the surrounding areas are underserved. As noted at the meeting, the superseding Federal Telecommunications Act (TCA) has the goal of fostering competition between providers of wireless communication services to maximize service, encourage innovation, and reduce costs to the public. Similar to the Township's Ordinance, the TCA and its caselaw requires an applicant to show a significant gap in service and a good faith effort into less obtrusive existing towers. The gap here is significant and nothing in the area is available to address this gap.

Finally, this tower is very likely to see collocation by Verizon and other wireless cellular service providers. As we described in prior submittals and at the last meeting, this area shows poor coverage for wireless cellular service providers. This can be derived from a number of public sources, including ROOT Metrics data for the Oshtemo Township area. (A resident at the last meeting complained of the poor service, too.) Verizon and other providers we have contacted have noted the need for service in the area and are considering service changes.

Again, Pathway Solutions very much appreciates the Township providing it this opportunity to submit additional information and to discuss with the Planning Commission this revised plan. We look forward to speaking again with all of you at the July Planning Commission meeting.

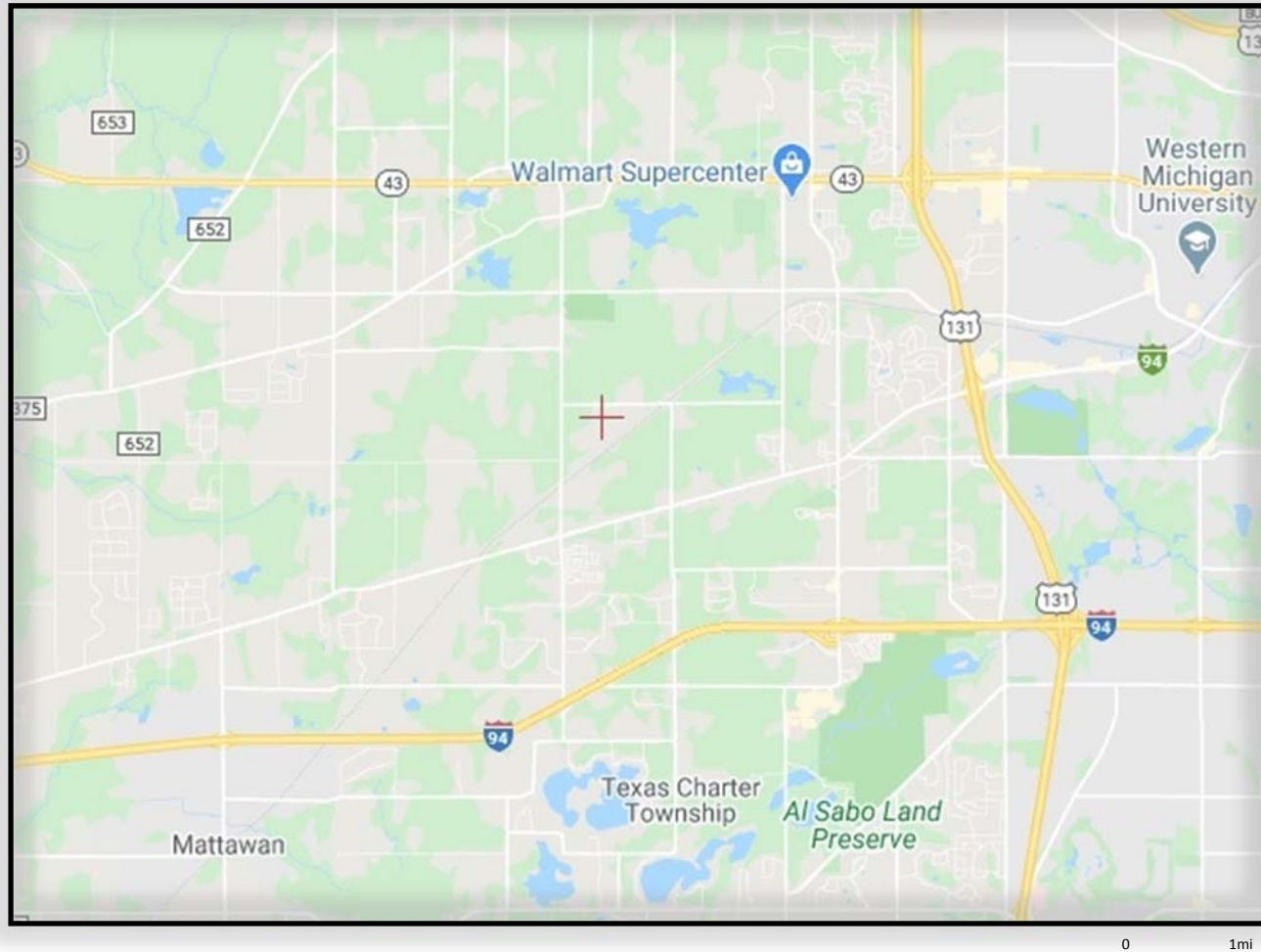
Very Truly Yours,



Robert A. LaBelle

RAL/cc
Enclosures

cc: Iris Lubbert, Planning Director
Jim Porter, Esq.
Richard Comi
Matthew Kundert



Oshtemo Orchard 2018022
 Without Proposed Tower
 Latitude: 42° 15' 53.07" N
 Longitude: 85° 43' 10.30" W

Line of Sight Plot

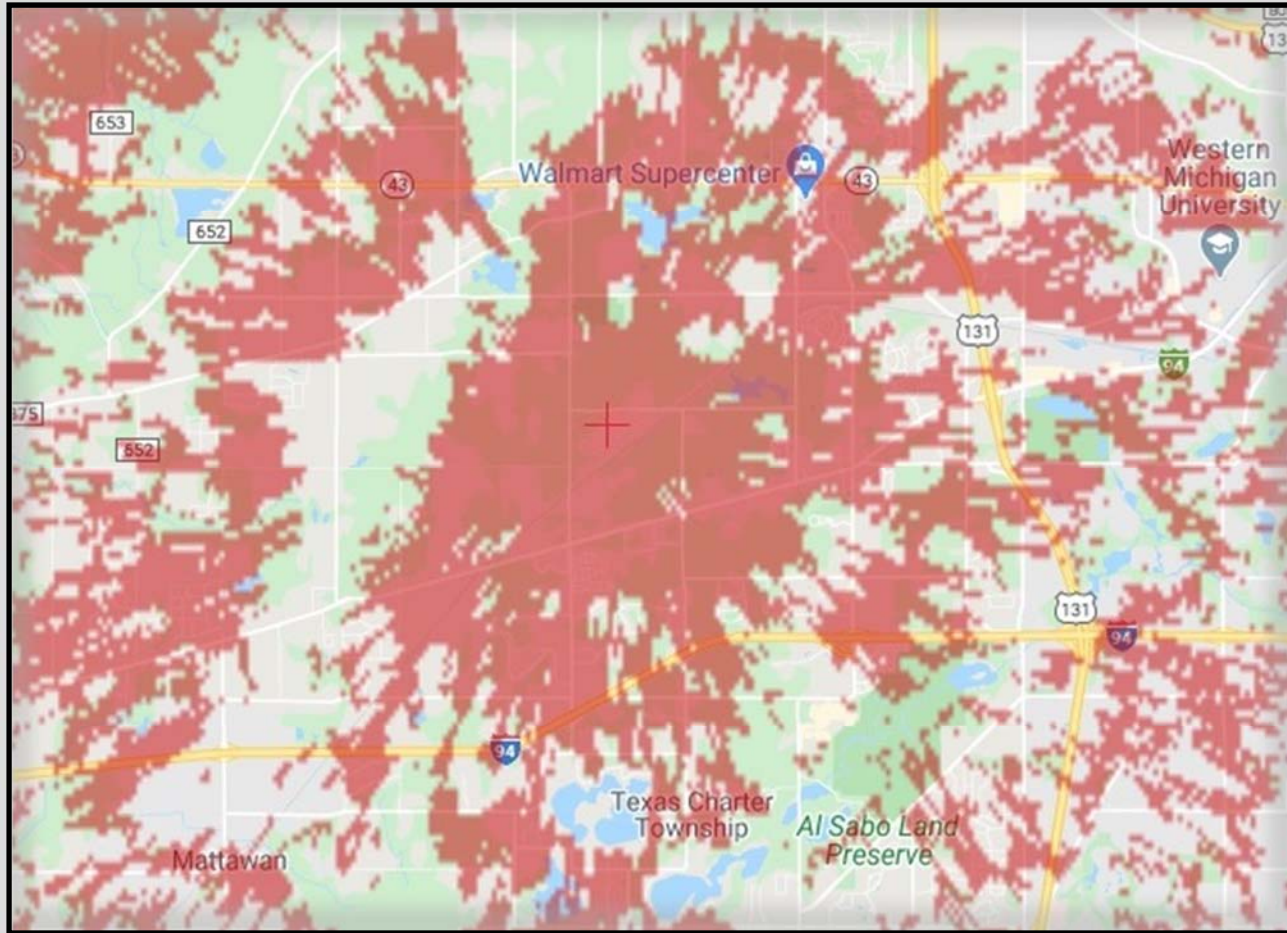
PROFESSIONAL ENGINEER

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the State of Minnesota

Print Name: Otto G Dingfelder III

Signature: *Otto G Dingfelder III*

Date: 6/23/2020 License# 49720



0 1mi

Oshtemo Orchard 2018022
 195' CL
 Latitude: 42° 15' 53.07" N
 Longitude: 85° 43' 10.30" W

Line of Sight Plot

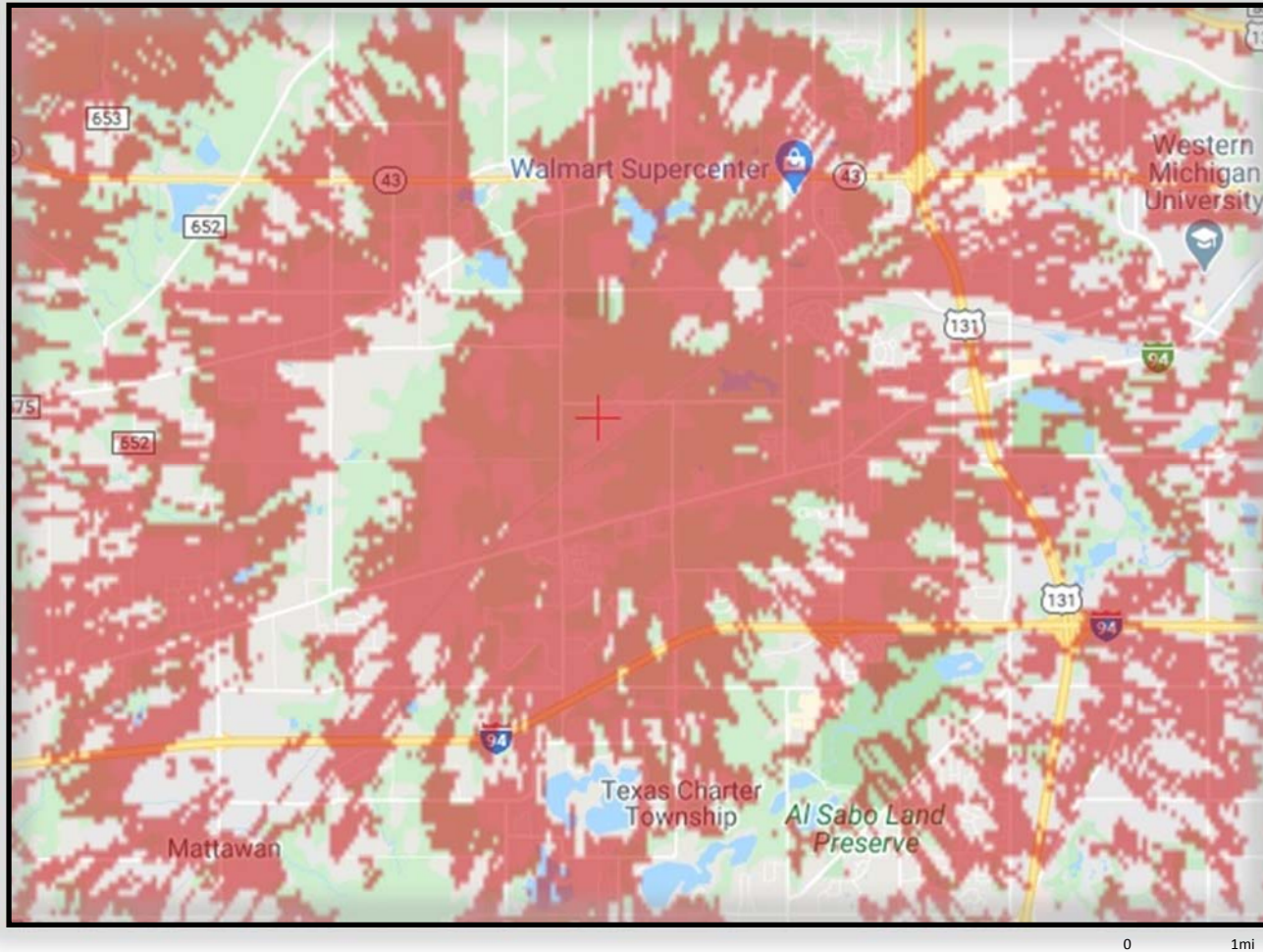
PROFESSIONAL ENGINEER

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the State of Minnesota

Print Name: Otto G Dingfelder III

Signature: *Otto G Dingfelder III*

Date: 6/23/2020 License# 49720



Oshtemo Orchard 2018022
 245' CL
 Latitude: 42° 15' 53.07" N
 Longitude: 85° 43' 10.30" W

Line of Sight Plot

PROFESSIONAL ENGINEER

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the State of Minnesota

Print Name: Otto G Dingfelder III

Signature: *Otto G Dingfelder III*

Date: 6/23/2020 License# 49720

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PROJECT DESCRIPTION:

THE INSTALLATION OF AN UNMANNED TELECOMMUNICATION EQUIPMENT COMPOUND CONSISTING OF A 50'X75' GRAVEL PAD FENCED WITH A 6' TALL CHAIN-LINK FENCE AROUND ENTIRE PERIMETER AND 195' MONOPOLE TOWER. NO WATER OR SEWER IS REQUIRED. THE PROPOSED TOWER WILL NOT INTERFERE WITH EXISTING PUBLIC SAFETY TELECOMMUNICATIONS.

CODE COMPLIANCE:

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THE LATEST EDITIONS OF THE FOLLOWING:

- 2015 MICHIGAN RESIDENTIAL CODE
- 2015 MICHIGAN BUILDING, MICHIGAN MECHANICAL, MICHIGAN PLUMBING, AND MICHIGAN REHAB CODES
- 2015 NATIONAL ELECTRICAL CODE
- 2015 MICHIGAN ENERGY CODE
- ALL FCC AND FAA REGULATIONS
- OSHEMO TOWNSHIP ORDINANCES & NFDA CODE ADOPTED BY SMBA

SUBJECT PARCEL ZONING CLASSIFICATION: AG
 NORTH: RR
 SOUTH: RR
 EAST: RR
 WEST: RR

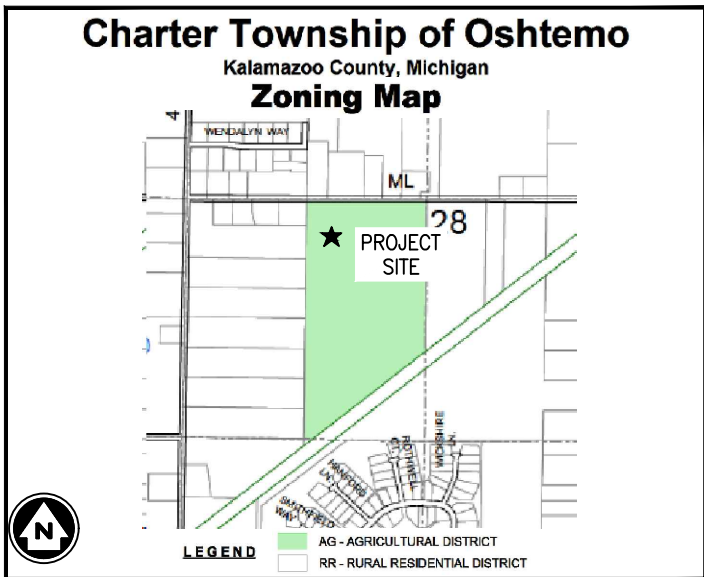
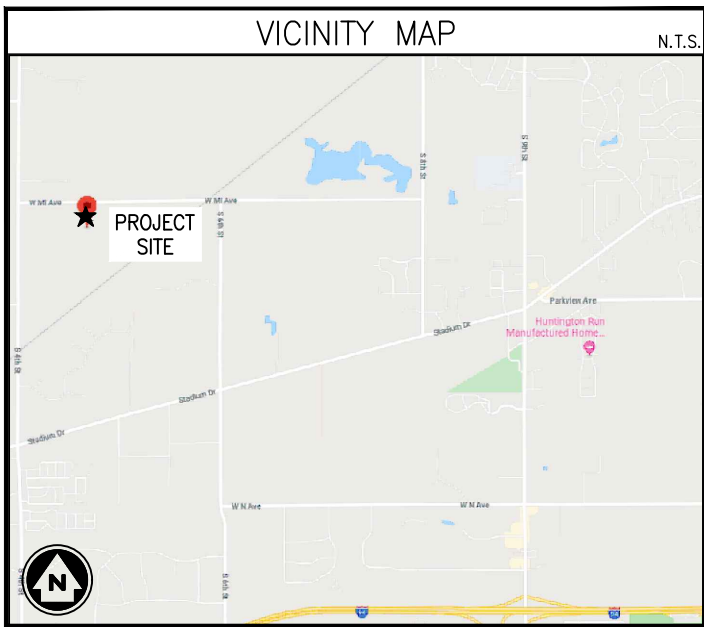


**OSHEMO ORCHARD
 2018022**

**8619 WEST ML AVE.
 KALAMAZOO, MI 49009
 195' MONOPOLE TOWER
 (199' OVERALL INCLUDING APPURTENANCES)**

PROJECT INFORMATION

SITE NAME: 2018022
 SITE NUMBER: OSHEMO ORCHARD
 SITE ADDRESS: 8619 WEST ML AVE.
 KALAMAZOO, MI 49009
 PARCEL ID: 05-28-330-010
 DEED REFERENCE: 2002-032126
 ZONING CLASSIFICATION: AG (AGRICULTURAL DISTRICT)
 ZONING JURISDICTION: CHARTER TOWNSHIP OF OSHEMO
 GROUND ELEVATION: 974.14' (± 3 FT. NAVD 88)
 OBTAINED FROM SURVEY DATED: 12/9/19
 STRUCTURE TYPE: MONOPOLE
 STRUCTURE HEIGHT: 195'
 CONSTRUCTION AREA: ±2,700 SQ. FT.
 COORDINATES (NAD 83): N. 42° 15' 53.07", W 85° 43' 10.30"



SHEET INDEX

SHEET	DESCRIPTION	REV	DATE
T1	TITLE SHEET	3	6/18/20
SS1	PLAT OF SURVEY	1	12/31/19
SS2	PLAT OF SURVEY	1	12/31/19
SS3	PLAT OF SURVEY	1	12/31/19
C1	OVERALL SITE PLAN	3	6/18/20
C2	PROPOSED COMPOUND PLAN & TOWER ELEVATION	3	6/18/20

LOCATION MAP



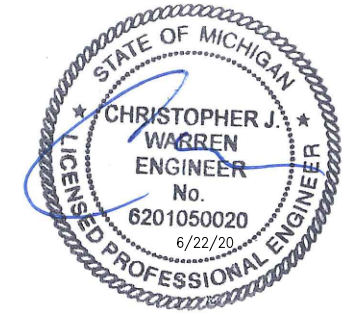
Prepared By:

INFINIGY

FROM ZERO TO INFINIGY

the solutions are endless

2500 W. HIGGINS RD., SUITE 500
 HOFFMAN ESTATES, IL 60169
 Phone: 847-648-4068 | Fax: 518-690-0793
 www.infinigy.com



Signed: _____ Date: _____

UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS A VIOLATION OF APPLICABLE STATE AND/OR LOCAL LAWS

No.	REVISION	BY	DATE
3	REVISED PER TOWER	CAP	6/18/20
2	REVISED PER COMMENTS	CAP	4/24/20
1	REVISED PER COMMENTS	EDR	2/3/20
0	ISSUED FOR SITE PLAN REVIEW	EDR	1/6/20
B	REVISED PER COMMENTS	EDR	1/2/20
A	ISSUED FOR REVIEW	EDR	12/10/19
Rev.	Submittal / Revision	App'd	Date

Designed: CAP Date: 6/18/20
 Approved: EDR Date: 6/18/20

Infinigy Project Number:
 3176-Z0001-C

Project Title:
**OSHEMO ORCHARD
 2018022**
 8619 WEST ML AVE.
 KALAMAZOO, MI 49009

Prepared For:

PATHWAY SOLUTIONS

THESE DOCUMENTS ARE CONFIDENTIAL AND ARE THE SOLE PROPERTY OF INFINIGY AND MAY NOT BE REPRODUCED, DISSEMINATED OR REDISTRIBUTED WITHOUT THE EXPRESS WRITTEN CONSENT OF PATHWAY SOLUTIONS.

Drawing Scale: AS NOTED Date: 6/18/20
 Drawing Title:
SITE PLAN
 TITLE SHEET

Drawing Number: **T4**

PROJECT DIRECTORY

APPLICANT: PATHWAY SOLUTIONS
 308 E BURLINGTON ST. SUITE 219
 IOWA CITY, IA 52240

CONTACT: MATT KUNDERT
 MKUNDERT@UNWIREDCONSULTING.COM
 PHONE: (507) 216-6576

ENGINEER: INFINIGY
 2500 W. HIGGINS RD., SUITE 500
 HOFFMAN ESTATES, IL 60169

CONTACT: EDDIE RIOS
 PHONE: (847) 648-4068

POWER COMPANY: TBD
 FIBER COMPANY: TBD



TO OBTAIN LOCATION OF PARTICIPANTS UNDERGROUND FACILITIES BEFORE YOU DIG IN MICHIGAN, CALL MISS DIG

TOLL FREE: 1-800-482-7171 OR
www.missdig.org

MICHIGAN STATUTE REQUIRES MIN OF 2 WORKING DAYS NOTICE BEFORE YOU EXCAVATE

**Know what's below.
 Call before you dig.**

DO NOT SCALE

TOPO SURVEY
IN SECTION 28,
TOWNSHIP 2 SOUTH, RANGE 12 WEST

FOR: INFINIGY

SITE: OSHTEMO ORCHARD
SITE NO.: 2018022
ADDRESS: 8619 WEST ML AVENUE
KALAMAZOO, MI 49009
KALAMAZOO COUNTY

INFINIGY

NATIONAL SURVEY SERVICES COORDINATION BY:

GEOLINE SURVEYING, INC.

13430 NW 104th Terrace, Suite A, Alachua, FL 32615
Office: (386) 418-0500 Fax: (386) 462-9986
WWW.GEOLINEINC.COM

SURVEY WORK PERFORMED BY:

Surveying & Mapping Performed By:

Global Land SOLUTIONS

Solutions that work for you.
Corporate Office:
9730 N. Greenville Rd,
Lakeview, Michigan 48850
(989) 352-4000
www.GlobalLandSolutions.com
Serving The Great Lakes Region

DRAWN BY: TBK CHECKED BY: JMS JOB # 193175

SURVEYOR'S NOTES

1. BASIS OF BEARING, ASSUMED N 89°56'05" W ON THE EAST-WEST 1/4 LINE SECTION 28.
2. NO SUBSURFACE INVESTIGATION WAS PERFORMED TO LOCATE UNDERGROUND UTILITIES. UTILITIES SHOWN HEREON ARE LIMITED TO AND ARE PER OBSERVED EVIDENCE ONLY.
3. THIS SURVEY DOES NOT REPRESENT A BOUNDARY SURVEY OF THE PARENT PARCEL.
4. ALL VISIBLE TOWER EQUIPMENT AND IMPROVEMENTS ARE CONTAINED WITHIN THE DESCRIBED AREA.
5. ALL SYMBOLS NOT TO SCALE.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY TO INFINIGY, PATHWAY SOLUTIONS.

GLOBAL LAND SOLUTIONS

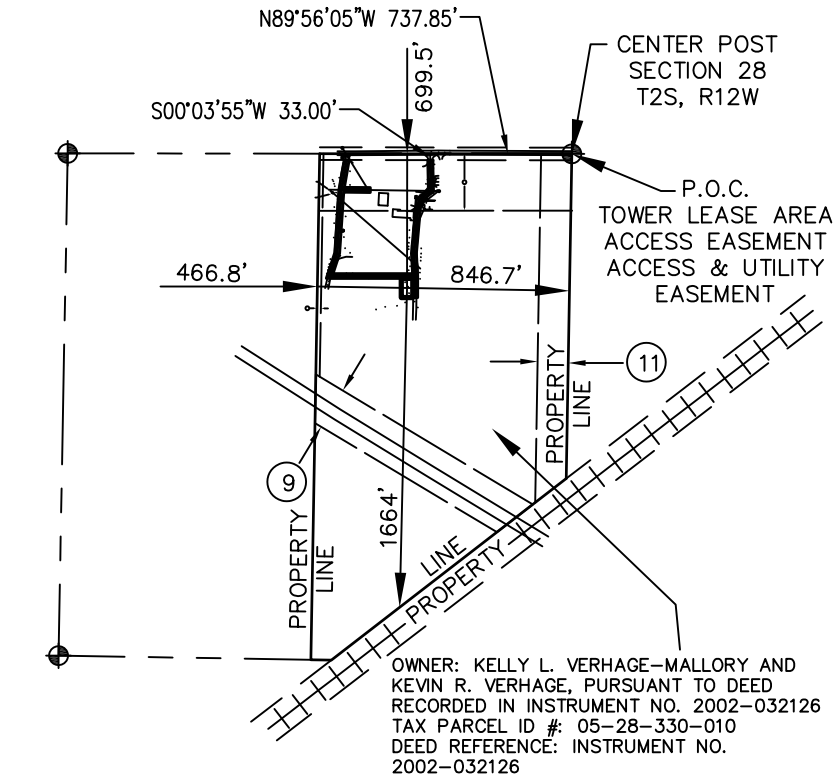
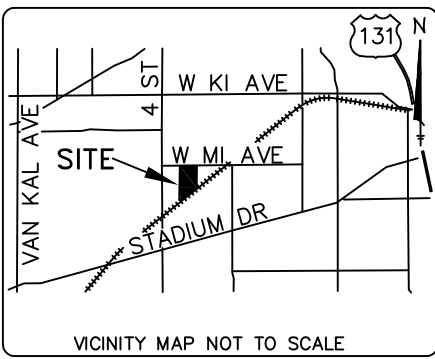
Jay M. Schwandt
Jay M. Schwandt, PS, JD
LAND SURVEYOR - MICHIGAN #47974

Date: DECEMBER 31, 2019
Revision: #1



PROPOSED TOWER LOCATION INFORMATION:

NAD 83
LATITUDE = 42°15'53.07" N ±20'
LONGITUDE = 85°43'10.30" W ±20'
GROUND ELEVATION AT PROPOSED BASE = 974.14' ±3' NAVD88



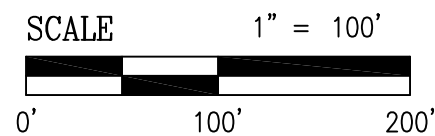
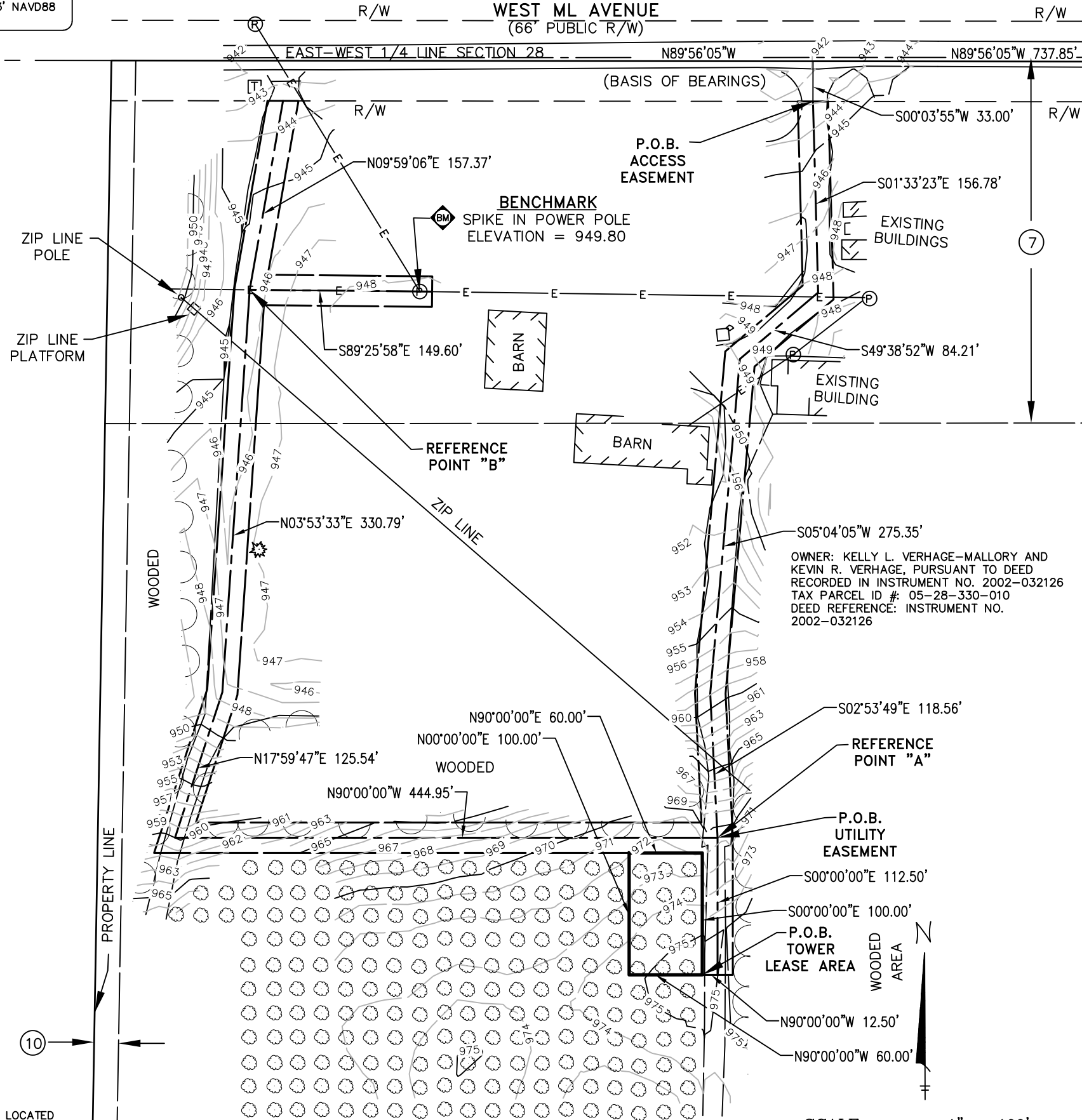
LEGEND

- FOUND 5/8" IRON ○
- FOUND PK NAIL △
- SET 5/8" IRON ●
- POINT OF BEGINNING P.O.B.
- POINT OF COMMENCEMENT P.O.C.
- RIGHT OF WAY R/W
- POWER POLE (P)
- ELECTRIC TRANSFORMER BOX (E)
- ELECTRIC METER (E)
- TELEPHONE PEDESTAL (T)
- CABLE TV PEDESTAL (CATV)
- OVERHEAD ELECTRIC (E)
- FENCE (X)

ZONING: NOT AVAILABLE

FLOOD NOTE: SUBJECT PROPERTY IS LOCATED IN ZONE "X", AREA OF MINIMAL FLOOD HAZARD PER F.E.M.A. MAP NO. 26077C0175D EFFECTIVE DATE 02/17/2010.

AREA TABLE	SQUARE FEET	ACRE
(A) PARENT PARCEL	2,894,827±	66.46±
(B) TOWER LEASE AREA	6,000	0.138
(C) ACCESS EASEMENT	18,684.81	0.429
(D) UTILITY EASEMENT	29,566.36	0.679



TOPO SURVEY
 IN SECTION 28,
 TOWNSHIP 2 SOUTH, RANGE 12 WEST
 FOR: INFINIGY
SITE: OSHTEMO ORCHARD
 SITE NO.: 2018022
 ADDRESS: 8619 WEST ML AVENUE
 KALAMAZOO, MI 49009
 KALAMAZOO COUNTY

INFINIGY

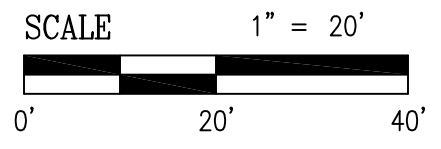
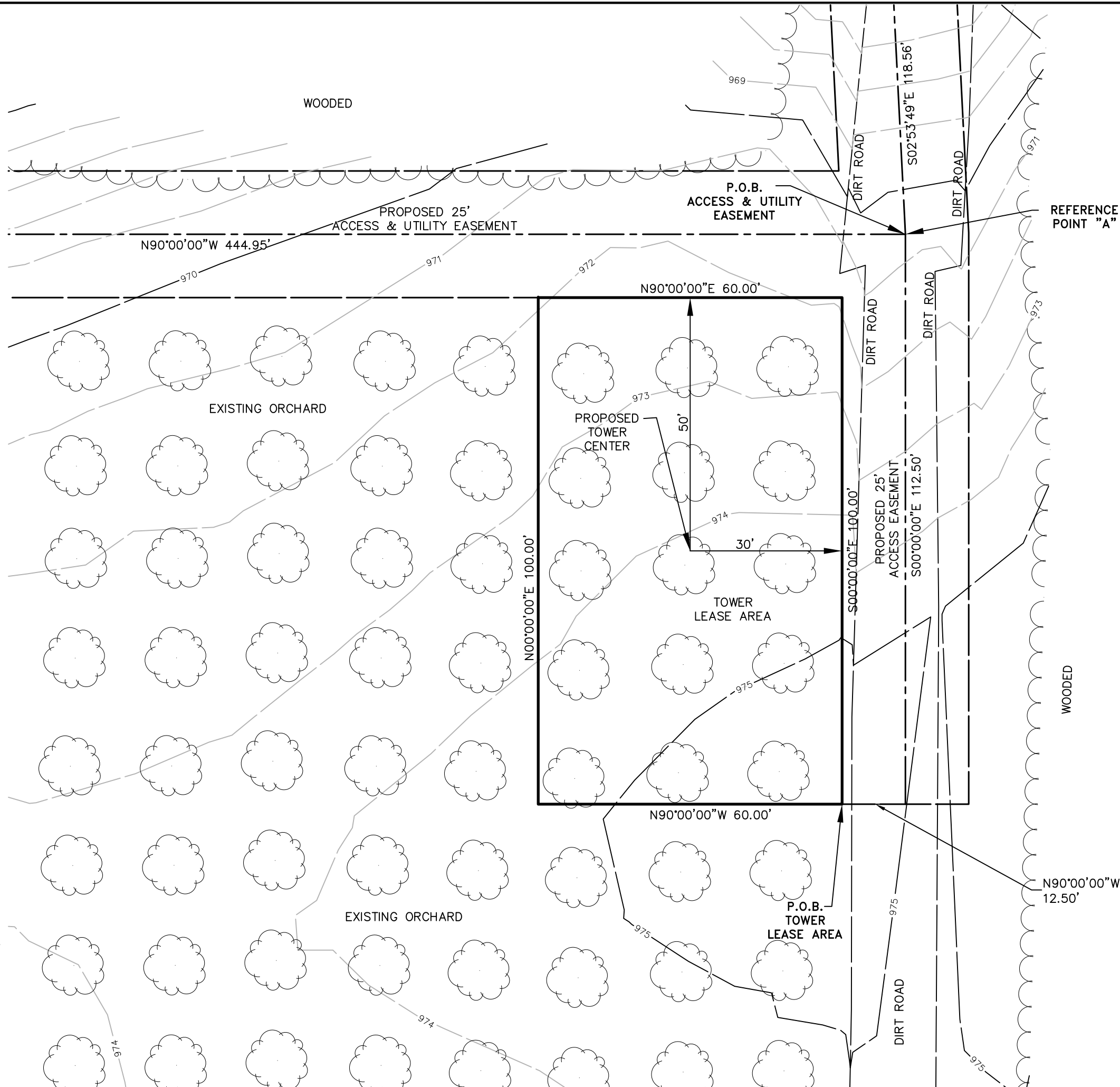
NATIONAL SURVEY SERVICES COORDINATION BY:
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 13430 NW 104th Terrace, Suite A, Alachua, FL 32615
 Office: (386) 418-0500 Fax: (386) 462-9986
 WWW.GEOLINEINC.COM

SURVEY WORK PERFORMED BY:
 Surveying & Mapping Performed By:
Global Land SOLUTIONS
 Solutions that work for you.
 Corporate Office:
 9730 N. Greenville Rd,
 Lakeview, Michigan 48850
 (989) 352-4000
 www.GlobalLandSolutions.com
 Serving The Great Lakes Region

DRAWN BY: TBK | CHECKED BY: JMS | JOB #: 193175

SURVEYOR'S NOTES
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SURVEYOR'S CERTIFICATION
 I HEREBY CERTIFY TO INFINIGY, PATHWAY SOLUTIONS.

GLOBAL LAND SOLUTIONS
Jay M. Schwandt
 Jay M. Schwandt, PS, JD
 LAND SURVEYOR - MICHIGAN #47974
 Date: DECEMBER 31, 2019
 Revision: #1



LEGEND

- FOUND 5/8" IRON ○
- FOUND PK NAIL △
- SET 5/8" IRON ●
- POINT OF BEGINNING P.O.B.
- POINT OF COMMENCEMENT P.O.C.
- RIGHT OF WAY R/W
- POWER POLE ⊕
- ELECTRIC TRANSFORMER BOX ⊞
- ELECTRIC METER ⊞
- TELEPHONE PEDESTAL ⊞
- CABLE TV PEDESTAL ⊞
- OVERHEAD ELECTRIC FENCE —E—
- FENCE —x—x—

SCHEDULE B - SECTION II EXCEPTIONS REVIEWED FROM FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT NO. NCS-980200-MICH, DATED SEPTEMBER 06, 2019.

ITEMS 1 THROUGH 6, NOT A SURVEY MATTER.

- 7 The terms, provisions and easement(s) contained in the document entitled "Right of Way" recorded as Liber 357, Page 450 of Official Records, SHOWN.
- 8 Oil, gas and mineral reservations contained in the Instrument(s) recorded in Liber 491, Page 545, Liber 1160, Page 1310 and Instrument No. 2001-020084. This exception does not constitute a statement as to the ownership of this interest or right. There may be leases, grants, exceptions or reservations of such interests that are not listed. NOT SHOWN, BLANKET TYPE EASEMENT.
- 9 The terms, provisions and easement(s) contained in the document entitled "Permanent Electric Transmission Line Easement Agreement" recorded August 22, 2014 as Instrument No. 2014-027968 of Official Records. SHOWN.
- 10 The terms, provisions and easement(s) contained in the document entitled "Permanent Access Easement" recorded October 27, 2015 as Instrument 2015-036802 of Official Records. SHOWN.
- 11 The interest of John P. McNally and Mary Catherine McNally as disclosed in the instruments recorded in Liber 979, Page 736 and Liber 979, Page 737. SHOWN.

Items 12 through 17, not a survey matter.

PARENT PARCEL DESCRIPTION: (AS PROVIDED)

Land in the Township of Oshtemo, Kalamazoo County, Michigan, described as follows:

The East 1/2 of the Southwest 1/4 lying North of the railroad track of the Michigan Central Railroad Company (now New York Central Railroad Company), Section 28, Town 2 South Range 12 West.

TOWER LEASE AREA DESCRIPTION: (AS SURVEYED)

ALL THAT PART OF THE EAST 1/2 OF THE SOUTHWEST 1/4 LYING NORTH OF THE RAILROAD TRACK OF THE MICHIGAN CENTRAL RAILROAD COMPANY (NOW NEW YORK CENTRAL RAILROAD COMPANY), SECTION 28, TOWN 2 SOUTH RANGE 12 WEST, OSHTEMO TOWNSHIP, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE CENTER POST OF SAID SECTION 28; THENCE N 89°56'05" W ALONG THE EAST-WEST QUARTER LINE OF SAID SECTION 28, 737.85 FEET; THENCE S 00°03'55" W, 33.00 FEET TO A POINT ON THE SOUTH LINE OF WEST ML AVENUE (66' PUBLIC RIGHT OF WAY); THENCE S 01°33'23" E, 156.78 FEET; THENCE S 49°38'52" W, 84.21 FEET; THENCE S 05°04'05" W, 275.35 FEET; THENCE S 02°53'49" E, 118.56 FEET TO REFERENCE POINT "A"; THENCE S 00°00'00" E, 112.50 FEET; THENCE N 90°00'00" W, 12.50 FEET TO THE POINT OF BEGINNING; THENCE N 90°00'00" W, 60.00 FEET; THENCE N 00°00'00" E, 100.00 FEET; THENCE N 90°00'00" E, 60.00 FEET; THENCE S 00°00'00" E, 100.00 FEET TO THE POINT OF BEGINNING. CONTAINING 6,000 SQUARE FEET OR 0.138 ACRES, MORE OR LESS.

ACCESS EASEMENT DESCRIPTION: (AS SURVEYED)

ALL THAT PART OF THE EAST 1/2 OF THE SOUTHWEST 1/4 LYING NORTH OF THE RAILROAD TRACK OF THE MICHIGAN CENTRAL RAILROAD COMPANY (NOW NEW YORK CENTRAL RAILROAD COMPANY), SECTION 28, TOWN 2 SOUTH RANGE 12 WEST, OSHTEMO TOWNSHIP, KALAMAZOO COUNTY, MICHIGAN, LYING 12.50 FEET EACH SIDE OF AND COINCIDENT WITH A CENTERLINE DESCRIBED AS: COMMENCING AT THE CENTER POST OF SAID SECTION 28; THENCE N 89°56'05" W ALONG THE EAST-WEST QUARTER LINE OF SAID SECTION 28, 737.85 FEET; THENCE S 00°03'55" W, 33.00 FEET TO A POINT ON THE SOUTH LINE OF WEST ML AVENUE (66' PUBLIC RIGHT OF WAY) AND THE POINT OF BEGINNING; THENCE S 01°33'23" E, 156.78 FEET; THENCE S 49°38'52" W, 84.21 FEET; THENCE S 05°04'05" W, 275.35 FEET; THENCE S 02°53'49" E, 118.56 FEET TO REFERENCE POINT "A"; THENCE S 00°00'00" E, 112.50 FEET TO THE POINT OF ENDING. CONTAINING 18,684.81 SQUARE FEET OR 0.429 ACRES, MORE OR LESS.

ACCESS & UTILITY EASEMENT DESCRIPTION: (AS SURVEYED)

ALL THAT PART OF THE EAST 1/2 OF THE SOUTHWEST 1/4 LYING NORTH OF THE RAILROAD TRACK OF THE MICHIGAN CENTRAL RAILROAD COMPANY (NOW NEW YORK CENTRAL RAILROAD COMPANY), SECTION 28, TOWN 2 SOUTH RANGE 12 WEST, OSHTEMO TOWNSHIP, KALAMAZOO COUNTY, MICHIGAN, LYING 12.50 FEET EACH SIDE OF AND COINCIDENT WITH A CENTERLINE DESCRIBED AS: COMMENCING AT THE CENTER POST OF SAID SECTION 28; THENCE N 89°56'05" W ALONG THE EAST-WEST QUARTER LINE OF SAID SECTION 28, 737.85 FEET; THENCE S 00°03'55" W, 33.00 FEET TO A POINT ON THE SOUTH LINE OF WEST ML AVENUE (66' PUBLIC RIGHT OF WAY); THENCE S 01°33'23" E, 156.78 FEET; THENCE S 49°38'52" W, 84.21 FEET; THENCE S 05°04'05" W, 275.35 FEET; THENCE S 02°53'49" E, 118.56 FEET TO REFERENCE POINT "A" AND THE POINT OF BEGINNING; THENCE N 90°00'00" W, 444.95 FEET; THENCE N 17°59'47" E, 125.54 FEET; THENCE N 03°53'33" E, 330.79 FEET TO REFERENCE POINT "B"; THENCE N 09°59'06" E, 157.37 FEET TO THE SAID SOUTH LINE OF WEST ML AVENUE AND THE POINT OF ENDING. ALSO BEGINNING AT SAID REFERENCE POINT "B"; THENCE S 89°25'58" E, 149.60 FEET TO THE POINT OF ENDING. CONTAINING 29,566.36 SQUARE FEET OR 0.679 ACRES, MORE OR LESS.

TOPO SURVEY
IN SECTION 28,
TOWNSHIP 2 SOUTH, RANGE 12 WEST

FOR: INFINIGY

SITE: OSHTEMO ORCHARD
SITE NO.: 2018022
ADDRESS: 8619 WEST ML AVENUE
KALAMAZOO, MI 49009
KALAMAZOO COUNTY

INFINIGY

NATIONAL SURVEY SERVICES COORDINATION BY:

GEOLINE
SURVEYING, INC.

13430 NW 104th Terrace, Suite A, Alachua, FL 32615
Office: (386) 418-0500 Fax: (386) 462-9986
WWW.GEOLINEINC.COM

SURVEY WORK PERFORMED BY:

Surveying & Mapping Performed By:



Solutions that work for you.
Corporate Office:
9730 N. Greenville Rd,
Lakeview, Michigan 48850
(989) 352-4000
www.GlobalLandSolutions.com
Serving The Great Lakes Region

DRAWN BY: TBK | CHECKED BY: JMS | JOB # 193175

SURVEYOR'S NOTES

1. BASIS OF BEARING, ASSUMED N 89°56'05" W ON THE EAST-WEST 1/4 LINE SECTION 28.
2. NO SUBSURFACE INVESTIGATION WAS PERFORMED TO LOCATE UNDERGROUND UTILITIES. UTILITIES SHOWN HEREON ARE LIMITED TO AND ARE PER OBSERVED EVIDENCE ONLY.
3. THIS SURVEY DOES NOT REPRESENT A BOUNDARY SURVEY OF THE PARENT PARCEL.
4. ALL VISIBLE TOWER EQUIPMENT AND IMPROVEMENTS ARE CONTAINED WITHIN THE DESCRIBED AREA.
5. ALL SYMBOLS NOT TO SCALE.

SURVEYOR'S CERTIFICATION

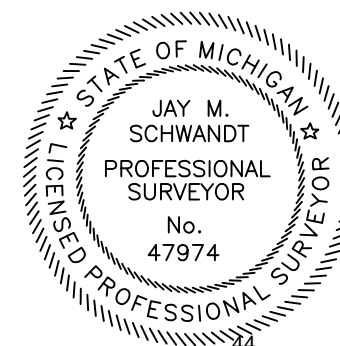
I HEREBY CERTIFY TO INFINIGY, PATHWAY SOLUTIONS.

GLOBAL LAND SOLUTIONS

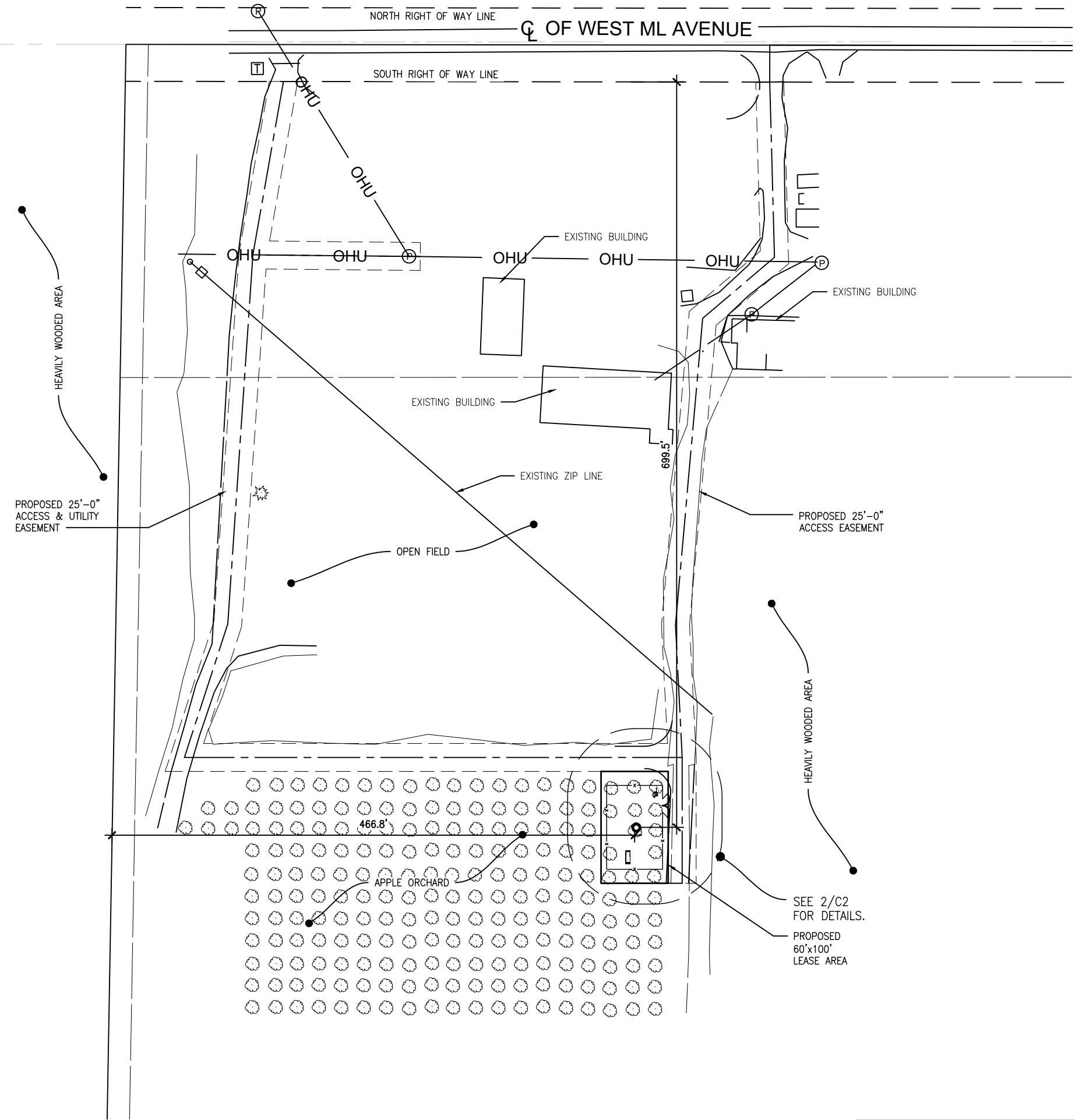
Jay M. Schwandt, PS, JD
LAND SURVEYOR - MICHIGAN #47974

Date: DECEMBER 31, 2019

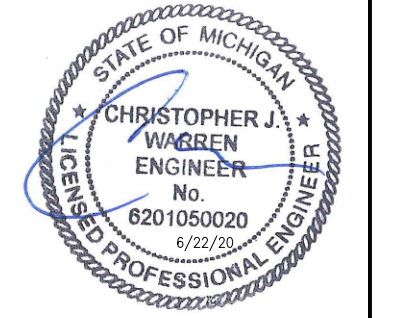
Revision: #1



NOTE:
ROADS FOR FIRE DEPARTMENT ACCESS
MUST BE KEPT CLEAR YEAR-ROUND.



Prepared By:
INFINIGY
FROM ZERO TO INFINIGY
the solutions are endless
2500 W. HIGGINS RD. SUITE 500
HOFFMAN ESTATES, IL 60169
Phone: 847-648-4068 | Fax: 518-690-0793
www.infinigy.com



Signed: _____ Date: _____

UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS A VIOLATION OF APPLICABLE STATE AND/OR LOCAL LAWS

3	REVISED PER TOWER	CAP	6/18/20
2	REVISED PER COMMENTS	CAP	4/24/20
1	REVISED PER COMMENTS	EDR	2/3/20
0	ISSUED FOR SITE PLAN REVIEW	EDR	1/6/20
B	REVISED PER COMMENTS	EDR	1/2/20
A	ISSUED FOR REVIEW	EDR	12/10/19
Rev.	Submittal / Revision	App'd	Date

Designed: CAP Date: 6/18/20
Approved: EDR Date: 6/18/20

Infinigy Project Number:
3176-Z0001-C

Project Title:
OSHTEMO ORCHARD
2018022

8619 WEST ML AVE.
KALAMAZOO, MI 49009



THESE DOCUMENTS ARE CONFIDENTIAL AND ARE THE SOLE PROPERTY OF INFINIGY AND MAY NOT BE REPRODUCED, DISSEMINATED OR REDISTRIBUTED WITHOUT THE EXPRESS WRITTEN CONSENT OF PATHWAY SOLUTIONS.

Drawing Scale: AS NOTED Date: 6/18/20

SITE PLAN

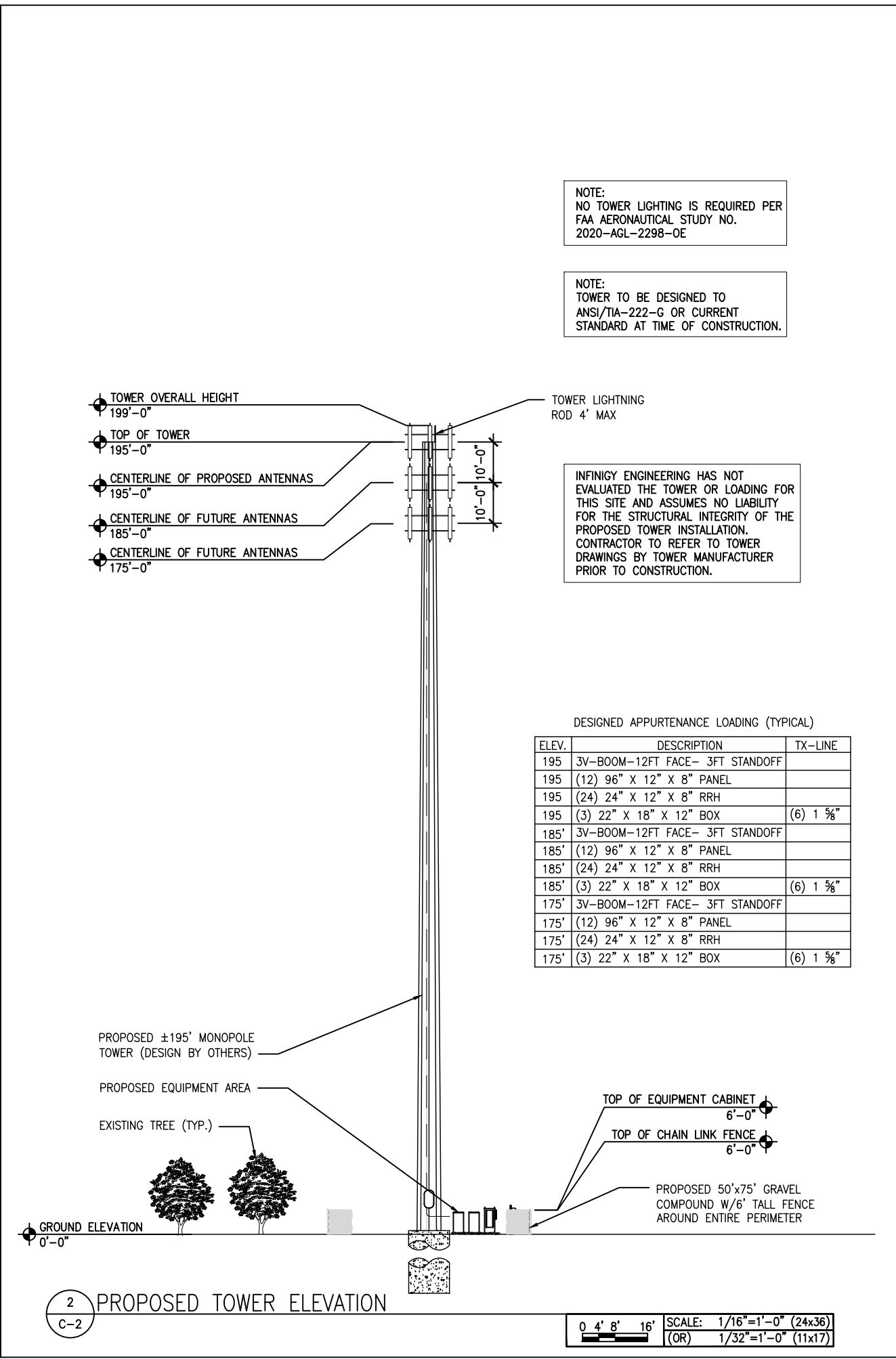
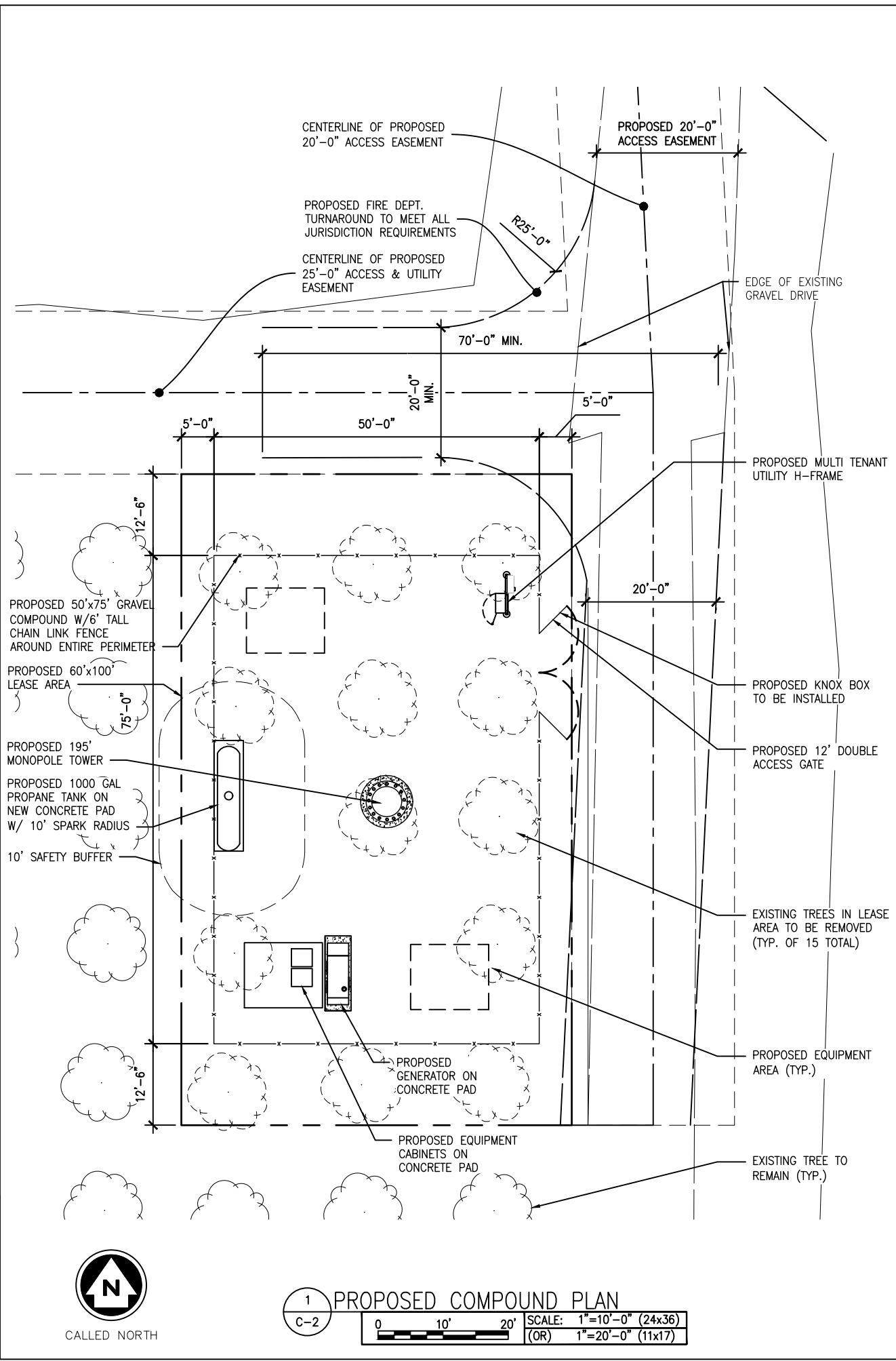
Drawing Title:
OVERALL SITE PLAN

Drawing Number: **C1**



1 OVERALL SITE PLAN
C1

0 50' 100' SCALE: 1"=50'-0" (24x36)
(OR) 1"=100'-0" (11x17)



Signed: _____ Date: _____

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May 19th, 2020



Meeting Date: July 9th, 2020

To: Planning Commission

From: Ben Clark, Zoning Administrator

Applicant: James & Marilyn Endres Trust

Owner: James & Marilyn Endres Trust

Property: Portions of 9037 West G Avenue, parcel number 05-05-230-011

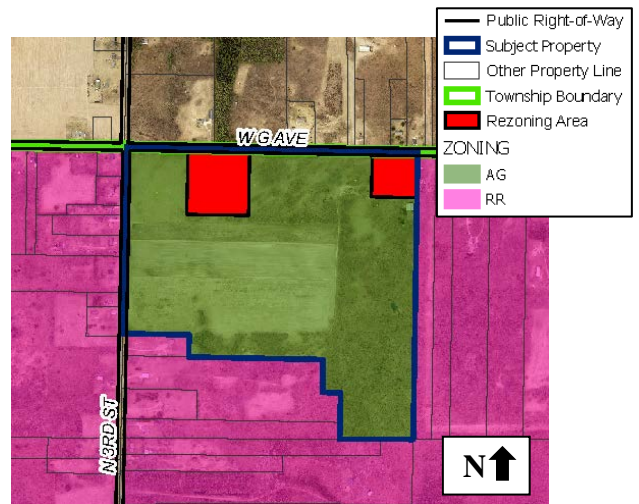
Zoning: AG: Agricultural

Request: Rezoning to RR: Rural Residential

Section(s): Article 4—AG: Agricultural District
Article 5—RR: Rural Residential District

OVERVIEW

The applicant owns approximately 123 acres of farmland at the northeast corner of the intersection of W G Avenue and N 3rd Street and from it would like to create an approximately 7.7-acre parcel 558 east of N 3rd Street and another new parcel 3.9 acres in size at the parent parcel's northeast corner. Both proposed divisions would have frontage on W G Avenue, see map to the right. The applicant had initially pursued a simple land division to create the new properties, but with the parent tract being currently zoned AG, Agricultural the minimum size for a new parcel in this district is 40 acres—far more than the applicant would like to split off. In order to facilitate the desired land divisions, the two aforementioned portions of the subject property must be rezoned to Rural Residential *before* the land division can be approved by Township staff.



SUBJECT PROPERTY

Currently zoned as AG, Agricultural and actively farmed, the existing parcel has approximately 1,700 feet of frontage on N 3rd Street and almost 2,700 feet of frontage on W G Avenue. Surrounding the property are numerous large to medium-sized RR, Rural Residential zoned parcels accommodating single family homes. None of the adjacent properties are zoned for agricultural use, although there do remain a handful of large, isolated AG zoned parcels nearby, similarly surrounded by residential properties.

ZONING ORDINANCE

While the intended use of the subject property—accommodating a single-family home—is a permitted use in both AG, Agricultural and RR, Rural Residential zoning districts, the dimensional requirements of the AG

zoning classification mean that the desired land split could not be completed as proposed. The AG zoning district dictates that any new parcels created therein be not less than 40 acres in area. Parcels zoned as RR, Rural Residential have a minimum size of 1.5 acres, allowing for the creation of the two proposed parcels. Rezoning this property from AG to RR also means that any new farming activities of a commercial nature would not be allowed on the subject property, although existing agricultural use can continue, being considered nonconforming following rezoning.

The first area subject to the rezoning request is approximately 558 feet east of N 3rd Street, with the proposed dimensions of 557.5 feet in width and 600 feet in depth. The second area is in the northeast extreme corner of the parent parcel, with a proposed width and depth of 410 feet. If rezoned and eventually divided from the existing parcel, the two new properties will meet the necessary minimum road frontage value of 200 feet, the minimum parcel area of 1.5 acres, and will not violate the Township's 4:1 depth to width ratio. Of the two areas subject to this request, the larger section is currently vacant, while the second, smaller piece of land accommodates a single-family home. The applicant has stated that they intend to continue farming the large remainder of the parent parcel for the time being.

CONSIDERATIONS

The Zoning Enabling Act, which allows Townships to zone property, does not provide any required standards that a Planning Commission must consider when reviewing a rezoning request. However, there are some generally recognized factors that should be deliberated before a rezoning decision is made. These considerations are as follows:

1. Master Plan Designation

Attached to this memo is an excerpt from Oshtemo's Master Plan as well as the Future Land Use Map that pertains to this part of the Township. As illustrated on the Future Land Use Map, the subject property is within an area that is intended to transition to Rural Residential. As described in the Master Plan, Rural Residential includes developments such as low-density housing on scattered sites.

2. Consistency of the Zoning Classification in the General Area

Once a predominately agricultural area, Oshtemo has for a number of years been encouraging property owners in the western two thirds of the Township to rezone farmland to the Rural Residential zoning classification to facilitate the construction of single-family homes on parcels larger than what is typically found in other residential zoning districts to the east. The Township has adopted a Future Land Use Plan whereby farmland gives way to houses while maintaining the rural character of the area.

In this quadrant of the Township, the Future Land Use Plan has largely been fulfilled, and most parcels here are zoned Rural Residential. Of the nearly 1,000 properties in this area, only 14 remain zoned for agricultural use. Recommending approval of the requested rezoning would be consistent with prevailing zoning of the general area.

3. Consistency and Compatibility with General Land Use Patterns in the Area

One of the areas subject to the rezoning request currently accommodates a single-family home. The applicant has indicated that the other portion of land, currently vacant, would also be used residentially. This is both consistent and compatible with land use patterns in the area.

4. Utilities and Infrastructure

Neither public water nor sewer are present along N 3rd Street or W G Avenue in this part of the Township, and the extension of such is not planned at any point in the foreseeable future. Given the anticipated residential use for the two areas subject to this rezoning request, with one presumably already served by a well and septic system, the absence of utilities here should in no way impede reasonable land use.

Similarly, although the nearby transit network is made up of country roads and unsignalized intersections, the requested rezoning and expected subsequent land divisions will not add undue burden to the existing infrastructure.

5. Reasonable Use under Current Zoning Classification

Zoned for agricultural use, the existing subject parcel is actively farmed and can continue to be used for such. Given the amount of road frontage and acreage present it can also accommodate numerous homes without being divided (one house for every 200 feet of frontage and three acres of land—a provision unique to the AG zoning district), so some reasonable use is possible. However, given the Township’s minimum 40-acre size for agriculturally zoned parcels, land division opportunities are limited. The applicant could create three parcels under the current zoning, but they have stated that they wish to keep the majority of the parent parcel for now.

6. Effects on Surrounding Property

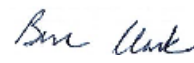
The 7.7-acre portion subject to the rezoning request would be surrounded on three sides by the parent parcel, and essentially no impact to neighboring properties is anticipated. Likewise, the 3.9-acre area in the northeast corner already accommodates a single-family home, and no change in land use is being proposed there at this time—the neighboring residential property to the east will likely experience no effects as a result of the rezoning.

RECOMMENDATION

Staff recommends that the Planning Commission forward a recommendation of approval to the Township Board for the rezoning of the two areas of 9037 West G Avenue noted in this staff report from the AG: Agricultural District to the RR: Rural Residential District for the following reasons:

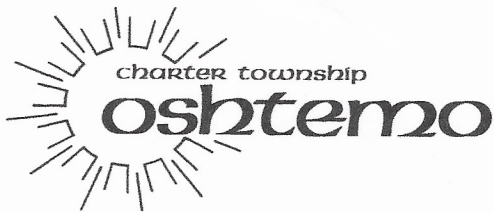
1. The proposed rezoning is in accordance with the Township’s Future Land Use Plan.
2. The requested rezoning is compatible with the surrounding land uses and adjacent zoning classifications.
3. Existing infrastructure and utilities can easily accommodate the expected future residential land use.
4. Township staff anticipate practically no effects on surrounding properties as a result of the rezoning.

Respectfully submitted,


Ben Clark,
Zoning Administrator

Attachments: Application, Zoning Map, Future Land Use Map, Future Land Use Plan Excerpt

This page has been intentionally left blank for printing purposes.



7275 W. Main Street, Kalamazoo, Michigan 49009-9334
Phone: 269-216-5223 Fax: 269-375-7180

PLEASE PRINT

PROJECT NAME & ADDRESS Endres James + Marilyn Trust

PLANNING & ZONING APPLICATION

Applicant Name: James Endres - trustee

Company _____

Address 888D West G Avenue
Kalamazoo MI 49009

E-mail jendres1956@gmail.com

Telephone 269-370-4701 Fax _____

Interest in Property Equitable Interest + trustee

OWNER*: Endres James + Marilyn Trust

Name James Endres - trustee

Address 9037 West G Avenue
Kalamazoo, MI 49009

Email jendres1956@gmail.com

Phone & Fax 269-370 4701

THIS
SPACE
FOR
TOWNSHIP
USE
ONLY

Fee Amount _____
Escrow Amount _____

NATURE OF THE REQUEST: (Please check the appropriate item(s))

- | | |
|---|--|
| <input type="checkbox"/> Planning Escrow-1042 | <input checked="" type="checkbox"/> Land Division-1090 |
| <input type="checkbox"/> Site Plan Review-1088 | <input type="checkbox"/> Subdivision Plat Review-1089 |
| <input type="checkbox"/> Administrative Site Plan Review-1086 | <input checked="" type="checkbox"/> Rezoning-1091 |
| <input type="checkbox"/> Special Exception Use-1085 | <input type="checkbox"/> Interpretation-1082 |
| <input type="checkbox"/> Zoning Variance-1092 | <input type="checkbox"/> Text Amendment-1081 |
| <input type="checkbox"/> Site Condominium-1084 | <input type="checkbox"/> Sign Deviation-1080 |
| <input type="checkbox"/> Accessory Building Review-1083 | Other: _____ |

BRIEFLY DESCRIBE YOUR REQUEST (Use Attachments if Necessary):

Please
take property indicated from Agricultural
to Rural Residential.
see attachment - 1

LEGAL DESCRIPTION OF PROPERTY (Use Attachments if Necessary):

attached 2

PARCEL NUMBER: 3905- 05 230 011

ADDRESS OF PROPERTY: 9037 West E Avenue

PRESENT USE OF THE PROPERTY: Farming - Agriculture

PRESENT ZONING Agriculture SIZE OF PROPERTY 122 Acres +/-

**NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS
HAVING A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:**

Name(s)

Address(es)

See Attached 3

SIGNATURES

I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate. I (we) acknowledge that we have received the Township's Disclaimer Regarding Sewer and Water Infrastructure. By submitting this Planning & Zoning Application, I (we) grant permission for Oshtemo Township officials and agents to enter the subject property of the application as part of completing the reviews necessary to process the application.

James Endres

Owner's Signature (* If different from Applicant)

5-17-2020

Date

James Endres

Applicant's Signature

5-17-2020

Date

- Copies to:
- Planning -1
- Applicant -1
- Clerk -1
- Deputy Clerk -1
- Attorney-1
- Assessor -1
- Planning Secretary - Original

7

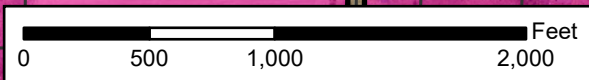
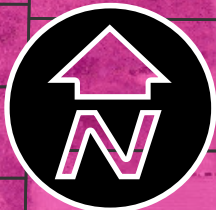
PLEASE ATTACH ALL REQUIRED DOCUMENTS

2

CURRENT ZONING

WG AVE

N 3RD ST



The information included on this map is for illustrative purposes only. No warranty on behalf of Oshtemo Charter Township, expressed or implied, is made regarding accuracy, adequacy, completeness, legality, reliability or usefulness of any information.

- Public Right-of-Way
- Subject Property
- Other Property Line
- Township Boundary
- Rezoning Area

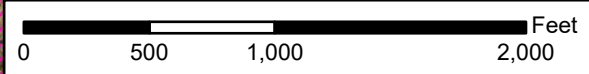
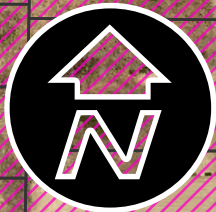
ZONING

- AG
- RR

FUTURE LAND USE

WG AVE

N 3RD ST



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- Public Right-of-Way
- Subject Property
- Other Property Line
- Township Boundary
- Rezoning Area

FUTURE LAND USE

- Rural Residential

Future Land Use Designations

Thirteen future land use categories have been created to designate the desired land use pattern for the Township. Each of the districts is described in more detail in the Plan, and are summarized in the following Future Land Use Matrix. The Future Land Use Matrix compares each of the designations based on several criteria of concern to this Plan.

Rural Residential (14,467 acres)

Development Intensity: Low

The Rural Residential land use designation is the largest designation in the Township. In many ways, it is also the most diverse and the most important.

The current land use pattern within the Rural Residential designation includes residential, agricultural, and some limited commercial land uses. Low density subdivision / neighborhood development is permitted and is encouraged to utilize open space cluster development practices in order to protect and preserve the natural features in this area and the rural character it defines. Other residential uses consist of scattered-site development at low density. Units typically are served by private wells and septic systems. (Although public utilities have been extended west into portions of the Rural Residential area, this was done to address environmental concerns and not to facilitate development.)

Rural Residential Desired Future Development Pattern

- Low density residential development
- Utilization of Rural Character Preservation Strategies, such as:
 - Utilization of conservation / open space subdivisions to protect sensitive landscapes
 - Utilization of programs available – purchase of development rights, transfer of development rights, conservation easements – to protect natural features
 - Setback from natural features (surface waters, wetlands)
 - Building pad site selection based on minimal disturbance to natural features
 - Tree lines and other vegetation along road frontages selectively cleared if at all to minimize impact on rural character along County Roads

Small agricultural uses are scattered throughout this area and are an important part of the rural character of the community. These include family farms, orchards, fruit farms, and other similar operations. Because the Township does not have many significantly sized parcels and due to the value of the land, agriculture will not expand significantly in the future. However, it is an important part of the Township's history and rural character, and pre-existing farms are encouraged to continue. In addition, supporting the rural character through the allowance of agri-businesses and agri-tainment uses should be considered.



Low density residential development sensitive to natural features may occur in the rural residential designation.