



7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334
269-216-5220 Fax 375-7180 TDD 375-7198
www.oshtemo.org

**NOTICE
OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION - REGULAR MEETING**

**MEETING WILL BE HELD IN PERSON
AT OSHTEMO TOWNSHIP HALL
7275 W MAIN STREET**
Masks Are Optional in Oshtemo Township Buildings

(Meeting will be available for viewing through <https://www.publicmedianet.org/qavel-to-qavel/oshtemo-township>)

**THURSDAY, AUGUST 24, 2023
6:00 P.M.**

AGENDA

1. Welcome and Call to Order
2. Pledge of Allegiance
3. Approval of Agenda
4. Public Comment on Non-Agenda Items
5. Approval of Minutes: August 10, 2023
6. **Public Hearing – Conditional Rezoning – 8447 Stadium Drive**
Midwest V, LLC is requesting to conditionally rezone 8447 Stadium Drive, from its current split zoning of R-2, Residence, and C, Local Business District to C, Local Business District, to facilitate the development of the vacant parcel for retail store operations.
7. **Public Hearing – PUD Concept Plan – The Hamptons**
Marroll LLC is requesting approval of a Conceptual Plan for a Residential Planned Unit Development (PUD), located at parcel number 05-14-130-017 and a portion of 6660 W. Main Street.
8. **Public Hearing – Ordinance – Wireless Telecommunication Facility Provisions**
Consideration to repeal Article 49.80 - Communication Towers of the Township Ordinance and adopt proposed Article 45 - Wireless Telecommunication Facilities.
9. Work Session
 - a. Discussion, Solar Energy Systems Ordinance
10. Other Updates and Business
11. 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 a.m.-1 p.m. and 2-5 p.m., and on Friday, 8 a.m.–1 p.m. 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>		
Clare Buszka	216-5260	cbuszka@oshtemo.org
<u>Trustees</u>		
Cheri Bell	372-2275	cbell@oshtemo.org
Kristin Cole	375-4260	kcole@oshtemo.org
Zak Ford	271-5513	zford@oshtemo.org
Kizzy Bradford	375-4260	kbradford@oshtemo.org

Township Department Information			
<u>Assessor:</u>			
Kristine Biddle	216-5225	assessor@oshtemo.org	
<u>Fire Chief:</u>			
Greg McComb	375-0487	gmccomb@oshtemo.org	
<u>Ordinance Enforcement:</u>			
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 Director:</u>			
Anna Horner	216-5228	ahorner@oshtemo.org	

**OSHEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

DRAFT MINUTES OF A MEETING HELD AUGUST 10, 2023

Agenda

WORK SESSION:

- a. CONTINUED DISCUSSION, HEIGHT REQUIREMENTS FOR RESIDENTIAL DWELLINGS**
 - b. INTRODUCTION: SOLAR ORDINANCE**
-

A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, August 10, 2023, commencing at approximately 6:00 p.m. at the Oshtemo Township Hall, 7275 West Main Street.

MEMBERS PRESENT: Phil Doorlag, Chair
Scot Jefferies
Micki Maxwell, Vice Chair
Alistair Smith

MEMBERS ABSENT: Deb Everett
Zak Ford, Township Board Liaison

Also present: Iris Lubbert, Planning Director, Jim Porter, Township Attorney, LeeAnna Harris, Zoning Administrator, Martha Coash Recording Secretary and four members of the public.

Call to Order and Pledge of Allegiance

Chairperson Doorlag called the meeting to order and invited those present to join in the Pledge of Allegiance.

Approval of Agenda

Hearing no requests for change, the Chair asked for a motion to approve the agenda.

Mr. Jefferies **made a motion** to approve the agenda as presented. Mr. Smith **seconded the motion**. The **motion was approved** unanimously.

The Chair moved to the next agenda item.

Public Comment on Non-Agenda Items

Mr. Curt Aardema, AVB, 4200 W. Centre Avenue, Portage, spoke to Commissioners encouraging them to move forward with the mixed use ordinance overlay, but appreciating their other priorities and thanking them for their work.

Approval of the Minutes of the Meeting of July 27, 2023

Chairperson Doorlag asked if there were additions, deletions, or corrections to the Minutes of the Meeting of July 27, 2023.

Hearing none, he asked for a motion.

Ms. Maxwell **made a motion** to approve the Minutes of the Meeting of July 27th, 2023 as presented. Mr. Smith **seconded the motion**. The **motion was approved** unanimously.

Chairperson Doorlag moved the meeting to a work session to consider the next two agenda items.

WORK SESSION:

a. CONTINUED DISCUSSION, HEIGHT REQUIREMENTS FOR RESIDENTIAL DWELLINGS

Ms. Lubbert indicated that based on the feedback from Commissioners at their June 22nd meeting, she updated the draft ordinance amendments pertaining to residential dwelling height requirements, focusing on single family homes and duplexes. She walked through the changes made and noted the ordinance amendments are consistent with neighboring communities and townships.

In response to a concern expressed by Mr. Smith regarding whether the more restrictive limits would affect current homeowners, Attorney Porter said pre-existing buildings will be grandfathered in.

Chairperson Doorlag confirmed the ordinance affects residential construction only.

It was the consensus of the group that the updated draft ordinance was ready for public hearing at the September 14 Planning Commission meeting.

The Chair moved to the next agenda item.

b. INTRODUCTION: SOLAR ORDINANCE

Attorney Porter reported he was working of a draft of a solar energy ordinance,

based on models from MSU and U of M, and would need Commissioners' input soon. The goal is to come up with a standard that the community will appreciate and support, that protects neighbors but accomplishes what is mandated by the State.

He indicated it would include setbacks, buffers, and screening requirements and said he feels solar can be accomplished without being intrusive or negative. He introduced a first draft of the ordinance, noted it is timely to consider and adopt a solar ordinance, and asked Commissioners to review the draft prior to the next meeting on August 24 when it will be discussed further and if acceptable, a public hearing set for the September 24 Commission meeting.

Discussion followed which included the request that staff be empowered to handle situations that may arise regarding solar issues with the option of bringing issues to the Planning Commission if the Planning Director is not comfortable deciding an issue in particular instances.

The group agreed to review the draft prior to the August 24 meeting when they will discuss it further and consider setting a public hearing for September 24.

Chairperson Doorlag moved to the next agenda item.

OTHER UPDATES AND BUSINESS

Ms. Lubbert introduced newly hired Zoning Administrator Ms. LeeAnna Harris and Commissioners welcomed her to the staff.

ADJOURNMENT

With there being no further business to consider, Chairperson Doorlag adjourned the meeting at approximately 6:38 p.m.

Minutes prepared:
August 11, 2023

Minutes approved:
_____, 2023

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August 17, 2023

Charter Township of Oshtemo
7275 West Main Street
Kalamazoo, MI 49009

Subject: Conditional Rezoning Request from Split Zone R-2, Residential & C, Local Business District to C, Local Business District

Location: 8447 Stadium Drive (Parcel ID: 05-33-403-010)

Applicant(s): Peter Oleszczuk, Midwest V, LLC – 1435 Fulton St. Ste C, Grand Haven, MI 49417

Owner(s): Richard Schramm – 2011 S. 4th Street, Kalamazoo MI 49009

Dear Charter Township of Oshtemo,

McKenna has been tasked to review the conditional rezoning application for 8447 Stadium Drive as submitted by Peter Oleszczuk, agent of Midwest V, LLC, to conditionally rezone parcel number 05-33-403-010, from its current split zoning of R-2, Residence, and C, Local Business District to C, Local Business District to C, Local Business District, to facilitate the development of the vacant parcel for retail store operations. The subject site is approximately 2.15 acres in size and is located east of S 5th Street, near the intersection of Hathaway Road & Stadium Drive.

While the Oshtemo Township Zoning Ordinance does not specifically outline requirements for rezonings, the following comments are provided for consideration by the Planning Commission as it reviews the applicant's request to conditionally rezone the subject property from R-2/C to C, which would permit a higher intensity of use on the subject site.

The applicant proposes the following conditions in conjunction with the rezoning:

1. A 6' (six foot) board-on-board screening fence will be provided along the east property line of the development to help buffer the current residential use.
2. Bigger footprint store (12,480 overall square feet) than historically built to allow for expanded options for food and coolers. The property will be developed as a Market Dollar General.
3. Required parking counts will be met with a combination of 34 installed spaces and the remainder of spaces having dedicated banked parking areas. These areas will be earmarked for parking and installed as grass.
4. Setbacks are intended to be met based on the required sections of the zoning ordinance.

McKenna notes that the conditions submitted indicate that the applicant is committing to complying with several minimum Zoning requirements that will be reviewed and approved during the site plan review and approval process. We further note that acceptance of these conditions during the conditional rezoning process does not limit the review to higher standards during the site plan review. For instance, the planning commission may determine that a banked parking request is insufficient given the proposed site uses and access issues and require all spaces to be conducted during the site plan review. Additionally, please note that the limitation of site uses to a Market Dollar General, may require rezoning in the future, should this development not come to fruition.



REVIEW COMMENTS

- Existing Conditions.** The site is an estimated 2.15 acres, located along the southern portion of Stadium Drive, just east of S. 5th Street. The subject parcel is currently split-zoned, with the northern portion being zoned C, Local Business, and the southern zoned R-2, Residence. The current/future land use and existing zoning classifications of the site and surrounding parcels are summarized in the table and figures below:

Table 1: Zoning and Existing/Planned Use of Site and Area:

	Existing Land Use	Future Land Use	Existing Zoning
<u>Site</u>	Vacant/Undeveloped	Neighborhood Commercial	C, R-2
<u>North</u>	Industrial	Rural Residential	I-1
<u>West</u>	Commercial	Neighborhood Commercial	C
<u>South</u>	Vacant/Undeveloped	Rural Residential	R-2
<u>East</u>	Residential	Low Density Residential	C, R-2

Figure 2: Site Aerial: 8447 Stadium Drive (Parcel 05-33-403-010)





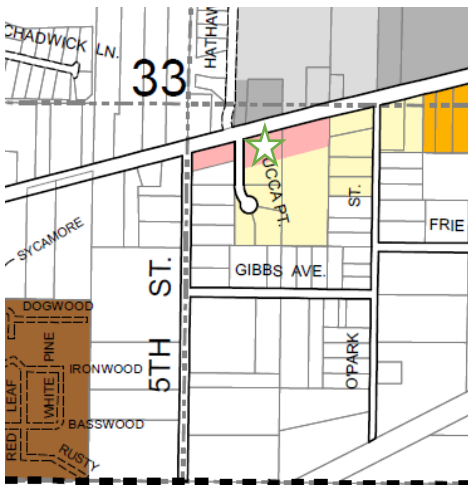
Figure 3: Future Land Use Map of Area



Classifications:

- Rural Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Manufactured Residential
- Village Core
- Transitional Office
- Neighborhood Commercial
- Local Commercial
- General Commercial
- Research Office
- General Industrial
- Public/Government

Figure 4: Zoning Map of Area



LEGEND

- AG - AGRICULTURAL DISTRICT
- RR - RURAL RESIDENTIAL DISTRICT
- R1 - RESIDENCE DISTRICT
- R2 - RESIDENCE DISTRICT
- R3 - RESIDENCE DISTRICT
- R4 - RESIDENCE DISTRICT
- R5 - RESIDENCE DISTRICT
- VC - VILLAGE COMMERCIAL DISTRICT
- C-R - LOCAL BUSINESS DISTRICT RESTRICTED
- C - LOCAL BUSINESS DISTRICT
- BRP - BUSINESS AND RESEARCH PARK DISTRICT
- I-R - INDUSTRIAL DISTRICT RESTRICTED
- I-1 - INDUSTRIAL DISTRICT MANUFACTURING & SERVICE
- I-2 - INDUSTRIAL DISTRICT MANUFACTURING & SERVICE
- I-3 - INDUSTRIAL DISTRICT SPECIAL
- CONDITIONAL (See Notes On Map)
- 9TH STREET AND WEST MAIN STREET OVERLAY ZONE
- HISTORICAL OVERLAY ZONE
- NEIGHBORHOOD COMMERCIAL OVERLAY ZONE
- VILLAGE FORM BASED CODE OVERLAY ZONE

Approximate subject site location:

2. Master Plan. The Future Land Use designation of this area along and adjacent to Stadium Drive, as described in the Oshtemo Township Master Plan Update 2017, is classified as rural residential with a small area devoted to neighborhood commercial. Neighborhood commercial has a development intensity of “low” (per the 2017 Master Plan). Further, the 2017 Master Plan classifies the neighborhood commercial use as follows:



In support of the Rural Character Preservation Strategy, neighborhood commercial areas will be in strategic locations, within the western portion of the Township. Low-intensity commercial and retail establishments are permitted that would accommodate a planned mixture of farm service business and other locally oriented service establishments. The intent is to provide services, like small convenience stores, that will support and be compatible with nearby residential development.

Per the response letter dated July 19, 2023, the applicant indicates the proposed retail operations to be that of a Market Dollar General. Dollar General, a 20+ Billion-dollar Fortune 119 Company, with over 140,000 employees nationally, is more in line with regional retail, and not that of a low-intensity commercial operation.

However, we note that other high-intensity commercial uses are currently permitted in the C, Local Business District: restaurants, hospitals, hotels & motels, indoor theaters, etc. Additionally, the subject site currently permits these higher-intensity commercial uses due to the C, Local Business zoned classification along the northern portion of the parcel.

Therefore, we find that the proposed conditional rezoning does not align with the intent of the master plan as it relates to the rural character preservation strategy but acknowledges that the existing zoning on the subject site would permit a higher-intensity commercial use even if the subject site was not rezoned.

- 3. Zoning.** The subject site is currently split-zoned, with the northern portion being zoned C, Local Business, and the southern portion being zoned R-2, Residence.

Typical permitted uses in the R-2 district include but are not limited to one-family dwellings, essential services, foster family homes, libraries, religious institutions, and accessory buildings and uses customarily incidental to the foregoing. Article 7 of the Oshtemo Township Zoning Ordinance further details permitted and special land uses for the R-2 Residential District.

Typical permitted uses in the C, Local Business District include but are not limited to financial institutions, offices, hotels & motels, restaurants, essential services, religious institutions, and planned shopping center developments. Article 18 of the Oshtemo Township Zoning Ordinance further details permitted and special land uses for the C, Local Business District.

The use of the subject site for a retail establishment, such as retail sale of merchandise, would be consistent with the C, Local Business zoning classification.

- 4. Consistency with General Land Use Patterns.** The subject site is currently undeveloped (vacant) and surrounded by low-intensity land uses, such as rural residential dwelling units and small-scale commercial establishments. The establishment of a neighborhood commercial enterprise would be consistent with the 2017 Future Land Use designation for this area.

The applicant proposes to construct a 12,480-square-foot retail establishment (Dollar General). An adjacent convenience-style store is an estimated 2,240 square feet. A winery establishment to the north of the subject property is an estimated 5,520 square feet. While the applicant proposes to rezone the residential portion of the subject site to C, Local Business, the future intended use of a retail establishment at 12,480 square feet is not consistent with the general land use patterns of the immediate area.



- 5. Utilities & Infrastructure.** The Oshtemo Township online interactive map indicates existing water and sewer mains located adjacent to the subject property, along Stadium Drive. It is anticipated that the future development of the subject property, conditioned on the rezoning approval, would be adequately serviced by existing utilities and infrastructure based on available sewer and water utilities.

Further review of the utilities and infrastructure needs will be conducted once a formal site plan submission has been received by the Township.

- 6. Reasonable Use Under Current Zoning Classification.** The subject site is currently split-zoned, with C, Local Business being along the northern portion of the site, and R-2, Residence along the southern. A retail operation would be limited to the northern portion of the subject site. Further, residential use would be limited to the southern area of the subject property due to the zoning district boundaries. We find that reasonable use under the current zoning ordinance is still achievable, even with the split zoning. However, it is noted that some development restrictions may be present due to the split zoning: the entire property could not be used for retail for example.
- 7. Effects on Surrounding Properties.** The applicant has indicated that the subject site would be redeveloped into a retail use – a 12,480 square foot “Dollar General”. The subject site is currently vacant/undeveloped: any existing permitted use within the C, Local Business District would have an impact on the surrounding area. However, the 2017 Oshtemo Township Master Plan determined that such an impact would be minimal due to the area in question being planned for neighborhood commercial, *subject to the proposed use complying with the neighborhood commercial intended uses.*

Our team notes that the impacts on the surrounding properties may be more significant with the proposed 12,480 square-foot building than what is currently experienced by the convenience store located to the west, and the winery located to the north.

- 8. Conditional Rezoning (Section 66).** The Township Zoning Ordinance provides general guidance for conditional rezonings, per Article 66. Section 66.20.F. states:

Any use or development proposed as part of an offer of conditions that would require Site Plan approval under the terms of this Ordinance may only be commenced if Site Plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.

As such, the applicant is advised that site plan approval would be required should the conditional rezoning be approved. McKenna finds that the applicant generally meets the intent of Section 66 of the Oshtemo Township Zoning Ordinance.

ADDITIONAL CONSIDERATIONS

The following comments are provided to the applicant for the purpose of general information. These comments are not directly related to the conditional rezoning request, however, should be considered in partnership with any future development potential of the subject site.



1. Yucca Drive – the name of the roadway for Lot 3, Block 4 of the Frie and Gibbs Plat – is a private roadway. Township records indicate that the plat was amended in Circuit Court on November 14, 1990, to turn this drive from public to private and establish public utility easements and private access to the lots.

RECOMMENDATION

Based on the information provided by the applicant, and the subsequent review conducted within this memorandum, we find that the proposed conditional rezoning does not generally align with the Oshtemo Township Master Plan as it pertains to neighborhood commercial uses. Therefore, and based on the following findings of fact, a recommendation to **deny** the conditional rezoning request is given.

1. The property can be reasonably used under its current split zoning of C, Local Business and R-2, Residence. A smaller commercial operation could be permitted to operate on the northern portion of the parcel, subject to compliance with the Township’s Zoning Ordinance.
2. The proposed use – 12,480 square foot store – is not supported by the Oshtemo Township Master Plan.
3. A change of the existing zoning boundaries would not be compatible with the existing land uses within the immediate area.
4. Adequate sites across the Township, which are zoned C, Local Business, are available, which would not require a conditional a rezoning.
5. There has been no apparent changes in conditions in the area that would support an increase in expanding the C, Local Business District.
6. The proposed rezoning would impact the natural characteristics of the area.
7. The proposed rezoning has not identified an immediate need for an increase in the C, Local Business District designation within this area of the Township.

Conditions of the rezoning supplied by the applicant:

1. *A 6’ (six foot) board-on-board screening fence will be provided along the east property line of the development to help buffer the current residential use.*
2. *Bigger footprint store (12,480 overall square feet) than historically built to allow for expanded options for food and coolers. The property will be developed as a Market Dollar General.*
3. *Required parking counts will be met with a combination of 34 installed spaces and the remainder of spaces having dedicated banked parking areas. These areas will be earmarked for parking and installed as grass.*
4. *Setbacks are intended to be met based on the required sections of the zoning ordinance.*

Respectfully submitted,

MCKENNA

Kyle Mucha, AICP
Senior Planner

Paul Lippens, AICP, NCI
Vice President



7275 W. Main Street, Kalamazoo, Michigan 49009-9334
 Phone: 269-375-4260 Fax: 269-375-7180

PLEASE PRINT

PROJECT NAME & ADDRESS

Dollar General 8447 Stadium Drive Kalamazoo, MI 49009

PLANNING & ZONING APPLICATION

Applicant Name: PETER OLESZCZUK
 Company: MIDWEST V, LLC (future owner)
 Address: 1435 FULTON ST, SUITE C, 2ND FLOOR
GRAND HAVEN, MI 49417
 E-mail: pele@westwind.build
 Telephone: (616) 842-2030 Fax: (616) 842-1950
 Interest in Property: Development of property

OWNER*:

Name: RICHARD & CHARLOTTE SCHRAMM (sellers)
 Address: 2011 S 4TH ST
KALAMAZOO, MI 49009
 E-mail: _____
 Phone & Fax: _____

THIS
SPACE
FOR
TOWNSHIP
USE
ONLY

Fee Amount _____

Escrow Amount _____

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

- | | |
|---|---|
| <input type="checkbox"/> Pre-Application Review | <input type="checkbox"/> Accessory Building Review – I083 |
| <input type="checkbox"/> Site Plan Review – I088 | <input checked="" type="checkbox"/> Rezoning – I091 |
| <input type="checkbox"/> Administrative Site Plan Review – I086 | <input type="checkbox"/> Subdivision Plat Review – I089 |
| <input type="checkbox"/> Special Exception Use – I085 | <input type="checkbox"/> Interpretation – I082 |
| <input type="checkbox"/> Zoning Variance – I092 | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Site Condominium – I084 | |

BRIEFLY DESCRIBE YOUR REQUEST (Use Attachments if Necessary): _____

CONDITIONALLY REZONE ENTIRE PARCEL TO C-LOCAL BUSINESS DISTRICT FROM THE CURRENT SPLIT ZONING OF C- LOCAL BUSINESS DISTRICT / R-2 RESIDENECE DISTRICT

LEGAL DESCRIPTION OF PROPERTY (Use Attachments if Necessary):

AMENDED PLAT OF LOT 3 BLK 4 FRIE & GIBBS LOT 3 * **4-92 1992 SPLIT FROM 33-402-331

PARCEL NUMBER: 3905- 33-403-010

ADDRESS OF PROPERTY: 8447 STADIUM DRIVE

PRESENT USE OF THE PROPERTY: VACANT

PRESENT ZONING: SPLIT ZONED C / R2 SIZE OF PROPERTY: 2.15 AC

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

Name(s)	Address(es)
MIDWEST V, LLC (future owner)	1435 FULTON ST SUITE C GRAND HAVEN, MI 49417

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.

Owner's Signature (*If different from Applicant)

Date

6/23/23

Applicant's Signature

Date

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

PLEASE ATTACH ALL REQUIRED DOCUMENTS



July 19, 2023

Planning Commission and Township Board
Oshtemo Charter Township
7275 W. Main Street
Kalamazoo, MI 49009

Subject: Conditional Rezone Request – 8447 Stadium Drive, Lot 3 of Frie & Gibbs Plat

To Whom it May Concern:

On behalf of Midwest V, LLC (Developer) and Richard Schram (Seller), please consider our request for the rezoning of the property located at 8447 Stadium Drive.

The proposed rezone will allow for a currently split zoned commercial / residential property to be conditionally rezoned to C - Local Business District. This will allow for the property to be developed as intended in the Township's Master Plan. The Master Plan for this parcel is to be a Neighborhood Commercial use. This is a lower intensity commercial / retail establishment to serve the more rural areas of the Township. The Master Plan notes the intent is to provide services, like a small convenience store, that will support the nearby residential uses. The property in question is located on Stadium Drive that has a mix of commercial and residential uses along this corridor and directly adjacent to the proposed site. The proposed rezone will allow for the development of a retail store that will serve the immediate area and provide employment opportunities. The proposed development will be a Dollar General store.

We are proposing several conditions under this rezone request. The conditions include the following:

1. The property in question will be developed as a Market Dollar General store. The Market prototype is a new floorplan that has a larger amount of food options and coolers.
2. A 6' board on board wood screening fence will be installed along the East property line of the development to help buffer the current residential use directly East of the site. Keep in mind the property directly East along the Northern portion of the site is zoned commercial and remains master planned for a commercial use.
3. Required parking counts based on the size of the building will be met through a combination of installed surface parking and banked parking spaces. 34 parking spaces are proposed to be installed, with the remaining balance being banked spaces. This allows for more green area versus an excessive amount of pavement.

4. The proposed development will be compliant with required setbacks as detailed in the zoning ordinance.

When considering adjacent uses, the property directly West is a commercial use, so the proposed development will have little to no impact. The properties directly South will be owned by the same entity making this rezone request and therefore will have no impact on the properties directly South. The property to the East is split zoned with commercial along the frontage of Stadium Drive and residential to the rear of the property. The property currently is a residential use. The property to the East currently has around 40 feet of natural vegetation / trees that exist. The proposed project has required setbacks that must be maintained, so this will allow for vegetation / trees to remain along the property. Also, a 6' tall screening fence will be installed as part of the project. The intent is to work with the Twp Planning team to provide necessary supplemental plantings to meet the buffer requirements adjacent to residential use. With providing natural buffers and a 6' tall screening fence, impacts on the property to the East will be minimal. The property to the North is Industrial zoned with commercial use and therefore impacts on this property will have little to no impact. Master Plan for the property to the North is same master plan use as the subject property, Neighborhood Commercial.

The design team and development team will work with Township staff to review how best to handle public infrastructure / utilities during the site plan review stage of the project. The design team and development team will also work through other agency permit approvals as required with the proposed development.

Thank you for your consideration in our request and we look forward to working with the township on this project. Please consider our request at the upcoming August Planning Commission meeting.

Sincerely,

Whitney Pizzala
Project Manager | Civil Engineer
whitney@arengineeringllc.com
269-830-1311

AUTHORIZATION LETTER

Owner: Richard A. and Charlotte A. Schramm

Property: 8447 Stadium Drive & 4177/4243/4259 Yucca Pt., Kalamazoo, MI 49009
(Tax Parcel Numbers 05-33-403-010, 05-33-403-020, 05-33-403-030, & 05-33-403-040)

Date: 5/12/2022

To Whom It May Concern:

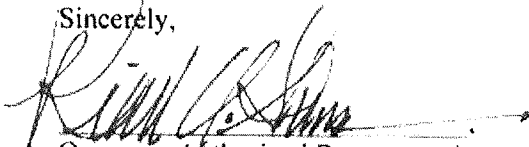
Midwest V, LLC ("Buyer"), of 1435 Fulton St., 2nd Floor, Grand Haven, MI 49417, is hereby authorized to act on our behalf in connection with the items listed below as it pertains to the development of our above-referenced Property pursuant to a Real Estate Purchase Agreement.

Due diligence – soil testing, geo-technical drilling, surveying, engineering, wetlands and environmental studies (Phase I, Phase II and/or BEA), asbestos and other physical inspections.

Permitting – Applications and filings with applicable municipalities for land division, lot line adjustment, and all entitlements, including, but not limited to, site plan approval, rezoning, variances, building permits, lot combinations/land divisions and any required construction permits.

Unless otherwise agreed in the Real Estate Purchase Agreement, any and all of the foregoing work shall be completed by Buyer at its sole cost and expense. Buyer will return the property to substantially the same condition prior to their work.

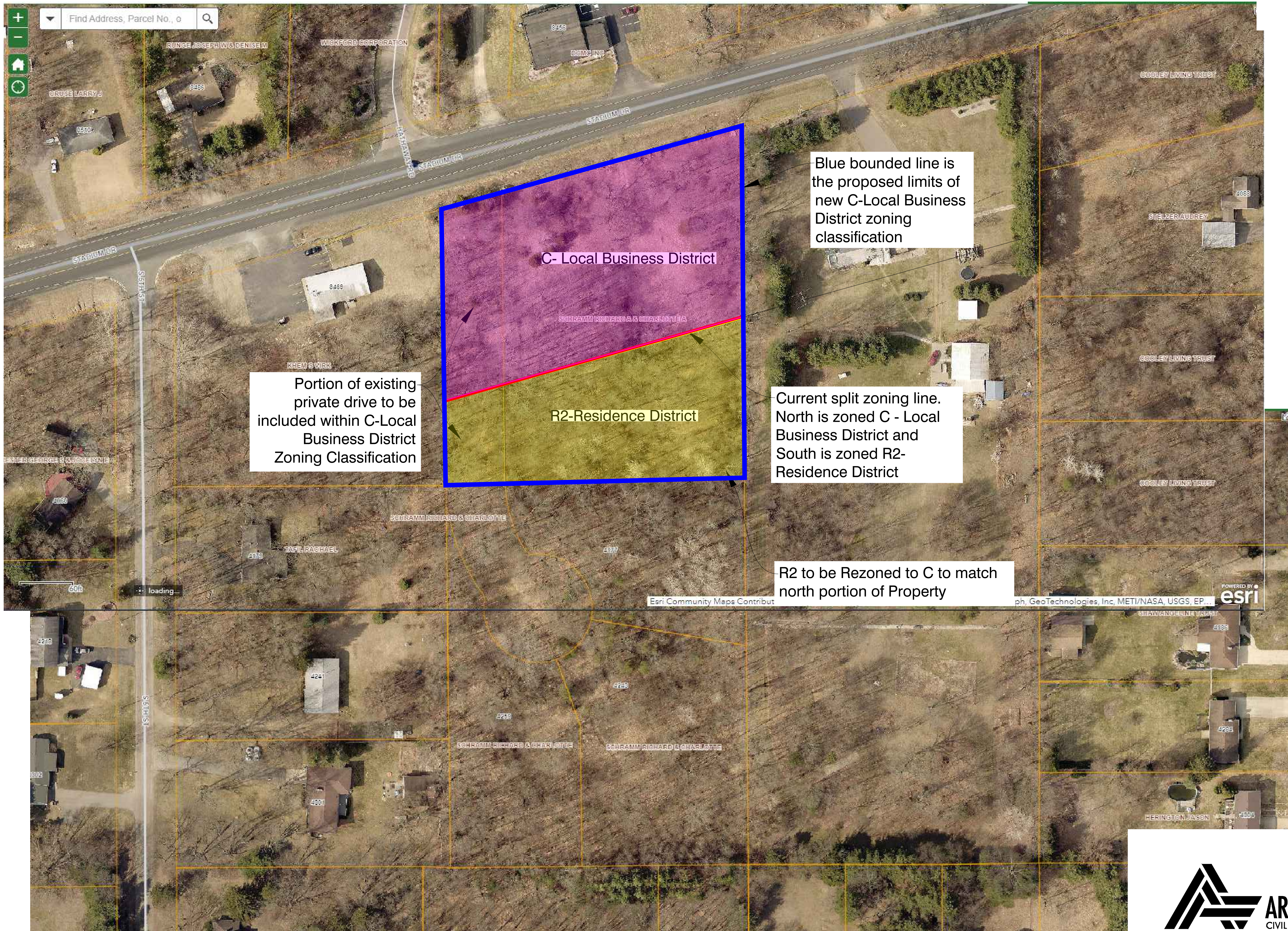
Sincerely,


Owner or Authorized Representative


Owner or Authorized Representative

Buyer Contact Information:
Attn: Peter Oleszczuk
1435 Fulton St., 2nd Floor
Grand Haven, MI 49417
Phone: 616-842-2030 ext. 2106
Fax: 616-842-1950

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Blue bounded line is the proposed limits of new C-Local Business District zoning classification

Portion of existing private drive to be included within C-Local Business District Zoning Classification

Current split zoning line. North is zoned C - Local Business District and South is zoned R2-Residence District

R2 to be Rezoned to C to match north portion of Property

ARTICLE 7

7 – R-2: RESIDENCE DISTRICT

Contents:

7.10 STATEMENT OF PURPOSE

7.20 PERMITTED USES

7.30 PERMITTED USES WITH CONDITIONS

7.40 SPECIAL USES

(Amended by ord. no. 632; adopted February 10th, 2021, effective February 16th, 2021. Amended by ord.no. 647; adopted January 24, 2023.)

7.10 STATEMENT OF PURPOSE

This district classification is designed as a suburban residential district to permit a greater density of residential development than is provided in the rural districts of the Township, together with other residentially related facilities and activities which would serve the inhabitants of the area.

7.20 PERMITTED USES

- A. Any permitted use in the "R-1" Residence District.
- B. Private two-family dwellings.
- C. Libraries.
- D. Fire stations.
- E. Cemeteries, excluding crematories.
- F. Reserved.
- G. Houses of worship.
- H. Accessory buildings and uses customarily incidental to the foregoing.
- I. Family day care home.
- J. Adult Foster Care Facility.
- K. Foster Family Home.
- L. Qualified Residential Treatment Programs (QRTP)

7.30 PERMITTED USES WITH CONDITIONS

- A. Temporary outdoor events (not lasting more than one day).
- B. Home occupations.

7.40 SPECIAL USES

- A. Golf courses, parks, and outdoor recreational areas.
- B. Buildings and regulator stations for essential services.
- C. Public and private schools; may have a Child Care Center as an accessory use.
- D. Group Day Care Home.
- E. Temporary outdoor events (lasting more than one day).
- F. Communication towers.
- G. Earth removal, quarrying, gravel processing, mining, related mineral extraction businesses, and landfill gas recovery processing facilities.

H. Wind energy conversion systems.



ARTICLE 18

18 – C: LOCAL BUSINESS DISTRICT

Contents:

18.10 STATEMENT OF PURPOSE

18.20 PERMITTED USES

18.30 PERMITTED USES WITH CONDITIONS

18.40 SPECIAL USES

(Amended by ord. no. 628; adopted September 22nd, 2020; effective October 1st, 2020. Amended by ord. no. 632; adopted February 10th, 2021, effective February 16th, 2021.)

18.10 STATEMENT OF PURPOSE

This district is designed to permit retail sales and commercial service uses.

18.20 PERMITTED USES

- A. Any business primarily for the retail sale of merchandise or services in which any manufacturing, assembling or fabricating is merely incidental to and an unsubstantial part of said business.
- B. Banks, credit unions, savings and loan offices and similar financial institutions.
- C. Offices.
- D. Laundromats and dry-cleaning establishments, excluding those establishments providing cleaning services for other laundromat and dry-cleaning establishments.
- E. Hotels, motels.
- F. Restaurants.
- G. Hospitals and medical clinics.
- H. Essential services.
- I. Indoor theatres.
- J. Passenger bus terminals, excluding facilities for the overnight storage of buses.
- K. Accessory buildings and uses customarily incidental to the foregoing.
- L. Pet shops.
- M. Houses of worship.
- N. Planned shopping center developments.
- O. Commercial Center.
- P. Proprietary schools and colleges.

18.30 PERMITTED USES WITH CONDITIONS

- A. Veterinary clinics.
- B. Temporary outdoor events (not lasting more than one day).

18.40 SPECIAL USES

- A. Assembly and Convention Halls.
- B. Child Care Centers and Adult Care Centers.
- C. Funeral homes.
- D. Private clubs.

- E. Parks of ten acres or less in size, subject to the conditions and limitations set forth at Section 49.100 of this Ordinance.
- F. Nursing, convalescent, handicapped, or senior citizens' homes.
- G. Drive-in service window or drive-through services for businesses.
- H. Retail lumber yards.
 - I. New and/or used car sales lots; recreational vehicle sales lots; mobile home sales lots outside of mobile home parks; farm machinery and other equipment sales lots; boat sales lots; and other businesses involving substantial outdoor sales or activities connected with retail sales.
- J. Crematories.
- K. Skating rinks, bowling alleys, indoor recreational facilities and health clubs.
- L. Filling stations, carwashes, public garages or service stations, excluding auto body and auto paint shops.
- M. Drive-in theatres.
- N. Buildings and regulator stations for essential services.
- O. Temporary outdoor events (lasting more than one day).
- P. Brewpub.
- Q. Microbrewery.
- R. Wine Tasting Room.
- S. Craft food and beverage production facility, limited to 8,000 square feet gross floor area.
- T. Communication towers.
- U. Earth removal, quarrying, gravel processing, mining, related mineral extraction businesses, and landfill gas recovery processing facilities.
- V. Private streets.
- W. Wind energy conversion systems.



MCKENNA

August 17, 2023

Charter Township of Oshtemo
7275 West Main Street
Kalamazoo, MI 49009

Subject: "The Hamptons" – 9th Street – PUD Conceptual Plan Review
Location: North 9th Street (Parcel #05-14-130-017) & 6660 W. Main St. (Parcel #05-14-185-022)
Zoning: R-4, Residential
Applicant(s): Thomas Carroll, Manager of Marroll
Owner(s): Marroll, LLC

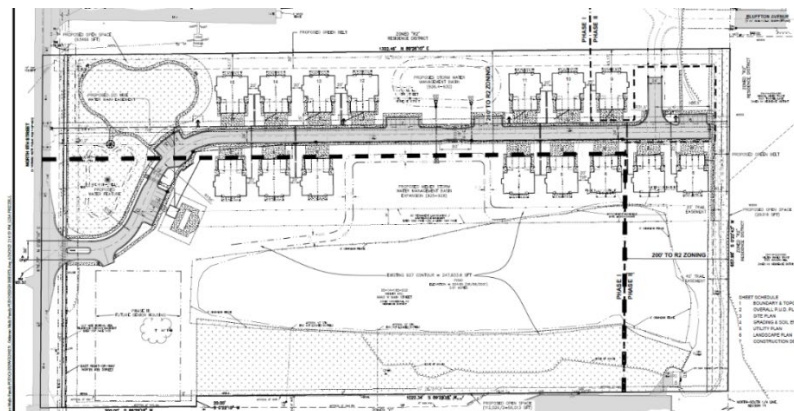
Dear Charter Township of Oshtemo,

McKenna has been tasked to review the above-referenced Conceptual Plan for a Planned Unit Development (PUD), located at parcel number 05-14-130-017 and a portion of 6660 W. Main Street. The following comments are offered based on the revised conceptual plan dated July 21, 2023, and by Oshtemo Township's Zoning Ordinance: Planned Unit Development (Article 41).

Note: the applicant has submitted a conceptual plan that provides a higher level of detail than is required for phase 1 and phase 2 of the development. Some items within the conceptual plan, such as landscaping, will be reviewed in greater detail during the site plan analysis, which will take place after conceptual plan approval.

SITE DESCRIPTION

The site is approximately 10.08 acres and has a frontage along North 9th Street. The applicant proposes to acquire an additional 10 acres of land via a land division from 6660 West Main. This combination would increase the project site to 20 acres, the minimum area required to develop as a Planning Unit Development, and will be required for final site plan approval. The site is predominately prairie/meadows with no apparent existing facilities or structures established. The applicant proposes to construct 15 four-plex buildings (60 units total) and a future senior housing complex in three phases. Phase 1 will include 48 total units; Phase 2 will include an additional 12 units; Phase 3 includes the senior housing complex. A clubhouse, pool, and associated parking lot are proposed within Phase 1. The graphic below (provided by the applicant via their proposed site plan) outlines the proposed project boundaries.



KALAMAZOO
151 South Rose Street
Suite 920
Kalamazoo, Michigan 49007

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REVIEW COMMENTS

Zoning Review – Planned Unit Development

In accordance with Article 41 of the Oshtemo Township Zoning Ordinance, the following has been noted.

Purpose (§41.10)

The purpose of Article 41 – Planned Unit Development – is to permit greater flexibility and more creative and imaginative design through the use of planned unit development legislation (Michigan Zoning Enabling Act) for the purpose of:

- A. Promoting a more economical and efficient use of land.
- B. Promoting land use that is consistent with the goals and objectives of the Township Master Plan.
- C. Implementing the Sub-Area Plans contained in the Township Master Plan.
- D. Promote a mix of integrated and compatible land uses to encourage walkability.
- E. Providing for a harmonious variety of housing choices with the integration of community facilities, recreational opportunities, and allow for commercial facilities.
- F. Facilitating the provision of safe and efficient streets and site access in conformance with access management objectives.
- G. Promoting the conservation of natural features and encouraging efficient, aesthetic, and desirable use of open space consistent with the Township's character.
- H. Ensuring compatibility of design and use between neighboring properties.
- I. To achieve higher quality development through cooperative efforts.

Scope (§41.20)

A Planned Unit Development shall be recognized as a Special Use and controlled by the guidelines thereof. Residential Planned Unit Developments regulated by Section 41.60 shall be permitted as a Special Use in the R-4 zoning classification. Commercial Planned Unit Developments regulated by Section 41.70 shall be permitted as a Special Use in all non-residential zoning classifications.

It is McKenna's understanding that the Oshtemo Township Board unanimously approved a request to conditionally rezone parcel 05-14-130-017 and a portion of 6660 W. Main Street, parcel 05-14-185-022, from R-2 to R-4, Residential at their April 25, 2023 meeting. It is our further understanding that the following conditions were applied to this request:

1. North half of the property will only be developed as a residential PUD with townhomes.
2. The maximum unit count per building is four (4).
3. The south half of the property will remain as a stormwater basin as it is today, with a proposed 55-year-old senior living facility to be located in the southwest corner [of the subject property].

Deviation From Dimensional Requirements (§41.50)

Section 41.50 of the Township Zoning Ordinance encourages flexibility and creativity consistent with the objectives of the planned unit development concept. The Planning Commission may grant specific deviations from the dimensional requirements outlined in the Zoning Ordinance. Further, "*any dimensional deviation shall be*



approved through a finding by the Planning Commission that the deviation meets the purpose of a planned unit development outlined in Sections 41.60 and 41.70”.

The subject site’s current zoning classification is R-4, which requires a minimum setback of 70 feet from all street right-of-way lines (50.60.C.) and 20 feet from any rear or interior side property line or the height of the abutting side of the building at its highest point as measured from the grade of the property line – whichever is greater.

The submitted Conceptual Plan shows a proposed 30-foot green belt along the north and eastern edges of the subject site, with the proposed dwelling structures being located further into the property from this green belt. The conceptual plan dated July 21, 2023, provides the 70-foot setback dimension mark along N. 9th Street. The conceptual plan shows compliance with the 70-foot setback requirement.

The conceptual plan shows proposed dwellings being a distance of 43 feet away from the northern property line, and 40 feet away from the eastern property line. The placement of these dwellings, based on the dimensions provided within the July 21, 2023, plan, meet ordinance requirements. No deviations are being requested.

Residential Planned Unit Development Provisions (§41.60)

Section 41.60 of the Oshtemo Township Zoning Ordinance establishes the following provisions:

- A. *Minimum Development Size: The minimum size of a planned unit development shall be 20 acres of contiguous land.* The Conceptual Plan, dated July 21, 2023, establishes the subject site as 20.0918 acres of land, which exceeds the requirement of 41.60.A. This standard has been satisfied.
- B. *Allowable uses. Planned Unit Developments are restricted to the following uses, provided such land uses are consistent with the goals and objectives of the Township Master Plan including Sub-Area Plans: one-family, two-family, three or four-family, multiple-family dwellings.* The development of the subject site into four-family dwelling units conforms with allowable uses as stipulated in Section 41.60.B.
- C. *Residential Density Requirements. The overall density of residential uses within a planned unit development shall be determined by dividing the planned unit development residential area by the minimum residential parcel, lot, or building site area per dwelling unit required by the zoning classification in which the development is located. The minimum residential parcel, lot, or building site area per dwelling unit for the "R-4" zoning classification shall be deemed equal to the density limitations set forth in Section 48.100.*

Per Section 48.100 – Multiple-Family Dwellings – the dwelling unit density for any portion of a multiple-family dwelling site located within 200 feet of property in an AG, RR, R-1, or R-2 zoning district shall be limited to a maximum unit density of six units per acre. Dwelling unit density for any portion of a multiple-family dwelling site located more than 200 feet from the property in an AG, RR, R-1, or R-2 zoning classification shall be limited to a maximum unit density of eight units per acre.

The applicant has provided the below density calculations, which were validated as accurate by the McKenna review team. The applicant proposes a total of 60 units, which is below the maximum permitted



by the zoning ordinance. For additional reference, the applicant has provided a visualization of the 200-foot buffer on sheet 2 of 7 within their conceptual plan; the buffer is noted by a thick blue line.

DENSITY CALCULATIONS PER SECTION 48.100
6 UNITS/ACRE WITHIN 200' OF R-2 ZONING
8.17 ACRES X 6 = 49 UNITS ALLOWED

8 UNITS/ACRES BEYOND 200' OF R-2 ZONING
11.92 ACRES X 8 = 95 UNITS ALLOWED

GRAND TOTAL ALLOWED = 144 UNITS
GRAND TOTAL PROPOSED = 60 UNITS

- D. *Nonresidential development requirements. Nonresidential uses permitted by Section 41.60.B.2, including access roads and parking associated with such nonresidential uses, shall not exceed 20 percent of the planned unit development. Nonresidential uses or a building devoted primarily to a nonresidential use shall not be built or established prior to the completion of construction of 60 percent of the dwelling units within the planned unit development.*

The applicant proposes to construct a senior living facility in Phase 3 of the overall development of the subject site. The commercial component (senior facility and parking lot) are permitted to cover a maximum of four (4) acres of the overall 20-acre site. The submitted conceptual plan does not detail the proposed gross area of the senior facility, however, based on an aerial measurement, the proposed commercial coverage appears to be an estimated two (2) acres. Such details shall be required during the formal site plan review to ensure the above provision is being satisfied. Based on the proposed phasing, the construction of the senior facility would take place after 60 percent or more of the dwelling units have been erected, however, confirmation from the applicant is needed.

- E. *Open Space. Within every residential planned unit development, there shall be designated an amount of open space of not less than ten percent of the planned development and subject to the [below] standards.* The applicant proposes an estimated 145,797 square feet of open space, where a minimum of 84,702 square feet is required:

1. *Fifty percent of any significant/sensitive environmental resources (e.g., steep slopes, woodlands, etc.) may be included within the designated open space.* No steep slopes, woodlands, etc. have been identified. Significant/sensitive environmental resources shall be identified during the full site plan submission, if in existence. If no significant/sensitive environmental resources are located on the subject site, a note shall be added to the site plan.
2. *Designated open space shall be set aside as common land and retained in an essentially undeveloped or unimproved state.* The applicant has placed a note on sheet 2 of the July 21, 2023, plans noting “all open space within the development shall be set aside as common land”.



3. *Designated open space shall be easily accessible to residents of the planned unit development, including visual and pedestrian linkages and proximity to such open spaces.* The submitted conceptual plan shows pedestrian pathways and linkages across the site that will permit access to the open space. We find that this provision has been satisfied.
4. *Structures or buildings which are accessory to the designated open space may be erected in accord with the approved Site Plan. These accessory structures or buildings shall not exceed, in the aggregate, one percent of the designated open space area.* The conceptual plan notes a 120-square-foot gazebo near a water feature and meadow area. The proposed gazebo is below the maximum one percent of the open space (847 square feet).
5. *Designated open space shall be under common ownership or control, such that there is a single entity having proprietary responsibility. Sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions shall be provided.* A note has been placed on the conceptual plan indicating “*all open space within the development shall be set aside as common land*”. At this time, no documentation showing ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions has been provided to Oshtemo Township. The applicant shall furnish such documentation for review by Township staff and final approval by the Planning Commission at the time of full site plan submission is provided for phase 1, and subsequently noted in site plans for phase 2 and phase 3.
6. *Designated open space shall be set aside through an irrevocable conveyance approved by the Planning Commission, such as recorded deed restrictions, covenants that run perpetually with the land, conservation easement, land trust, etc. Such conveyance shall assure that the open space is protected from development, except as approved by the Planning Commission.* The applicant shall furnish such documentation for review by Township staff and final approval by the Planning Commission at the time of full site plan submission for phase 1, and subsequently noted in site plans for phase 2 and phase 3.

Design Standards (§41.80)

- A. *Access: Direct access for a planned unit development onto a public road shall be designed in compliance with the Access Management Guidelines.* The Conceptual Plan shows direct access from the planned unit development onto North 9th Street. Sheet 3 of the site plan notes a throat width of 36 feet, with a 10-foot-wide island to separate ingress and egress traffic. The RCKC has provided preliminary approval for the proposed private drive location as a commercial component. All proposed uses within the
- B. *Interior Street System: The planned unit development shall be serviced by an interior street system. No use within the planned unit development shall front or gain direct access from an off-site road network. If the interior street system is private, it shall be built in conformance to the standards and requirements of Section 49.200 of the Township Zoning Ordinance. The access management policies, as set forth in the Access Management Plan, shall be applicable to the interior street system. **We note that the Oshtemo Township Board of Trustees has adopted a moratorium for the installation of private roads/drives.***



As such, the full site plan cannot be submitted until the moratorium is lifted. Additionally, the design may need to be modified based on the pending new requirements for private roads/drives.

C. *Utilities: Public water, sanitary sewer, and storm drainage facilities shall be provided as part of the development. All utilities, including telephone, electric, and cable television, shall be placed underground.* The submitted conceptual plan notes water service, sanitary sewer, and storm sewer being installed on the subject parcel. The plan notes “*design and installation of underground private utilities (phone, cable, electric, gas, etc.) shall be done by the providing utility company*”. The following comments have been provided by the Township Engineer regarding utilities:

1. Water Main:

- i. 8” ductile iron water main is proposed with a 20’ easement and the following information is needed before final approval:
 - a. Hydrants and service connections must meet City of Kalamazoo specifications.
 - b. Each unit must have its own service.
 - c. Label hydrants with notes or in the legend.
 - d. Water main will need to extend to the north to the property line to make future connection.

2. Sanitary Sewer:

- i. 10” sanitary sewer and easement is existing.
- ii. The Township will need a small easement at the NE corner of the property for public sanitary sewer expansion for adjacent neighborhood to connect to existing.
- iii. Sewer lateral risers connect at sharp angles. Place laterals with better alignment and show cleanout locations.
- iv. Each unit will require a minimum of (2) sewer laterals. We recommend a connection to each individual unit.

D. *Storm Water Management: The design of stormwater management systems and drainage facilities shall be designed in coordination with the groundwater protection strategies of the Township. The use of best stormwater management practices is encouraged. The Planning Commission may allow all or portions of the stormwater management system and drainage facilities to be included in designated open spaces provided they incorporate best management practices and low-impact design techniques and contribute to the overall quality of the development.* The site plan notes two stormwater management areas. The applicant proposes to expand the Meijer stormwater management basin, located along the southern portion of the subject site. Further, the applicant indicates the creation of a new stormwater management basin between buildings 11 and 12 (part of Phase 1). Further analysis will be conducted during the full site plan submission review.

It is our understanding that through previous conversations with Meijer the large detention basin existing onsite will continue to serve the Meijer site; this is also a requirement of the Township’s. A signed agreement between the applicant and Meijer shall be provided to the Township that addresses the future use of the detention basin. This documentation will be required with the submission of the full site plan as it may affect the site’s final stormwater design.



- E. *Street Lighting: Street lighting shall be designed in compliance with the lighting objectives and standards set forth in Section 54.10.* The submitted conceptual plan does not note street lighting. It is our understanding based on past development projects that Consumers Energy will coordinate streetlight placement with the developer. Confirmation from the applicant that street lighting will be either installed by Consumers Energy or the developer will be required. The street lighting shall be further reviewed and approved with the submission of the full site plan.
- F. *Landscaping. Landscaping shall be provided in accordance with Article 53.* The submitted conceptual plan included a landscaping plan, which has been reviewed in accordance with the regulations contained in Article 53 of the Oshtemo Township Zoning Ordinance. Continued analysis of the landscaping elements will be conducted during the full site plan submission.

1. Street Rights-of-Way Greenbelts (§53.60)

- a. *Greenbelts shall be 20 feet wide along public rights-of-way and 15 feet wide along private rights-of-way, measured from the right-of-way line.* The landscaping plan notes a 20-foot-wide greenbelt along N. 9th Street; however, no apparent greenbelt is shown along the private roadway. A 15-foot-wide greenbelt shall be shown on the landscaping plan, parallel to the private road.
- b. *The greenbelt shall be landscaped with a minimum equivalent of one (1) canopy tree and two (2) understory trees for every 100 linear feet, or fraction thereof, of frontage abutting a street right-of-way.* The applicant has shown canopy and understory trees for inclusion within the overall site and along the private roadway. The following table has been provided by the applicant pertaining to canopy and understory trees:

INTERIOR DRIVE (PRIVATE): 1392 LF, 31 PARKING SPACES		
	REQUIRED	PROVIDED
MIN. DEPTH	15'	
CANOPY TREES	1 / 100 LF: 28	28 TREES
UNDERSTORY TREES	2 / 100 LF: 56	56 TREES
SHRUBS, ADJ. TO PARKING 10 OR MORE SPACES	1.5 / SPACE	50 TOTAL SHRUBS

Based on ordinance requirements, the applicant appears to meet the minimum requirements. Continued landscaping analysis will be conducted during the full site plan submission.

- c. *Parking lots adjacent to street rights-of-way shall provide shrubs at a ratio of 1.5 shrubs for every one (1) parking space. Shrubs that reach a mature height of at least three (3) feet shall be utilized and they shall be in groupings spaced at least three (3) feet on center to screen the parking lot from the right-of-way.* The conceptual plan indicates 31 parking spaces



proposed, which would require 46.5 shrubs; the site plan notes a total of 50 shrubs, which exceeds the minimum ordinance requirements. This provision has been satisfied.

- d. *In addition to the required plantings within the greenbelt, the remainder of the greenbelt shall be landscaped with grass, ground cover, shrubs, and other organic landscape materials.* This requirement has been satisfied.
- e. *Access drives from public rights-of-way through required greenbelts shall be permitted, but such drives shall not be subtracted from the linear dimension used to determine the minimum number of trees required.* We find this provision is not applicable at this time due to the site design and layout.
- f. *The clear view zone outlined in Section 53.30.D must be met for all access drives.* No access drives are proposed at this time. However, the applicant should be cognizant of this requirement.
- g. *Trees may be placed in groupings within the greenbelt.* The applicant should note this stipulation.

2. Interior Site Landscaping (§53.70)

- a. *In addition to the parking lot and greenbelt landscaping, a minimum of 10 percent of the developed area of the parcel, lot or building site must be landscaped.* The applicant has provided the following information pertaining to interior site landscaping;

INTERIOR LANDSCAPING		
DEVELOPED AREA	392,780 SF	
INTERIOR LANDSCAPING	10% of DEVELOPED: 39,278 SF	227,204 SF
CANOPY TREES	1 / 1500 SF: 26	29 TREES
UNDERSTORY TREES	1 / 2500 SF: 16	20 TREES

Based on the calculations provided above, the applicant has satisfied this requirement. The landscaping plan will be further analyzed during the full site plan submission to ensure compliance throughout the design updates and changes anticipated with the project.

- b. *Interior site landscaping shall be located adjacent to buildings and in at least one side or rear yard distributed throughout the developed area of the parcel, lot, or building site.* The applicant proposes interior site landscaping adjacent to buildings and in the rear yard of the subject site (the southern portion of the property). Additional landscaping elements will be required in the rear of buildings 9, 10 & 11.
- c. *In addition to the other tree requirements outlined herein, one (1) canopy tree will be required for every 1,500 square feet and one (1) understory tree will be required for every 2,500*



square feet of the interior site landscaping. As shown in the above table, the applicant has provided the required canopy and understory trees required by the Township's Zoning Ordinance.

- d. *Interior site landscaping shall be provided to enhance the appearance of the site and screen potentially objectionable site features such as, but not limited to, retention/detention ponds, transformer pads, air conditioning units, and loading areas.* The conceptual plan shows screening elements along the northern portion of the retention basin. This screening method is found to be generally acceptable; however, further analysis of the screening elements will be conducted during full site plan submission reviews.

Review Criteria (\$41.90)

In considering an application for approval of a planned unit development, the Planning Commission shall make its determination on the basis of the Special Use criteria set forth in Section 65.30, the Site Plan Review Criteria set forth in Section 64.80 [not applicable – see Section 64.40: *the Site Plan review requirements of Section 64.60 herein shall not govern the review process for open space or planned unit developments that include site condominiums or subdivisions*].

- A. *The overall design and uses proposed in connection with a planned unit development shall be consistent with the intent of the planned unit development concept and the specific design standards set forth herein.* Previous sections of this review memorandum have discussed this requirement in detail. We find that, generally, the overall design and uses proposed in connection with the planned unit development are consistent with the intent of the planned unit development concept. An additional review of the design of the proposed planned unit development will be conducted during the more formal site plan review.

The proposal is noted to have all the driveways facing the front of the roadway, which is less desirable than side or alley-facing garages that would limit the number of vehicle conflicts with the sidewalk. We would encourage revisiting building disposition to make for a more pleasant pedestrian experience throughout the development.

- B. *The proposed planned unit development shall be consistent with the goals, objectives, and development principles identified in the Township Master Plan including applicable Sub-Area Plan contained in the Master Plan.* The submitted conceptual plan has been reviewed in coordination with the 9th Street Sub-Area Plan, which calls for the subject site to be developed as medium-density residential in order to:

Provide a buffer between the intense commercial development to the south [Meijer] and existing residential development to the north (page 13 – Medium Density Residential). The medium-density residential category includes single, double, and four-family dwelling units as well as senior-oriented housing. Due to increased density, development should include open space and proper stormwater management techniques. Circulation between adjacent developments must be provided, as applicable.



The proposed development consists of four family dwelling units, a senior-oriented housing complex, open space, and stormwater management techniques. Further, the development is proposed to allow cross-access connection to existing residential uses located to the east of the subject site. We find that the proposed development is consistent with the goals and objectives of the Sub-Area Plan. However, further coordination with Township reviewing agencies will be needed during the site plan review analysis to determine if the cross-connection to the existing residential uses will need to be modified.

- C. *The proposed planned unit development shall be serviced by the necessary public facilities to ensure the public health, safety, and welfare of the residents and users of the development.* The subject site will be serviced by public water & sewer. Further review of the public utilities will be conducted by the Township Engineer as part of the site plan review process.
- D. *The proposed planned unit development shall be designed to minimize the impact on traffic generated by the development on the surrounding land uses and road network.* The site development is proposed to be completed in multiple phases. Phase 1 will have direct access to N. 9th Street, with Phases 2 & 3 requiring a secondary point of ingress/egress to the development due to the dwelling unit count exceed 49; developments with 50 units or more are required to have secondary access. The site plan notes future connections to the residential neighborhood located to the east of the site, with a direct linkage to Bluffton Avenue. We find that this provision can be satisfied once the secondary access has been constructed. Until such a time, and with any new development, an increase in vehicular traffic will occur.
- E. *The proposed planned unit development shall be designed so as to be in character with surrounding conditions as they relate to the bulk and location of structures, pedestrian and vehicular circulation, landscaping, and amenities.* The subject parcel is currently an undeveloped meadow, with intensive commercial use to the south and lower-density residential to the north and east. As indicated within the Sub-Area Plan, this parcel is intended to act as a buffer between the commercial and residential uses in the vicinity. Therefore, McKenna finds that the proposed planned unit development, once fully constructed and built out, will be designed to be in character with the surrounding area.
- F. *The proposed planned unit development shall be designed and constructed so as to preserve the integrity of the existing on- and off-site sensitive and natural environments, including wetlands, woodlands, hillsides, water bodies, and groundwater resources.* The subject parcel is composed of an open meadow and a four-acre stormwater management basin. The development is not anticipated to have a negative impact on the natural environment as it pertains to existing wetlands, woodlands, hillsides, or water bodies. Additionally, due to the extensive amount of open space, the applicant proposes to retain on the subject site, along with the installation of canopy and understory trees, we find that the impact of construction will be relatively minor.
- G. *The designated open space shall be of functional value as it relates to opportunities for wildlife habitat, woodland preservation, agricultural use, recreation, visual impact, and access.* The applicant proposes to install a number of canopy and understory trees on the subject site, which is currently lacking due to the property being primarily a meadow and a four-acre stormwater management basin. Therefore, with the



enhancements to the open space, the functional value is anticipated to be increased and present additional opportunities to wildlife habitat.

- H. *The proposed planned unit development shall comply with all applicable Federal, State, and local regulations.*

Project Phasing (§41.110.D)

Section 41.110.D. regulates project phasing as the following:

When proposed construction is to be phased, the project shall be designed in a manner that allows each phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and residents of the surrounding area.

Each phase of the project shall be commenced within one year of the schedule set forth on the approved plan. If construction of any phase is not commenced within the approved time period, approval of the Site Plan shall become null and void.

The applicant is advised that a phasing plan will need to be submitted for review and approval during the full site plan review submission.

ADDITIONAL REVIEW COMMENTS

The following review comments were noted during an internal staff review of the submitted conceptual plan. The applicant shall note these comments and take appropriate measures to address them for the upcoming site plan submissions. These comments are not required to be addressed during the conceptual plan review, however, will need to be addressed during the full site plan submission.

Planning & Zoning

1. Site triangles shall be shown for the off-street parking areas: this will ensure adequate site distance is achieved and vehicle-vehicle conflict potential is reduced.
2. Parking spaces need to be a minimum of 10 feet wide by 20 feet deep.
3. No parking will be permitted on-street due to the proposed street width: signs shall be placed along the street to note this.
4. The landscape easement that runs east-west along the property shall be amended and/or replaced with a new easement to incorporate the overall improved stormwater basin design.
5. Land combination is submitted for review and approval by the Township, combining the subject site with the northern portion of 6660 West Main Street, as shown on the submitted conceptual plans.

Oshtemo Township Fire Department

The following comment(s) have been provided by the Township Fire Department:

1. The proposed monument sign is blocking the turning access into the plat. A 30/50 turning radius shall be required. The driveway entrance shall meet the 30/50 turning radius. Site plan page 1 of 1 identified as



Truck Turn Exhibit, shows two different scales. Neither will allow for a 30/50 turning radius with a monument sign in the middle for ingress or egress.

2. Building sizes are needed to confirm fire flow requirements for fire hydrant placement.

Oshtemo Township Engineer

Comments have been provided by the Township Engineer (Prein & Newhof) are provided, however this is not an exhaustive list:

1. A RCKC driveway permit will be required for the entrance with a trip generation study to determine if turn lanes are required.
2. ADA parking spaces must be constructed to ADA standards with concrete.
3. A concrete ADA ramp is required at the driveway entrance on 9th Street.
4. 20-foot public trail easement must connect to the existing trail to the north.
5. Provide detailed calculations for basin sizing based on Kalamazoo County Drain Commissioner requirements.

RECOMMENDATIONS

The Conceptual Plan for “The Hamptons” planned unit development project has been reviewed for compliance with the Oshtemo Township Zoning Ordinance and other regulatory requirements. We find that a positive recommendation from the Oshtemo Planning Commission to the Township Board can be given for conceptual plan approval for the project entitled “The Hamptons” subject to the following:

1. Conceptual plan approval is not a site plan approval. The conditional approval provides general guidelines and “big picture” details.
2. Until such a time as the private road moratorium has either been lifted or expired, site plan submission can not take place.
3. Phase 2 & Phase 3 shall not commence until a secondary access has been installed on the subject site.
4. A detailed phasing plan will be required upon site plan submission.

Respectfully submitted,

McKENNA

Paul Lippens, AICP, NCI
Vice President

Kyle Mucha, AICP
Senior Planner



7275 W. Main Street, Kalamazoo, Michigan 49009-9334
Phone: 269-375-4260 Fax: 269-375-7180

PLEASE PRINT

PROJECT NAME & ADDRESS _____

PLANNING & ZONING APPLICATION

Applicant Name: Thomas Carroll member/manager of Marroll

Company: Marroll, LLC

Address: 70 Michigan Avenue, Suite 450

Battle Creek, Michigan 49017

E-mail: kkline@carrolldev.com

Telephone: (269) 209-5364 Fax: _____

Interest in Property: Owner

OWNER*:

Name: See above

Address: _____

E-mail: _____

Phone & Fax: _____

THIS
SPACE
FOR
TOWNSHIP
USE
ONLY

Fee Amount _____

Escrow Amount _____

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

- | | |
|---|---|
| <input type="checkbox"/> Pre-Application Review | <input type="checkbox"/> Accessory Building Review – I083 |
| <input checked="" type="checkbox"/> Site Plan Review – I088 | <input checked="" type="checkbox"/> Rezoning – I091 |
| <input type="checkbox"/> Administrative Site Plan Review – I086 | <input type="checkbox"/> Subdivision Plat Review – I089 |
| <input type="checkbox"/> Special Exception Use – I085 | <input type="checkbox"/> Interpretation – I082 |
| <input type="checkbox"/> Zoning Variance – I092 | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Site Condominium – I084 | |

BRIEFLY DESCRIBE YOUR REQUEST (Use Attachments if Necessary): Site plan review for the proposed residential townhome development in accordance with the approved conditional rezoning of the property. Request includes site plan review and rezoning to PUD.

LEGAL DESCRIPTION OF PROPERTY (Use Attachments if Necessary):

See included site plan

PARCEL NUMBER: 3905- 14-130-017

ADDRESS OF PROPERTY: Not addressed at this time

PRESENT USE OF THE PROPERTY: Vacant

PRESENT ZONING: Conditional R-4 **SIZE OF PROPERTY:** 20.07 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)
Meijer	2350 3 Mile Road, Grand Rapids, MI49544

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.

Owner's Signature (*If different from Applicant)

Date

[Handwritten Signature]
Applicant's Signature member/manager
Marroll LLC.

6-27-23
Date

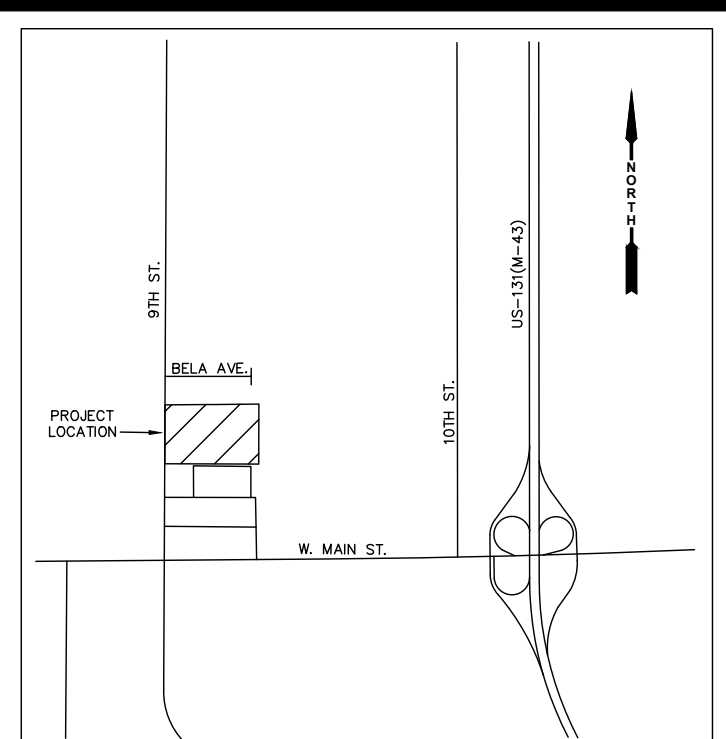
- Copies to:
- Planning – 1
- Applicant – 1
- Clerk – 1
- Deputy Clerk – 1
- Attorney – 1
- Assessor – 1
- Planning Secretary – Original

PLEASE ATTACH ALL REQUIRED DOCUMENTS

EXISTING UNDERGROUND UTILITY DATA	
SANITARY MH#1 RIM 943.65 10" PVC INV S 915.96 (PLA) 10" PVC INV W 915.96 (PLA) 10" PVC INV N (DROP) 929.2 8" PVC INV N 916.30 2" DIA RIM 4" PRECAST STRUCTURE	SANITARY MH#4 RIM 928.60 10" PVC INV E 915.85 10" PVC INV W 915.90 2" DIA RIM 4" PRECAST STRUCTURE
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	SANITARY MH#7 RIM 926.51 WATER LEVEL 922.51 LEACHING BASIN BOTTOM OF STRUCTURE 913.01 2" DIA RIM 4" PRECAST STRUCTURE
	SANITARY MH#8 RIM 938.63 10" PVC INV NW 917.78 10" PVC INV S 917.73 2" DIA RIM 4" DIA PRECAST STRUCTURE
	STORM CB#16 RIM 950.68 STRUCTURE BOTTOM 937.93 LEACHING BASIN 2" SQUARE RIM 4" DIA PRECAST STRUCTURE
	STORM CB#17 RIM 950.60 STRUCTURE BOTTOM 939.60 LEACHING BASIN 2" SQUARE RIM 4" DIA PRECAST STRUCTURE

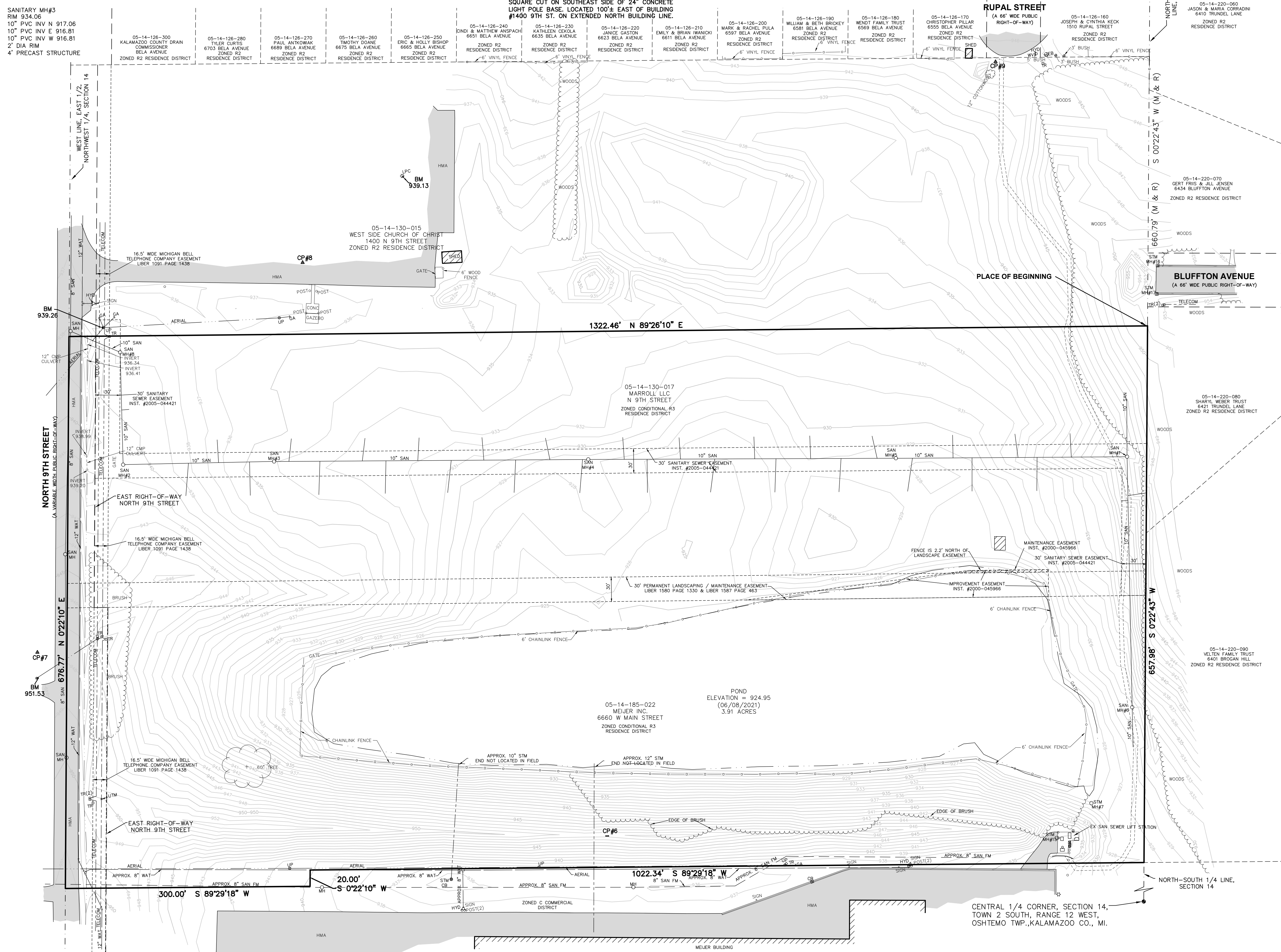
BENCHMARKS	
ELEVATION - 951.53 RAILROAD SPIKE IN EAST SIDE OF POWER POLE. LOCATED 15'± NORTH OF C/L DRIVE TO HOUSE #1283 9TH ST. & 35'± WEST OF C/L 9TH ST.	CP#6 M+B RED CAP N 51382.9362 E 51994.8130 ELEV 948.986
ELEVATION - 939.26 RAILROAD SPIKE IN SOUTH SIDE OF POWER POLE. LOCATED 42'± EAST OF C/L 9TH ST. & 69'± SOUTH OF C/L DRIVE TO BUILDING #1400 9TH ST.	CP#7 M+B RED CAP N 51607.1577 E 51296.1996 ELEV 951.180
ELEVATION - 952.78 SOUTHWEST CORNER OF A 1.5'x3' BOTTOM CONCRETE STEP. LOCATED AT THE WEST ENTRANCE TO HOUSE #1532 RUPAL ST. 0.60' ABOVE CONCRETE WALK	CP#8 M+B RED CAP N 52331.2373 E 52470.8764 ELEV 944.830
ELEVATION - 939.13 SQUARE CUT ON SOUTHEAST SIDE OF 24" CONCRETE LIGHT POLE BASE. LOCATED 100'± EAST OF BUILDING #1400 9TH ST. ON EXTENDED NORTH BUILDING LINE.	CP#9 M+B RED CAP N 52641.2286 E 52513.9869 ELEV 950.196

CONTROL POINTS	
CP#5 M+B RED CAP N 51382.9362 E 51994.8130 ELEV 948.986	CP#10 MAG NIAL N 52641.2286 E 52513.9869 ELEV 950.196



0 30 60
PLAN SCALE: 1" = 60'

811
Know what's below.
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PROPERTY DESCRIPTION
Overall Parcel and Rezoning Description

That part of the Northwest one-quarter, Section 14, Town 2 South, Range 12 West, Oshtemo Township, Kalamazoo County, Michigan, described as; BEGINNING on the North-South one-quarter line of said Section 14 at a point being South 00°22'43" West 660.79 feet from the North one-quarter corner of said section; thence South 00°22'43" West 657.98 feet along said North-South one-quarter line; thence South 89°29'18" West 1022.34 feet along the South line of the North one-half of the Northwest one-quarter of said section; thence South 00°22'10" West 20.00 feet parallel with the West line of the East one-half of the Northwest one-quarter of said section; thence South 89°29'18" West 300.00 feet parallel with the South line of the North one-half of the Northwest one-quarter of said section; thence North 00°22'10" East 676.77 feet along the West line of the East one-half of the Northwest one-quarter of said section; thence North 89°26'10" East 1322.46 feet; to the place of beginning.

20.0918 acres including right of way
19.4448 acres excluding right of way

SURVEYOR NOTES:
Survey was performed to the best of our abilities during winter conditions including snow cover and snow piles.

SHEET SCHEDULE

1	BOUNDARY & TOPOGRAPHIC SURVEY
2	OVERALL P.U.D. PLAN
3	SITE PLAN
4	GRADING & SOIL EROSION CONTROL
5	UTILITY PLAN
6	LANDSCAPE PLAN
7	CONSTRUCTION DETAILS

PREPARED FOR:
CARROLL DEVELOPMENT & PROPERTY MANAGEMENT
100 CETHINGS CIRCLE
BATTLE CREEK, MI 48615
ATTN: MR. THOMAS CARROLL

PLAN REVISIONS

FOR SITE PLAN/P.U.D. APPROVAL 06-27-23
REVISED PER TOWNSHIP REVIEW COMMENTS 07-21-23

Moore+Bruggink
Consulting Engineers
2020 Monroe Ave.
Grand Rapids, MI 49505
(616) 363-9801
mailto:mbce@mbce.com

BOUNDARY & TOPOGRAPHIC SURVEY
FOR
THE HAMPTONS
OSHTEMO TWP., KALAMAZOO COUNTY, MICHIGAN

FIELD SURVEY / DATE	02-18-21
PROJECT NO.	200251.01
DESIGN DRAWN BY:	FEF
DESIGNED BY:	JFL
CHECKED BY:	JFL
PLAN DATE:	1/30/23
SHEET NUMBER	1 OF 7

EXISTING UNDERGROUND UTILITY DATA

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BENCHMARKS

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RAILROAD SPIKE IN EAST SIDE OF POWER POLE.
LOCATED 15'± NORTH OF C/L DRIVE TO HOUSE
#1283 9TH ST. & 35'± WEST OF C/L 9TH ST.

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#1532 RUPAL ST. 0.60' ABOVE CONCRETE WALK

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CONTROL POINTS

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CP#9 M+B RED CAP N 52331.2373 E 52470.8764 ELEV 944.830	CP#10 MAG NIAL N 52641.2286 E 52513.9869 ELEV 950.196	

PROPERTY DESCRIPTION

Overall Parcel and Rezoning Description

ZONING INFORMATION

EXISTING ZONING: P.U.D./CONDITIONAL "R-4" RESIDENTIAL IN WEST MAIN RESIDENTIAL OVERLAY

CONDITION #1-NO BUILDINGS SHALL EXCEED 4 UNITS
CONDITION #2-INCLUDES FUTURE SENIOR HOUSING

TOTAL P.U.D. AREA
875,198.81 SFT (20.0918 AC) (INCL. R.O.W.)

R4 ZONING SETBACKS:
MIN FRONT YARD: 30'/70' IN OVERLAY DISTRICT
MIN SIDE YARD: 10'
MIN REAR YARD: 10'
MIN INTERIOR SIDE YARD: 20'

OPEN SPACE REQUIREMENTS
OPEN SPACE REQUIRED: 10%
847,015.49 (EXCL. R.O.W.) X 0.10 = 84,702 SFT

OPEN SPACE PROVIDED: 17.2% (145,797 SFT)(EXCL. R.O.W.)

LOT COVERAGE BY BUILDINGS:
BATH HOUSE = 400 SFT
15 BUILDINGS X 3917 SFT FOOTPRINT = 58755 SFT
TOTAL BUILDING AREA = 59336 SFT/875,198.81 = 6.78% LOT COVERAGE BY BUILDING (INCL. R.O.W.)
(7.00% EXCL. R.O.W.)

ALL OPEN SPACE WITHIN THE DEVELOPMENT SHALL BE SET ASIDE AS COMMON LAND.

DENSITY CALCULATIONS PER SECTION 48.100
6 UNITS/ACRE WITHIN 200' OF R-2 ZONING
8.17 ACRES X 6 = 49 UNITS ALLOWED

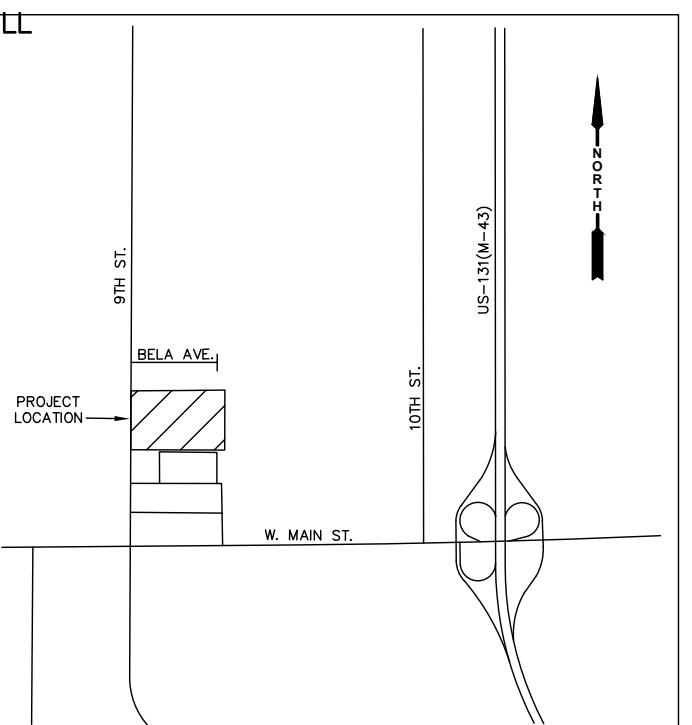
8 UNITS/ACRES BEYOND 200' OF R-2 ZONING
11.92 ACRES X 8 = 95 UNITS ALLOWED

GRAND TOTAL ALLOWED = 144 UNITS
GRAND TOTAL PROPOSED = 60 UNITS

PARKING REQUIREMENTS
2.5 SPACES PER UNIT (MULTI-FAMILY)

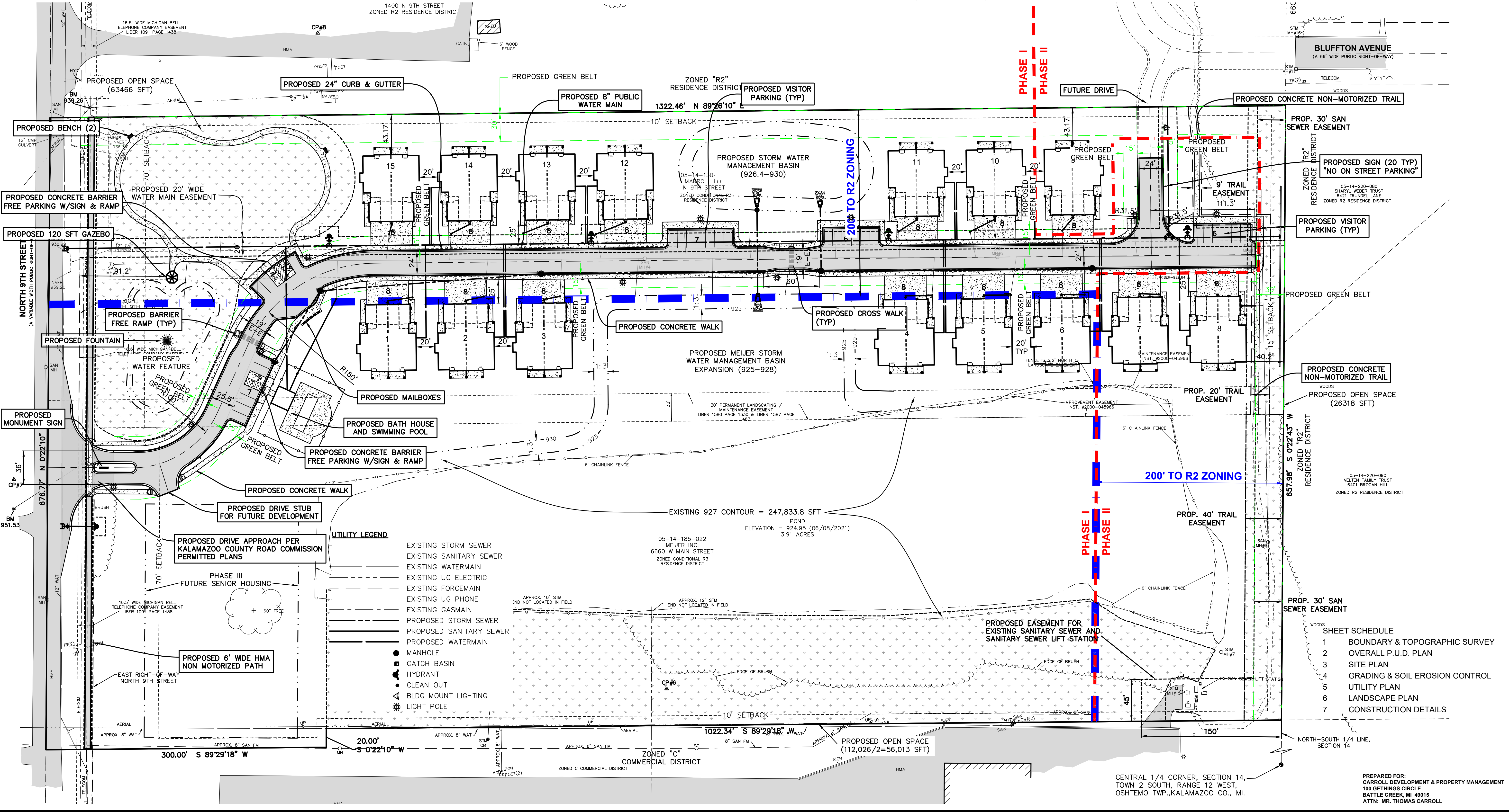
PHASE ONE - 48 UNITS X 2.5 = 120 SPACES
PHASE TWO - 12 UNITS X 2.5 = 30 SPACES
TOTAL PARKING REQUIRED = 150 SPACES

TOTAL PARKING PROVIDED = 150 SPACES
(GARAGE PARKING = 60 SPACES)
(DRIVEWAY PARKING = 60 SPACES)
(SURFACE PARKING = 30 SPACES)



LOCATION MAP
NO SCALE

Know what's below.
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UTILITY LEGEND

(Symbol)	EXISTING STORM SEWER
(Symbol)	EXISTING SANITARY SEWER
(Symbol)	EXISTING WATERMAIN
(Symbol)	EXISTING UG ELECTRIC
(Symbol)	EXISTING FORCEMAIN
(Symbol)	EXISTING UG PHONE
(Symbol)	EXISTING GASMAIN
(Symbol)	PROPOSED STORM SEWER
(Symbol)	PROPOSED SANITARY SEWER
(Symbol)	PROPOSED WATERMAIN
(Symbol)	MANHOLE
(Symbol)	CATCH BASIN
(Symbol)	HYDRANT
(Symbol)	CLEAN OUT
(Symbol)	BLDG MOUNT LIGHTING
(Symbol)	LIGHT POLE

SHEET SCHEDULE

1	BOUNDARY & TOPOGRAPHIC SURVEY
2	OVERALL P.U.D. PLAN
3	SITE PLAN
4	GRADING & SOIL EROSION CONTROL
5	UTILITY PLAN
6	LANDSCAPE PLAN
7	CONSTRUCTION DETAILS

PLAN REVISIONS

FOR SITE PLAN/P.U.D. APPROVAL 06-27-23
REVISED PER TOWNSHIP REVIEW COMMENTS 07-21-23

Moore+Bruggink
Consulting Engineers
2020 Monroe Ave.
Grand Rapids, MI 49505
(616) 363-9801
mailto:info@mbce.com

OVERALL P.U.D. PLAN
FOR
THE HAMPTONS
OSHTEMO TWP., KALAMAZOO COUNTY, MICHIGAN

FIELD SURVEY / DATE	02-18-21
PROJECT NO.	200251.01
DESIGN DRAWN BY:	FEF
DESIGNED BY:	JFL
CHECKED BY:	JFL
PLAN DATE:	1/30/23
SHEET NUMBER	2 OF 7

P:\200251.01 Oshtemo Multi-Family PUD\CADD\DWG\200251_01shoemo Multi-Family PUD DESIGN SHEETS.dwg, 7/24/2023 1:42:40 PM, LISA FRIZZELL

EXISTING UNDERGROUND UTILITY DATA

Table with 2 columns: Utility ID and Description. Lists various sanitary manholes, storm catch basins, and utility lines with their respective elevations and materials.

BENCHMARKS

Table with 2 columns: Benchmark ID and Description. Lists benchmarks such as CP#6, CP#7, and CP#10 with their elevations and locations.

CONTROL POINTS

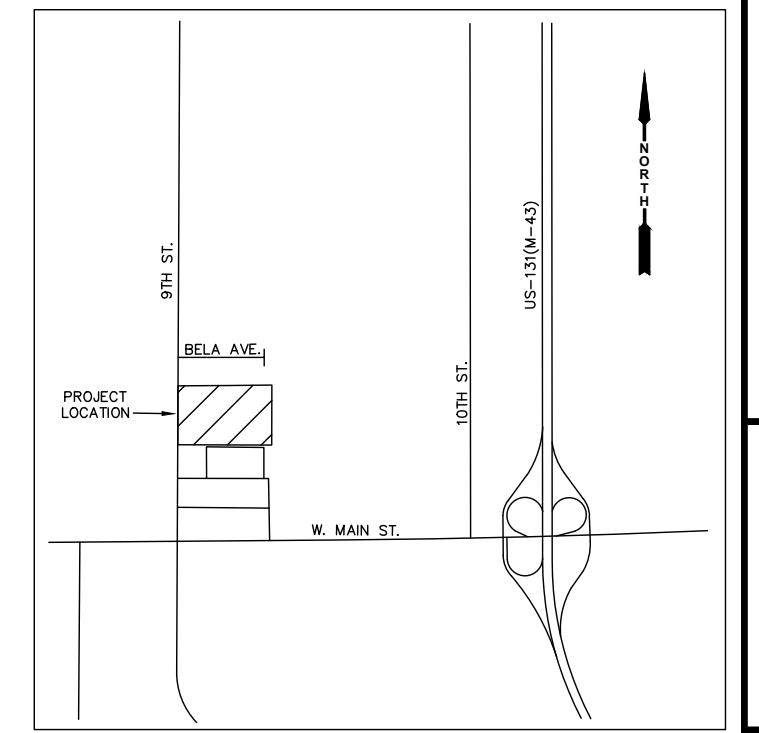
Table with 2 columns: Control Point ID and Description. Lists control points CP#6, CP#7, and CP#10 with their coordinates and elevations.

DEVELOPMENT NOTES:

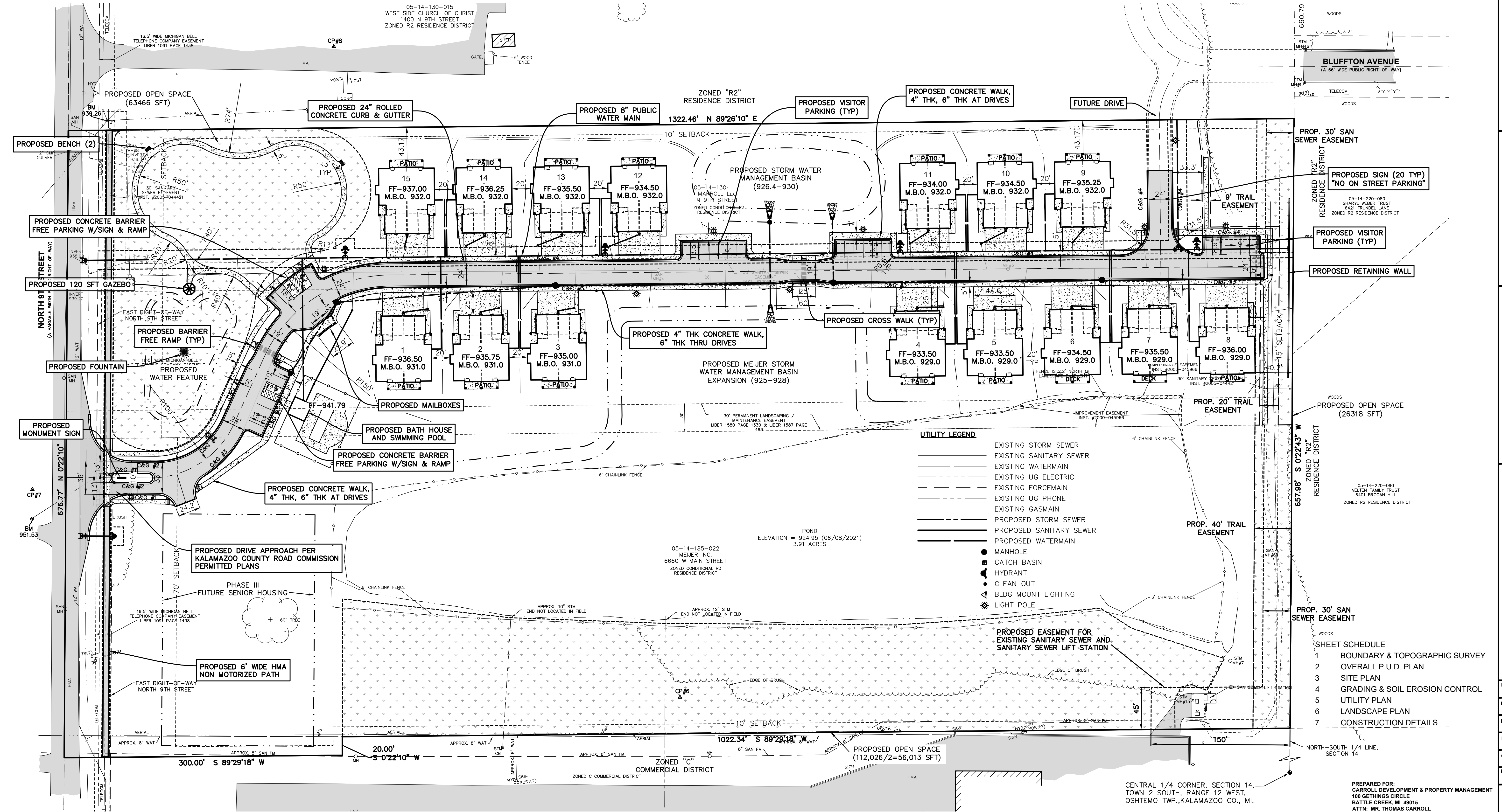
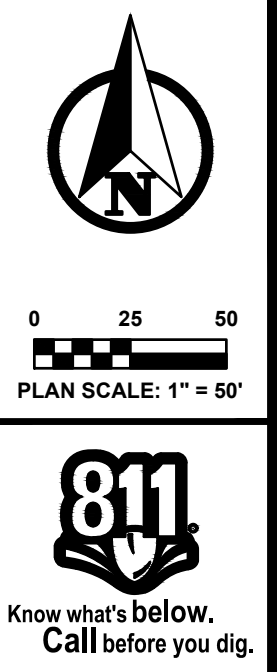
Development notes detailing construction phases: October 2023-December 2023 (Temporary Erosion Controls), December 2023-February 2024 (Site Grading), February 2024-February 2024 (Building Construction), April 2025-June 2025 (Landscaping), and June 2026 (Removal of Temporary Erosion Controls). Includes information on 20 acres of right-of-way and 15 guest parking spaces.

SITE PLAN GENERAL NOTES:

- 1. THE CONTRACTOR SHALL OBTAIN ALL PERMITS AND SURETY AS PART OF THIS WORK.
2. THE CONTRACTOR SHALL CALL MISS DIG 3 WORKING DAYS PRIOR TO THE START OF CONSTRUCTION.
3. THE CONTRACTOR SHALL FURNISH AND PLACE THE DRIVE APPROACH WITHIN THE PUBLIC RIGHT OF WAY IN ACCORDANCE WITH KALAMAZOO COUNTY ROAD COMMISSION STANDARD CONSTRUCTION SPECIFICATIONS.
4. ALL STORM SEWER PIPE SHALL BE ADS N-12 PLASTIC PIPE UNLESS OTHERWISE SPECIFIED.
5. ALL CATCH BASINS AND MANHOLES SHALL BE MINIMUM 4' DIAMETER PRECAST CONCRETE, UNLESS NOTED OTHERWISE.
6. PAVED AREAS SHALL BE CONSTRUCTED WITH: 12" MDT CL-2 SAND SUBBASE (C.I.P) 6" 21AA GRAVEL BASE (C.I.P) 1 1/2" 3C HMA LEVELING COURSE 1 1/2" 5E3 HMA WEARING COURSE
7. THE CONTRACTOR SHALL BED AND BACKFILL ALL UNDERGROUND PIPING WITH MDT CL-2 SAND TO A MINIMUM OF 95% MAXIMUM DRY DENSITY PER ASTM-1557.
8. THIS SITE PLAN SHALL NOT BE USED TO STAKE THE LOCATION OF PROPOSED BUILDING COLUMN LINES. THE SURVEYORS ARE TO USE THE BUILDING FOUNDATION PLANS.
9. THE CONTRACTOR SHALL PLACE AND COMPACT FILL UNDER THE PROPOSED BUILDING AREA TO A MINIMUM OF 95% MAXIMUM DRY DENSITY PER ASTM-1557. ALL OTHER AREAS SHALL BE COMPACTED TO A MINIMUM OF 90% MAXIMUM DRY DENSITY.
10. THE CONTRACTOR SHALL PIPE ALL BUILDING ROOF WATER TO THE STORM WATER DETENTION POND AS SHOWN AND SPECIFIED.
11. THE CONTRACTOR SHALL REQUEST CONSTRUCTION STAKING BY EMAIL USING THE MOORE & BRUGGINK, INC. CONTRACTORS CONSTRUCTION STAKING REQUEST FORM. ONLY COMPLETED REQUESTS WILL BE SCHEDULED. NOTE THE PROJECT OWNER WILL PAY THE SURVEYOR TO PLACE STAKES ONLY ONCE. ALL LOST AND DAMAGED STAKES ARE THE CONTRACTORS RESPONSIBILITY.
12. GARBAGE DISPOSAL WILL BE CURB SIDE PICK UP.
13. DESIGN AND INSTALLATION OF UNDERGROUND PRIVATE UTILITIES (PHONE, CABLE, ELECTRIC GAS, ETC) SHALL BE DONE BY THE PROVIDING UTILITY COMPANY.
14. ALL SITE LIGHTING SHALL BE INSTALLED BY THE DEVELOPER.
15. PROPOSED 2-STORY BUILDING FOOTPRINT (INCLUDING GARAGES) IS 3917 SFT



LOCATION MAP NO SCALE



PLAN REVISIONS FOR SITE PLAN/P.U.D. APPROVAL 06-27-23 REVISED PER TOWNSHIP REVIEW COMMENTS 07-21-23

PROPOSED SIGN (20 TYP) "NO ON STREET PARKING" PROPOSED VISITOR PARKING (TYP) PROPOSED RETAINING WALL

Moore+Bruggink Consulting Engineers 2020 Monroe Ave. Grand Rapids, MI 49505 (616) 363-9801 mailbox@mcbce.com

SITE PLAN FOR THE HAMPTONS OSHTEMO TWP., KALAMAZOO COUNTY, MICHIGAN

FIELD SURVEY / DATE 02-18-21 PROJECT NO. 200251.01 DESIGN DRAWN BY: FEF DESIGNED BY: JFL CHECKED BY: JFL PLAN DATE: 1/30/23 SHEET NUMBER 3 OF 7

P:200251.01 Oshtemo Multi-Family PUD CAD/DWG:200251_01shemo Multi-Family PUD DESIGN SHEETS.dwg, 7/24/2023 1:42:55 PM, LISA FRIZZELL

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SANITARY MH#2 RIM 940.42 10" PVC INV N 917.52 10" PVC INV N 917.42 2' DIA RIM 4' PRECAST STRUCTURE	SANITARY MH#6 RIM 930.84 10" PVC INV N 913.34 10" PVC INV S 913.29 2' DIA RIM 4' PRECAST STRUCTURE	STORM CB#16 RIM 950.88 STRUCTURE BOTTOM 937.93 LEACHING BASIN 2' SQUARE RIM 4' DIA PRECAST STRUCTURE
SANITARY MH#3 RIM 934.06 10" PVC INV N 917.06 10" PVC INV E 916.81 2' DIA RIM 4' PRECAST STRUCTURE	STORM MH#7 RIM 950.60 LEACHING BASIN BOTTOM OF STRUCTURE 913.01 2' DIA RIM 4' PRECAST STRUCTURE	STORM CB#17 RIM 950.60 STRUCTURE BOTTOM 939.60 LEACHING BASIN 2' SQUARE RIM 4' DIA PRECAST STRUCTURE
SANITARY MH#4 RIM 928.60 10" PVC INV E 915.85 10" PVC INV W 915.90 2' DIA RIM 4' PRECAST STRUCTURE	SANITARY MH#8 RIM 938.63 10" PVC INV NW 917.78 10" PVC INV S 917.73 2' DIA RIM 4' DIA PRECAST STRUCTURE	

BENCHMARKS

ELEVATION - 951.53
RAILROAD SPIKE IN EAST SIDE OF POWER POLE.
LOCATED 15'± NORTH OF C/L DRIVE TO HOUSE
#1283 9TH ST. & 35'± WEST OF C/L 9TH ST.

ELEVATION - 939.26
RAILROAD SPIKE IN SOUTH SIDE OF POWER POLE.
LOCATED 42'± EAST OF C/L 9TH ST. & 69'±
SOUTH OF C/L DRIVE TO BUILDING #1400 9TH ST.

ELEVATION - 952.78
SOUTHWEST CORNER OF A 1.5'x3' BOTTOM CONCRETE
STEP. LOCATED AT THE WEST ENTRANCE TO HOUSE
#1532 RUPAL ST. 0.60' ABOVE CONCRETE WALK

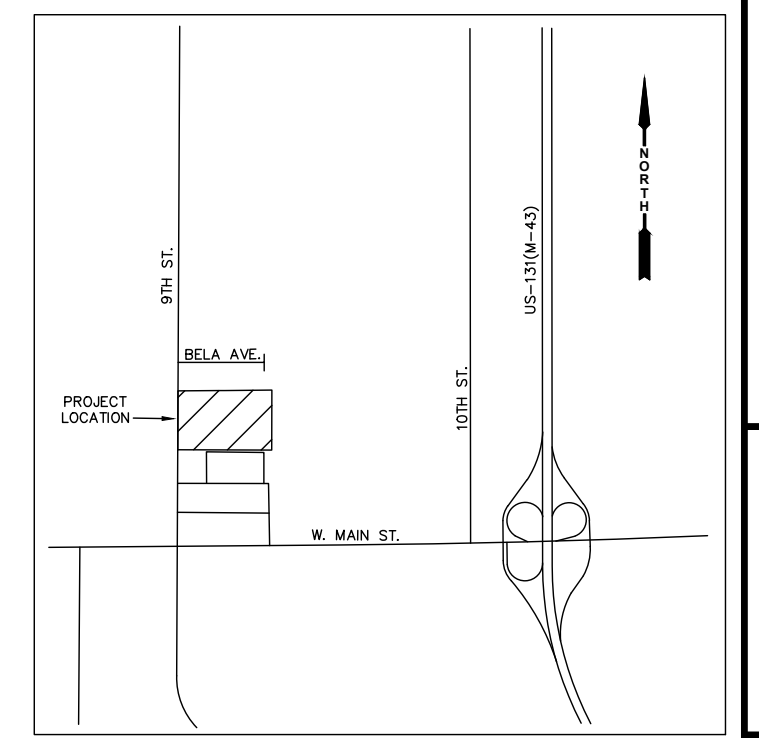
ELEVATION - 939.13
SQUARE CUT ON SOUTHEAST SIDE OF 24" CONCRETE
LIGHT POLE BASE. LOCATED 100'± EAST OF BUILDING
#1400 9TH ST. ON EXTENDED NORTH BUILDING LINE.

CONTROL POINTS

CP#6 M+B RED CAP N 51382.9362 E 51994.8130 ELEV 948.986	CP#7 M+B RED CAP N 51607.1577 E 51296.1996 ELEV 951.180	CP#8 M+B RED CAP N 52085.0609 E 51621.3677 ELEV 936.152
CP#9 M+B RED CAP N 52331.2373 E 52470.8764 ELEV 944.830	CP#10 MAG NIAL N 52641.2286 E 52513.9869 ELEV 950.196	

SOIL EROSION CONTROL NOTES:

- THE CONTRACTOR SHALL OBTAIN ALL PERMITS AND SURETY AS PART OF THIS WORK.
- THE CONTRACTOR SHALL CALL MISS DIG 3 WORKING DAYS PRIOR TO THE START OF CONSTRUCTION.
- THE CONTRACTOR SHALL REQUEST CONSTRUCTION STAKING BY EMAIL USING THE MOORE & BRUGGINK, INC. CONTRACTORS CONSTRUCTION STAKING REQUEST FORM. ONLY COMPLETED REQUESTS WILL BE SCHEDULED. NOTE THE PROJECT OWNER WILL PAY THE SURVEYOR TO PLACE STAKES ONLY ONCE. ALL LOST AND DAMAGED STAKES ARE THE CONTRACTORS RESPONSIBILITY.
- THE CONTRACTOR SHALL REMOVE ALL CONCRETE, BIT PAVEMENT, STORM SEWER STRUCTURES, STORM SEWER PIPE, LIGHT POLES, FENCING, UNDERGROUND ELECTRIC, VEGETATION AND SO ON TO PREPARE THE SITE FOR IMPROVEMENTS, CASTINGS, VALVE BOXES AND/OR OTHER UTILITY STRUCTURES TO REMAIN SHALL BE ADJUSTED AND PROTECTED FROM DAMAGE.
- NORTH AMERICAN GREEN DS-150 EROSION CONTROL BLANKET SHALL BE PLACED ON ALL SLOPES 1:3 OR GREATER. SECURE BLANKET TO SLOPE PER MANUFACTURERS SPECIFICATIONS.
- ALL SILT FENCING SHALL BE TRENCHED IN PRIOR TO COMMENCEMENT OF EARTHWORK ACTIVITIES.
- SILT FENCING IS REQUIRED ALONG ALL DOWNSTREAM EDGES OF THE GRADING LIMITS AND MUST REMAIN IN PLACE UNTIL VEGETATION IS UNIFORMLY RE-ESTABLISHED.
- ALL SOIL EROSION CONTROL MEASURES SHALL COMPLY WITH ACT 451 OF PUBLIC ACTS OF 1997, SOIL EROSION AND SEDIMENTATION CONTROL, NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT.
- NEW & EXISTING STORM SEWER INLET POINTS SHALL BE PROTECTED FROM SEDIMENT INFILTRATION WITH INLET FABRIC DROP (SILT SACK).
- ALL SOIL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE INSPECTED AND MAINTAINED ON A DAILY BASIS, AND IMMEDIATELY FOLLOWING EVERY SIGNIFICANT RAINFALL EVENT.
- ALL EXCESS SPOILS ARE TO BE REMOVED FROM THE SITE. OTHERWISE STOCKPILES MUST BE PROVIDED WITH TEMPORARY AND PERMANENT STABILIZATION MEASURES.
- IF EXCESS DIRT IS TO BE PLACED ON SITE, THE LOCATION SHALL BE APPROVED BY THE PROPERTY OWNER & ENGINEER.
- ALL TEMPORARY EROSION CONTROLS MUST REMAIN IN PLACE UNTIL VEGETATION IS UNIFORMLY RE-ESTABLISHED.
- DUST CONTROL SHALL BE PROVIDED BY MEANS OF WATER DISTRIBUTION ON A REGULAR BASIS OVER AREAS THAT COULD POTENTIALLY PRODUCE DUST CONDITIONS.
- A TRACKING PAD MUST BE PROVIDED AT CONSTRUCTION ACCESS POINTS TO PREVENT SOILS FROM BEING TRACKED OFF-SITE, PER DETAIL THIS SHEET.
- CONTRACTOR SHALL SWEEP PAVED AREAS EACH DAY (OR MORE AS NEEDED) BY MECHANICAL MEANS FOR ALL PAVED AREAS IN AND AROUND THE PERIMETER OF THE PROJECT AFFECTED BY TRUCKING OPERATIONS.
- ALL DISTURBED AREAS SHALL BE RESTORED WITH 4" TOPSOIL (MIN), SEED, FERTILIZER AND MULCH UNLESS OTHERWISE NOTED.
- CONSTRUCTION ENTRANCE SHALL BE PROVIDED FROM NORTH 9TH STREET.
- EXISTING SOIL CONDITIONS: SAND

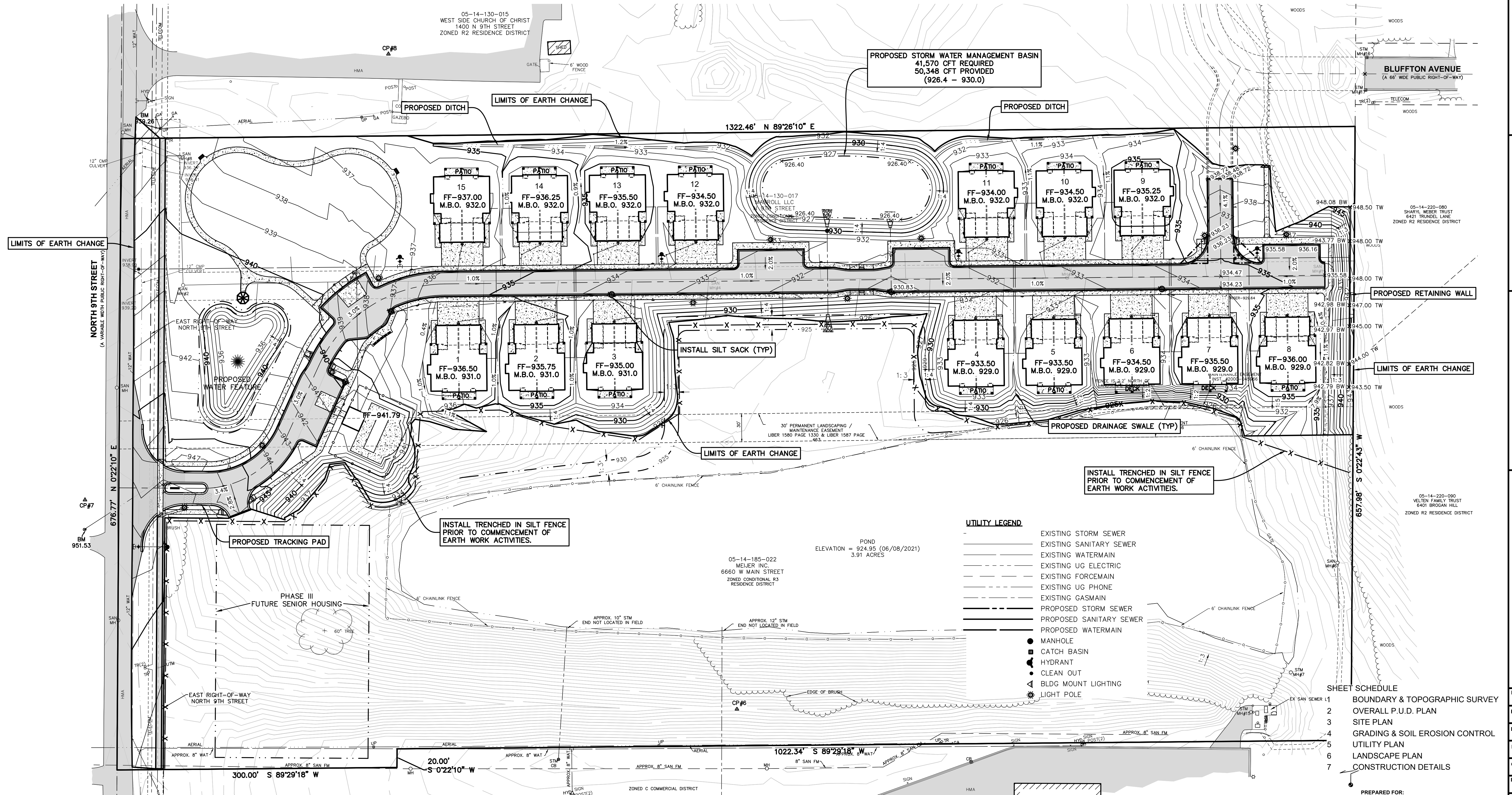


LOCATION MAP
NO SCALE.

0 25 50
PLAN SCALE: 1" = 50'

Know what's below.
Call before you dig.

FOR SITE PLAN/P.U.D. APPROVAL 06-27-23
REVISED PER TOWNSHIP REVIEW COMMENTS 07-21-23



UTILITY LEGEND

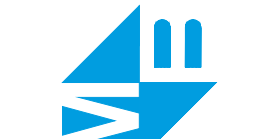
- EXISTING STORM SEWER
- EXISTING SANITARY SEWER
- EXISTING WATERMAIN
- EXISTING UG ELECTRIC
- EXISTING FORCEMAIN
- EXISTING UG PHONE
- EXISTING GASMAIN
- PROPOSED STORM SEWER
- PROPOSED SANITARY SEWER
- PROPOSED WATERMAIN
- MANHOLE
- CATCH BASIN
- HYDRANT
- CLEAN OUT
- BLDG MOUNT LIGHTING
- LIGHT POLE

SHEET SCHEDULE

1	BOUNDARY & TOPOGRAPHIC SURVEY
2	OVERALL P.U.D. PLAN
3	SITE PLAN
4	GRADING & SOIL EROSION CONTROL
5	UTILITY PLAN
6	LANDSCAPE PLAN
7	CONSTRUCTION DETAILS

PREPARED FOR:
CARROLL DEVELOPMENT & PROPERTY MANAGEMENT
100 CETHINGS CIRCLE
BATTLE CREEK, MI 48015
ATTN: MR. THOMAS CARROLL

Moore+Bruggink
Consulting Engineers
2020 Monroe Ave.
Grand Rapids, MI 49505
(616) 363-9801
mailto:mail@mbce.com



GRADING & S.E.S.C. PLAN
FOR
THE HAMPTONS
OSHTEMO TWP, KALAMAZOO COUNTY, MICHIGAN

FIELD SURVEY / DATE	02-18-21
PROJECT NO.	200251.01
DESIGN DRAWN BY:	FEF
DESIGNED BY:	JFL
CHECKED BY:	JFL
PLAN DATE:	1/30/23

SHEET NUMBER
4 OF 7

EXISTING UNDERGROUND UTILITY DATA

Table listing utility data for various manholes (MH#1 to MH#8) and structures, including materials like PVC and precast structures, and their respective elevations and diameters.

BENCHMARKS

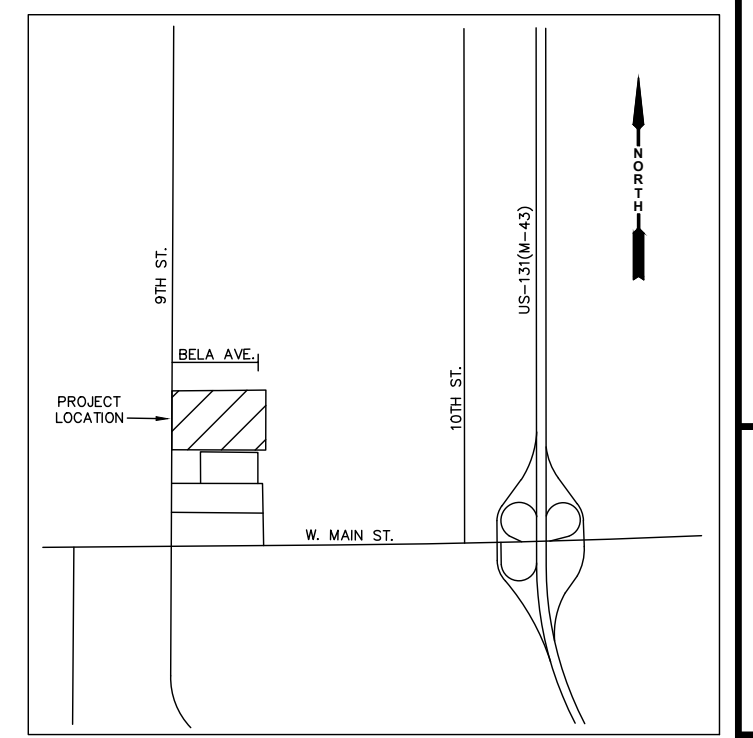
Details for benchmarks including elevations and locations relative to power poles and building corners.

CONTROL POINTS

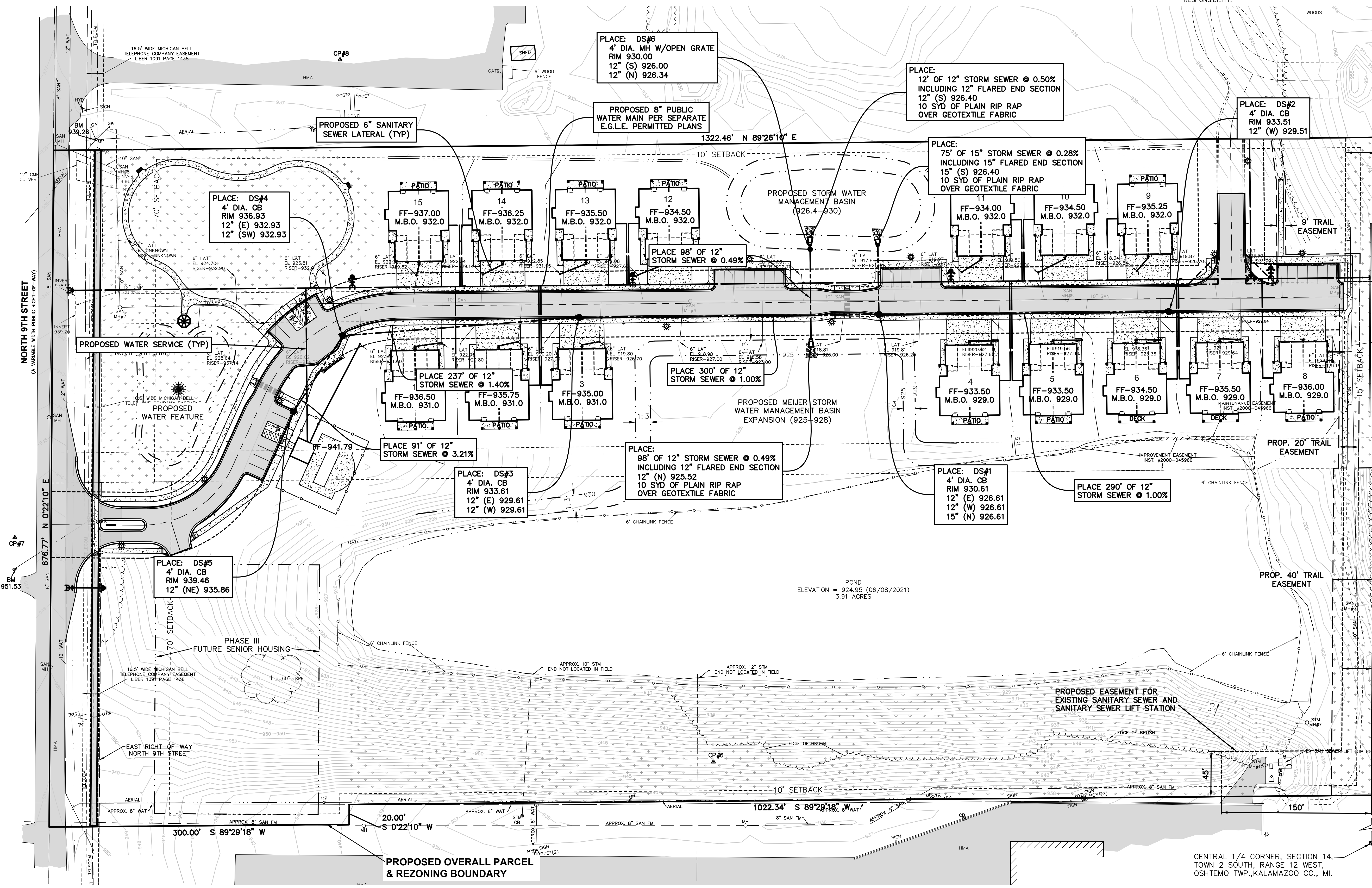
Details for control points CP#6, CP#7, CP#8, CP#9, and CP#10, including their coordinates and elevations.

UTILITY PLAN GENERAL NOTES

- 9-point list of general notes for the utility plan, covering contractor responsibilities, materials, and construction requirements.



North arrow, scale bar (1" = 50'), and logo for Moore+Bruggink Consulting Engineers.



Utility legend, sheet schedule, and other technical details including easement lines and property boundaries.

Plan revisions section with a table for tracking changes to the plan.

Moore+Bruggink Consulting Engineers contact information and address.

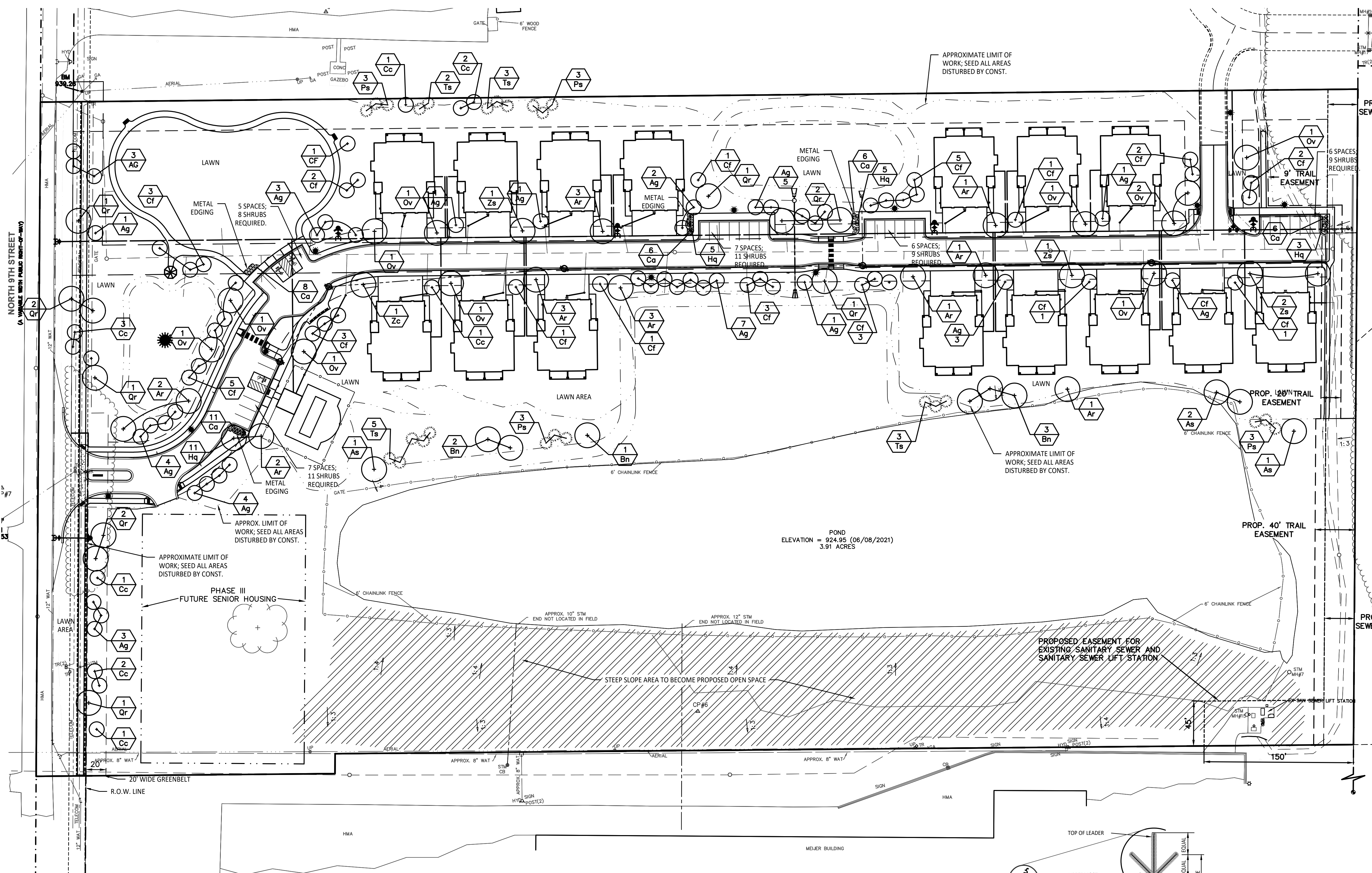
Utility plan title and location: THE HAMPTONS OSHTIMO TWP., KALAMAZOO COUNTY, MICHIGAN.

Field survey and project information including dates and project numbers.

Design and drawing information including the name of the designer and the sheet number (5 of 7).

Vertical text on the left margin: P:\200251.01 Oshtemo Multi-Family PUD\CADD\DWG\200251_Oshtemo Multi-Family PUD DESIGN SHEETS.dwg, 7/24/2023 1:43:25 PM, LISA FRIZZELL

G:\1-2 (1-Residences 2-Commercial)\022341 Hampton of Oshtemo - MooreBruggink\CADD\200251-Oshtemo Multi Family PUD LANDSCAPE-SHEETS.dwg, 7/24/2023 1:04:08 PM, DEBORAH DAWE



LANDSCAPE REQUIREMENTS

PUD/CONDITION R-4 RESIDENTIAL/ 9TH STREET & WEST MAIN COMMERCIAL OVERLAY

WEST MAIN STREET (PUBLIC ROW): 676.77 LF

	REQUIRED	PROVIDED
MIN. DEPTH	20'	
CANOPY TREES	1 / 100 LF: 7	7 TREES
UNDERSTORY TREES	2 / 100 LF: 14	14 TREES
SHRUBS, ADJ. TO PARKING 10 OR MORE SPACES	1.5 / SPACE	N/A- NOT ADJ. TO ROW

INTERIOR DRIVE (PRIVATE): 1392 LF, 31 PARKING SPACES

	REQUIRED	PROVIDED
MIN. DEPTH	15'	
CANOPY TREES	1 / 100 LF: 28	28 TREES
UNDERSTORY TREES	2 / 100 LF: 56	56 TREES
SHRUBS, ADJ. TO PARKING 10 OR MORE SPACES	1.5 / SPACE	50 TOTAL SHRUBS

INTERIOR LANDSCAPING

	REQUIRED	PROVIDED
DEVELOPED AREA	392,780 SF	
INTERIOR LANDSCAPING	10% OF DEVELOPED: 39,278 SF	227,204 SF
CANOPY TREES	1 / 1500 SF: 26	29 TREES
UNDERSTORY TREES	1 / 2500 SF: 16	20 TREES

ADDITIONAL REQUIREMENTS

NATIVE TREE SPECIES	>75%
NATIVE PLANT SPECIES	>60%

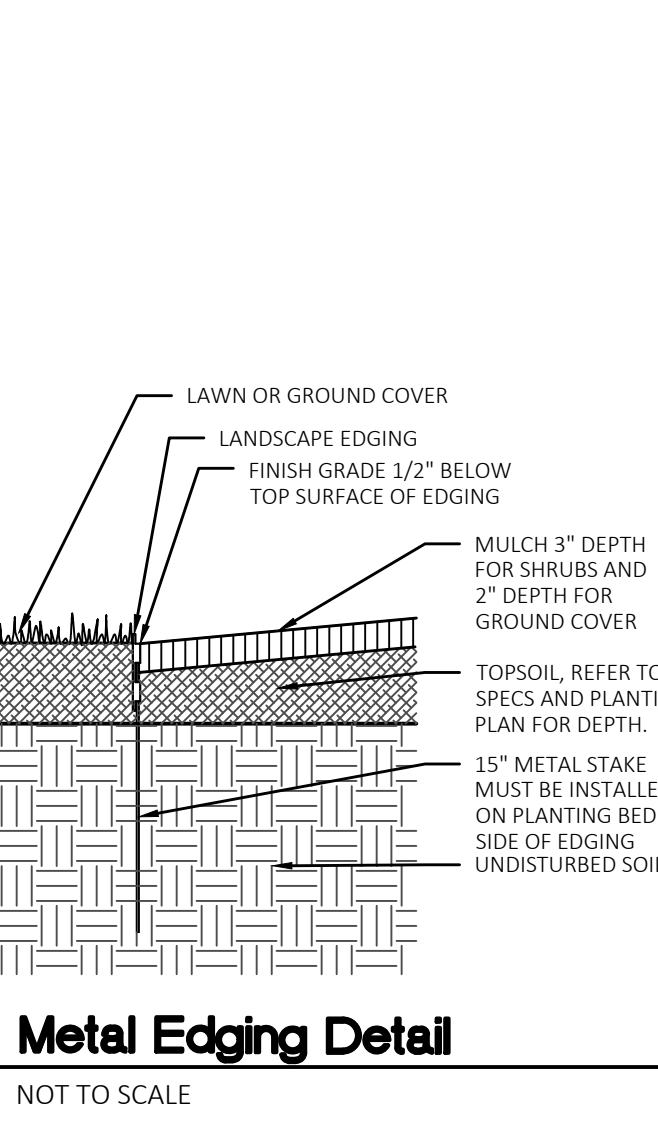
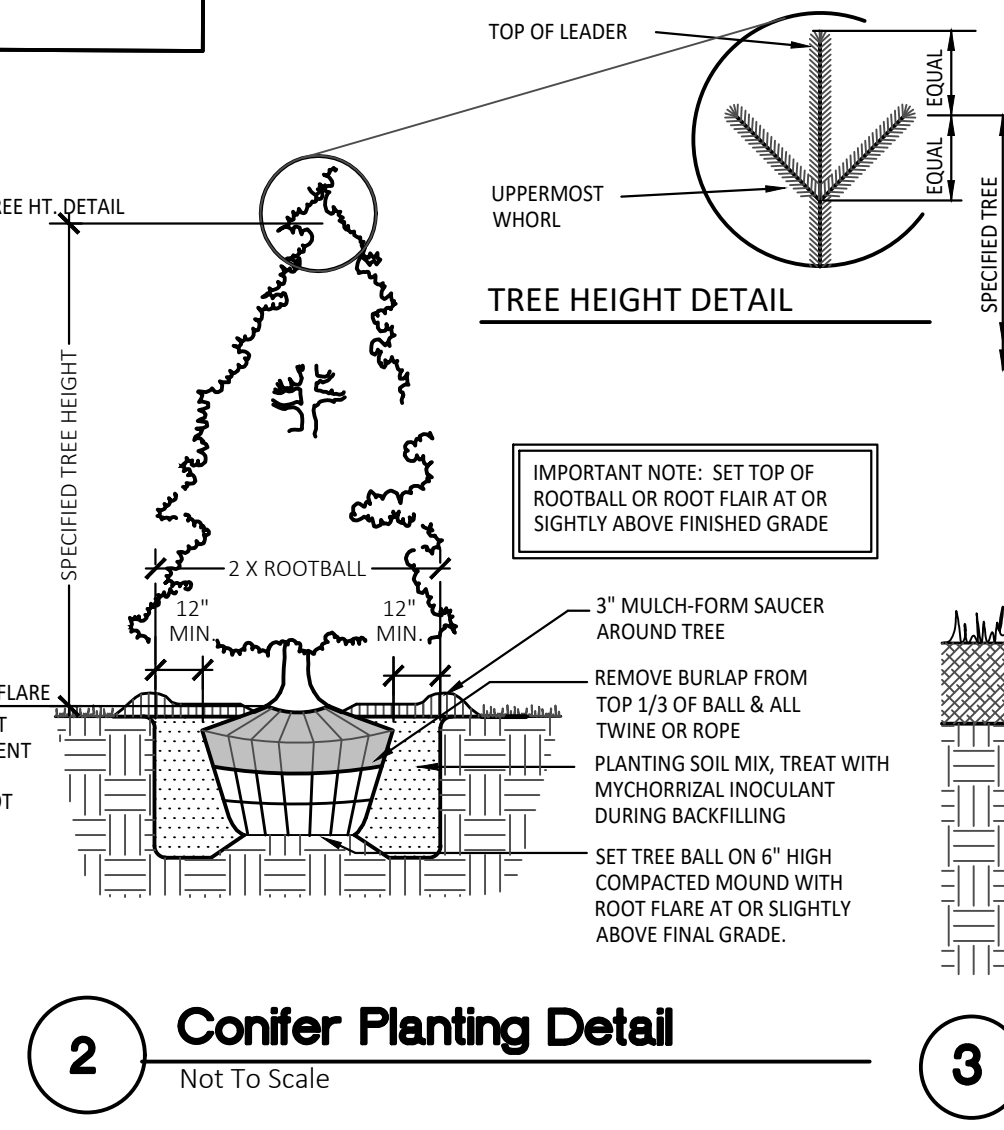
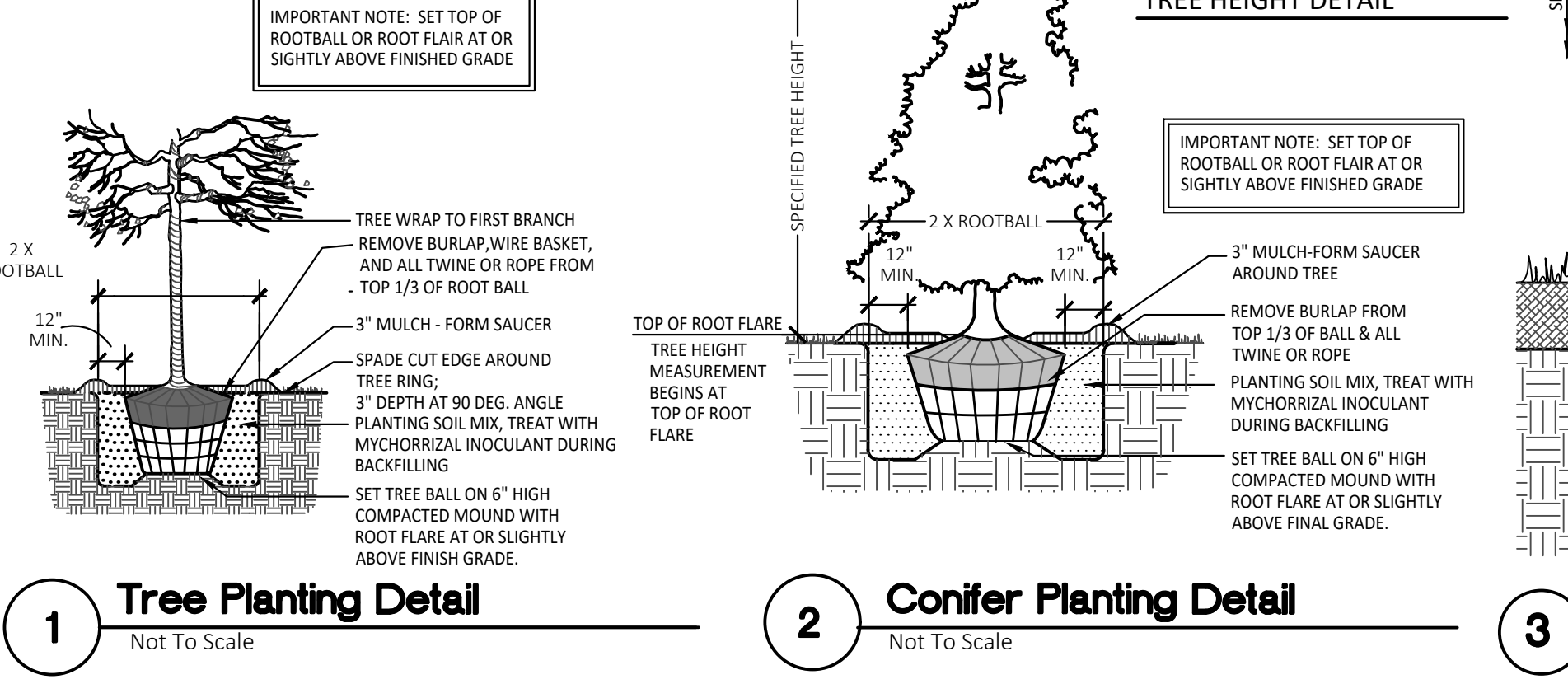
- ### LANDSCAPE NOTES:
- SURVEY OF EXISTING CONDITIONS PROVIDED BY MOORE + BRUGGINK, 2020 MONROE AVE., GRAND RAPIDS, MI (616)363-9801.
 - CALL "MISS DIG" AND VERIFY ALL UNDERGROUND UTILITIES PRIOR TO BEGINNING WORK. 72 HOURS BEFORE YOU DIG CALL "MISS DIG" AT 1-800-482-7171. ANY UTILITIES DISTURBED BY CONSTRUCTION SHALL BE REPAIRED AT CONTRACTOR'S EXPENSE.
 - ANY DISCREPANCIES BETWEEN THESE PLANS AND ACTUAL FIELD CONDITIONS SHOULD BE REPORTED TO THE CONSTRUCTION MANAGER IMMEDIATELY FOR RESOLUTION.
 - IN AREAS OF NEW TURF PLACE 4" MINIMUM TOPSOIL, FINE GRADE & ESTABLISH TURF WITHIN SEED LIMIT LINES.
 - PLACE SHREDDED HARDWOOD MULCH TO A 3" DEPTH IN ALL TREE & SHRUB BEDS & TO A 2" DEPTH IN ALL GROUND COVER BEDS.
 - UNLESS OTHERWISE NOTED, TOPSOIL, FINE GRADE AND SEED ALL DIST. AREAS WITHIN THE SEEDING LIMIT SHOWN AND AREAS DISTURBED BY CONSTRUCTION. SEED MIX TO BE 35% SR5250 RED FESCUE, 20% MANHATTAN PERENNIAL RYEGRASS, 20% SR4650 PERENNIAL RYEGRASS, 15% DRAGON KENTUCKY BLUEGRASS AND 10% ARC KENTUCKY BLUEGRASS. SEED AT A RATE OF 5 LBS./1000 SF WITH SINGLE NET STRAW MAT HELD DOWN WITH 50 PINS PER 900 SF.
 - REPAIR AND RESTORE ANY DAMAGE OUTSIDE OF LIMIT OF WORK LINE TO ORIGINAL CONDITION.
 - PROTECT ALL TREES AND EXISTING FEATURES TO REMAIN AS SPECIFIED.
 - ALL TOPSOIL AND EXCESS FILL MATERIAL SHALL BE STOCKPILED ON SITE SEPARATELY FOR LATER RE-USE. LOCATE STOCKPILES IN AREAS AS DIRECTED BY CONSTRUCTION MANAGER AND PROTECT FROM EFFECTS OF EROSION.
 - ALL NURSERY STOCK SHALL BE TRUE TO TYPE AND NAME. ALL STOCK SHALL BE FIRST CLASS QUALITY WITH WELL DEVELOPED BRANCH SYSTEMS AND VIGOROUS HEALTHY ROOT SYSTEMS. ALL STOCK SHALL BE WELL FORMED AND THE TRUNKS OF TREES SHALL BE UNIFORM AND STRAIGHT.
 - CONTRACTOR RESPONSIBLE TO LOCATE SITE LIGHTING SERVICES. CONTRACTOR RESPONSIBLE TO NOTIFY CONSTRUCTION MANAGER IF DAMAGE TO LIGHTING ELECTRICAL DISTRIBUTION OCCURS.

PLANT LIST:

	SYM.	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	SPACING	STATUS
CANOPY TREES	Ar	<i>Acer rubrum</i> 'Frank Jr.'	Red Pointe Red Maple	2" CAL.	B&B	PER PLANS	NATIVAR
	As	<i>Acer saccharum</i> 'Green Mountain'	Green Mountain Sugar Maple	2" cal.	B&B	PER PLANS	NATIVAR
	Bn	<i>Betula nigra</i>	River Birch	10' clump	B&B	PER PLANS	NATIVE
	Ov	<i>Ostrya virginiana</i>	Hophornbeam	2" CAL.	B&B	PER PLANS	NATIVE
	Qr	<i>Quercus rubrum</i>	Red Oak	2" CAL.	B&B	PER PLANS	NATIVE
UNDERSTORY TREES	Zs	<i>Zelkova serrata</i> 'Village Green'	Village Green Japanese Zelkova	2" CAL.	B&B	PER PLANS	NON-NATIVE
	Ag	<i>Amelanchier x grandiflora</i> 'Autumn Brilliance'	Autumn Brilliance Serviceberry	10' clump	B&B	PER PLANS	NATIVAR
	Cc	<i>Cercis canadensis</i>	Redbud	8" ht. min.	B&B	PER PLANS	NATIVE
EVERGREEN TREES	Cf	<i>Cornus florida</i>	Flowering Dogwood	8" ht. min.	B&B	PER PLANS	NATIVE
	Ps	<i>Pinus strobus</i>	Eastern White Pine	6" ht.	B&B	PER PLANS	NATIVE
SHRUBS	Ts	<i>Thuja standishii x plicata</i> 'Green Giant'	Green Giant Arborvitae	6" ht.	B&B	PER PLANS	NON-NATIVE
	Ca	<i>Ceanothus americana</i>	New Jersey Tea	1 Gal.	CONT.	3' O.C.	NATIVE
	Hq	<i>Hydrangea quercifolia</i> 'Sikes Dwarf'	Sikes Dwarf Oakleaf Hydrangea	#5	CONT.	3' O.C.	NATIVAR

PROPOSED FEATURES LEGEND:

SYMBOL	DESCRIPTION	DETAIL
(+)	PROPOSED DECIDUOUS TREE	1 / 6
(*)	PROPOSED EVERGREEN TREE	2 / 6
(Hatched Box)	SEEDED LAWN AREA	
(Dashed Line)	LIMIT OF WORK	
(Dotted Line)	GREENBELT	
(Solid Line)	METAL EDGING	
(Dashed Line)	PROPERTY LINE	3 / 6
(6 Bn)	PLANT TAG- REFERS TO TYPE AND NUMBER OF PLANTINGS TO BE PROVIDED AND MAINTAINED BY CONTRACTOR.	



SHEET SCHEDULE

1	BOUNDARY & TOPOGRAPHIC SURVEY
2	OVERALL P.U.D. PLAN
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5	UTILITY PLAN
6	OVERALL LANDSCAPE PLAN
7	CONSTRUCTION DETAILS

PREPARED FOR:
CARROLL DEVELOPMENT & PROPERTY MANAGEMENT
100 CETHINGS CIRCLE
BATTLE CREEK, MI 48615
ATTN: MR. THOMAS CARROLL

0 25 50
PLAN SCALE: 1" = 50'

Know what's below.
Call before you dig.

PLAN REVISIONS

FOR SITE PLAN/P.U.D. APPROVAL 05-18-23

FOR SITE PLAN APPROVAL 07-24-2023

OCBA
LANDSCAPE ARCHITECTS

Moore+Bruggink
Consulting Engineers
2020 Monroe Ave.
Grand Rapids, MI 49505
(616) 363-9801
mailto:mail@mbce.com

OVERALL LANDSCAPE PLAN FOR THE HAMPTONS OSHTIMO TWP, KALAMAZOO COUNTY, MICHIGAN

FIELD SURVEY / DATE
02-18-21

PROJECT NO.
200251.01

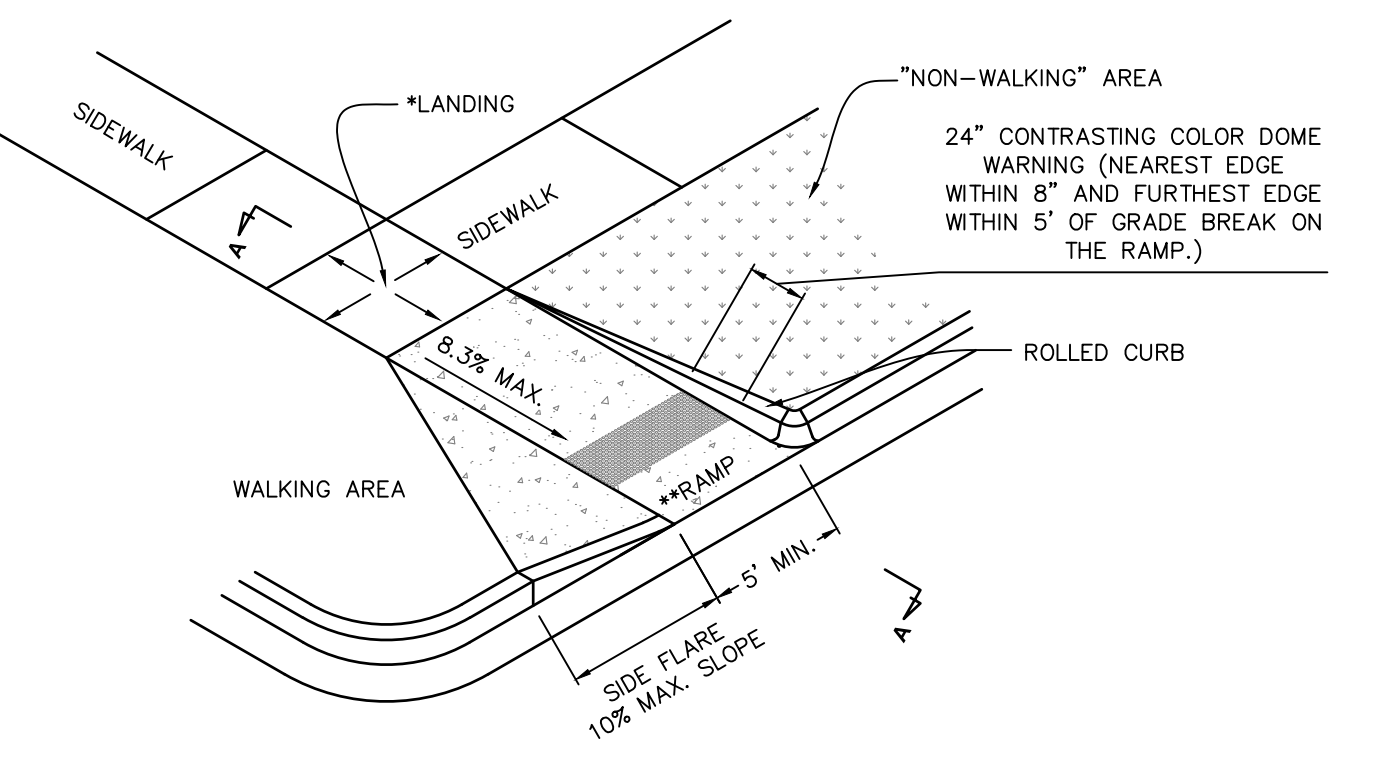
DESIGN DRAWN BY:
JFL

DESIGNED BY:
JFL

CHECKED BY:
JFL

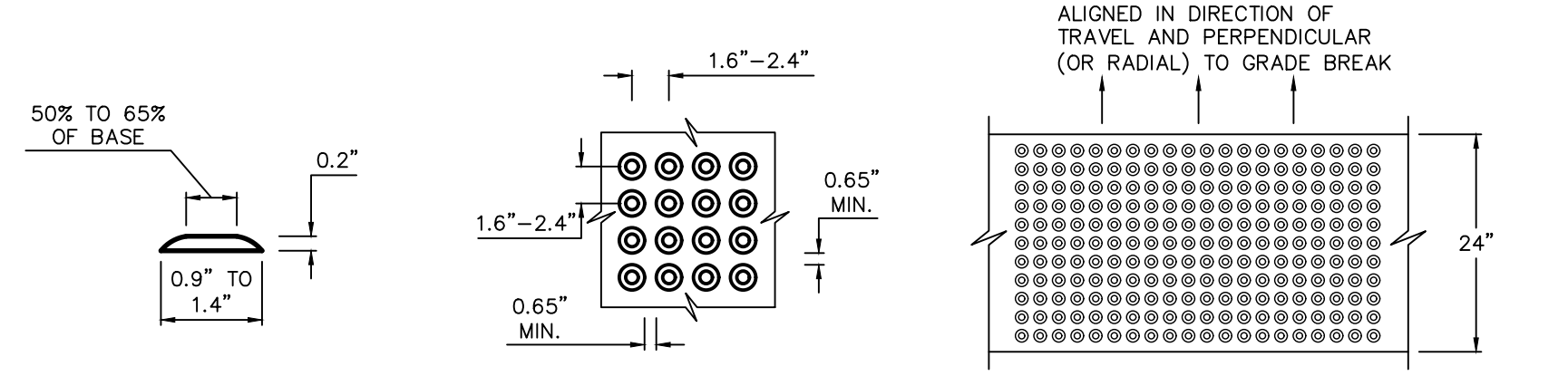
PLAN DATE:
1/30/23

SHEET NUMBER
6 OF 7

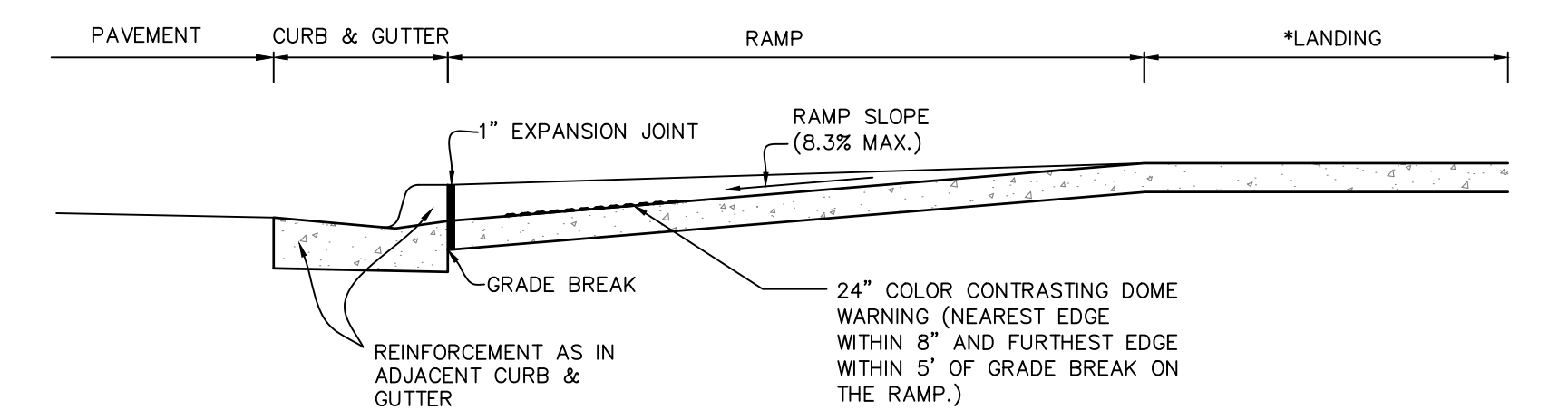


* MAXIMUM LANDING SLOPE IN ANY DIRECTION IS 2%
MINIMUM LANDING DIMENSIONS 5'x5'
** MAXIMUM CROSS SLOPE ON RAMP IS THE SAME AS
THAT FOR SIDEWALK (2%)

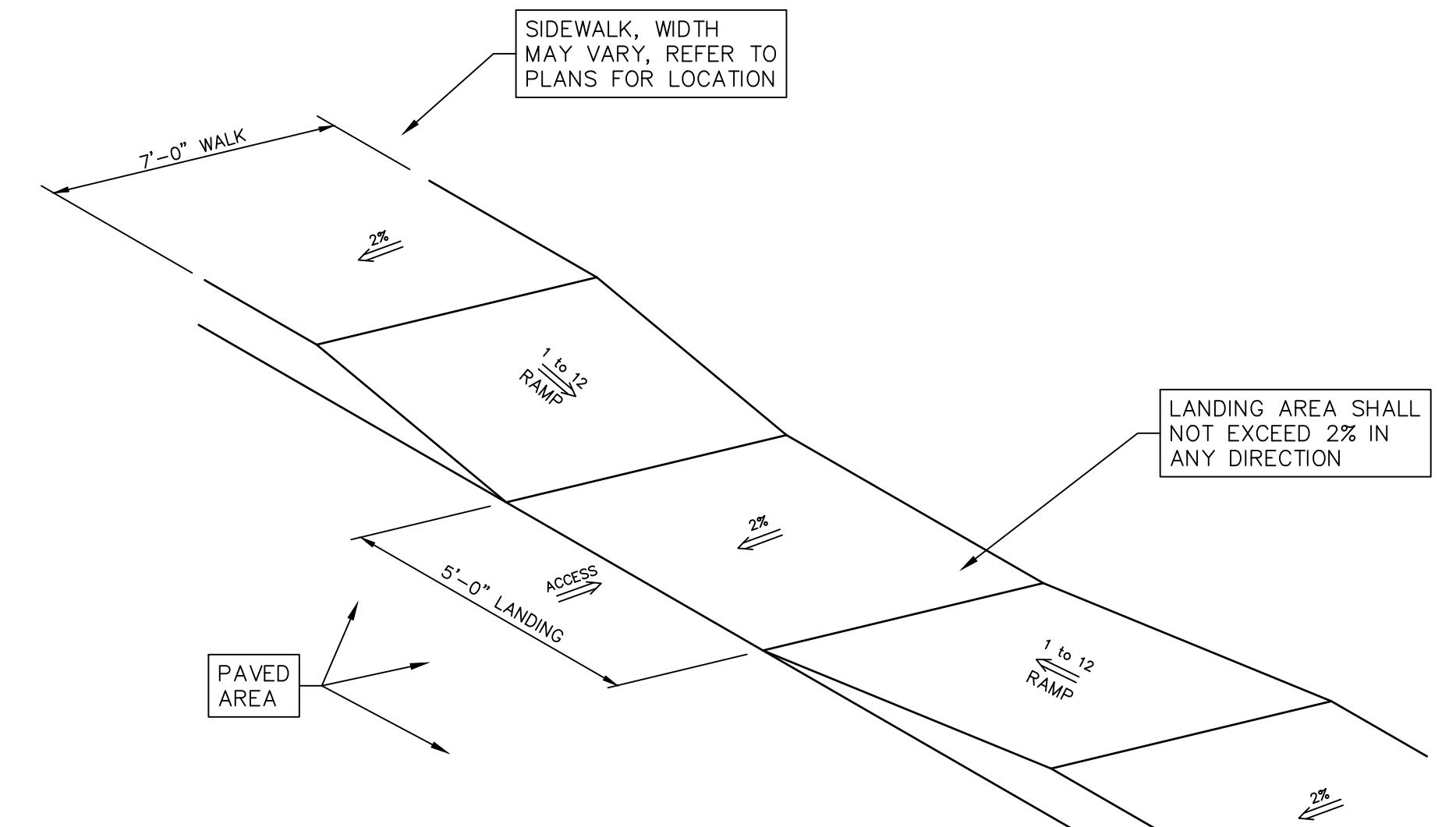
SIDEWALK RAMP TYPE F DETAIL
SCALE: 1"=8"



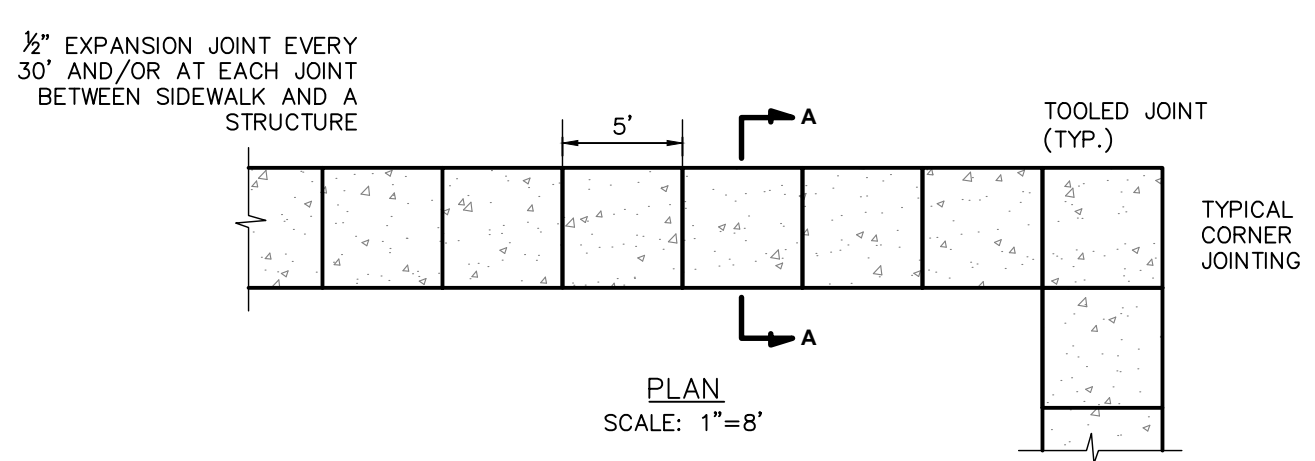
DOME SECTION SCALE: 1"=10"
DOME SPACING SCALE: 1"=10"
DOME ALIGNMENT SCALE: 1"=2"



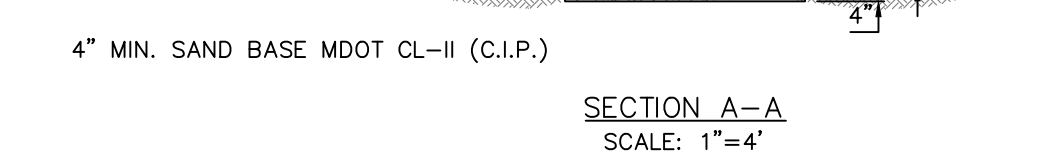
SECTION A-A
SCALE: 1"=4"



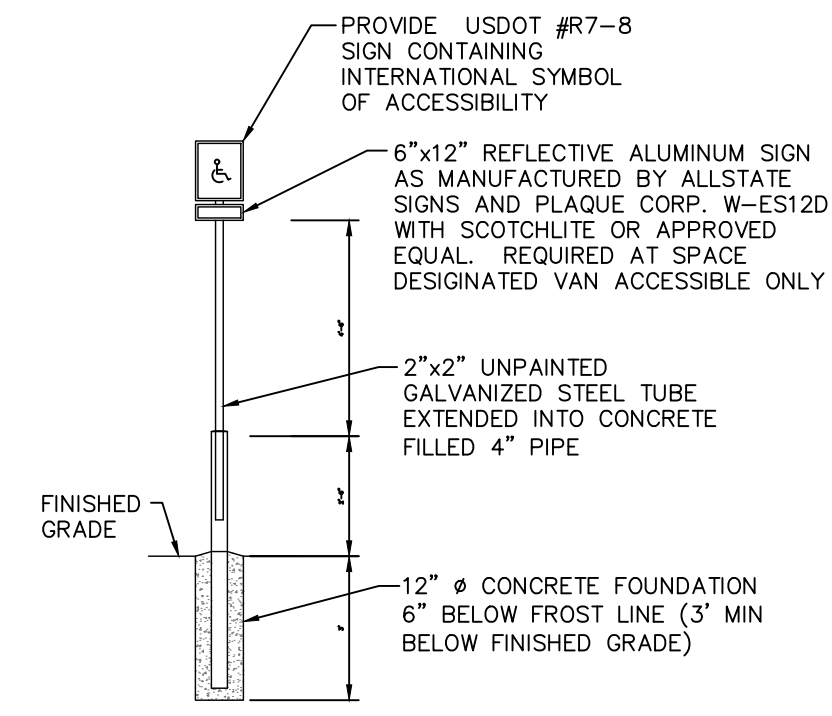
IN-WALK BARRIER FREE ACCESS RAMP ISOMETRIC
SCALE: N.T.S.



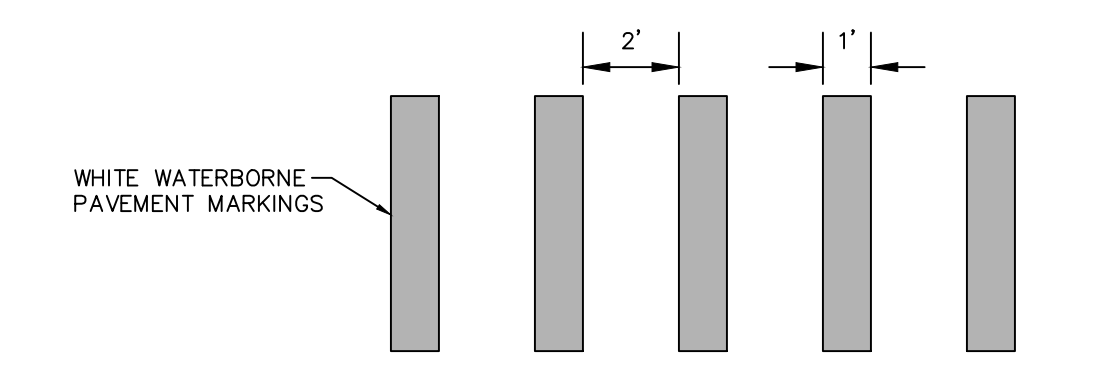
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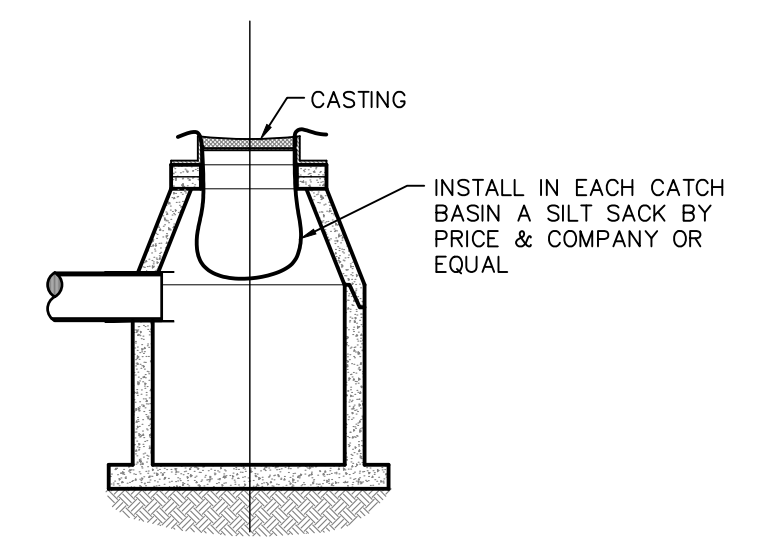
SECTION A-A SCALE: 1"=4"
4" CONCRETE SIDEWALK DETAIL



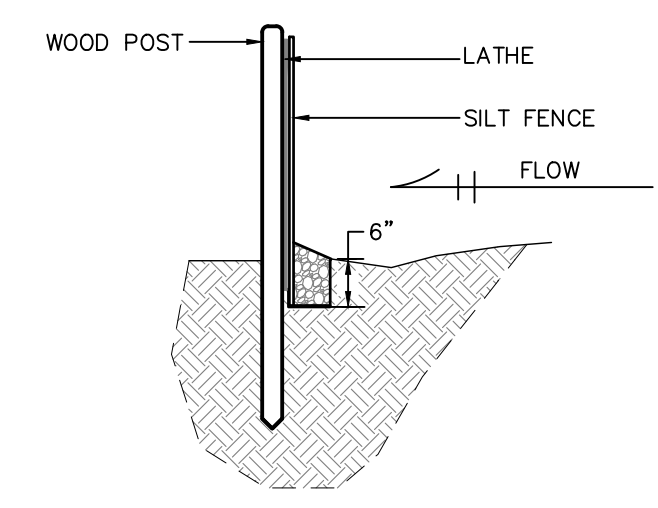
BARRIER FREE PARKING SIGN DETAIL (IN LAWN AREAS)
SCALE: 1"=4"



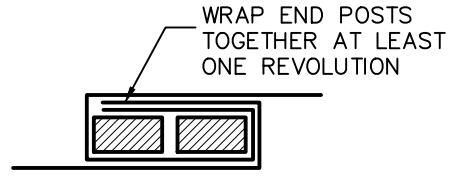
CROSS HATCHING PAVEMENT MARKING DETAIL
SCALE: 1"=4"



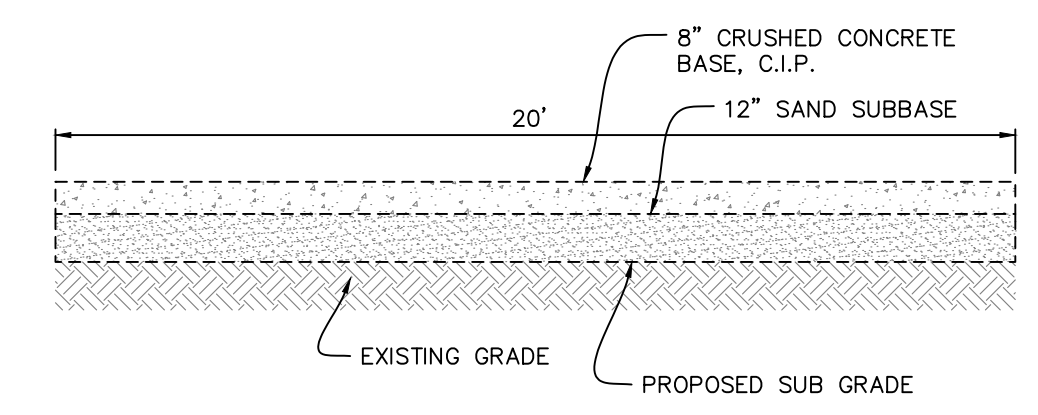
INLET PROTECTION DETAIL
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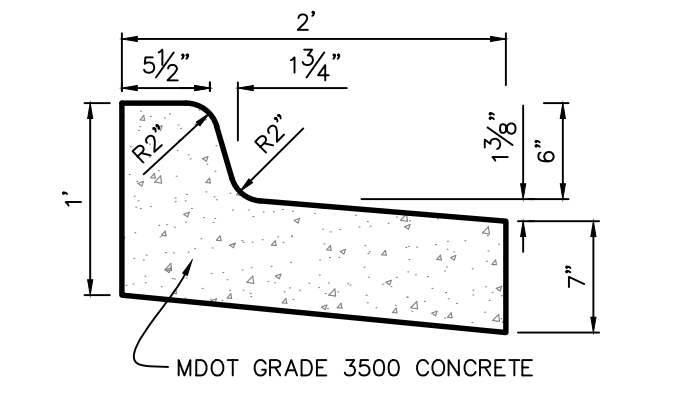
SILT FENCE DETAIL
SCALE: 1"=2"



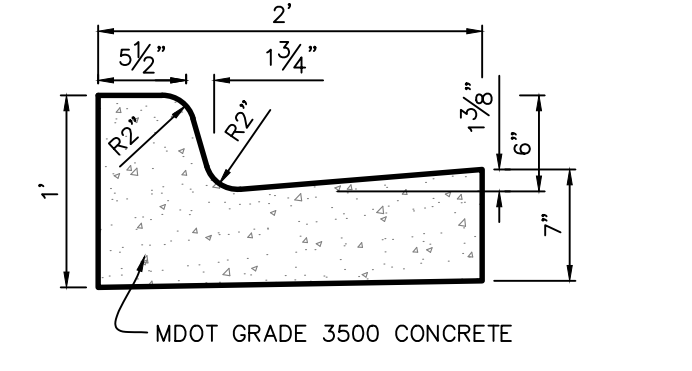
SPLICE DETAIL



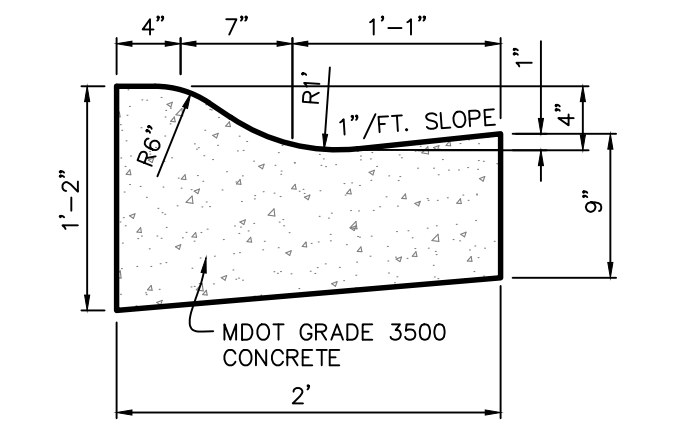
CONSTRUCTION TRACKING PAD
SCALE: 1"=4"



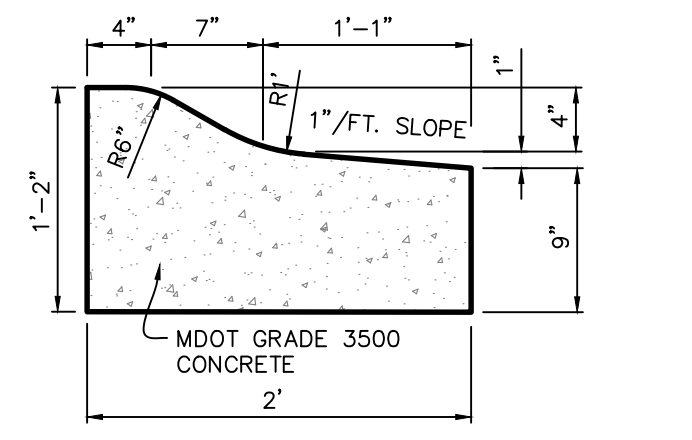
24" CURB & GUTTER DETAIL (INVERTED RESIDENTIAL/COMMERCIAL) CURB #1
SCALE: 1"=1"



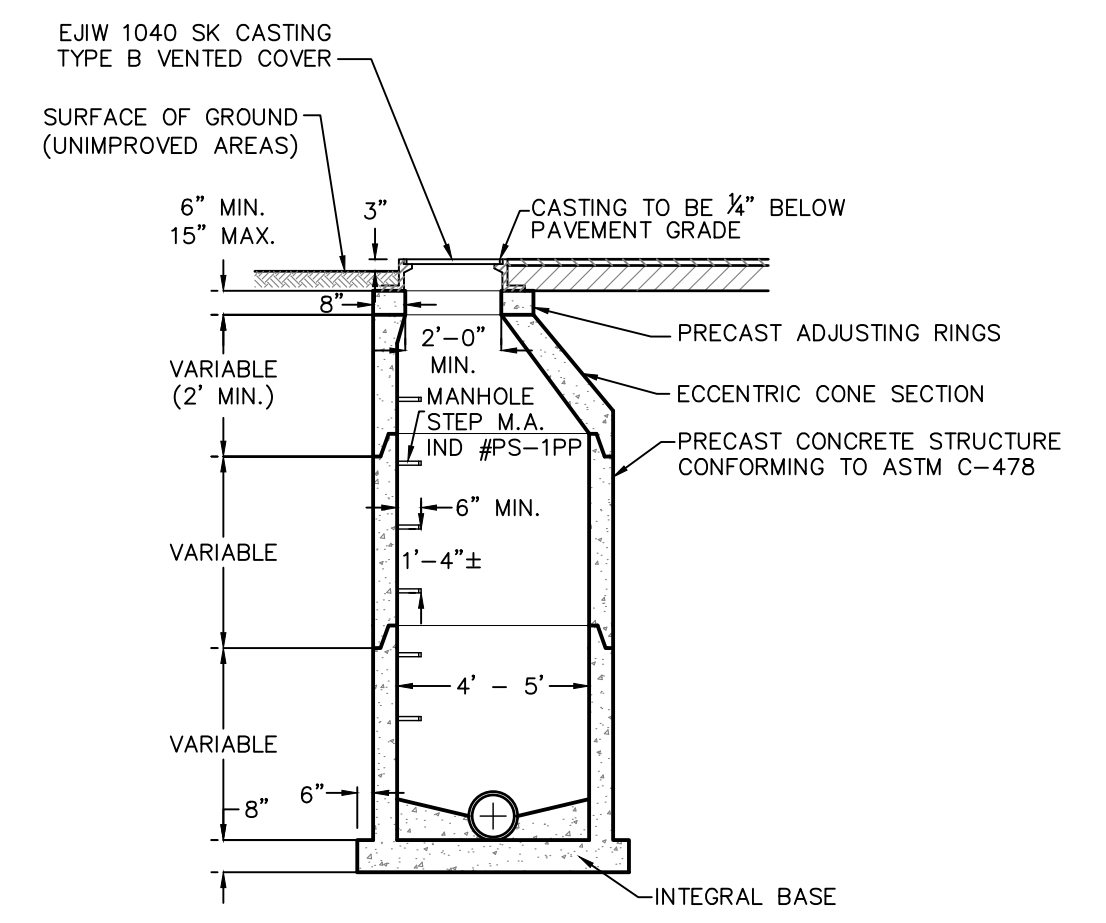
24" CURB & GUTTER DETAIL (STANDARD RESIDENTIAL/COMMERCIAL) CURB #2
SCALE: 1"=1"



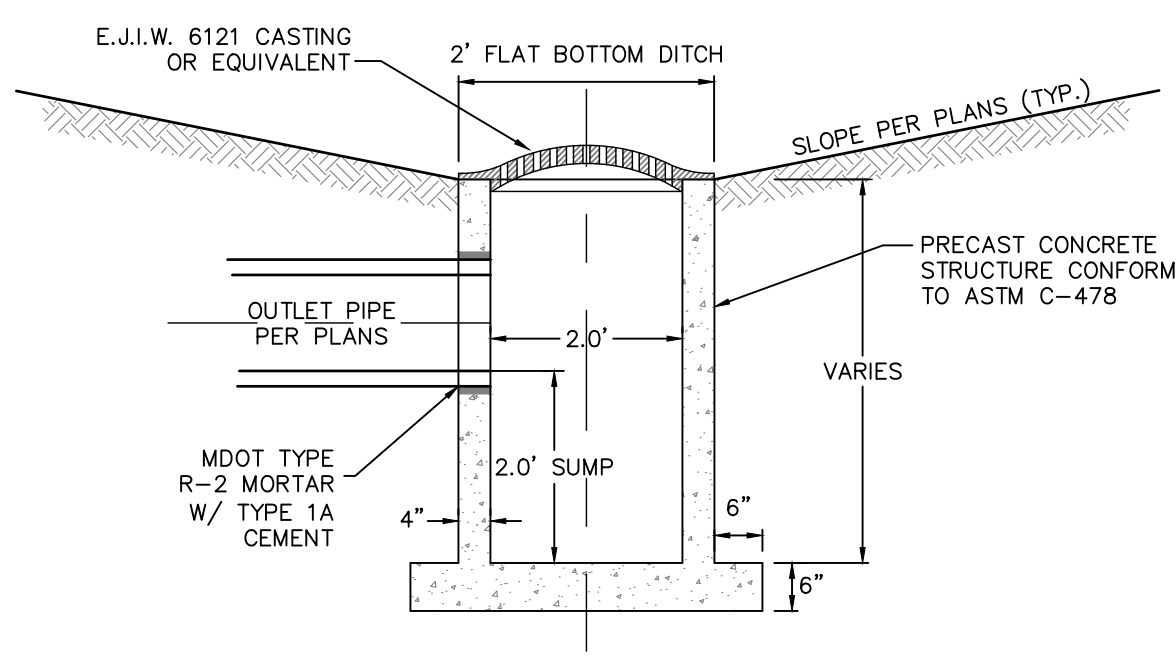
24" CURB & GUTTER DETAIL (MDOT D-2) (MODIFIED) CURB #3
SCALE: 1"=1"



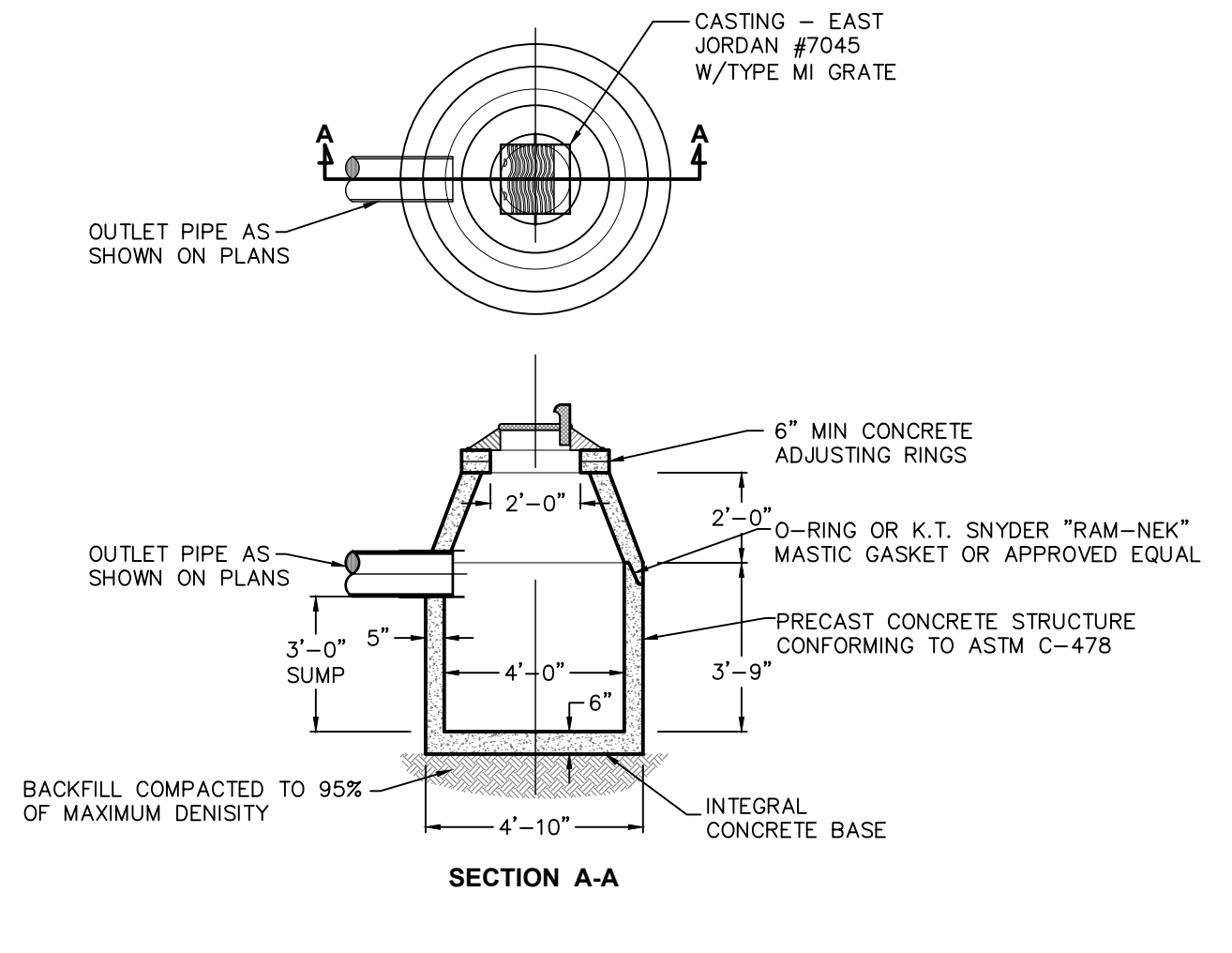
24" CURB & GUTTER DETAIL (MDOT D-2) (MODIFIED/INVERTED) CURB #4
SCALE: 1"=1"



STORM SEWER MANHOLE DETAIL
SCALE: 1"=4"



2' DIA. YARD DRAIN DETAIL
SCALE: 1"=2"



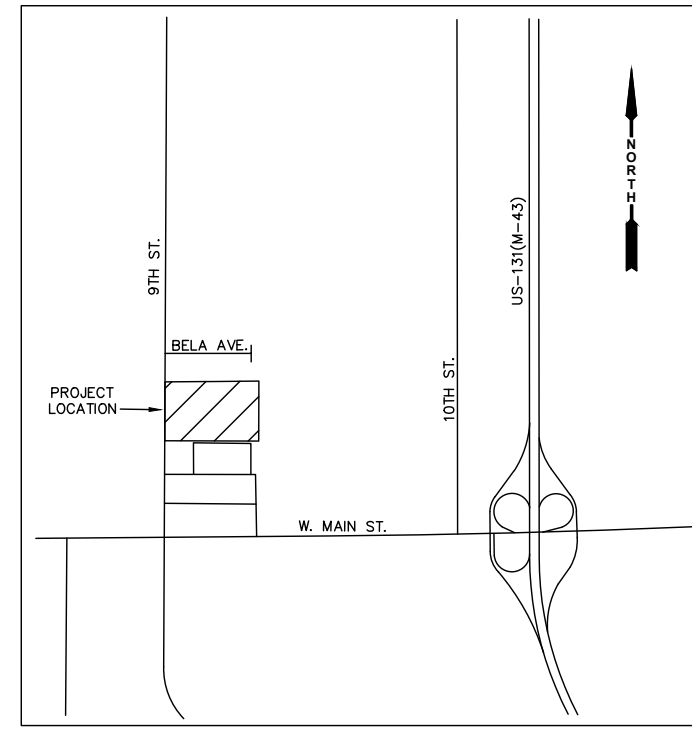
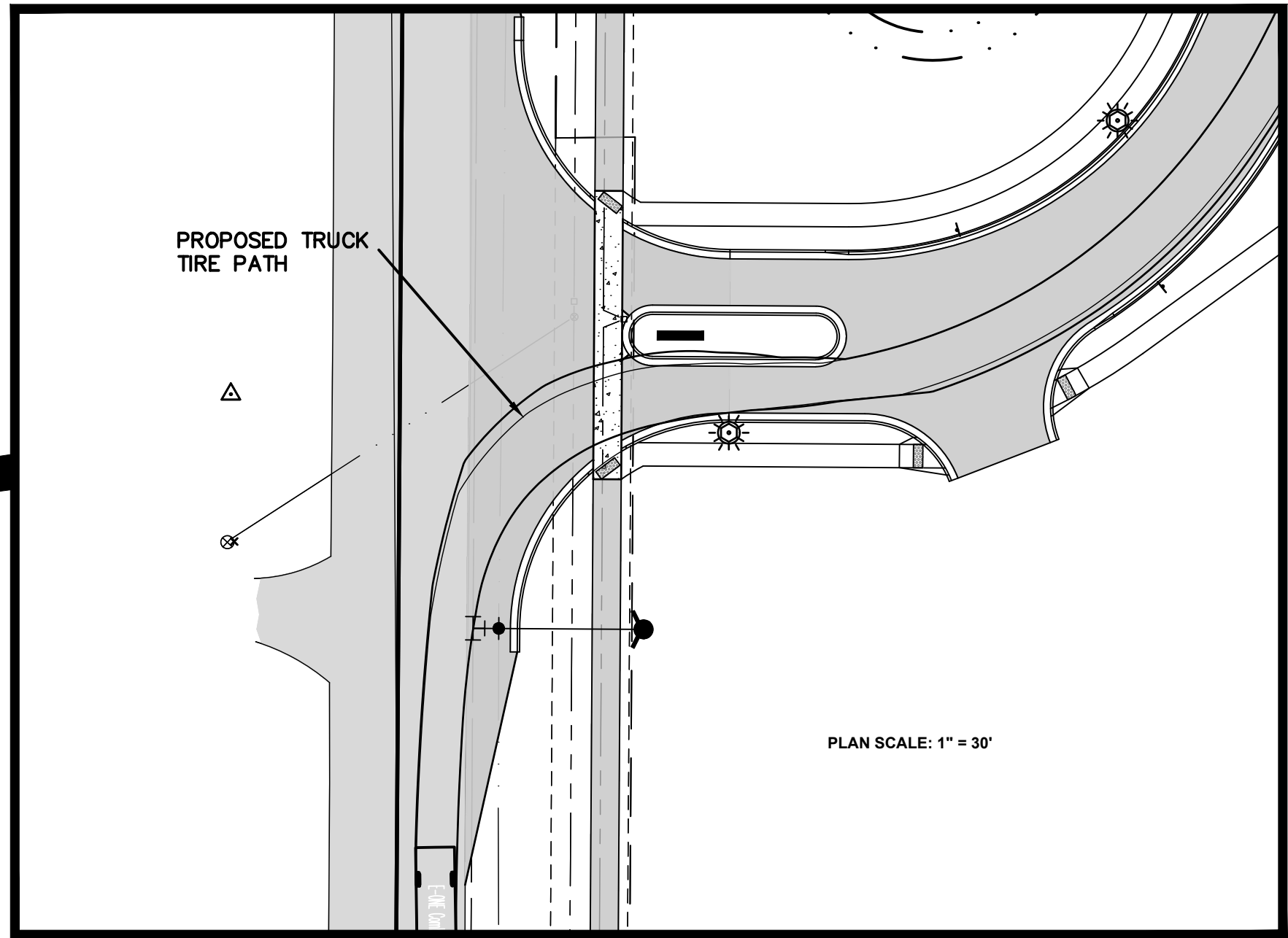
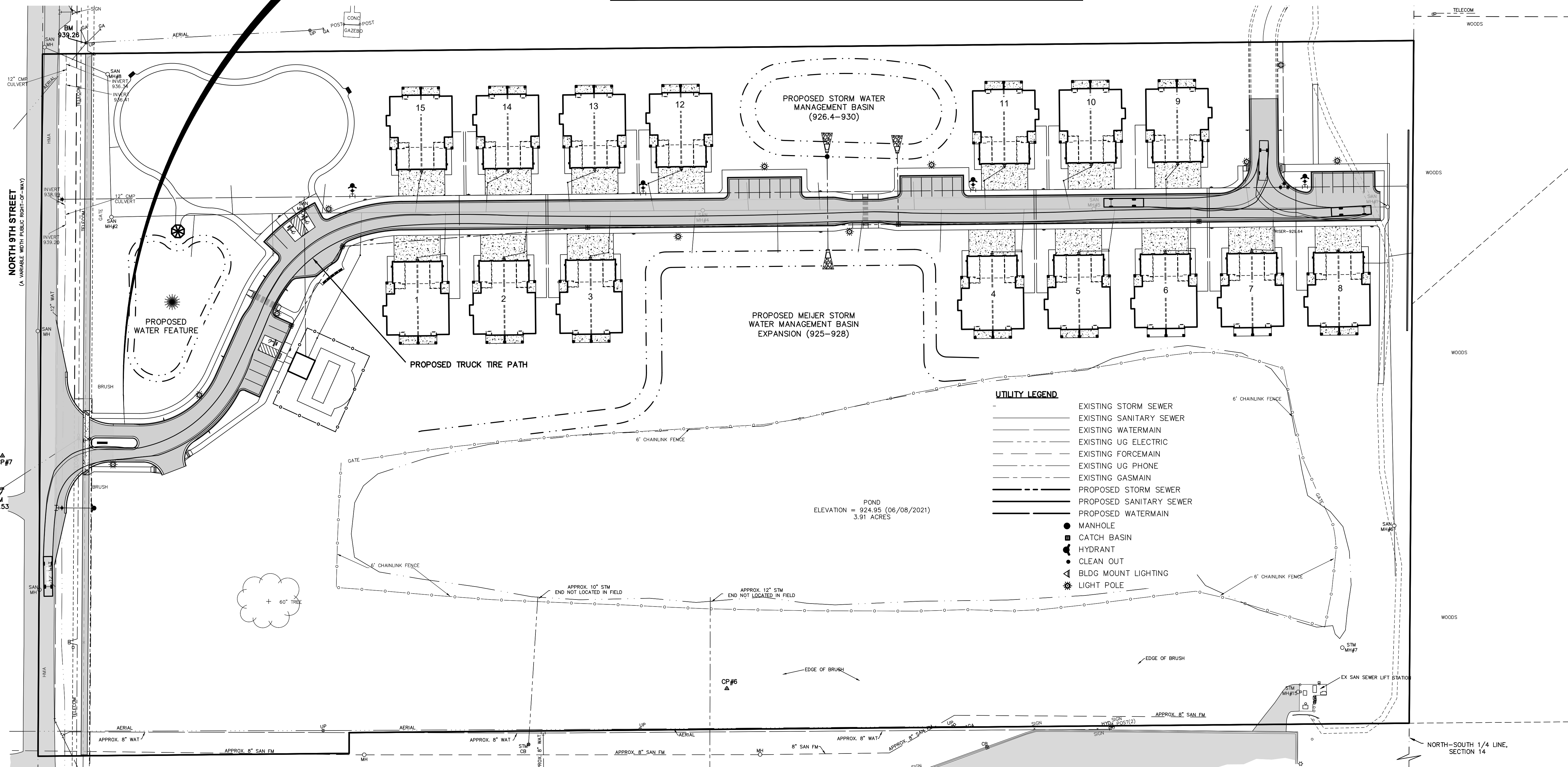
4' DIA. CATCH BASIN DETAIL (IN CURB AREAS)
SCALE: 1"=4"

SHEET SCHEDULE

1	BOUNDARY & TOPOGRAPHIC SURVEY
2	OVERALL P.U.D. PLAN
3	SITE PLAN
4	GRADING & SOIL EROSION CONTROL
5	UTILITY PLAN
6	LANDSCAPE PLAN
7	CONSTRUCTION DETAILS

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P:200251.01 Oshtemo Multi-Family PUD CAD/DWG:200251_Oshtemo Multi-Family PUD DESIGN SHEETS.dwg, 7/24/2023 1:43:55 PM, LISA FRIZZELL



LOCATION MAP
NO SCALE

0 25 50
PLAN SCALE: 1" = 50'

Know what's below.
Call before you dig.

PLAN REVISIONS
FOR SITE PLAN/P.U.D. APPROVAL 06-27-23
REVISED PER TOWNSHIP REVIEW COMMENTS 07-21-23

Moore+Bruggink
Consulting Engineers
2020 Monroe Ave.
Grand Rapids, MI 49505
(616) 363-9801
mailto:mbce@mbce.com

TRUCK TURN EXHIBIT
FOR
THE HAMPTONS
OSHTEMO TWP, KALAMAZOO COUNTY, MICHIGAN

FIELD SURVEY / DATE: 02-18-21
PROJECT NO.: 200251.01
DESIGN DRAWN BY: JEF
DESIGNED BY: JLF
CHECKED BY: JLF
PLAN DATE: 7/24/23

PREPARED FOR:
CARROLL DEVELOPMENT & PROPERTY MANAGEMENT
100 GETHINGS CIRCLE
BATTLE CREEK, MI 48015
ATTN: MR. THOMAS CARROLL

SHEET NUMBER
1 OF 1



August 18, 2023

Mtg Date: August 24, 2023
To: Planning Commission
From: Iris Lubbert, AICP, Planning Director
Subject: Public Hearing: Wireless Telecommunication Facility Provisions

Objective:

Consideration to repeal Article 49.80 - Communication Towers of the Township Ordinance and adopt proposed Article 45 - Wireless Telecommunication Facilities, for recommendation to the Township Board.

Background:

5G, a fifth-generation technology standard for broadband cellular networks and often linked to driverless cars, and other small cell wireless facilities are becoming more and more popular throughout the United States. Federal regulations have required that municipalities allow for these types of facilities. Currently the Township's ordinance does not provide any guidance for small cell wireless facilities. The general ordinance and zoning ordinance need to be updated if the Township wants to have control over where and how these facilities are placed.

With the Planning Commission's and Township Board's approval, a contract was entered into with McKenna Associates on November 5, 2021 to develop ordinance that addresses 5G. Planning and Legal staff worked closely with McKenna in this effort. A survey to inform the work was created and posted in May 2022—394 responses were collected. Based on the information collected and State regulations, Article 45 - Wireless Telecommunication Facilities and Section 236.000 – Small Cell Wireless Communication Facilities Deployment Ordinance were drafted. Article 45 provides controls for all forms of wireless telecommunication facilities that would be placed on private property, including but not limited to: Micro Wireless Facilities, Small Cell Wireless Facilities, and Communication Towers (Wireless Facility Support Structures). Section 236.000 provides controls for all forms of small cell wireless telecommunication facilities that would be placed within Public and Private rights-of-ways.

It should be noted that the Planning Commission has purview over the Zoning Ordinance and not the General Ordinance. Section 236.000 has been provided only for context and would be moved to the Township Board for consideration alongside Article 45.

Attachments: Article 45 - Wireless Telecommunication Facilities, Section 236.000 – Small Cell Wireless Communication Facilities Deployment Ordinance

Article 45 Wireless Telecommunication Facilities

Note: This section will replace Section 49.80. That section will be repealed and designated "Reserved."

Contents:

45.10 Purpose

45.20 Definitions

45.30 Activities Not Requiring Zoning Approval

45.40 Activities Requiring Administrative Approval

45.50 Activities Requiring Special Use Approval

45.60 Application Requirements

45.70 Requirements for Approval – Co-Locations and Modifications

45.80 Requirements for Approval – New Facilities

45.90 Timeline for Approval

45.100 Annual Inspections

45.110 Information Update

45.120 Abandonment and Removal

45.10. Purpose. The purpose of this section is to regulate the construction of wireless telecommunications facilities on private property, in order to accommodate the need for communication while protecting the public health, safety and welfare. Wireless telecommunications facilities in public or private rights-of-way shall not be subject to this Article, and shall instead be subject to Section 236 of the Oshtemo Township Code of Ordinances.

45.20. Definitions.

- A. **CO-LOCATION:** The installation of additional antennas or other equipment to an existing wireless telecommunication facility, generally to provide service for a telecommunications company that did not previously have antennas or other equipment in the facility.
- B. **MODIFICATION:** Any alteration to an existing wireless telecommunications facility that does not meet the definition of "Co-Location."
- C. **SMALL CELL WIRELESS FACILITY:** A wireless facility that meets both of the following requirements:
 - 1. Each antenna is located inside an enclosure of not more than 6 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements would fit within an imaginary enclosure of not more than 6 cubic feet.
 - 2. All other wireless equipment associated with the facility is cumulatively not more than 25 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.
- D. **MICRO WIRELESS FACILITY:** A Small Cell Wireless Facility that is not more than 24 inches in length, 15 inches in width, and 12 inches in height and that does not have an exterior antenna more than 11 inches in length.

- E. **WIRELESS FACILITY SUPPORT STRUCTURE:** Any structure (meeting the definition of “structure” in this Ordinance) that has antennas or other telecommunication equipment attached to it. Wireless Facility Support Structure may be purpose-built Wireless Facility Support Structure, or may be buildings, telephone poles, billboards, or other structures, provided that the requirements of this section are met.

45.30. Activities Not Requiring Zoning Approval. The following activities do not require zoning approval of any kind, but shall be subject to the Small Cells Wireless Communication Facilities Deployment Ordinance Section 236.000:

- A. The construction of a Small Cell Wireless Facility or Micro Wireless Facility within a Right-of-Way on an existing Structure or new Wireless Support Structure under 40 feet in height within a Right-of-Way.
- B. The replacement of a Small Cell Wireless Facility with a Small Cell Wireless Facility that is not larger or heavier, in compliance with applicable codes.
- C. Routine maintenance of a Small Cell Wireless Facility, utility pole, or Wireless Support Structure.
- D. Co-Location of a Small Cell Wireless Facility with a previously approved Small Cell Wireless Facility.
- E. The installation, placement, maintenance, operation, or replacement of a Micro Wireless Facility that is suspended on existing cables strung between utility poles or Wireless Support Structures in compliance with applicable codes.
- F. The construction or installation of a Small Cell Wireless Facility or Micro Wireless Facility located upon a campus of an institution of higher education.

45.40. Permitted Activities with Administrative Approval. The following activities shall be considered permitted uses of land, and shall require administrative approval and a permit from the Township, but not Special Use Approval, nor Site Plan approval from the Planning Commission or Zoning Board of Appeals.

- A. Modifications to a previously approved wireless facility, including Modifications to Small Cell and Micro Wireless Facilities that are not exempt from zoning approval under Subsection C. In order to be approved, this activity must meet the criteria in Section 45.70.
- B. Co-Locations on a previously approved wireless facility, including Co-Locations on Small Cell and Micro Wireless Facilities that are not exempt from zoning approval under Subsection D. In order to be approved, this activity must meet the criteria in Section 45.70.
- C. Replacement of a Wireless Facility Support Structure with a new structure of the same or lower height. In order to be approved, this activity must meet the criteria in Section 45.80.
- D. New wireless facilities utilizing a pre-existing structure, including new Small Cell and Micro Wireless Facilities that are not exempt from zoning approval under Subsection D. In order to be approved, this activity must meet the criteria in Section 45.80..

- E. Constructing a new Wireless Facility Support Structure under 40 feet in height, including Wireless Facility Support Structure for new Small Cell and Micro Wireless Facilities that are not exempt from zoning approval under the Small Wireless Communications Deployment Act (Public Act 365 of 2018), as described in Subsection D. In order to be approved, this activity must meet the criteria in Section 45.80.
- F. Constructing a “Geographically Exempt Facility”, which shall be defined as a New Wireless Facility Support Structure Between 40 and 199 feet in Height meeting all of the following geographic criteria.. In order to be approved, this activity must meet the criteria in Section 45.80.
 - 1. The proposed wireless facility is located west of 6th Street.
 - 2. The proposed wireless facility is at least 2,500 feet from another wireless facility.
 - 3. The property in question is not zoned R-1, R-2, R-3, R-4, or R-5.

45.50. Activities Requiring Special Use Approval. The following activities shall require Special Use Approval and Site Plan Approval from the Planning Commission as described in Article 65.

- A. Constructing a new Wireless Facility Support Structure between 40 and 199 feet in height that is not a Geographically Exempt Facility as defined in Section 45.40.F. In order to be approved, this activity must meet the criteria in Section 45.80, and the Special Use Approval Criteria in Article 65.
- B. Constructing a new Wireless Facility Support Structure 200 feet in Height or taller. In order to be approved, this activity must meet the criteria in Section 45.80, and the Special Use Approval Criteria in Article 65.
- C. Increasing the height of an existing Wireless Facility Support Structure to 110% of its original height, or taller. In order to be approved, this activity must meet the criteria in Section 45.80, and the Special Use Approval Criteria in Article 65.
- D. Replacement of a Wireless Facility Support Structure with a new structure that is taller than the previous structure. In order to be approved, this activity must meet the criteria in Section 45.80, and the Special Use Approval Criteria in Article 65.
- E. If, during an Administrative Approval under this Article, an application is deemed to fail one or more of these criteria, the applicant shall have the option to apply for a Special Land Use approval from the Planning Commission, which shall have the authority to approve the application, despite the lack of compliance with one or more of the sections above. The Planning Commission shall be under no obligation to approve any Special Land Use application that it does not deem to meet the criteria of this Ordinance.

45.60. Application Requirements. In order to be considered complete, applications must contain the following information:

- A. All forms and fees required by the Township.
- B. A Site Plan meeting the requirements of Section 64.60.C.

- C. Name, address, phone number of Wireless Facility Support Structure owner; name, address and phone number of contact persons forengineering, maintenance and other notice purposes.
- D. Organization name, address, phone number, and contact person of each co-locator and the operational status of the equipment.
- E. Notification of date of lease expiration and/or cessation of operation of any equipment and date of removal.
- F. Wireless Facility Support Structure plans and a report from a qualified and licensed professional engineer which:
 - 1. Describes the Wireless Facility Support Structure height and design, including a cross section and elevation.
 - 2. Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distance between antennas.
 - 3. Describes the Wireless Facility Support Structure's capacity, including the number and type of antennas/equipment that it can accommodate.
 - 4. Documents what steps the applicant will take to avoid interference with established public safety telecommunications;
 - 5. Includes an engineer's stamp and registration number
 - 6. Includes the total cumulative square footage of wireless equipment, both existing and proposed.
 - 7. Indicates that the proposed Wireless Facility Support Structure complies with regulations administered by the Federal Communications Commission and the Federal Aviation Administration.
 - 8. Information necessary to allow determination of compliance with Building Code, Electrical Code and other applicable Township Ordinances.
 - 9. Information showing that the facility will not cause interference with any nearby existing telecommunications facilities.
 - 10. All information necessary to determine compliance with all applicable requirements.
- G. A letter of intent committing the Wireless Facility Support Structure owner and his or her successors to allow the shared use of the Wireless Facility Support Structure 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 Wireless Facility Support Structure shall not be unreasonably refused. No provider or lessee or agent thereof shall unreasonably fail to cooperate to accommodate Co-Location.
- H. A letter of support and approval from the owner of the property or right-of-way where the wireless facility is, or is proposed to be, located.
- I. Any specific relevant information listed in Section 45.70 (for Co-Location and Modifications) and/or Section 45.80 (for New Facilities).

- J. Any other information deemed necessary by the Township to evaluate the request, and requested by the Township in writing.

45.70. Requirements for Approval – Co-Locations and Modifications. In order to be approved, Co-Locations and Modifications must meet the following standards:

A. Ground Equipment and Accessory Structures. All applications shall comply with the following:

- 1. Ground equipment accessory to the wireless telecommunications facility must meet the minimum setback requirement for accessory structures in the zoning district it is located within, and shall not be located in a front yard.
- 2. The base of the Wireless Facility Support Structure and all associated equipment and accessory structures must be surrounded by a locked, opaque screening fence at least six feet in height, or a solid screening row of evergreens, at least six feet tall at planting.

B. Lighting. All applications shall comply with the following.

- 1. Wireless Facility Support Structure designed specifically for wireless telecommunications antennas 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 Wireless Facility Support Structure.
- 2. Site lighting shall comply with [Article 54](#).

C. Signs and Advertising. All applications shall comply with the following:

- 1. The use of any portion of a Wireless Facility Support Structure for signs other than warning or equipment information signs is prohibited, except when either of the following circumstances are met.
 - (i) The Wireless Facility Support Structure contained signage prior to containing telecommunications equipment.
 - (ii) The Wireless Facility Support Structure is designed for human habitation.

D. Interference. All applications shall comply with the following:

- 1. No new or existing telecommunications service shall interfere with other telecommunications, whether commercial, public, or otherwise.
- 2. 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.

E. Specific Requirements for Co-Locations and Modifications: Applications for Co-Locations and Modifications shall comply with the following,

1. The applicant must submit a structural analysis, signed and sealed by a licensed engineer, demonstrating that the Wireless Facility Support Structure, in its present condition, has the structural capacity to support any proposed new antennae or other Wireless Facility Support Structure-mounted equipment.
2. The applicant must submit the results of an inspection of the condition of the Wireless Facility Support Structure and equipment compound, noting any potential problems with the facility that could impact the health, safety, and welfare of the surrounding area, or the effective provision of service from the facility. Any concerns raised by the inspection must be corrected during construction of the Modifications or Co-Locations.
3. The facility must be in compliance with all applicable Federal Communications Commission regulations.
4. The Township may require the Wireless Facility Support Structure to be painted non-reflective gray.
5. The height of the Wireless Facility Support Structure may be increased. However, an increase in the height of the Wireless Facility Support Structure to more than 110% of its previous height shall require Special Use Approval and Site Plan Approval from the Planning Commission.

45.80. Requirements for Approval – New Facilities. In order to be approved, all new wireless facilities, except those specifically exempted from Zoning Approval under Section 45.30 must meet the following requirements:

- A. **Justification.** A proposed wireless facility shall not be established unless the communications equipment/antenna(s) planned for the proposed location cannot be accommodated on an existing structure within the area of the proposed Wireless Facility Support Structure due to one of the following reasons:
 1. The planned equipment would exceed the structural capacity of the existing or approved Wireless Facility Support Structure as documented by a qualified and licensed engineer, and the existing or approved Wireless Facility Support Structure cannot be reinforced, modified or replaced to accommodate the planned or equivalent equipment at a reasonable cost.
 2. The planned equipment would cause interference materially impacting the usability of other existing equipment in the vicinity as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.
 3. Existing Wireless Facility Support Structure within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.
 4. Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing structure.
- B. **Ground Equipment and Accessory Structures.** See Section 45.70.A
- C. **Lighting.** See Section 45.70.B.
- D. **Signs and Advertising.** See Section 45.70.C.

E. **Interference.** See Section 45.70.D.

F. **Setbacks.** All applications shall comply with the following:

1. For existing structures proposed to support wireless telecommunications antennas, the existing setback of the structure considered sufficient to allow the addition of the telecommunications antennas.
2. A new Wireless Facility Support Structure shall be located so that the setback from all property lines is equal to or greater than the height of Wireless Facility Support Structure.
3. A new Wireless Facility Support Structure shall be located so that the setback from all dwelling units is equal to or greater than the height of the Wireless Facility Support Structure.
4. Wireless Facility Support Structure over 25 feet in height shall not be located on private property between a principal structure and a public or private street, with the following exceptions:
 - (i) In industrial zoning districts, Wireless Facility Support Structure may be placed within a side yard abutting a public or private street.
 - (ii) On sites adjacent to public or private streets on all sides, Wireless Facility Support Structure may be placed within a side yard abutting a public or private street.

G. **Design of Wireless Facility Support Structure.** New wireless facilities on existing structures and new Wireless Facility Support Structure under 40 feet in height shall be exempt from the following requirements. All other applications shall comply with the following:

1. Any new Wireless Facility Support Structure over 40 feet in height shall be designed and constructed to accommodate future Co-Locations. Wireless Facility Support Structure shall be designed to allow for future rearrangement of antennas and to accept antennas mounted at varying heights.
2. A new Wireless Facility Support Structure over 40 feet in height shall be a monopole design and painted non-reflective gray, unless required to be painted a different color by State or Federal regulation or law. In lieu of the gray color, the applicant may submit a design intended to camouflage or minimize the appearance of the Wireless Facility Support Structure, antennas, and equipment, for approval by the reviewing body.
3. The applicant must submit renderings or photo-sims of the proposed Wireless Facility Support Structure E as viewed from the following locations:
 - (i) The nearest public roadway.
 - (ii) The nearest residential dwelling unit.
 - (iii) Any other location requested by the reviewing body from which the Wireless Facility Support Structure may potentially be visible

- H. **Height.** New wireless facilities on existing structures shall be exempt from the following requirements. All other applications shall comply with the following:
1. The height of a Wireless Facility Support Structure shall be determined by measuring the vertical distance from the structure's point of contact with the ground to the highest point of the structure, including all antennas or other attachments.
 2. The structure shall be the shortest possible height required to provide the service desired.
 3. The applicant shall submit coverage and/or capacity information, including propagation maps and other information requested by the Township, to demonstrate the needed service improvement and why the requested height is necessary.
 4. The Township may request further information, including propagation maps, demonstrating the service at lower heights, in order to determine whether the requested height is necessary.
 5. Antennas and other transmission equipment, including, but not limited to, Small Cell Wireless Facility and Micro Wireless Facility, shall not extend more than five feet above the top of a Wireless Facility Support Structure, unless the structure is used for human occupancy.
 6. Structures under 25 feet in height shall be automatically deemed to be "the shortest possible height" under this section and shall not be required to provide additional information.

45.90. Timeline for Approval. The Township will comply with all State and Federal requirements for approval timelines. In the event of changes to Federal or State law, this section shall be void and the laws in place at the time of application shall be followed.

- A. For new facilities, the Township shall request all required information within 14 business days of the application being filed. The Township shall notify the applicant if the application is deemed complete within 25 days of the application being filed. The Township shall issue a decision on the application within 90 days of the application being deemed complete by the Township.
- B. For Modifications and Co-Locations, the Township shall request all required information within 14 business days of the application being filed. The Township shall issue an approval or denial within 60 days of the application being deemed complete by the Township.
- C. Once the Township has notified an applicant that an application is incomplete, if the applicant does not provide any new information for 180 days, the application will be deemed to have been withdrawn. Any new information submitted after 180 days shall be deemed a new application for the purposes of this Ordinance and the Michigan Zoning Enabling Act.

45.100. Annual Inspections. All Wireless Facility Support Structure shall be inspected at regular intervals, no less than once a year, and serviced as frequently as may be necessary, to maintain the Wireless Facility Support Structure in a safe and weather-withstanding condition. Inspections shall be based on ANSI/TIA/EIA-222F or most recent applicable ANSI standards. Reports as to all inspections and servicing shall be made available to the Township upon written request.

45.110. Information Update. The Wireless Facility Support Structure owner or representative shall submit updated information whenever any of the following change:

- A. Name, address, phone number of Wireless Facility Support Structure 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.

45.120. Abandonment and Removal. At the time of construction, the applicant shall submit a performance bond to guarantee all required equipment and structures are removed in the event of abandonment. At the time of the application, the applicant shall submit two third-party contractor bids for removal of all equipment, and all structures that are specifically designed for the facility, and the bond shall be the higher of the two bids.

If the Wireless Facility Support Structure is not used for as a wireless telecommunications facility for any period of six consecutive months, it must be removed at the expense of the property owner and/or owner of the Wireless Facility Support Structure. If the property owner and/or owner of the Wireless Facility Support Structure fail to remove the Wireless Facility Support Structure, the bond shall be forfeited, and the bond amount shall be used by the Township to remove all structures and equipment associated specifically with the wireless telecommunications facility.

Section 236.000 Small Cell Wireless Communication Facilities Deployment Ordinance

AN ORDINANCE to provide for the regulation of small cell wireless infrastructure by Oshtemo Charter Township, referred to herein alternatively as the "Authority", of the activities of wireless infrastructure providers and Wireless Services providers regarding the siting of certain wireless facilities.

(A) Title and Purpose

- (1) This ordinance shall be known and may be cited as the Small Cell Wireless Communication Facilities Deployment Ordinance.
- (2) The purpose of the ordinance is to regulate the siting of "Small Cell" facilities.
- (3) This section applies only to activities of a Wireless Provider within Public and Private Rights of Way for the deployment of small cell wireless facilities and associated new or modified Utility Poles.

(B) Definitions: As used in this ordinance:

- (1) "Antenna" means communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of Wireless Services.
- (2) "Applicant" means a Wireless Provider or wireless infrastructure provider that submits an application described in this ordinance.
- (3) "Authority", unless the context implies otherwise, means Oshtemo Charter Township, to the extent authorized by law to make legislative, quasi-judicial, or administrative decisions concerning an application described in this ordinance.
- (4) "Co-Locate" means to install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a Wireless Support Structure or Utility Pole. "Collocation" has a corresponding meaning.
- (5) "Fee" means an Authority one-time per small cell site charge for application processing.
- (6) "Rate" means an Authority annual charge per site
- (7) "Make-Ready Work" means work necessary to enable an Authority pole or Utility Pole to support collocation, which may include modification or replacement of Utility Poles or modification of lines.
- (8) "Micro Wireless Facility" means a Small Cell Wireless Facility that is not more than 24 inches in length, 15 inches in width, and 12 inches in height and that does not have an exterior ANTENNA more than 11 inches in length.
- (9) "Right of Way" or "ROW" means the area on, below, or above a public or private roadway, highway, street, alley, bridge, sidewalk, or utility easement dedicated for compatible uses. Right of Way does not include any of the following:
 - (a) A limited access highway.

- (b) Land owned or controlled by a railroad as defined in section 109 of the railroad code of 1993, 1993 PA 354, MCL 462.109.
- (10) "Small Cells Act" means the small wireless facilities act, 2018 PA 365, MCL 460.1301, et seq, as the same may be amended from time to time.
- (11) "Small Cell Wireless Facility" means a Wireless Facility that meets both of the following requirements:
 - (a) Each Antenna is not more than 6 cubic feet in volume
 - (b) All other wireless equipment associated with the facility is cumulatively not more than 25 cubic feet in volume. Except -The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.
- (12) "Structure" means anything constructed, assembled or erected, the use of which requires location on the ground or attachment to something having location on or in the ground; this term shall include fences which are more than 50 percent solid, tanks, towers, dish antennae, advertising devices, bins, tents, wagons, trailers, dining cars, camp cars or similar structures on wheels or other support used for business or living purposes.
- (13) "Utility Pole" means a pole or similar Structure that is or may be used to support small cell wireless facilities. Utility Pole does not include a sign pole less than 15 Feet in height above ground.
- (14) "Wireless Facility" means wireless equipment, including, radio transceivers, Antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. Wireless Facility does not include coaxial or fiber-optic cable between Utility Poles or Wireless Support Structures.
- (15) "Wireless Provider" is a regulated provider of telecommunications services and a "wireless infrastructure provider" is an installer of wireless equipment at small cell sites and, both terms are interchangeable terms for purposes of this ordinance.
- (16) "Wireless Services" means any services, provided using licensed or unlicensed spectrum, including the use of Wi- Fi, whether at a fixed location or mobile.
- (17) "Wireless Support Structure" means a freestanding Structure designed to support or capable of supporting small cell wireless facilities. Wireless Support Structure does not include a Utility Pole.
- (18) "Wireline Backhaul Facility" means a facility used to transport services by wire or fiber-optic cable from a Wireless Facility to a network.

(C) Scope of Authority

- (1) Except as provided in this ordinance or the Small Cells Act, the Authority shall not prohibit, regulate, or charge for the collocation of small cell wireless facilities.
- (2) The approval of a Small Cell Wireless Facility under this ordinance authorizes only the collocation of a Small Cell Wireless Facility and does not authorize either of the following:

- (a) The provision of any services.
- (b) The installation, placement, modification, maintenance, or operation of a wireline in the ROW.

(D) Small Cell ROW Access, Permitted Use, Height, Underground, Residential, Districts

- (1) The Authority shall not enter into an exclusive arrangement with any person for use of the ROW for the construction, operation, or maintenance of Utility Poles or the collocation of small cell wireless facilities.
- (2) The Authority shall not charge a Wireless Provider an annual Rate more than the amount set by the Small Cells Act or other applicable State Law.
- (3) All greater Rates and Fees in current agreements shall be modified within 90 days of application receipt, so as not to exceed the Fees provided here, except for new small cell dedicated Utility Poles installed and operational in the ROW before the effective date of this ordinance or related agreements, which shall remain in effect for the duration of the ordinance or agreement.
- (4) The following activities are permitted uses and do not require zoning approval of any kind. In all other cases, the siting of Small Cell Wireless Facility shall require approval as described in the Oshtemo Township Zoning Ordinance.
 - (a) The construction of a Small Cell Wireless Facility or Micro Wireless Facility within a Right-of-Way on an existing Structure or new Wireless Support Structure under 40 feet in height within a Right-of-Way.
 - (b) The replacement of a Small Cell Wireless Facility with a Small Cell Wireless Facility that is not larger or heavier, in compliance with applicable codes.
 - (c) Routine maintenance of a Small Cell Wireless Facility, utility pole, or Wireless Support Structure.
 - (d) Co-Location of a Small Cell Wireless Facility with a previously approved Small Cell Wireless Facility.
 - (e) The installation, placement, maintenance, operation, or replacement of a Micro Wireless Facility that is suspended on existing cables strung between utility poles or Wireless Support Structures in compliance with applicable codes.
 - (f) The construction or installation of a Small Cell Wireless Facility or Micro Wireless Facility located upon a campus of an institution of higher education.
- (5) **Siting Requirements.** The location of a new Utility Pole or Wireless Support Structure requiring approval under this Ordinance must meet all of the following requirements:
 - (a) Must be within three feet of the outside edge of the Right-of-Way.
 - (b) Must be on the north or west side of the roadway.
 - (c) Must meet all applicable standards for Clear Corner Vision in the Oshtemo Township Zoning Ordinance.

- (d) Must not interfere with the Township's ability to construct non-motorized trails in the network planned in the Oshtemo Township Non-Motorized Plan.
 - (e) The proposed Utility Pole or Wireless Support Structure is at least 30 feet from another Utility Pole or Wireless Support Structure unless needed to function reasonably as documented by a qualified and licensed professional engineer.
- (6) **Alternate Siting:** Upon receipt of an application to place a new Utility Pole or Wireless Support Structure requiring approval under this Ordinance, in order to ensure that the requirements of Subsection E.2.d are met, the Authority may propose and the Applicant shall use an alternate location within the ROW or on property or Structures owned or controlled by a public utility/authority within 75 Feet of the Applicant's proposed location if reasonably achievable. The Authority may require an alternate siting even if the requirements of Sections D.5 are otherwise met.
- (7) **Justification.** A proposed wireless facility shall not be established unless the communications equipment/antenna(s) planned for the proposed location cannot be accommodated on an existing structure within the area of the proposed Wireless Facility Support Structure due to one of the following reasons:
- (a) The planned equipment would exceed the structural capacity of the existing or approved Wireless Facility Support Structure as documented by a qualified and licensed engineer, and the existing or approved Wireless Facility Support Structure cannot be reinforced, modified or replaced to accommodate the planned or equivalent equipment at a reasonable cost.
 - (b) The planned equipment would cause interference materially impacting the usability of other existing equipment in the vicinity as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.
 - (c) Existing Wireless Facility Support Structure within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.
 - (d) Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing structure.
 - (e) If, during an Administrative Approval under this Article, an application is deemed to fail one or more of these criteria, the applicant shall have the option to apply for a Special Land Use approval from the Planning Commission, which shall have the authority to approve the application, despite the lack of compliance with one or more of the sections above. The Planning Commission shall be under no obligation to approve any Special Land Use application that it does not deem to meet the criteria of this Ordinance.
- (8) **Undergrounding:** A Wireless Provider shall comply with reasonable and nondiscriminatory requirements (including concealment measures) that do not prohibit communications service providers from installing Structures on or above ground in the ROW in an area designated solely for underground or buried cable and utility facilities, if:
- (a) The Authority has required all cable and utility facilities, to place all their facilities underground and,
 - (b) A Wireless Provider may apply for a waiver of the undergrounding requirements under Utility Control Ordinance Section 230.004.B.

(9) Historic, Downtown and Residential Districts: A Wireless Provider shall comply with written, objective requirements for reasonable, technically feasible, nondiscriminatory, and technologically neutral designs or concealment measures in a Historic District, downtown district, or residential zoning district. Such requirement shall not have the effect of prohibiting any Wireless Provider technology. Any such design or concealment measures are not included in size restrictions in the definition of small Wireless Provider in section 5.

(10) All Wireless Providers shall repair all damage to the ROW caused by the activities of the Wireless Provider while occupying, constructing, installing, mounting, maintaining, modifying, operating, or replacing small cell wireless facilities, Utility Poles, or Wireless Support Structure in the ROW and, to return the ROW to its original condition. Following 60 days' written notice, the Authority or the owner of the ROW may make those repairs and charge the Wireless Provider the cost of the repairs.

(E) Provider and Authority Responsibilities, Application Information, Shot Clocks, Tollings, Deemed Approved, Basis Denial, Resubmittal, Batch Applications, Application Fees, Micro Wireless Facility Exemption, Alternate Siting, Decommissioning Sites.

(1) This section applies to activities of a Wireless Provider within a Public or Private Right-of-Way.

(2) For activities described in Section D.4 that do not require zoning approval, the provider/Applicant shall seek an Authority ROW access permit to Co-Locate a Small Cell Wireless Facility or install, modify, or replace a Utility Pole or other Wireless Support Structure on which a Small Cell Wireless Facility will be Co-Located as required of all ROW users. The processing of an application for such a permit is subject to all of the following:

(a) In-kind contributions to the Authority are not permitted in lieu of Rates and Fees described above (unless all parties voluntarily agree in furtherance of the interests of both.)

(b) The Wireless Provider shall provide all the information and documentation required by the Authority to enable the Authority to make an informed decision with regard to its criteria for authorizing ROW access including the following:

(i) A certificate of compliance with FCC rules related to radio frequency emissions from a Small Cell Wireless Facility,

(ii) Proof of notification to every other affected entity, including the owner of the right-of-way, and all necessary permits, permit applications, or easements to ensure all necessary permissions for the proposed activity are obtained.

(iii) An attestation that the small cell wireless facilities will be operational for use by a Wireless Services provider within 1 year after the permit issuance date. Failure to abide by this term shall result in termination of any permit issued in reliance on such attestation.

(iv) Design details as necessary to demonstrate compliance with this Ordinance and with all other applicable Township regulations.

(c) Timeline for Approval. The Township will comply with all State and Federal requirements for approval timelines. In the event of changes to Federal or State law, this section shall be void and the laws in place at the time of application shall be followed.

i. For new facilities, the Township shall request all required information within 14 business days of the application being filed. The Township

shall notify the applicant if the application is deemed incomplete within 25 days of the application being filed. The Township shall issue a decision on the application within 90 days of the application being deemed complete by the Township.

- ii. For Modifications and Co-Locations, the Township shall request all required information within 14 business days of the application being filed. The Township shall issue an approval or denial within 60 days of the application being deemed complete by the Township.
- iii. Once the Township has notified an applicant that an application is incomplete, if the applicant does not provide any new information for 180 days, the application will be deemed to have been withdrawn. Any new information submitted after 180 days shall be deemed a new application for the purposes of this Ordinance and the Michigan Zoning Enabling Act.

(d) Basis for Denial: The Authority shall deny a completed application for a proposed collocation of a Small Cell Wireless Facility or installation, modification, or replacement of a Utility Pole that meets the height requirements in Section D.5 if the proposed activity would do any of the following:

- (i)** Materially interfere with the safe operation of traffic control equipment.
- (ii)** Materially interfere with sight lines or clear zones for transportation or pedestrians.
- (iii)** Materially interfere with compliance with the Americans with Disabilities Ordinance of 1990, Public Law 101- 336, or similar federal, state, or local standards regarding pedestrian access or movement
- (iv)** With respect to drainage infrastructure under the jurisdiction of an Authority, either of the following:
 - 1) Materially interfere with maintenance or full unobstructed use of the drainage infrastructure as it was originally designed.
 - 2) Not be located a reasonable distance from the drainage infrastructure to ensure maintenance under the drain code of 1956, 1956 PA 40, MCL 280.1 to 280.630, and access to the drainage infrastructure.
- (v)** Failure to comply with reasonable, nondiscriminatory, written spacing requirements of general applicability adopted by ordinance or otherwise that apply to the location of ground-mounted equipment and new Utility Poles and that do not prevent a Wireless Pole from serving any location.
- (vi)** Failure to meet reasonable, objective, written stealth or concealment criteria for small cell wireless facilities applicable in a Residential District or other designated area, as specified in an ordinance or otherwise and nondiscriminatorily applied to all other occupants of the ROW, including electric utilities, incumbent or competitive local exchange carriers, fiber providers, cable television operators, and the Authority.

(vii) Fail to comply with all other applicable codes, including, but not limited to, Ordinance 125 (Use of Right-of-Way by Telecommunications Providers) and Ordinance 294 (Non-Motorized Facilities/Sidewalks).

(viii) Failure to submit sufficient information for the Township to deem the application complete under Section E.2.c

- (e) **Reasons for Denial; Resubmission and 30 Day Shot Clock:** If the completed application is denied, the notice under subdivision (h) shall explain the reasons for the denial and, if applicable, cite the specific provisions of applicable codes on which the denial is based. The Applicant may cure the deficiencies identified by the Authority and resubmit the application within 30 days after the denial without paying an additional application Fee. The Authority shall approve or deny the revised application within 30 days. The Authority shall limit its review of the revised application to the deficiencies cited in the denial.
- (f) **Batch Applications:** An Applicant may file an application and receive a single permit for the collocation of up to 20 substantially similar small cell wireless installations. The Authority may approve or deny 1 or more small cell wireless facilities included in such consolidated application.
- (g) Approval of an application authorizes the Wireless Provider to undertake the installation, collocation and maintenance of such facilities.
- (h) The Applicant shall not institute a moratorium on filing, receiving, or processing applications or issuing permits for the collocation of small cell wireless facilities or the installation, modification, or replacement of Utility Poles on which small cell wireless facilities will be Co-Located.
- (i) Application Fee for a permit under subsection (2) shall not exceed the fee limitations prescribed by the Small Cells Act or other applicable State Law.
- (j) The Applicant may revoke a permit, upon 30 days' notice and an opportunity to cure, if the permitted small cell wireless facilities and any associated Utility Pole fail to meet the requirements of this ordinance.
- (k) The Applicant shall not require a permit or any other approval or require Fees or RATES for maintenance or operation of a Small Cell Wireless Facility or Mico Wireless Facility, except that the Authority may require a permit as described in Section E.2 for any work deemed by the Authority to affect traffic patterns or obstruct vehicular or pedestrian traffic in the ROW.
- (l) **Decommissioning Sites:** An Authority shall notify the Authority in writing before discontinuing use of a Small Cell Wireless Facility, Utility Pole, or Wireless Support Structure. The notice shall specify when and how the Wireless Provider intends to remove the Small Cell Wireless Facility, Utility Pole, or Wireless Support Structure. The Wireless Provider shall return the property to its pre-installation condition. If the Wireless Provider does not complete the removal within 45 days after the discontinuance of use, the Authority may complete the removal and assess the costs of removal against the Wireless Provider. A permit under this section for a Small Cell Wireless Facility expires upon removal of the Small Cell Wireless Facility.

- (F) Provider Requirement of Service:** This ordinance does not require Wireless Facility deployment or regulate Wireless Services.
- (G) Appeals:** The Applicant may appeal any Authority determinations related to this ordinance to the highest elected body of the Authority or, the circuit court in the judicial circuit where the Authority is located.
- (H) Defense, Indemnity, and Insurance:** All Applicant Wireless Providers shall:
- (1)** Defend, indemnify, and hold harmless the Authority its officers, agents, and employees against any claims, demands, damages, lawsuits, judgments, costs, liens, losses, expenses, and attorney Fees resulting from the installation, construction, repair, replacement, operation, or maintenance of any wireless facilities, Wireless Support Structure, or Utility Pole to the extent caused by the Applicant and all entities acting on its behalf including but not limited to its contractors, its subcontractors, and the officers, employees, or agents of any of these, except as to liabilities or losses due to or caused by the sole negligence of the Authority or its officers, agents, or employees.
 - (2)** Obtain insurance naming the Authority and those acting on its behalf including but not limited to its officers, agents, and employees as additional insureds against any claims, demands, damages, lawsuits, judgments, costs, liens, losses, expenses, and attorney Fees. A Wireless Provider may meet all or a portion of the Authority's insurance coverage and limit requirements by self-insurance, conditioned upon providing to the Authority, evidence demonstrating, to the Authority's satisfaction, the Wireless Provider's financial ability to meet the Authority's insurance coverage and limit requirements throughout the life of the provider's use of the ROW. To the extent it self-insures, a Wireless Provider is not required to name additional insureds under this section.
- (I) Reduced Fees:** The Authority may establish a Fee or Rate less than the maximum specified in the Small Cells Act or other applicable State Law.
- (J) Bonding:**
- (1)** As a condition of a permit described in this act, the Wireless Provider shall provide a \$1,000 bond per new Utility Pole or other new Structure, for the purpose of providing for the removal of abandoned or improperly maintained small cell wireless facilities, including those that an Authority determines should be removed to protect public health, safety, or welfare, to repair the ROW as provided under section 13(10) and, to recoup Rates or Fees that have not been paid by a Wireless Provider in more than 12 months, if the Wireless Provider has received 60-day advance notice from the Authority of the noncompliance.
 - (2)** The Authority shall not require a cash bond, unless the Wireless Provider has failed to obtain or maintain a bond required under this section or the surety has defaulted or failed to perform on a bond given to the Authority on behalf of a Wireless Provider.
- (K) Labelling:** A Small Cell Wireless Facility for which a permit is issued shall be labeled with the name of the Wireless Provider, emergency contact telephone number, and information that identifies the Small Cell Wireless Facility and its location.
- (L) Electric Costs:** A Wireless Facility is responsible for arranging and paying for the electricity used to operate a Small Cell Wireless Facility.

(M) AUTHORITY Reservation of Rights: This ordinance is enacted in compliance with Michigan 2018 PA 365; MCL 460.1301 and 2018 PA 366; MCL 125.3205(1)(c) as amended and MCL 125.3514(10). However, the AUTHORITY takes specific note of inconsistencies as between these State Acts and certain potentially preemptive FCC Rulings concerning "Small Cells" known as the "Moratoria Order"; FCC 3rd Report and Order and Declaratory Ruling of 8/13/2018 FCC 18-111 <https://docs.fcc.gov/public/attachments/FCC-18-111A1.pdf> and "Small Cell Order"; FCC Declaratory Ruling and 3rd Report and Order of 9/27/2018 FCC 18-133 <https://docs.fcc.gov/public/attachments/FCC-18-133A1.pdf>.

- (1) The Authority also notes inconsistencies between the Small Cells Act and the Michigan Constitution of 1963 including but not limited to Article VII Sections 22, 26, 29, 30, 31 and 34. Enacting this ordinance does not preclude the Authority from engaging in or otherwise supporting a judicial or other challenge to either the State Acts or FCC rules referenced above. In the event of any interpretations, including Judicial, Legislative or Administrative, contrary to the Michigan Public Acts and/or FCC rules referenced above, the Authority specifically reserves the right to amend and or terminate this ordinance and all related agreements, policies and procedures undertaken in furtherance hereof.)

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August 17, 2023

Mtg Date: August 24, 2023
To: Planning Commission
From: Iris Lubbert, AICP, Planning Director
Subject: Discussion, Solar Energy Systems Ordinance

At the Planning Commission's regular August 10th meeting, Jim Porter, Township Attorney, introduced a draft Solar Ordinance to the Planning Commission. Per request, the proposed ordinance will be further discussed at the August 24th meeting.

Attachment: Draft Solar Energy Systems Ordinance

OSHTEMO CHARTER TOWNSHIP ORDINANCE NO.

Adopted: _____, 2023

Effective: _____, 2023

An Ordinance to amend the Oshtemo Township Zoning Ordinance Article ____ to permit and regulate Solar Energy Systems in the Township.

THE CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN
ORDAINS:

SOLAR ENERGY SYSTEMS

SECTION I INTENT AND PURPOSE:

1. Purpose: The most common and prevalent land use in Oshtemo Charter Township is Residential. This Ordinance is intended to protect the health, safety, and welfare of the residents of the Township and to encourage the safe, effective, efficient, and orderly development and operation of Solar Energy Systems in the Township while preserving and protecting the character and stability of residential, agricultural, recreational, commercial, and other areas of the Township.
2. Specific locations within the Township may best support the implementation of Solar Energy Systems. To prepare for potential Solar Energy Systems projects within the Township, this Ordinance will permit smaller systems but larger systems will be required to obtain a Special Land Use Permit to ensure Solar Energy Systems are appropriately located so as to protect the character and stability of the Townships residential, agricultural, recreational, commercial and/or industrial areas, open space, views and aesthetics, wetlands, and other ecological and environmentally sensitive areas. Accordingly, regulations are necessary to further the above goals and equally important, to minimize the potential adverse effects of this emerging land use on adjacent properties.

FINDINGS

1. This Ordinance has been developed with the intention of obtaining an appropriate balance between the desire for renewable energy resources and the need to protect the public health, safety, and welfare of the community and the character and stability of the Township's residential, agricultural, recreational, commercial and/or industrial areas and preserving and protecting the Townships important and sensitive environmental and ecological assets and areas, open space, views and aesthetics, wetlands, and other ecological and environmentally sensitive areas.
2. The general welfare health, and safety of the citizens of the Township will be protected with the enactment of this Ordinance.

SECTION II DEFINITIONS :

Accessory Ground-Mounted Solar Energy System: A ground-mounted solar energy system with the purpose primarily of generating electricity for the principal use on the site.

Building-Integrated Solar Energy System: A solar energy system that is an integral part of a primary or accessory building or structure (rather than a separate mechanical device), replacing or substituting for an architectural or structural component of the building or structure. Building-integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

Dual Use: A solar energy system that employs one or more of the following land management and conservation practices throughout the project site:

- **Pollinator Habitat:** Solar sites designed to meet a score of 76 or more on the Michigan Pollinator Habitat Planning Scorecard for Solar Sites.
- **Conservation Cover:** Solar sites designed in consultation with conservation organizations that focus on restoring native plants, grasses, and prairie with the aim of protecting specific species (e.g., bird habitat) or providing specific ecosystem services (e.g., carbon sequestration, soil health).
- **Forage:** Solar sites that incorporate rotational livestock grazing and forage production as part of an overall vegetative maintenance plan.
- **Agrivoltaics:** Solar sites that combine raising crops for food, fiber, or fuel, and generating electricity within the project area to maximize land use.

Ground-Mounted Solar Energy System: A solar energy system mounted on support posts, like a rack or pole, that are attached to or rest on the ground.

Invasive Plant: Non-native (or alien) to the ecosystem under consideration and whose introduction causes or is likely to cause economic or environmental harm or harm to human health.

Maximum Tilt: The maximum angle of a solar array (i.e., most vertical position) for capturing solar radiation as compared to the horizon line.

Minimum Tilt: The minimal angle of a solar array (i.e., most horizontal position) for capturing solar radiation as compared to the horizon line.

Non-Participating Lot(s): One or more lots for which there is not a signed lease or easement for development of a principal-use SES associated with the applicant project.

Participating Lot(s): One or more lots under a signed lease or easement for development of a principal-use SES associated with the applicant project.

Photovoltaic (PV) System: A semiconductor material that generates electricity from sunlight.

Principal-Use Solar Energy System: A commercial, ground-mounted solar energy system that converts sunlight into electricity for the primary purpose of off-site use through the electrical grid or export to the wholesale market.

Principal-Use (Large) Solar Energy System: A Principal-Use SES generating more than 2 MW DC for the primary purpose of off-site use through the electrical grid or export to the wholesale

market. Site of more than twenty acres requested.

Principal-Use (Small) Solar Energy System: A Principal-Use SES generating up to and including 2 MW DC for the primary purpose of off-site use through the electrical grid or export to the wholesale market. Site limited up to twenty acres.

Repowering: Reconfiguring, renovating, or replacing an SES to maintain or increase the power rating of the SES within the existing project footprint.

Roof-Mounted Solar Energy System: A solar energy system mounted on racking that is attached to or ballasted on the roof of a building or structure.

Solar Array: A photovoltaic panel, solar thermal collector, or collection of panels or collectors in a solar energy system that collects solar radiation.

Solar Carport: A solar energy system of any size that is installed on a structure that is accessory to a parking area, and which may include electric vehicle supply equipment or energy storage facilities. Solar panels affixed on the roof of an existing carport structure are considered a Roof-Mounted SES.

Solar Energy System (SES): A photovoltaic system or solar thermal system for generating and/or storing electricity or heat, including all above and below ground equipment or components required for the system to operate properly and to be secured to a roof surface or the ground. This includes any necessary operations and maintenance building(s), but does not include any temporary construction offices, substation(s) or other transmission facilities between the SES and the point of interconnection to the electric grid.

Solar Thermal System: A system of equipment that converts sunlight into heat.

Wildlife-Friendly Fencing: A fencing system with openings that allow wildlife to traverse over or through a fenced area.

SECTION III GENERAL PROVISIONS:

Roof-Mounted SES, Accessory Ground-Mounted SES, and Building-Integrated SES are permitted in all zoning districts where structures of any sort are allowed, and shall meet the following requirements:

A. ROOF-MOUNTED SES

- 1. Height:** Roof-Mounted SES shall not exceed 10 feet above the finished roof and are exempt from any rooftop equipment or mechanical system screening.
- 2. Nonconformities:** A Roof-Mounted SES or Building-Integrated SES installed on a nonconforming building, structure, or use shall not be considered an expansion of the nonconformity.

3. **Application:** All SES applications must include site plan. Applications for Roof-Mounted SES must include horizontal and vertical elevation drawings that show the location and height of the SES on the building and dimensions of the SES. Roof mounted SES will be evaluated and if they weren't Ordinance regulated shall be granted administrative approval.

B. ACCESSORY GROUND-MOUNTED SES

1. **Height:** Ground-Mounted SES shall not exceed 20 feet measured from the ground to the top of the system when oriented at maximum tilt.

2. **Setbacks:** A Ground-Mounted SES must be a minimum of 5 feet from the property line or one half the required setback that would apply to accessory structures in the side or rear yard in the respective zoning district, whichever is greater. Setback distance is measured from the property line to the closest point of the SES at minimum tilt.

3. **Lot Coverage:** The area of the solar array shall not exceed 50 % of the square footage of the primary building of the property unless it is sited over required parking (i.e. solar carport), in which case there is no maximum lot coverage for the Ground-Mounted SES. A Ground-Mounted SES shall not count towards the maximum number or square footage of accessory structures allowed on site or maximum impervious surface area limits if the ground under the array is pervious.

4. **Visibility (Residential):** A Ground-Mounted SES in all residential districts shall be located in the side or rear yard to minimize visual impacts from the public right-of-way(s).

a. Ground-Mounted SES may be placed in the front yard with administrative approval, where the applicant can demonstrate that placement of the SES in the rear or side yard will:

i. Decrease the efficiency of the SES due to topography, accessory structures, or vegetative shading from the subject lot or adjoining lots;

ii. Interfere with septic system, accessory structures, or accessory uses; or

iii. Require the SES to be placed on the waterfront side of the building housing the primary use [where applicable].

5. **Exemptions:** A SES used to power a single device or specific piece of equipment such as a lawn ornament, lights, weather station, thermometer, clock, well pump or other similar singular device is exempt from Section 4 [Ground-Mounted SES provisions].

6. **Nonconformities:** A Ground-Mounted SES installed on a nonconforming lot or use shall not be considered an expansion of the nonconformity.

7. **Application:** All SES applications must include a site plan. Applications for Ground-Mounted SES must include drawings that show the location of the system on the property, height, tilt features (if applicable), the primary structure, accessory structures, and setbacks to

property lines. Accessory use applications that meet the ordinance requirements shall be granted administrative approval.

C. BUILDING-INTEGRATED SES:

1. Building-Integrated SES are subject only to zoning regulations applicable to the structure or building and not subject to accessory ground or roof-mounted SES permits.

D. SMALL PRINCIPAL-USE SES:

A Small Principal-Use SES is a permitted use in Agricultural and RR Rural Residential Zoning Districts subject to site plan review and shall meet all of the following requirements:

1. **Height:** Total height shall not exceed 20 feet measured from the ground to the top of the system when oriented at maximum tilt.
2. **Setbacks:** Setback distance shall be measured from the property line or road right-of-way to the closest point of the solar array at minimum tilt or any SES components and as follows:
 - a. A Ground-Mounted SES shall follow the setback distance for primary buildings or structures for the district in which it is sited.
 - b. A Ground-Mounted SES is not subject to property line setbacks for common property lines of two or more participating lots, except road right-of-way setbacks shall apply.
3. **Fencing:** A Small Principal-Use SES shall be secured with perimeter fencing to restrict unauthorized access. If installed, perimeter fencing shall be a maximum of 7 feet in height. Barbed wire is prohibited. Fencing is not subject to setbacks.
4. **Screening/Landscaping:** A Small Principal-Use SES shall be designed to follow the screening and/or landscaping standards for the zoning district of the project site. Any required screening and landscaping shall be placed outside the perimeter fencing.
 - a. In districts that call for screening or landscaping along rear or side property lines, these shall only be required where an adjoining non-participating lot has an existing residential or public use.
 - b. When current zoning district screening and landscaping standards are determined to be inadequate based on a legitimate community purpose consistent with local government planning documents, the Planning Commission may require substitute screening consisting of native deciduous trees planted 30 feet on center, and native evergreen trees planted 15 feet on center along existing non-participating residential uses.

- c. The Planning Commission may reduce or waive screening requirements provided that any such adjustment is in keeping with the intent of the Ordinance and is appropriately documented (e.g. abutting participating lots; existing vegetation).
 - d. Screening/landscaping detail shall be submitted as part of the site plan that identifies the type and extent of screening for a Small Principal-Use SES, which may include plantings, strategic use of berms, and/or fencing.
- 5. Ground Cover:** A Small Principal-Use SES shall include the installation of perennial ground cover vegetation maintained for the duration of operation until the site is decommissioned. The applicant shall include a ground cover vegetation establishment and management plan as part of the site plan.
- a. An SES utilizing agrivoltaics is exempt from perennial ground cover requirements for the portion of the site employing the dual-use practice.
 - b. Project sites with majority existing impervious surface or those that are included in a brownfield plan adopted under the Brownfield Redevelopment Financing Act, PA 381 of 1996, as amended, are exempt from ground cover requirements. These sites must comply with the on-site stormwater requirements of the ordinance.
- 6. Lot Coverage:** A Small Principal-Use SES shall not count towards the maximum lot coverage or impervious surface standards for the district.
- 7. Land Clearing:** Land disturbance or clearing shall be limited to what is minimally necessary for the installation and operation of the system and to ensure sufficient all-season access to the solar resource given the topography of the land. Topsoil distributed during site preparation (grading) on the property shall be retained on site.
- 8. Access Drives:** New access drives within the SES shall be designed to minimize the extent of soil disturbance, water runoff, and soil compaction on the premises. The use of geotextile fabrics and gravel placed on the surface of the existing soil for temporary roadways during the construction of the SES is permitted, provided that the geotextile fabrics and gravel are removed once the SES is in operation.
- 9. Wiring:** SES wiring (including communication lines) may be buried underground. Any above-ground wiring within the footprint of the SES shall not exceed the height of the solar array at maximum tilt.
- 10. Lighting:** Lighting shall be limited to inverter and/or substation locations only. Light fixtures shall have downlit shielding and be placed to keep light on-site and glare away from adjacent properties, bodies of water, and adjacent roadways. Flashing or intermittent lights are prohibited.

- 11. Signage:** An area up to 30 square feet [should be consistent with the district or sign type standard] may be used for signage at the project site. Any signage shall meet the setback, illumination, and materials/ construction requirements of the zoning district for the project site.

- 12. Sound:** The sound pressure level of a Small Principal-Use SES and all ancillary solar equipment shall not exceed 40 dBA (Leq (1-hour)) at the property line of an adjoining non-participating lot. The site plan shall include modeled sound isolines extending from the sound source to the property lines to demonstrate compliance with this standard.

- 13. Repowering:** In addition to repairing or replacing SES components to maintain the system, a Small Principal-Use SES may at any time be repowered by reconfiguring, renovating, or replacing the SES to increase the power rating within the existing project footprint.
 - a. A proposal to change the project footprint of an existing SES shall be considered a new application, subject to the ordinance standards at the time of the request.

- 14. Decommissioning:** Upon application, a decommissioning plan shall be submitted indicating the anticipated manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed, retained (e.g. access drive, fencing), or restored for viable reuse of the property consistent with the zoning district.
 - a. An SES owner may at any time:
 - i. Proceed with the decommissioning plan approved by the Planning Commission under this Section and remove the system as indicated in the most recent approved plan; or
 - ii. Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.
 - b. Decommissioning an SES must commence when the soil is dry to prevent soil compaction and must be completed within 18 months after abandonment. An SES that has not produced electrical energy for 12 consecutive months shall prompt an abandonment hearing.

SECTION IV SPECIAL LAND-USE STANDARDS:

- A. LARGE PRINCIPAL-USE SES:** A large principal-use SES is a special land use in the Agricultural and RR Rural Residential Zoning Districts specified and shall meet the following requirements:
 - 1. Height:** Total height for a large principal-use SES shall not exceed the maximum allowed 20 feet.
 - 2. Setbacks:** Setback distance shall be measured from the property line or road right-of-way to the closest point of the solar array at minimum tilt or any SES components and as follows:

- a. In accordance with the setbacks for principal buildings or structures for the zoning district or at least 50 feet from the property line of a non-participating lot.
 - b. 100 feet from any existing dwelling unit on a non-participating lot.
 - c. A Ground-Mounted SES is not subject to property line setbacks for common property lines of two or more participating lots, except road right-of-way setbacks shall apply.
3. **Fencing:** A large principal-use SES may shall be secured with perimeter fencing to restrict unauthorized access. If installed, perimeter fencing shall be a maximum of 7 feet in height. Barbed wire is prohibited. Fencing is not subject to setbacks.
 4. **Screening/Landscaping:** A large principal-use SES shall follow the screening and/or landscaping standards for the zoning district of the project site. Any required screening and landscaping shall be placed outside the perimeter fencing.
 - a. In districts that call for screening or landscaping along rear or side property lines, these shall only be required where an adjoining non-participating lot has an existing residential or public use.
 - b. When current zoning district screening and landscaping standards are determined to be inadequate based on a legitimate community purpose consistent with local government planning documents, the Planning Commission may require substitute screening consisting of native deciduous trees planted 30 feet on center, and native evergreen trees planted 15 feet on center along existing non-participating residential uses.
 - c. The Planning Commission may reduce or waive screening requirements provided that any such adjustment is in keeping with the intent of the Ordinance.
 - d. Screening/landscaping detail shall be submitted as part of the site plan that identifies the type and extent of screening for a large principal-use SES, which may include plantings, strategic use of berms, and/or fencing.
 5. **Ground Cover:** A large principal-use SES shall include the installation of ground cover vegetation maintained for the duration of operation until the site is decommissioned. The applicant shall include a ground cover vegetation establishment and management plan as part of the site plan. Vegetation establishment must include invasive plant species and noxious weed control. The following standards apply:
 - a. Sites bound by a Farmland Development Rights (PA 116) Agreement must follow the Michigan Department of Agriculture and Rural Development's Policy for Allowing Commercial Solar Panel Development on PA 116 Lands.
 - b. Ground cover at sites not enrolled in PA 116 must meet one or more of the four types of Dual Use defined in this ordinance.

i. Pollinator Habitat: Solar sites designed to meet a score of 76 or more on the Michigan Pollinator Habitat Planning Scorecard for Solar Sites.

ii. Conservation Cover: Solar sites designed in consultation with conservation organizations that focus on restoring native plants, grasses, and prairie with the aim of protecting specific species (e.g., bird habitat) or providing specific ecosystem services (e.g., carbon sequestration, soil health).

iii. Forage: Solar sites that incorporate rotational livestock grazing and forage production as part of an overall vegetative maintenance plan.

iv. Agrivoltaics: Solar sites that combine raising crops for food, fiber, or fuel, and generating electricity within the project area to maximize land use. Project sites that are included in a brownfield plan adopted under the Brownfield Redevelopment Financing Act, PA 381 of 1996, as amended, that contain impervious surface at the time of construction or soils that cannot be disturbed, are exempt from ground cover requirements

c. Project sites that are included in a brownfield plan adopted under the Brownfield Redevelopment Financing Act, PA 381 of 1996, as amended, that contain impervious surface at the time of construction or soils that cannot be disturbed, are exempt from ground cover requirements.

Agricultural Protection: For sites where agriculture is a permitted use in a district, a large principal-use SES may be sited to minimize impacts to agricultural production through site design and accommodations including:

- a.** The ground mounting of panels by screw, piling, or a similar system that does not require a footing, concrete, or other permanent mounting in order to minimize soil compaction, [and/or]
- b.** Siting panels to avoid disturbance and compaction of farmland by siting panels along field edges and in nonproduction areas to the maximum extent practicable and financially feasible, [and/or]
- c.** Maintaining all drainage infrastructure on site, including drain tile and ditches, during the operation of the SES, [and/or]
- d.** Siting the SES to avoid isolating areas of the farm operation such that they are no longer viable or efficient for agricultural production, including, but not limited to, restricting the movement of agricultural vehicles/equipment for planting, cultivation, and harvesting of crops, and creating negative impacts on support infrastructure such as irrigation systems or drains, or

6. **Lot Coverage:** A large principal-use SES shall not count towards the maximum lot coverage or impervious surface standards for the district.
7. **Land Clearing:** Land disturbance or clearing shall be limited to what is minimally necessary for the installation and operation of the system and to ensure sufficient all-season access to the solar resource given the topography of the land. Topsoil distributed during site preparation (grading) on the property shall be retained on site.
8. **Access Drives:** New access drives within the SES shall be designed to minimize the extent of soil disturbance, water runoff, and soil compaction on the premises. The use of geotextile fabrics and gravel placed on the surface of the existing soil for the construction of temporary drives during the construction of the SES is permitted, provided that the geotextile fabrics and gravel are removed once the SES is in operation.
9. **Wiring:** SES wiring (including communication lines) may be buried underground. Any above-ground wiring within the footprint of the SES shall not exceed the height of the solar array at maximum tilt.
10. **Lighting:** Large principal-use SES lighting shall be limited to inverter and/or substation locations only. Light fixtures shall have downlit shielding and be placed to keep light on-site and glare away from adjacent properties, bodies of water, and adjacent roadways. Flashing or intermittent lights are prohibited.
11. **Signage:** An area up to 30 square feet may be used for signage at the project site. Any signage shall meet the setback, illumination, and materials/ construction requirements of the zoning district for the project site.
12. **Sound:** The sound pressure level of a large principal-use SES and all ancillary solar equipment shall not exceed 40 dBA (Leq (1-hour)) at the property line of an adjoining non-participating lot. The site plan shall include modeled sound isolines extending from the sound source to the property lines to demonstrate compliance with this standard.
13. **Repowering:** In addition to repairing or replacing SES components to maintain the system, a large principal-use SES may at any time be repowered, without the need to apply for a new special land-use permit, by reconfiguring, renovating, or replacing the SES to increase the power rating within the existing project footprint.
 - a. A proposal to change the project footprint of an existing SES shall be considered a new application, subject to the ordinance standards at the time of the request. Expenses for legal services and other studies resulting from an application to modify an SES will be reimbursed to the Township by the SES owner in compliance with established escrow policy.
14. **Decommissioning:** A decommissioning plan is required at the time of application.

a. The decommissioning plan shall include:

i. The anticipated manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed, retained (e.g. access drive, fencing), or restored for viable reuse of the property consistent with the zoning district,

ii. The projected decommissioning costs for removal of the SES (net of salvage value in current dollars) and soil stabilization, less the amount of the surety bond posted with the State of Michigan for decommissioning of panels installed on PA 116 lands,

iii. The method of ensuring that funds will be available for site decommissioning and stabilization (in the form of surety bond, irrevocable letter of credit, or cash deposit), and

b. A review of the amount of the performance guarantee based on inflation, salvage value, and current removal costs shall be completed every 5 years, for the life of the project, and approved by the Township Board. An SES owner may at any time:

i. Proceed with the decommissioning plan approved by the Planning Commission under this Section and remove the system as indicated in the most recent approved plan; or

ii. Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.

b. Decommissioning an SES must commence when the soil is dry to prevent soil compaction and must be complete within 18 months after abandonment. An SES that has not produced electrical energy for 12 consecutive months shall prompt an abandonment hearing.

SECTION V EFFECTIVE DATE:

This Ordinance will take effect upon Publication after Adoption in accordance with state law. Ordinances, or parts Ordinances, are in conflict herewith are hereby suspended until the Moratorium provisions of this Ordinance are otherwise amended or repealed.

DUSTY FARMER, CLERK
OSHTEMO CHARTER TOWNSHIP