

OSHTEMO CHARTER TOWNSHIP
KALAMAZOO COUNTY, MICHIGAN

NOTICE OF ZONING PUBLIC HEARING

PLEASE TAKE NOTICE that the Planning Commission of Oshtemo Charter Township will conduct a public hearing on August 24, 2023, commencing at 6:00 p.m. at the Oshtemo Charter Township Hall, 7275 West Main Street, within the Township, as required under the provisions of the Michigan Zoning Enabling Act.

PLEASE TAKE FURTHER NOTICE that the items to be considered at said public hearing include, in brief, the following:

1. Consideration of the request of Peter Oleszczuk, on behalf of Midwest V LLC, to rezone the property 8447 Stadium Drive, Kalamazoo, MI 49009 including a private ROW, Parcel No. 3905-33-403-010.

Conditionally rezone 8447 Stadium Drive, Kalamazoo in its entirety and a section of neighboring private ROW from R-3, Residence District to C- Local Business District; with the four following conditions:

- a. The property in question will be developed as a Market Dollar General store.
 - b. 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.
 - c. Required parking counts based on the size of the building will be met through a combination of installed surface parking and banked parking spaces.
 - d. The proposed development will be compliant with required setbacks as detailed in the zoning ordinance.
2. Consideration of the request of Marroll LLC to review and approve a Conceptual Plan for a Planned Unit Development (PUD), located on 9th St North of Meijer, Parcel No. 05-14-130-017 and a portion of 6660 W. Main Street. The applicant proposes to construct 15 four-plex buildings (60 units total) and a future senior housing complex in three phases.
 3. Amendment of Township Zoning Ordinance to add wireless telecommunication facility provisions which in summary will permit the following: Article 45 Wireless Telecommunication Facilities:

45.10 Purpose. The purpose of this section is to regulate the construction of wireless telecommunications facilities on private property.

45.20 Definitions: are fully set forth in the Ordinance.

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. Installation of a Small Cell Wireless Facility or Micro Wireless Facility within a ROW on an existing Structure or new Wireless Support Structure under 40 feet.
- B. The replacement of a Small Cell Wireless.
- C. Routine maintenance of a Small Cell Wireless Facility or utility pole.
- D. Co-Location of a Small Cell Wireless Facility.
- E. The installation of a Micro Wireless Facility.
- F. A Small Cell Wireless Facility or Micro Wireless Facility upon a campus 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.

- A. Modifications to a previously approved wireless facility.
- B. Co-Locations on a previously approved wireless facility.
- C. Replacement of a Wireless Facility Support Structure.
- D. New wireless facilities utilizing a pre-existing structure.
- E. Constructing a new Wireless Facility Support Structure under 40 feet in height.
- 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 Ordinance requirements.

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.
- B. Constructing a new Wireless Facility Support Structure 200 feet in Height or taller.
- C. Increasing the height of an existing Wireless Facility Support Structure to 110% of its original height, or taller.
- D. Replacement of a Wireless Facility Support Structure with a new structure that is taller than the previous structure.
- E. If, 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.

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.
- C. Name, address, phone number of owner.
- D. Organization name, address, phone number, and contact person.
- E. Notification of date of lease expiration.
- F. Wireless Facility Support Structure plans including: a description regarding height, capacity, interference with other telecommunications, FCC & FAA regulations, building code, shared use and any other information deemed necessary by the Township, as more fully set forth in the Ordinance.

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.** Requirements- including information regarding setbacks and base support, as more fully set forth in the Ordinance.

- B. **Lighting.** Requirements regarding FAA regulations and Article 54, as more fully set forth in the Ordinance.
- C. **Signs and Advertising.** Limitations regarding signs, as more fully set forth in the Ordinance.
- D. **Interference.** Limitations, as more fully set forth in the Ordinance.
- E. **Specific Requirements for Co-Locations and Modifications:** including structural analysis, FCC regulations, paint color, and height, as more fully set forth in the Ordinance.

45.80 Requirements for Approval – New Facilities. Including capacity, interference impact, alternative sites and other unforeseen circumstance, as more fully set forth in the Ordinance.

- A. **Ground Equipment and Accessory Structures.** See Section 45.70.A
- B. **Lighting.** See Section 45.70.B.
- C. **Signs and Advertising.** See Section 45.70.C.
- D. **Interference.** See Section 45.70.D.
- E. **Setbacks.** Including setbacks from all property lines and dwelling units, as more fully set forth in the Ordinance.
- F. **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 accommodate future Co-Locations, photo-sims, and design requirements, as more fully set forth in the Ordinance.
- G. **Height.** New wireless facilities on existing structures shall be exempt from the following requirements. All other applications shall comply with other requirements including shortest height to provide service, coverage, and antenna height, as more fully set forth in Subsection G of the Ordinance.

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 issue a decision on the application within 90 days of the application being deemed complete.
- B. For Modifications and Co-Locations, the Township shall issue an approval or denial within 60 days of the application being deemed complete.
- C. If the applicant does not provide any new information for 180 days, will be deemed to have been withdrawn.

45.100 Annual Inspections. All Wireless Facility Support Structure shall be inspected at regular intervals, no less than once a year.

45.110 Information Update. The owner shall submit updated information whenever any of the following change:

- A. Name, address, phone number of Wireless Facility Support Structure owner.
- B. Name, address, phone number, of each co-locator and the operational status of the equipment.
- C. Notification of date of lease expiration and/or cessation of operation.

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.

- 4. Such other and further matters as may properly come before the Planning Commission at the public hearing.

You are invited to attend this public hearing. If you are unable to attend, written comments may be submitted in lieu of a personal appearance by writing to: Planning Commission, 7275 W. Main Street, Kalamazoo, MI 49009, up to the date of the hearing and may be received by the Planning Commission at the hearing. All materials relating to these requests may be examined at Oshtemo Township Hall during normal business hours.

Oshtemo Charter Township will make reasonable accommodations to allow individuals with disabilities to attend and/or participate in public meetings. Individuals with disabilities requiring auxiliary aids, or other accommodations, should contact the Township by phone, or in writing, at least seven (7) days prior to the scheduled meeting date.

OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION

By: Iris Lubbert, Planning Director
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