



7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334
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**NOTICE
OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION - REGULAR MEETING**

**MEETING WILL BE HELD IN PERSON
AT OSHTEMO TOWNSHIP HALL
7275 W MAIN STREET**

Masks Are Now Optional in Oshtemo Township Buildings

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

**THURSDAY, MAY 12, 2022
6:00 P.M.**

AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Approval of Agenda
4. Public Comment on Non-Agenda Items
5. Approval of Minutes: April 28th, 2022
6. Project Update and Discussion: 5G Wireless Ordinance Revisions (McKenna)
7. Other Updates and Business
8. Adjournment

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

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

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

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

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

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

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

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

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

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

Oshtemo Township Board of Trustees		
<u>Supervisor</u>		
Libby Heiny-Cogswell	216-5220	libbyhc@oshtemo.org
<u>Clerk</u>		
Dusty Farmer	216-5224	dfarmer@oshtemo.org
<u>Treasurer</u>		
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Cheri L. 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>			
Mark Barnes	375-0487	mbarnes@oshtemo.org	
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Karen High	216-5233	khigh@oshtemo.org	
Rental Info	216-5224	oshtemo@oshtemo.org	
<u>Planning Director:</u>			
Iris Lubbert	216-5223	ilubbert@oshtemo.org	
<u>Public Works:</u>			
Marc Elliott	216-5236	melliott@oshtemo.org	

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

DRAFT MINUTES OF A REGULAR MEETING HELD APRIL 28, 2022

Agenda

PUBLIC HEARINGS:

SPECIAL USE AND SITE PLAN REVIEW

Kids Empire requested consideration of a special use and site plan review under Article 65: Special Exemption Use, to establish an indoor recreational facility within an existing 10,804 square foot tenant space within a multi-tenant commercial center located at 5130 W. Main Street Kalamazoo, MI 49009, parcel no. 3905-13-280-022, within the C: Local Business District.

SPECIAL USE AND CONCEPTUAL PLAN REVIEW

Hunter Properties requested consideration of a special use and conceptual plan review under Article 43: Open Space Community; Article 65: Special Uses; and Article 290: Subdivision/Site condominium Ordinance to develop 63 acres for a 49-unit Open Space Community. The subject property is located at 7214 West N Avenue, Kalamazoo MI 49009, parcel nos. 05-34-480-010; 05-34-330-014 and 05-34-455-001, within the RR: Rural Resident District.

CONDITIONAL REZONING, THE PRAIRIES

AVB, on behalf of Trade Center H, LLC and Trade Center G, LLC and The Hinman Co. requested to conditionally rezone the approximately 116-acre property located at 5303 W. Main Street from R-2: Residence District R-4 Residence District C: local Business District. Parcel No. 05-13-405-032

A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, April 28, 2022, commencing at approximately 6:00 p.m. at the Oshtemo Township Hall, 7275 West Main Street.

ALL MEMBERS WERE PRESENT: Bruce VanderWeele, Chair
Micki Maxwell, Vice Chair
Kizzy Bradford
Deb Everett
Alistair Smith
Anna Versalle
Chetan Vyas

Also present were Iris Lubbert, Planning Director, James Porter, Township Attorney, Colten Hutson, Zoning Administrator, Kyle Mucha and Paul Lippens,

consultants from McKenna, Martha Coash, Recording Secretary, and approximately 40 guests.

Call to Order and Pledge of Allegiance

Chairperson VanderWeele called the meeting to order at approximately 6:00 p.m. and those in attendance joined in reciting the Pledge of Allegiance.

Approval of Agenda

The Chair asked if there were any changes to the agenda. Hearing none he let it stand as published.

Comments on Non-Agenda Items

As there were no comments, the Chairperson moved to the next agenda item.

Approval of the Minutes of the Meeting of March 24, 2022

Chairperson VanderWeele asked if there were additions, deletions, or corrections to the Minutes of the Meeting of March 24, 2022. Hearing none, he asked for a motion.

Ms. Maxwell **made a motion** to approve the Minutes of the Meeting of March 24, 2022, as presented. Mr. Smith **seconded the motion**. The **motion was approved** **unanimously**.

The Chair moved to the next agenda item and asked Mr. Hutson for his presentation.

PUBLIC HEARING: SPECIAL USE AND SITE PLAN REVIEW

Kids Empire requested consideration of a special use and site plan review under Article 65: Special Exemption Use, to establish an indoor recreational facility within an existing 10,804 square foot tenant space within a multi-tenant commercial center located at 5130 W. Main Street Kalamazoo, MI 49009, parcel no. 3905-13-280-022, within the C: Local Business District.

Mr. Hutson said Kids Empire, on behalf of the owner, DFG Maple Hill LLC, was requesting special exception use approval to establish an indoor recreational facility within an existing 10,804 square foot tenant space in a multi-tenant commercial center located at 5130 W Main Street. The proposed indoor recreational facility will serve as an indoor playground for children 12 and under to enjoy activities with friends and family.

He indicated 5130 W Main Street is located within the Maple Hill Pavilion, an outdoor shopping outlet along the north side of W Main Street, east of US-131. The vacant 10,804 square foot unit would provide a spacious setting to establish an indoor recreational facility for children. Kids Empire offers a large playground area through a

two-story playground set as well as a separate play area designated for toddlers and infants. Children are required to always be accompanied by a parent or guardian as drop-offs are not allowed. The applicant has also indicated that play areas will be restricted to children 12 and under and that no food preparation will happen on-site. The proposed hours of operation are Monday through Thursday from 10 a.m. – 8 p.m. and Friday through Sunday from 10 a.m. -10 p.m.

The subject property is zoned C: Local Business District. Uses permitted in the C: Local Business District are outlined in Section 18 of the Township's Zoning Ordinance. Indoor recreational facilities are identified as a Special Exception Use within said ordinance section. When reviewing a Special Exception Use similar to this request, the general Special Use review criteria outlined in Section 65.30 shall be followed.

Mr. Hutson provided an analysis of the proposal against Section 65.30 of the Oshtemo Township Zoning Ordinance and indicated the proposal meets all required Special Use criteria.

He said Planning Department staff recommended approval of the proposed Special Use for the indoor recreational facility with the following conditions:

- 1) Play areas shall be restricted to children 12 and under.
- 2) Children shall always be accompanied by a parent or guardian as drop-offs are not allowed.
- 3) No food preparation shall be conducted on-site.
- 4) Hours of operation shall be Monday through Thursday from 10am-8pm, and Friday through Sunday from 10am-10pm.
- 5) A sign permit application shall be submitted to the Township for review and approval if the applicant wishes to add any type of signage to the site.

Chairperson VanderWeele thanked Mr. Hutson for his presentation and after determining there were no questions from board members, opened a Public Hearing. As no one present wished to speak, he moved to Board Deliberations. After hearing no comments from board members, the Chair asked for a motion:

Ms. Versalle **made a motion** to approve the Special Use and Site Plan as requested by Kids Empire with the five conditions as recommended by staff:

- 1) Play areas shall be restricted to children 12 and under.
- 2) Children shall always be accompanied by a parent or guardian as drop-offs are not allowed.
- 3) No food preparation shall be conducted on-site.
- 4) Hours of operation shall be Monday through Thursday from 10am-8pm, and Friday through Sunday from 10am-10pm.
- 5) A sign permit application shall be submitted to the Township for review and approval if the applicant wishes to add any type of signage to the site.

Ms. Bradford **seconded the motion**. The **motion was approved** unanimously.

Chairperson VanderWeele moved to the next agenda item.

PUBLIC HEARING: SPECIAL USE AND CONCEPTUAL PLAN REVIEW

Hunter Properties was requesting consideration of a special use and conceptual plan review under Article 43: Open Space Community; Article 65: Special Uses; and Article 290: Subdivision/Site condominium Ordinance to develop 63 acres for a 49-unit Open Space Community. The subject property is located at 7214 West N Avenue, Kalamazoo MI 49009, parcel nos. 05-34-480-010; 05-34-330-014 and 05-34-455-001, within the RR: Rural Resident District.

Mr. Kyle Mucha, Senior Planner at McKenna, provided a report including comments and findings for the proposed Open Space Community Concept Plan (Tournesol) for a 49-unit residential development submitted for consideration by the Board by Hunter Properties, LLC, dated April 4, 2022 and continued dialogue between the Tournesol Development Team and Oshtemo Township staff.

Based on their evaluation McKenna's recommendation on the conceptual plan was that it generally meets requirements and could be approved by the Planning Commission with the following conditions and observations:

1. Planning commission finds the request to modify site frontage measurement requirements consistent with the purpose of the open space development option and past practices as it pertains to cul-de-sac lots only.
2. Designated open space and green strips be included with the By-Laws/Master Deed of the Condominium Association as common land.
3. By-Laws/Master Deed be submitted to the Township for review.
4. Installation of sidewalks along both sides of the road network.
5. Unit #1 (existing residential dwelling) driveway to be shown to connect to Verdon Trail.
6. Site plans to show the proposed streets extended to the boundary line of the project to make provisions for the future expansion of streets onto adjoining properties.
7. The proposed clustered segments of the development have a minimum naturalized buffer one hundred twenty (120) feet between each cluster. By increasing the buffer from fifty (50) feet to one hundred twenty (120) feet, the proposed development will be more in accordance with ordinance requirements and standards.
8. Units #9 and #10 be considered a "cluster".
9. Any other conditions as noted by other review Agencies, outlined in the staff report.

Chairperson VanderWeele thanked Mr. Mucha for his comments and asked if board members had questions for him.

Ms. Maxwell asked about the distance between clusters.

Mr. Mucha indicated the applicant specified 50 feet between clusters, but McKenna was recommending 120 feet, the minimum lot width required within this zoning district, to help create the clusters by providing more open space for separation.

Ms. Lubbert clarified that the ordinance does not outline a minimum footage separation between clusters but that the proposed 50 feet between clusters does not meet the ordinance intent for clusters in an open space community. Clusters should be strategically placed so to preserve the natural features on the property and be designed in a way to avoid a suburban subdivision appearance.

Ms. Everett asked if only one access road meets ordinance requirements.

Mr. Mucha said the Road Commission is working with the applicant; there is a requirement for streets to be stubbed for further future development. The cut off for one access road is 49 units. 50 units or above requires two access roads. Although McKenna has some concern, the applicant feels one road is adequate.

Ms. Lubbert confirmed one access road meets ordinance in this case.

Hearing no further questions, the Chair asked if the applicant wished to speak.

Mr. Andre Timmermans of Hunter Properties, LLC, said he was moving here and has a vested interest in the community. He spoke to the group about the project, named Tournesol, which he said is "sunflower" translated from French, chosen because it has three defining characteristics which are pillars for the development: 1) natural habitat, 2) joyfully bright and 3) beautiful in appearance yet functional by design. He described how they plan to achieve them by:

- 1) Utilizing the majority of meadow areas as home site locations and preserving greater than 40% of the existing wooded area. They are also creating natural cluster separations by working with the existing trees as well as proposing storm water disposal areas in the lower lying elevations. Also they are weaving a natural hiking/biking trail throughout so residents can fully appreciate the naturally existing elements.
- 2) Developing a bright and colorful place where 49 families can live in clusters of 4-8 units separated by open space and utilizing the natural terrain for more trails, natural features, open space conservation and park amenities. The trail will connect to Beatrice Drive providing intermodal access to the 9th Street business district.
- 3) The community is planned to be in full accordance with Township ordinance for a rural residential district and makes use of the open space community provision. Each lot has a minimum of 120' of frontage with the exception of a few pie-shaped cul-de-sac lots which have a minimum 120' width at the typical setback.

He indicated a sidewalk was proposed only on the side where units are served for sustainable maintenance and to minimize impact on surrounding natural features. Roadways are kept hidden from existing dwellings as much as possible and a single-loaded entry road helps enhance the feel of the larger community and avoid a suburban subdivision appearance. One continuous sidewalk would tie into the hiking/biking path.

Chairperson VanderWeele asked if board members had questions for the applicant.

Mr. Vyas and Ms. Maxwell said for the safety of pedestrians, especially children, they would prefer to have sidewalks on both sides of the entire road.

Ms. Everett confirmed the sidewalk would tie into the hiking/biking path.

Hearing nothing further from board members, the Chair moved to Public Hearing.

Public Comments:

Lanny Schafer, 7396 W. N Ave., was concerned about what will happen to the wildlife living there now and about increased traffic on N Ave. as well as the impact on the value of the lives of residents with the addition of 49 homes/families.

Themis Corakis, 7018 W. N Ave., felt the plan was very nice but would like to see sidewalks on both sides of the complete loop around the development.

Gayle Miller, 4310 S. 7th St., said the property to be developed was a part of her husband's family farm. She has been working with the applicant for a year to get a positive outcome, and is embracing the proposed development. She sees it as a positive for the community, including revenue. It is already not private with the AT&T bisection of the farm. She did not want the land to become public, but now that it is, she embraces the project. If the public can walk the AT&T line, she would like the extra homes close by for safety. She felt the young men who have developed their dream into this plan want to add to the community and said she is behind them 100%.

Pat Flannigan, Monument Engineering said they have been working on the plan for 9 months and that sidewalks are shown on all sides except the entry road on the east side and the entry road on the south side heading west. Rather than having to disturb a 10 foot strip of land that abuts the neighbors' properties to install sidewalks there, he would rather minimize disturbing those areas by eliminating those sidewalks.

Paula Rumsey, 139 Mandalay Drive, wondered if the one road entrance will become another connection to other communities. She was also concerned about there being enough room for fire trucks to safely turn around as well as the wildlife being disturbed.

Greg Keebler, 7280 W. N Ave., expressed concern about increased traffic at W. F Ave. and Beatrice. There are currently many speeders and with two cars per house

there will be approximately 100 more cars per day travelling there. Front lawn area will be lost but taxes will still need to be paid on land they will not own in the future. Privacy will be lost. He enjoys his 10 acres, but feels peace and a security buffer will be lost. He noted a proposed trail by the Township for the Consumers easement which will add to safety and security being destroyed. There are already trespassers, quad runners, homeless and shots heard at night. This will increase the workload for officers.

After attendees spoke, Ms. Lubbert read the one letter received from a resident unable to attend the meeting. The letter is attached to these minutes.

There being no further speakers, Chairperson VanderWeele closed the Public Hearing and moved to Board Deliberations.

Ms. Lubbert explained that what was being considered is a concept plan, not a site plan. If the board moves forward with the concept plan, a site plan with more specifics will be developed for later consideration.

Attorney Porter told the board they needed to consider the recommendation and the proposal to decide if they believe it to be a good concept plan and whether they want to see any changes to the proposal. If they move the plan forward, with changes, their wishes would be included within the confines of the ordinance when the applicant returns to the board for consideration of a site design plan.

He noted the Planning Commission can grant deviations except for sidewalk deviations which must go to the Township Board, but they can provide direction to the applicant. If the Commission's preference is for a deviation for the sidewalk, it will go to the Township Board. This is the Commission's opportunity to decide what they would like to see proposed for a site design plan.

Ms. Maxwell said it seems another exit onto N Ave. is possible.

Ms. Lubbert said there is property that could theoretically provide access there at some time in the future.

Commissioners agreed they would want to see sidewalks required on both sides of the road to provide safety and security. They also agreed they wanted to see 120 foot buffer zones between clusters rather than 50 feet.

Ms. VerSalle **made a motion** to approve the concept plan for the Tournesol Open Space Community Concept Plan for 7214 West N Avenue, subject to the nine recommendations from McKenna:

1. Planning commission finds the request to modify site frontage measurement requirements consistent with the purpose of the open space development option and past practices as it pertains to cul-de-sac lots only.
2. Designated open space and green strips be included with the By-Laws/Master Deed of the Condominium Association as common land.
3. By-Laws/Master Deed be submitted to the Township for review.
4. Installation of sidewalks along both sides of the road network.

5. Unit #1 (existing residential dwelling) driveway to be shown to connect to Verdon Trail.
6. Site plans to show the proposed streets extended to the boundary line of the project to make provisions for the future expansion of streets onto adjoining properties.
7. The proposed clustered segments of the development have a minimum naturalized buffer one hundred twenty (120) feet between each cluster. By increasing the buffer from fifty (50) feet to one hundred twenty (120) feet, the proposed development will be more in accordance with ordinance requirements and standards.
8. Recommendation to the Township Board that units #9 and #10 be considered a "cluster".
9. Any other conditions as noted by other review Agencies, outlined in the staff report.

Ms. Bradford **seconded the motion**. The **motion was approved** unanimously.

Chairperson VanderWeele moved to the next item on the agenda.

PUBLIC HEARING: CONDITIONAL REZONING, THE PRAIRIES

AVB, on behalf of Trade Center H, LLC and Trade Center G, LLC and The Hinman Co. requested to conditionally rezone the approximately 116-acre property located at 5303 W. Main Street from R-2: Residence District R-4 Residence District C: local Business District. Parcel No. 05-13-405-032

Ms. Lubbert reported the request from AVB and The Hinman Co. to conditionally rezone their approximately 116-acre property located at 5303 W Main Street from R-2 and R-4, Residence Districts to the C, Local Business District. Currently comprised of an existing golf course, these 116 acres are part of the Township's Maple Hill Drive South Sub-Area Plan which was adopted in 2017.

The Future Land Use Plan defines the vision for land development in Oshtemo Township based on sound planning principles and community input. It builds on historic development patterns, factoring in the objective to preserve unique environmental features and to protect the rural character of the community. At the same time, the Future Land Use Plan provides direction for anticipated development within the Township in appropriate places for growth.

She noted the Oshtemo 2011 Master Plan and Township's adopted Future Land Use Plan specifically calls out the Maple Hill Drive South area as a sub-area and recommends that a detailed sub-area plan be developed. As noted in the 2011 Master Plan, the Maple Hill Drive South area is currently comprised of an existing golf course and smaller adjacent properties; it has strong potential to accommodate new development due to its location near W Main Street and US-131. Although the existing golf course is a "man-made" green space area, it exists as the only significant green

space within this heavily developed portion of the Township. Given the strong potential for redevelopment of the site, it was deemed critical to undertake a sub-area study, where a preferred development character can be identified, consistent with community goals and market demand. As a result, in 2017 the Township adopted the Maple Hill Drive South Sub-Area Plan which outlines development recommendations for the sub-area, related to land use, density, circulation and connections.

The Maple Hill Drive South Sub-Area Plan is a component of the Township's Master Plan. The Master Plan is a vision for the future of transportation, land use, the economy, environment, and cultural stewardship of our Township. This Plan is revisited at least every five years by the Planning Commission and is the result of countless hours and efforts of residents, business owners, Township Officials and staff, and consultants over the years.

The long-term vision for the Maple Hill Drive South Sub-Area is to develop it as an attractive and economically vibrant mixed-use district, consisting of a planned mixture of commercial, office and technology, residential, and public use, which features high quality and uniform building and site design standards, and which complements and is compatible with adjacent uses. Furthermore, the sub-area should provide residents and visitors with a unique opportunity to meet their needs for housing, employment, services, entertainment, and recreation.

The applicant requested a conditional rezoning. This means that AVB and The Hinman Co. have offered conditions as part of the request for the rezoning. Ms. Lubbert summarized these conditions below.

1. Request to rezone the majority of the property to be developed as a "Commercial Area". No conditions are tied to this portion of the property; there will be no time limit tied to its development.
2. Request to conditionally rezone the southeastern portion of the property to be developed as a Commercial PUD for a "Multi-Family Residential Area". If a Commercial PUD plan for this area is not approved by the Township no later than two years from the date of the rezoning approval, the area will revert to its current R-2 and R-4 Residential zoning designations.

Article 66 of the Township Zoning Ordinance outlines the process for a conditional rezoning to be considered, which is consistent with Section 405 of the Michigan Zoning Enabling Act (MCL 125.3405) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request. The Zoning Enabling Act, which allows Townships to zone property, does not provide any required standards that a Planning Commission must consider when reviewing a rezoning request. However, there are some generally recognized factors that should be deliberated before a rezoning decision is made. Ms.

Lubbert described these considerations along with staff's analysis, incorporating the applicants' proposed conditions:

1. Master Plan Designation

As described in the 'Future Land Use Map: Maple Hill Drive South Sub Area' section of this report, the property is designated to be developed as a planned mixed-use district. An analysis of the proposed conditional rezoning request against the sub area plan is provided below.

- a) The conditions outlined in the conditional rezoning request do not mention or reference the Maple Hill Sub Area Plan.
- b) The conditional rezoning would allow the site to be designed and developed incrementally in a manner that would go against the adopted vision for this area.
- c) By rezoning a majority of the property to C-1 without any stipulations, all of the following are objectives of the Maple Hill Sub Area Plan that would not be met or guaranteed (this is not an all-inclusive list).
 - Any type of developmental transitional scheme.
 - A comprehensive, safe, efficient, and balanced multi-modal transportation network.
 - A true mixed-use development; C-1 zoning does not permit residential development (including mixed use), unless developed as a PUD. The "Commercial Area" may or may not develop in whole or in parts as one or more Commercial PUDs.
 - A distinct identity, including design guidelines, to promote a sense of place for the new community.
 - The integration of community and open space uses, including the "Town Center" identified in the plan.
 - The integration of public spaces, such as parks.
- d) The proposal is to develop the identified "Multi-Family Residential Area" as a Commercial PUD. The proposal notes an approval of a Commercial PUD for this area would be needed within two years or the specific area would revert to R-2 and R-4 Residence Districts. The "Commercial Area" specifically notes there would be no time restriction. This implies that the "Multi-Family Residential Area" will not be considered in the development of the northern "Commercial Area". A cohesive development for this site would not occur.

The proposed conditional rezoning goes against the goals of the Maple Hill Drive South Sub Area Plan. In summary, the sub area plan was adopted to promote a coordinated and thoughtful planning approach to the development of these approximate 143 acres. As outlined in the sub area plan: "Without standards or controls, this area would likely develop at an elevated intensity due to the high traffic levels on W Main Street and the amount and success of surrounding commercial development. Uncontrolled development would likely be detrimental to the Township, especially to those residents who live south of this area.

Therefore, clearly stating a vision for future land use and establishing goals and standards for improvement in this area is critical to the success of the Township's overall plan for growth and development" (page 52). The proposed conditional rezoning ignores a majority of the recommended standards and controls outlined in the adopted sub area plan. Approving this conditional rezoning request would in essence nullify the Township's master plan for the area. Consideration not met.

2. Consistency of the Zoning Classification in the General Area

5303 W Main Street is located in the middle of a wide assortment of uses. If approved, this rezoning would double the existing commercial property south of W Main Street in this area of the Township. For reference existing commercial property southwest of the W Main Street and S Drake Road intersection is approximately 80 acres. Rezoning a property of this scale to a higher intensity requires careful consideration and planning. One of the reasons the sub area plan was adopted was to help control types and intensities of development within the property so when it develops it works in unison with neighboring uses and protects the quality of life for residents to the south. The sub area plan calls for higher density to the north and lower density (including buffers) to the south. The proposal would allow the majority of this site to be developed with no coordination and no real control of intensity. This large increase in commercial could be detrimental to both residential and commercial neighboring properties. This conditional rezoning request is not consistent with the Zoning Classification in the General Area or the Township's Master Plan. Consideration not met.

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

When a property is rezoned, that property is permitted to have any of the uses outlined in that zoning district as long as it follows appropriate review procedures. In this case, there is a distinctive commercial pattern to the north and northeast; in addition, there is industrial to the west. Having additional commercial along these areas would follow the general land use pattern. Particularly given its high visibility from US-131 and W Main Street, the sub-area is highly suitable to accommodate mixed-use or standalone buildings that would include retail, restaurant, entertainment, office, and technological use. However, buffering and/or a transition scheme is needed for the residential areas to the south. That is why the adopted sub area plan called for a mix of uses, commercial and residential, with a transition scheme. The applicants' proposed 'Multi-Family Residential Area' does provide some buffer and transition, which designed as a PUD would give the Township additional control over the development of this specific area and the sub area plan can be referenced for guidance. It should be noted that a commercial PUD allows a density of up to eight units per acre. For compatibility, the least intensive and lowest density land uses should be located along the southern edge of the sub-area (adjacent to established residential areas). If the 'Multi-Family Residential Area' does not progress and reverts to R-2

and R-4 Residence District zoning, it would continue to act as a buffer between existing residential and the commercial to the north. Consideration met.

4. Utilities and Infrastructure

A rezoning to a higher density district is equated with higher intensities in both utility and infrastructure use. Water and sewer could be extended into the site in question. However, traffic generation and access to and from the site is a concern. Both W Main Street and N Drake Road are primary roadways that face congestion on a regular basis. Both the Master Plan and the sub area plan note that traffic should be carefully considered, and multiple access points needed to ensure the success of this site. A traffic study/analysis which takes into account the entire site and proposed uses/density is needed to ensure that the transportation network can support this development and that this development can succeed in partnership with the surrounding area. This proposal does not include this requirement or implies piecemeal development which defeats the purpose of addressing traffic circulation and traffic safety resulting from new development. Consideration not met.

5. Reasonable Use under Current Zoning Classification

The property is currently zoned R-2 with the southern portion zoned R-4; the property is operating as a golf course. In addition to the uses permitted in these districts, both zoning districts allow for a Residential Planned Unit Development as a Special Use. A PUD allows for multi-family dwellings (no specified max number of units per building) with a total maximum density of eight units per acre. The Residential PUD type allows for 20% of the PUD area to be developed as low intensity neighborhood commercial. There is reasonable use under current zoning classification. More details on this ordinance section can be found in Section 41.60 of our code. Consideration not met.

6. Effects on Surrounding Property

As outlined in the other considerations above, the proposed conditional rezoning ignores a majority of the recommended standards and controls outlined in the adopted sub area plan. Approving this conditional rezoning request would in essence nullify the Township's Master Plan for the area which was designed to ensure the compatibility and functionality of this site with the surrounding area. Approving this request would in the long term negatively impact Oshtemo as the Planning efforts and vision of the community would be undermined. Consideration not met.

RECOMMENDATION

Ms. Lubbert said Legal Counsel and the Planning Department recommend the Planning Commission deny the request to conditionally rezone 5303 W Main Street to the C-1, Local Business District.

She noted she had received 17 written letters from residents regarding this rezoning request and indicated she would read them during the Public Hearing portion of the meeting.

Chairperson VanderWeele thanked Ms. Lubbert for her presentation and asked if the applicant wished to speak.

Mr. Curt Aardema, AVB, 4200 W. Centre Ave., Portage addressed the Commission.

He said we are in year eight of this exercise and provided a listing of eight successful projects completed in the area by AVB and the Hinman Company as well as a history of the Maple Hill Sub Area Plan. In 2008 the property was owned by the Elks, who had a project in mind for retail. They sought a local developer to help the golf course survive and to do a redevelopment. AVB entered into an agreement with the Elks in 2014, saved the golf course and began work with the Township in 2014. The Elks currently still operate the golf course.

In 2016 a process to develop a sub-area plan was begun at the request of Oshtemo Township. The document was completed and approved by the Planning Commission in 2018. It was used as the guide to start thinking about what was next for the property. Process to establish an overlay zoning district to allow mixed uses started in 2019. Due to staff changes and Covid restrictions the process was stopped in late 2019. The Planning Commission did recommend completion of the process as a top priority for planning staff in 2020 and 2021. The next step has not yet been taken, which led to the AVB application submitted at this meeting.

The plan calls for retail on the northern end of the area with the southern area restricted to residential. AVB feels this is the best way to proceed since the overlay zone has not been completed. He indicated if a commitment on timing to complete the overlay zone with a timeframe is made by the Planning Committee, AVB would be willing to step back into that process.

Ms. Lubbert told Commissioners the examples of other projects and the background provided was not relevant to the request before them, that they should focus only on the request.

At this point in the meeting (7:45 p.m.), the Chair granted a five minute break.

When the meeting reconvened, Chairperson VanderWeele opened a Public Hearing.

Public Comments:

Raylani, Penrose Lane, and her mother spoke about their concern about the Green Meadow roundabout, noting it is also a bus stop for school children.

Pam Brant, 9280 Highland View Drive, spoke in opposition to the request for rezoning for commercial use, that development of the majority of the green space is not needed, the golf course is uniquely situated. She was concerned about increased traffic along the West Main corridor and asked the Commission to retain the beautiful, natural green space and focus on quality of life for residents.

An unidentified resident was opposed to rezoning citing lost green space, wildlife that would be disturbed, socially distanced outdoor recreation that would be lost if the golf course is gone, concern for traffic congestion on W. Main St., safety issues for non-motorized traffic, and unneeded commercial development. He urged updating the Master Plan post Covid and to inventory current retail space to see what retail development may be needed in the Township. He did not want the beautiful golf course turned into commercial space. He acknowledged the wonderful AVB and Hinman projects in the area, but considered the Westgate development to be a failure, an environmental mess that does not live up to the stated ideals. He noted the area near Trader Joe's is undeveloped; there is still construction debris there. He noted the motto cited is "Build Something Better." He wondered how you can make the golf course better and urged looking for a better space.

Mr. Conroy who lives in a condo south of the area said his number one concern is the multi-residential units at the south end of the plan. The neighboring apartments already have SWAT teams responding to incidents, gunfire is heard, and the apartments are poorly run. He is worried the same thing may occur with new units. If what is built are three-story buildings, residents could look into the Redstone Condos.

Mary, 5312 Penrose Lane, doubted AVB's sincerity at past and recent meetings held for residents. When the Master Plan for the area was first being worked on she noted that she attended a Township hosted work session thinking it was going to be a collaborative effort. Once she arrived and sat down at a table, she discovered that each table had a representative from either AVB or Hinman. She felt ambushed and doubted any sincerity in the process. The impression she got was that it was all about the bottom line. She stressed that this is her neighborhood, her quality of life that would be affected. The proposal will increase traffic, noise, safety concerns and more. Traffic using left turn lanes from Stadium to Drake are frequently bottlenecked; the traffic flow was not well designed. Traffic is very busy in that area. The Mission Statement calls for maintaining the rural atmosphere. If the property being discussed is taken away, only residents west of it will have any rural area. She urged the Commissioners to make the right decision.

Paula Rumsey, 139 Mandalay Drive, said she attended the AVB meeting and noted only about six residents attended. The presentation was nice, AVB does beautiful

work, but said the Westgate hotel area was swept clean of natural features which impacted the 65+ community behind it. She urged Commissioners to consider any development carefully and begged that the area not be zoned commercial.

Robert K., 3407 Westhaven Trail, was concerned about the preservation of green space in the Township and the loss of areas for adults to play. He was also concerned about traffic safety, citing West Main and Drake as one of the most dangerous intersections in the county. Traffic is a big issue now and will be bigger with development. The presentation provides a piecemeal approach. It has to be approached in a more sustained manner, in a positive way that residents desire and the Township needs. Green space needs to be preserved.

After attendees spoke, Ms. Lubbert read the 17 letters that were received from residents unable to attend the meeting. The letters are attached to these minutes.

Paul DeHaan, resident, noted he had played golf at the Prairies/Elks course for 51 years. He noted the 2014 agreement between the Elks and AVB saved the golf course which came close to shutting down. AVB does fine work. He said if development is not wanted, Oshtemo Township could make an offer to purchase the property – he challenged the Township to go out and see what kind of real support there is to retain the golf course.

Joe Gesmundo, AVB, told the group the vision for this property development was unlike others and would include mixed use, different types of residential options, residences over small commercial buildings and walking and green space. It has been difficult to do anything, since even though the Planning staff had this as #2 on their priority list of projects, nothing has happened. He noted PC meetings were cancelled both last year and this year due to a lack of agenda items. The overlay zone work is 80% done, but there has been no opportunity for AVB to work with the Planning Commission to finish it. The only option left to them was to do what they did to secure a public hearing. AVB really wants to complete the process that was started years ago. The W.E. Upjohn housing study shows there is lots of demand for housing in this community. The Master Plan calls for more density of development west of 131, which this is. It is not going to be a golf course. He requested the opportunity to finish the overlay zone work.

Mike DeLoo said he was born and raised in the area and has played at the Prairie course over 30 years. He said a lot of good points were made at this meeting and noted there is a lot of vacant commercial property. He said he was sad that the course has not been addressed over the last 20 years and felt the Master Plan needs to be revisited after the request for rezoning is declined.

As no one else wished to speak, Chairperson VanderWeele closed the Public Hearing and moved to Board Deliberations.

Ms. Maxwell said she could not vote to rezone as requested, but would like to get

the Maple Hill Sub Area Overlay Zone work going again.

Chairperson VanderWeele asked for a motion.

Mr. Smith **made a motion** to deny the conditional rezoning request from AVB and The Hinman Company for their approximately 116 acre property located at 5303 W. Main Street from the R-2 and R-4 Residence Districts, to the C: Local Business District. Ms. VerSalle **seconded the motion**. The **motion was approved** unanimously.

The Chair asked for a motion to move forward with the overlay zone process.

Ms. Maxwell **made a motion** to make work on the overlay zone plan for the Maple Hill Sub-Area priority number one for the Commission and to move forward to completion as soon as possible. Ms. VerSalle **seconded the motion**. The **motion was approved** unanimously.

Chairperson VanderWeele said that additional assistance would be provided for the Planning Department, if needed, to expedite this work.

OTHER UPDATES AND BUSINESS

Ms. Lubbert indicated there were no updates and no further business to come before the Commission.

ADJOURNMENT

With no further business to consider, Chairperson VanderWeele adjourned the meeting at approximately 8:40 p.m.

Minutes prepared:
April 30, 2022

Minutes approved:
_____, 2022

May 25, 2022

Oshtemo Twp. Planning Commission,

This letter concerns the proposed development "Tournesol", project address 7212 West N Ave., or parcel 34-480-010 and associated parcels. I will be unable to attend the Planning Commission meeting on April 28, 2022, so if you would please enter my letter as comments into the meeting minutes.

It appears the development generally meets the Township ordinances for open space developments with a few noted exceptions from the McKenna report. While I am not affected by the actual development, I have concerns with the vehicle access point as well as the potential for sidewalks to terminate onto N Ave.

N Ave. is a very hilly "all season" highly travelled primary road. About 100 ft east of this proposed access, there is a rise in the terrain limiting visibility of where the proposed roadway would exit onto N Ave. There have already been rear end crashes in this area with vehicles turning into driveways due to short range visibility issues.

Speed limit is posted at 45 mph on this stretch of N Ave., but generally the speeds are much higher. Commercial semi-truck traffic volume is substantial (and again travelling at well over the posted speed limit) in the area from those vehicles short cutting Stadium Drive to get to I-94.

Corporate Woods Drive is a commercial / industrial access roadway. Traffic at this intersection at shift change at PNC increases quite a bit. Additionally, commercial traffic uses this access for the properties in the development. There are no sidewalks along Corporate Woods Dr, and currently no connecting trailways. With no other route for pedestrians on N Ave. or on the Texas Township side, it seems counterintuitive to route pedestrians in a suggestive manner to N Ave. where no crosswalks or connections are indicated.

One additional traffic note. N Ave. traffic is increased when I-94 is backed up or closed due to vehicles exiting either Mattawan or 9th St. to bypass the closure. While the posted route is 9th St. and Stadium Drive, Google routes the traffic down N Ave. since it is the shortest route.

The McKenna review also notes that the existing structure on N Ave. (designated as "unit 1" of the development) will have the driveway relocated to the new road. If this structure remains as an N Ave. address, I can see conflicts with public safety response to this address with no access off the addressed street. Practically, I do not see this as an option anyway as this will place the driveway too close to the intersection.

With the terrain, the vehicle traffic volume and the excessive speeds, and the driveway issue with "unit 1" my suggestion would be to move the access roadway west to the Parcel A area to more align with Shane St. This area is much flatter and would provide better visibility from both directions for an access road. Additionally, it would seem to make sense to connect this development to S. 7th St. to provide two access points into the development, or even use this as the single access point to avoid any conflicts with N Ave. access points. I would also support the elimination of sidewalks at the N Ave. Access point.

Thank you for considering my comments.

Regards,



Mike Corfman

Iris Lubbert

From: Andy Marquie
Sent: Tuesday, April 26, 2022 8:49 AM
To: Iris Lubbert
Subject: KEEP THE PRAIRIES GOLF COURSE OPEN!!!

CAUTION: External Email

To Whom it may concern,

I just wanted to share a quick note to let your team know that I believe it's a mistake to close the prairies. It is the only true course that members of the Kalamazoo Community can enjoy that is well kept and has a great staff to go with it. I hope you reconsider the project development and thank about members like me in the community that appreciate having this course.

Thanks,



All of our BSN Catalogs are now online at: <https://www.bsnsports.com/vault/>
Ask me about our industry leading My Team Shop player pay website. Fundraising has never been easier!
<https://bsnteamsports.com/> (My Team Shop Video)



Iris Lubbert

From: rbush3349@mail.kvcc.edu
Sent: Monday, May 2, 2022 2:48 PM
To: Iris Lubbert
Subject: Prairies Golf Course Proposal

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: External Email

Hello. My name is Robert Bush. My family and I are Skyridge Avenue residents. Our property backs up to the Prairies Golf Course. We would hate to see this established neighborhood have to deal with yet another apartment community in the area. We simply don't need it. Our neighborhood is currently a quiet, serene setting. We don't want to lose that aspect. Also, we don't want our home values to drop due to crime and other undesirable activities. We just want let you know, that We stand with our neighbors in asking that you DO NOT approve the proposal for the sale of the Prairies golf course.

Sent from my iPhone

Iris Lubbert

From: Brad Toepper
Sent: Tuesday, April 26, 2022 10:54 AM
To: Iris Lubbert
Subject: Public Comment - 4/28/2022

CAUTION: External Email

This e-mail is in regards to public comment that I would like to be read at the townhall meeting on 4/28 regarding the re-zoning of the Prairies property on West Main.

I have resided in Kalamazoo from 1987 to 2010 and 2015 to present, that's 30 years total. I returned to Kalamazoo because of everything that Kalamazoo has to offer. Kalamazoo is a big-little city that can give you the quiet of a small town and the entertainment of a big town. I have watched Kalamazoo grow over all of this time and it has been at the expense of our greenspaces. Building, after building, has been built with no regard to whether or not there is going to be a business to occupy that building. Vacant lots and buildings sit in front of Costco and along 131 with the all too recognizable blue and white sign. Yet, we consider destroying a golf course in order for a company to have more land to develop when they haven't even developed all of their current space!

As a healthcare professional I am disgusted at the consideration of removing an area that is designed for outdoor enjoyment and exercise, only to pour more concrete and put up more walls. The Prairies is one of the last green spaces that exists between this building and Eastern Hills. We don't need less activity for people in this day and age. We need to protect and maintain this space where anyone between the ages of 12 and 85 can come and be active for 2-5 hours. Society needs space for activities, not space for buildings.

I work on Turwill Lane. The intersection of Turwill Lane and West Main is a nightmare between 4pm and 6pm. West bound traffic is consistently backed up through the intersection because of the traffic going through the West Main and Drake Road intersection. I would urge the township to seriously consider, and even study, how much more traffic can be handled by these intersection and all the other intersections down Drake Road and West Main. These are already notoriously dangerous intersections, on a national scale.

I urge the township NOT to re-zone The Prairies land and spend the time to find a solution to maintain the space as it is and was intended when it was built in 1912. I am writing as a resident of Oshtemo township, born and raised in Kalamazoo, a healthcare professional, and someone that wants this space to be available for it's intended purpose for decades to come.

Sincerely,
Brad Toepper, MS, AT, ATC, TPI
294 Beymoure St.
Kalamazoo, MI 49009

Iris Lubbert

From: Bryan Jolliffe
Sent: Tuesday, April 26, 2022 5:34 PM
To: Iris Lubbert
Subject: AVB Plans For 5303 W Main Street

Ms. Lubbert,

I am a longtime resident of this community. I have witnessed the rapid growth of Oshtemo Township. With this growth I have also witnessed the extreme increase in traffic. At times driving anywhere on Drake Rd and W Main St is almost impossible due to the long lines of traffic each direction and the numerous private drives sprinkled up and down Drake Rd and W Main St. To be frank, it is quite dangerous.

When I heard that AVB had bought The Prairies Golf Course located at 5303 W Main St I became even more concerned about this "business district" of Oshtemo Township. This section of the township can barely handle the traffic it currently gets now. This doesn't even factor in that the large area north of W Main St and east of US-131 has not even been fully developed yet.

There is no need to remove the golf course just to add more "big box" stores that will bring even more congestion to the area. Especially in a day and age when these types of stores are closing left and right as more and more people shop online.

A quick Google search of crashes in Oshtemo Township shows that Oshtemo Township has three of the most crash prone areas in all of Kalamazoo County. And it has been this way for quite some time per Michigan State Police crash report data. Drake Rd and W Main St intersection especially.

I believe that ARPA monies Oshtemo Township received should be used to do a traffic impact study on W Main St and Drake Rd.

I do not think AVB request should be granted reference rezoning of 5303 W Main St. They would be able to reap all of the rewards of making money off of their business ventures while the citizens would be stuck dealing with the increased traffic in a section of the township not able to handle all of it.

Sincerely,

Bryan Jolliffe

Iris Lubbert

From: Craig Cleary
Sent: Tuesday, April 26, 2022 9:45 AM
To: Iris Lubbert
Subject: The Praries Golf Course Rezoning

CAUTION: External Email

Hello Iris

I am writing regarding The Praries rezoning because I am unable to attend the public hearing.

I'm a lifelong Kalamazoo resident and a current Osthemo township resident. I grew up in Westwood and currently live right across 131 from The Prairies with my family of 5. I'm writing in advance of the Zoning Board meeting to suggest that the request from AVB to rezone the Prairies Golf Course be **denied**.

My friends, family and I have enjoyed playing golf at the Prairies for decades, it is a good combination of convenient and affordable, and a great value for golfers of all abilities. As other courses in the area have closed (Yarrow, Thornapple Creek) it's been increasingly difficult to find available tee times and league nights. Losing the Prairies as an option for golf would be a catastrophic blow to the golf community on the West Side of Kalamazoo in removing yet another healthy, fun, outdoor activity that is so coveted in today's climate. I grew up learning to play at the Prairies and would plan to do the same with my Children over the next 15 years

I'd urge you to consider a few things:

1. The Prairies is one of the few bright GREEN spots left on this side of town. developing this space would produce more stormwater runoff/pollution, and impact wildlife in the area (we see deer, ducks, geese, foxes and groundhogs everytime we play!)
2. Do we really need more commercial developent space in the era of online shopping/Amazon? There is already significant commercial space vacant just within a few miles of The Prairies.
3. We should be finding other space to affordable housing that does not require eliminating a frequently used, green, recreational space that is so valuable to this side of town. This would clearly decrease recreational opportunities for residents of Oshtemo/Kalamazoo.
4. Additional development here would create even MORE traffic on an already log jammed/dangerous stretch of West Main. I see many accidents on W Main between 131 and Nichols Road and the area at the Prairies turn in is particularly congested already. I believe there needs to be a traffic impact study done and revisions to the master plan that leaves The Prairies intact as a recreational space (that can be used year-around for Cross Country Skiing/Sledding by the way!).

I hope these issues are considered VERY carefully. The Westside of Kalamazoo is a much better place to live with The Prairies as a part of it and the last thing that area needs is more developed space clogging things up.

Thank you

--

Craig Cleary | Craig.Cleary@gfs.com
Gordon Food Service® | Business Transformation - Business Process Owner | www.gfs.com
P 1-616-717-7841
Street: 1300 Gezon Parkway SW | Wyoming, MI 49509-9300

Iris Lubbert

From: DAVID CLEARY
Sent: Tuesday, April 26, 2022 10:39 AM
To: Iris Lubbert
Subject: Prairies zoning meeting

Planning commission,

Please protect this green space for our community! The Prairies is much more than a fabulous golf course. It is home to deer, fox, skunks, and a number of wildlife animals. As well as many birds and some of the most majestic trees anywhere in our township. I have not talked to anyone in favor of changing the zoning at this location.

I hope that the planning commission will act on behalf of the community of Oshtemo and maintain this green space as is.

Thank you, David Cleary

6435 Hollison Dr
Oshtemo

Sent from my iPhone

Iris Lubbert

From: Diane Cleary
Sent: Tuesday, April 26, 2022 12:40 PM
To: Iris Lubbert; Libby Heiny-Cogswell; Karen High
Subject: Prairies Golf Course Property

CAUTION: External Email

Oshtemo Township:

I've been a Kalamazoo west side resident and an Oshtemo township resident for 43 years. I'm writing in advance of the Zoning Board meeting to express my opinion (and the opinion of my immediate family of 11 residents) that the request from AVB to rezone the Prairies Golf Course be **denied**.

Along with many friends and family in the area, we've enjoyed playing golf at the Prairies for decades. Family rounds, holiday scrambles, friend gatherings and leagues have made for some great events over decades for my family and children and soon that will happen with grandchildren if we can retain wakeful free space of The Prairies. The Pairiwa serves our community as an excellent combination of convenience and affordability, not to mention it always seems to be in great shape! As other courses in the area have closed (Yarrow, Thornapple Creek and many others) it's been increasingly difficult to find available tee times and league nights. It would be devastating to golfers on the West side of Kalamazoo and beyond to lose The Prairies.

From a commercial planning and sustainability perspective, developing this beautiful green space would produce more stormwater runoff (pollution), cause detrimental impact on wildlife and trees, decrease recreational opportunities for residents and create more traffic on an already busy stretch of West Main.

There is a lot of dead space on the north side behind Maple Hill and along 131 to the north as well as land west of 131 that is already commercial that could be developed though I think we are already overly developed commercially along these corridors.

The Westside of Kalamazoo is a much better place to live with The Prairies as part of our community! It provides a healthy place for recreation, social connection and is an attraction to the residents that we want to retain in our community.

Please represent these points for our tax paying residents of Oshtemo township and their families.

Diane Cleary
Oshtemo Resident

Sent from my iPhone

Iris Lubbert

From: Earl Hall
Sent: Thursday, April 28, 2022 10:19 PM
To: Iris Lubbert
Subject: Prairies golf course

Follow Up Flag: Follow up
Flag Status: Flagged

Why is it necessary to turn green space into development property of any kind? So far, looking down West Main I see nothing good for the environment with either of your plans. The businesses you're discussing don't care about preserving and protecting land, do you? Again looking down West Main, the answer is no. We are in a serious global warming disaster, we don't need more destruction of land for retail or commercial dwellings. You've decimated the entire area that once held a large tree cover, for your commercial greed. You've not required a serious replacement for loss of this habitat. Looking at the new Advia building, there are a few new trees planted, giving the appearance of green space, when I'm reality, we've lost so many trees to development already, more development would only increase the carbon footprint of Oshtemo. Is it your plan, to remove every tree in the township? How many more buildings, and cars diene need in the area. Decimating prime habitat seems to be your end goal. Leave it alone, better still, turn it into another park. The people who live on Grand Prairie would like that.

Earl Hall

Sent from my iPhone

Iris Lubbert

From: Heather Emaan Adams
Sent: Sunday, May 1, 2022 1:23 PM
To: Iris Lubbert; Colten Hutson; Karen High
Subject: Opposition to rezoning and development of Prairies Golf Course

CAUTION: External Email

I am writing to let you know that I do NOT approve of the rezoning efforts that AVB and the Hinman Company are trying to seek in order to turn the 116-acre golf course into multi-family residential housing and commercial property.

My family moved to the West side of Kalamazoo onto Skyridge Avenue in 2019. We were seeking a more laid back lifestyle coming from the Downtown Kalamazoo area of 17 years. We were ecstatic to find a house suitable for our needs and to top it off we had a vacation style setting in our backyard with the golf course. The previous home owners didn't have blinds up in the back of the house because it was so private and at night time there is no traffic behind our house.

We are pleading with the township to NOT allow the rezoning and building of multi-family residential housing, as it would be constructed right in our back yard behind Skyridge Avenue. The westside of Kalamazoo already has numerous apartment buildings which cause a risk to the community. Canterbury apartments are located right around the corner from our house and a man was killed in March of 2020. Then you have the Country Club Park apartments directly to the east of our house where in April 2021 a vehicle came screeching through the fence and crashed into my neighbor's house nearly striking him. In November of 2021, there was a shooting in Concord Apartments off Drake road where a man was critically injured. The list of crime related incidents is ongoing.

Oshtemo board members, do we really need another multi-family residential building!

The traffic around the West main and Drake road area is terrible. It is so busy and very congested. We don't need another development to make the already nightmare worse. There is plenty of space to build on the other side of west main towards Kalamazoo Central or out West main towards the highway closer to Meijer.

Please consider the requests of the Oshtemo residents that this directly affects. No one on Skyridge Avenue or the Redstone Farms condominiums wants a multi level complex in their backyard with people staring down at them. If housing is going to be erected, it should be one level condominiums or single family homes. As I have stated above, the apartment complexes in this area are dangerous and crime ridden. We don't need to add anymore of those buildings to the area.

Thank you for your time and consideration,

Heather Adams
5278 Skyridge Avenue

Reject the rezoning request for Prairies Golf Course

Submitted by Wayne Fuqua

Concerns:

- Decreases green space (trees, wildlife, sustainability concerns)
- Decreases outdoor recreation opportunities (including safe recreational activities during COVID)
- Increases traffic congestion on West Main (impact on commute time, wasted fuel, pedestrian and bicyclist safety)
- Do we really need more commercial development, especially in an era of online shopping? (Hint: consider the plight of Crossroads mall before expanding commercial development)
- AVB's failure to follow best practices on sustainable and environmentally-sensitive develop on its current (West Gate) and previous projects (Drake Corners)

Suggestions:

- Deny rezoning request
- Redo the Maple Sub Area Master Plan, taking into consideration the impact of COVID and online shopping on the need for commercial and retail development and the need for COVID-safe outdoor recreation. Complete an inventory of vacant and/or undeveloped commercial space before approving additional commercial development.
- Maintain the Prairies as a functional golf course and expand year round recreation opportunities.
- Encourage residential (and commercial) development in locations that would have less adverse impact on existing green space and recreational facilities. Consider focusing residential developments on unused farm fields. Consider repurposing other existing property for residential and commercial development such as the parking lot behind Target, Marshalls and Gordon Foods. Encourage development of affordable housing and housing for seniors in settings that preserve green space and that provide outdoor recreation opportunities as well as access to public transit and non-motorized transportation options.
- Encourage AVB to follow best practices in sustainability and environmentally sensitive development

America Village Builders Web Page

Commitment to our Environment

We have a history as an environmentally-conscious builder and developer. This formed the foundation of our commitment to sustainability. A quick tour of any AVB project shows our focus on being stewards of our earth. Creating projects that integrate with nature is simply part of our DNA. Several of AVB's staff have earned LEED® AP status. We construct projects with a sustainable focus with several achieving LEED certification. We encourage clients to consider the full range of energy efficient opportunities when designing and constructing their project. We are a leader in building Energy Star, Green Built, and HERS rated and certified homes. Our homes are consistently built 30% – 50% more energy efficient than required by the latest energy codes. We use minimally-intrusive site staging to cut site disturbance. We promote energy savings, sustainability and conservation on all jobsites.

West Gate (W. Main and US 131) Development photos: Holiday Inn from the north



West Gate Photos (Continued): Looking north from Holiday Inn



Drake Corners (Drake and Stadium, Costco) AVB undeveloped lots, since 2014?



AVB development sites: West Gate, The Corners at Drake and Enclave (residential development near Walden Woods).



From MLive article, July, 2014: https://www.mlive.com/business/west-michigan/2014/07/by_the_numbers_the_costco_deve.html

Numerous houses in the [Century-Highfield area](#), were demolished to make way for The Corner@Drake project. Tenants of the rental houses were informed last September and had to vacate the houses by this March.

Hundreds of trees that kept the neighborhood largely isolated from the hustle and bustle that surrounds it were cut down. Gesmundo said that although all trees have aesthetic value, the vast majority were wild growth that developed over many years on the up-and-down terrain, and had little value as lumber. Those that did were sold for that purpose. Gesmundo said new trees will be planted in the area as it is redeveloped, but did not provide a number for how many



Installment 3, Prairies, including a photo of the parking lot behind Marshalls



Concerned Oshtemo Resident,

During my time as an Oshtemo resident, I have always been aware of the high density of commercial space between 131 and Drake rd. Traffic is a significant problem on Drake and West Main. While I know this meeting is in regards to rezoning; allowing any development, of the prairies land without performing a traffic impact study, is pure negligence on the township. The congestion is already a safety hazard; adding development that furthers that congestion will be dangerous and will impact first responder's ability to respond timely

Performing a traffic impact study, for West Main and Drake, could lead to the need for change of the township's master plan. If there is any doubt that Drake or West Main would pass a traffic impact study, this township board and leadership will be responsible for any negative outcomes from this development. Master plan should be revised in response to the traffic impact study. AVB asking for the land to be rezoned, so it can be developed outside of the Master Plan guide, is completely self-serving. It is clear they have zero regard for the quality of life of Oshtemo residence. There is absolutely no reason the township should allow the rezoning of the land which allows AVB to develop outside of the masterplan requirements.

I have always had a respect for the townships elected officials and employees; they have an important job to do. Being proactive and spending money to gather the correct data to make the necessary changes is vital! As a taxpayer, I support the township making the necessary investment to gather such data.

Iris Lubbert

From: Janet Grimm
Sent: Thursday, April 28, 2022 6:31 AM
To: Iris Lubbert
Subject: Prairies

Hello

Please keep this golf course and beautiful piece of land as is. We have too much developed property and don't need any more. Nature is good for the soul, buildings are not!

Thanks

Janet Grimm

Sent from my iPhone

Iris Lubbert

From: Julie Stover
Sent: Thursday, March 24, 2022 11:09 AM
To: Iris Lubbert
Subject: Development: Prairies Golf Course

CAUTION: External Email

Dear Members of the Planning Commission:

Please do not allow AVB to build on property that is the Prairies Golf Course. I have been fortunate to golf at the Prairies for over thirty years with my family and friends, and would like to continue that tradition.

I would like to see Oshtemo preserve more green space to encourage healthy activities for all people in our community. It would be a terrible shame to see Oshtemo over build and over develop like some of the surrounding communities, e.g. Portage.

Thank you for taking the time to read & listen to this response to the request by AVB to remove the Prairies Golf Course.

Sincerely,

Julie L. Stover

Iris Lubbert

From: Kevin Adams
Sent: Monday, May 2, 2022 1:17 AM
To: Iris Lubbert
Subject: Re: Golf Course Redevelopment

CAUTION: External Email

Hello,

My name is Kevin Adams, I live at 5278 Skyridge Ave, Kalamazoo, MI 49009. My family and I are totally opposed to multi family apartments being built directly behind our property. This would only add to more traffic, noise and a lack of regard for the peaceful, quiet atmosphere that we currently enjoy. We would prefer to see the residential portion of this development consist of SINGLE family homes, which would give the occupants a long term, vested interest in our community. This area has more than enough apartments, too many in fact. We are already dealing with numerous issues emanating from Canterbury Apartments just to our South - including littering, gun shots, trespassing through yards and cars speeding through the neighborhood. I am asking you to reject any plans that include multi family apartments, especially so close to our property and those of our neighbors. Thank you!

Kevin Adams

Iris Lubbert

From: Lee Vanstrein
Sent: Thursday, April 28, 2022 8:09 AM
To: Iris Lubbert
Subject: Today's Meeting

CAUTION: External Email

Unfortunately, I will not be able to attend in person, but I would like this email read:

My name is Lee VanStrein, I am born and raised in Kalamazoo and am a current resident of the Westport neighborhood in Oshtemo. I vehemently am against the rezoning of The Prairies golf course from residential to commercial for several reasons listed below:

- Safety – Oshtemo Township already has 3 of the most crash prone intersections in all of Kalamazoo County already (W. Main/Drake being the worst) and adding this traffic would certainly contribute to more crashes. There most certainly needs to be a traffic study done on this area. This is the top reason why this should not be rezoned.
- Lack of need for commercial real estate – AVB already owns a lot of commercial real estate, notably the area along US-131 where the Holiday Inn Hotels are, which is, and has been undeveloped for years. Not only this, but there are empty commercial buildings throughout the county that should be used first. We do not need any brick and mortar type stores/buildings. In addition, I know of multiple companies who built or rented very nice commercial buildings who have yet to be in their office due to COVID. The fact is, the demand for commercial real estate is drastically dropping as companies are allowing their employees the option to work remotely and retail stores are also dropping like flies – I have been in the Crossroads Mall recently and 30-40% of the stores are empty.
- Environmental – This would result in hardscape from here to the north with the exception of the Township Park, once this happens, there is NO GOING BACK. Congestion, emissions and air quality will all suffer, we really need to ask ourselves if this is in the best interest of the Oshtemo Residents, which it most certainly is not! This is a clear money grab and has no benefit to the Oshtemo Residents.

I grew up playing at this course with my dad. I learned to golf here and have played hundreds of rounds bonding with my father on this course, who is now retired and spends most of his mornings playing with his friends at The Prairies. I also play frequently with my wife and have met many of friends at this course. My daughters have begun to take golf up and have walked the course with us and we plan to teach them the wonderful game of golf here as well. Please do not change this beautiful green area to unnecessary commercial real estate. This is a wonderful place for families to learn the great game of golf and spend time exercising instead of being indoors. Beyond this rezoning, the Planning Commission and Township need to reevaluate the master plan and future land use plan for this area: KL to H Ave and Drake to 9th.

Thank you for your time,

Lee VanStrein

Iris Lubbert

From: Nicholas Sasak
Sent: Tuesday, April 26, 2022 3:15 PM
To: Iris Lubbert
Subject: The Prairies

CAUTION: External Email

To Whom It May Concern,

I moved to the area about ten years ago. One of the my favorite parts about Kalamazoo is that it's got everything you need, but still has the local charm of a small town.

One of the gems of Kalamazoo that I've been lucky to experience throughout these years is The Prairies. It's a friendly, affordable, flourishing golf course. It's been a great escape for me, personally...especially during times of Covid. Fresh air, sunshine, new friendships/camaraderie, improved mental health...these are just some of the obvious things that so many have benefited from by being part of the Prairie's community.

With this in mind, redeveloping this area would be an utter embarrassment for Kalamazoo. Without even factoring in the rat's nest of unnecessary traffic that any new development would bring to West Main, it just doesn't add up. Getting rid of a historical, beautiful, and beneficial sanctuary (to so many) like the Prairies just to add boring, ordinary developments is just ridiculous. The sheer thought of it is an indictment on where our society is going as a whole. Any possible redevelopment must be reconsidered and (at the very least) relocated to an area where the damage to the the community would be drastically minimized.

Finally, each time my family and I pass the Prairies on 131, my toddler son looks out of the window, points to the course, and says, "that's where daddy plays golf." He usually follows it up with, "I'm going to play with him there someday when I get bigger." Please do what you can to make sure that he's right.

Thank you.

Sincerely,
Nick Sasak

Iris Lubbert

From: Nora Reid-LeZotte
Sent: Thursday, April 28, 2022 7:57 AM
To: Iris Lubbert
Subject: Prairie Golf Course

CAUTION: External Email

Good Morning,

I just heard that the Township is considering the fate of the Prairie Golf Course on West Main.....I am unable to attend the meeting today,, but would like to make my views heard.

I have grown up on the west side of Kalamazoo and have fond memories of learning to Golf at Prairie Golf Course (Elk's Club) with my father.

This land is an amazing green space in our community. The land provides an oasis of nature in the middle of commercial chaos.

The land reminds us of our stewardship to the natural world around us. It is home to many animals and birds in our area.

The Township should embrace the potential of a Celebration Park instead of the Greed of more Commercial Building space.

Change the course to Nine holes and convert the remaining land into a Township Park to provide the residents with the wonders of the outdoors in all seasons....

What a better gift to further generations, than the preservation of Nature's green place rather than the destruction of green space for more Commercial Buildings.

Please do not destroy this beautiful land for commercial gain. This area of West Main is already way over commercialized and is a driving nightmare at Drake and West Main.

Preserve the Green Space and embrace the potential of Nature's beauty for future generations.

Thank you.

Nora Reid-LeZotte: Stoneberry Farms

Iris Lubbert

From: Paul Armstrong
Sent: Tuesday, April 26, 2022 10:39 AM
To: Iris Lubbert
Subject: Against Rezoning of the Prairies Golf Course

CAUTION: External Email

To whom it may concern;

Good morning,

I would like to ask that you please reconsider the rezoning of the Prairies Golf Course for development. I must ask have you recently driven around the area in its currently developed state, it is not a stress free experience. We as humans all act out of of self interest usually in the guise of the greater good for others. I will be honest, I want to continue to enjoying time spent golfing with my friends and would hate to see the property torn up just to add more congestion to an already overdeveloped area.

I appreciate your time and thank you in advance for your decision to stop this rezoning from taking place.

Best regards, have a great day!

Sincerely,

Paul Armstrong, Kalamazoo Resident

Iris Lubbert

From: Robin Olexa
Sent: Wednesday, April 27, 2022 9:56 PM
To: Iris Lubbert
Subject: Prairies golf course

I am writing on behalf of keeping the Prairies golf course zoned as residential.

As a resident of Oshtemo township, I am not in favor of losing our community to more commercial buildings or property. We already have increased traffic on M43. My husband was in a motor vehicle accident this January on M43. It was stop and go and he was rear ended. I can't imagine more traffic to an already busy road.

Secondly, as a golfer, we need recreation. The citizens of Oshtemo township deserve recreation and relaxation.

We need and desire a local place to go to. We need to unwind and have a place to gather in our own community. We need a place to exercise. Golf provides this. We need to be outdoors. The benefits of being outdoors are proven to lower blood pressure, decrease depression, and have less anxiety.

We are living in crazy times and we need a way to relax. It is upsetting that our township would take this away from us.

We are also losing our country town feeling.

I moved here over twenty years ago and I have witnessed that small town feeling disappearing.

I urge you to consider the residents of your town and to hear our voices. Keep our golf course zoned as residential.

Respectfully,

Robin Olexa and Bob Meyer

3060 N 10th Street

Kalamazoo, Michigan 49009

Sent from my iPhone

3-22-2022

Greetings,

This is in regards to the Planning Commission Meeting on March 24th.

I live in Redstone Farms on the 8th Fairway of the Golf Course.

My concerns for rezoning are as follows:

- ① I would be opposed to multi-story apartment buildings directly behind my condo. Any such buildings including any commercial area should be located as far North ^{on} ~~of~~ the property near West Main
- ② I would like to see a barrier strip of natural, parklike area directly bordering my property (Redstone) and down behind houses on Sky Ridge. All the way to US 131 area.
- ③ Any housing directly bordering this natural strip should be limited to single family homes or condominiums. I would note that there are high density housing units to the South already.

These are my main concerns.

Regards, Thomas G. Dillon

5366 Penrose Lane
269-365-8705

Iris Lubbert

From: Wade Cleary
Sent: Tuesday, April 26, 2022 8:39 AM
To: Iris Lubbert
Subject: Prairies Golf Course Rezoning

CAUTION: External Email

I'm a lifelong Kalamazoo resident and a current Osthemo township resident. I'm writing in advance of the Zoning Board meeting to suggest that the request from AVB to rezone the Prairies Golf Course be **denied**.

Along with many friends and family in the area, we've enjoyed playing golf at the Prairies for decades, it is a good combination of convenient and affordable, not to mention it always seems to be in great shape! As other courses in the area have closed (Yarrow, Thornapple Creek) it's been increasingly difficult to find available tee times and league nights. It would be devastating to golfers on the West side of Kalamazoo and beyond to lose The Prairies.

From a commercial planning and sustainability perspective, developing this beautiful green space would produce more stormwater runoff (pollution), impact wildlife and trees, decrease recreational opportunities for residents and create more traffic on an already busy stretch of West Main.

I hope these issues are considered carefully, the Westside of Kalamazoo is a much better place to live with The Prairies as part of the community!

Wade Cleary
Osthemo Resident



Memorandum

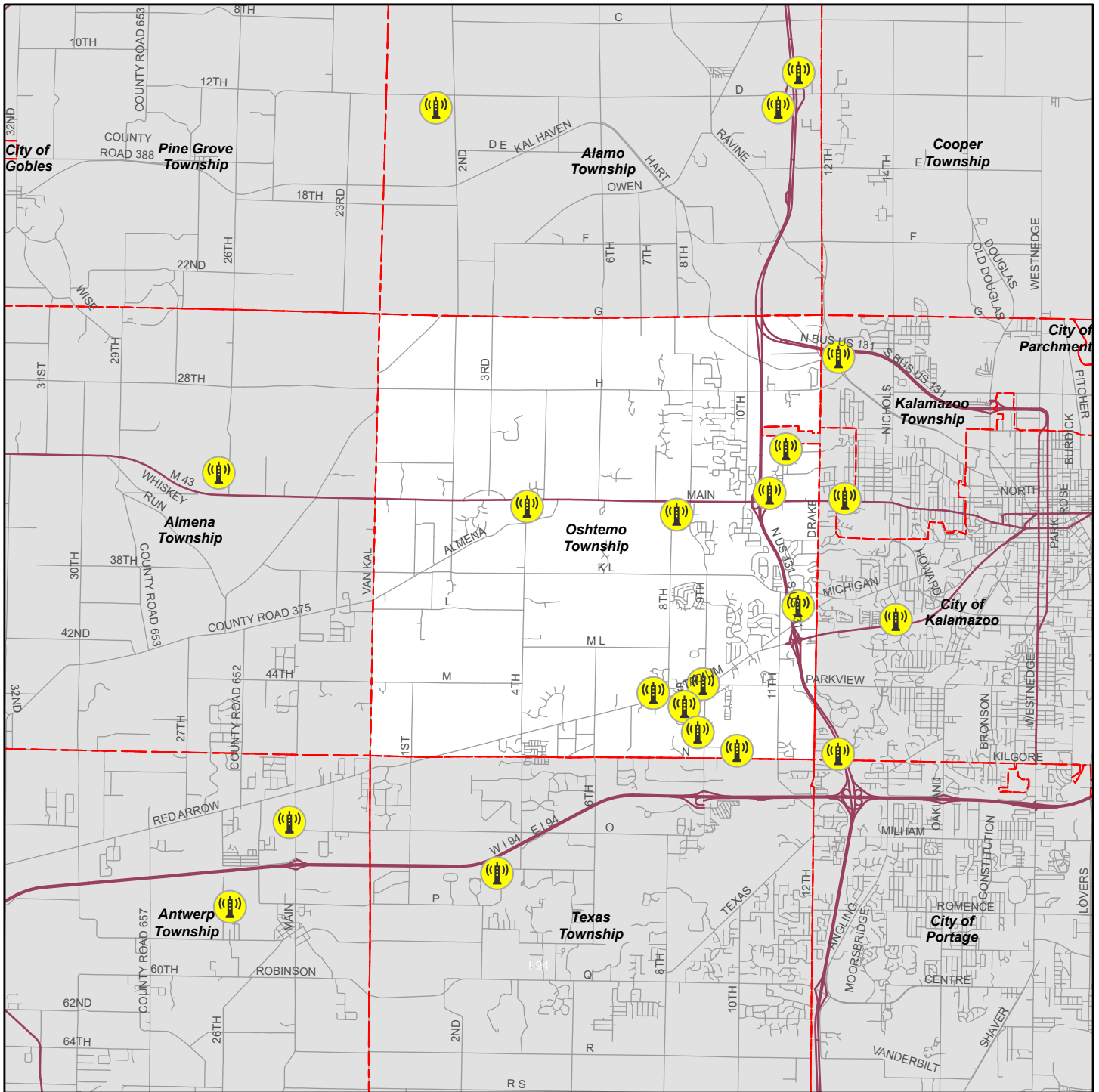
TO: Oshtemo Township Planning Commission
Christopher Khorey, AICP

FROM: Paul Lippens, AICP
Kyle Mucha, AICP

SUBJECT: **5G Wireless Ordinance Revisions – Project Update Discussion Agenda**

DATE: May 4, 2022

1. Analysis Maps
 - a. Wireless Facilities
 - b. Internet Download Speeds
2. Coordination with Industry Representatives
3. Proposed Ordinance Revisions
4. Next Step – Public Engagement
 - a. Draft Survey
 - b. Promote Survey – Postcards, Social Media/Website, Flyers at Businesses
5. Following Public Engagement – Draft Wireless Ordinance and Broadband Policy





Cellular Tower Locations

Oshtemo Township
Kalamazoo County, Michigan

January 31, 2022 - DRAFT

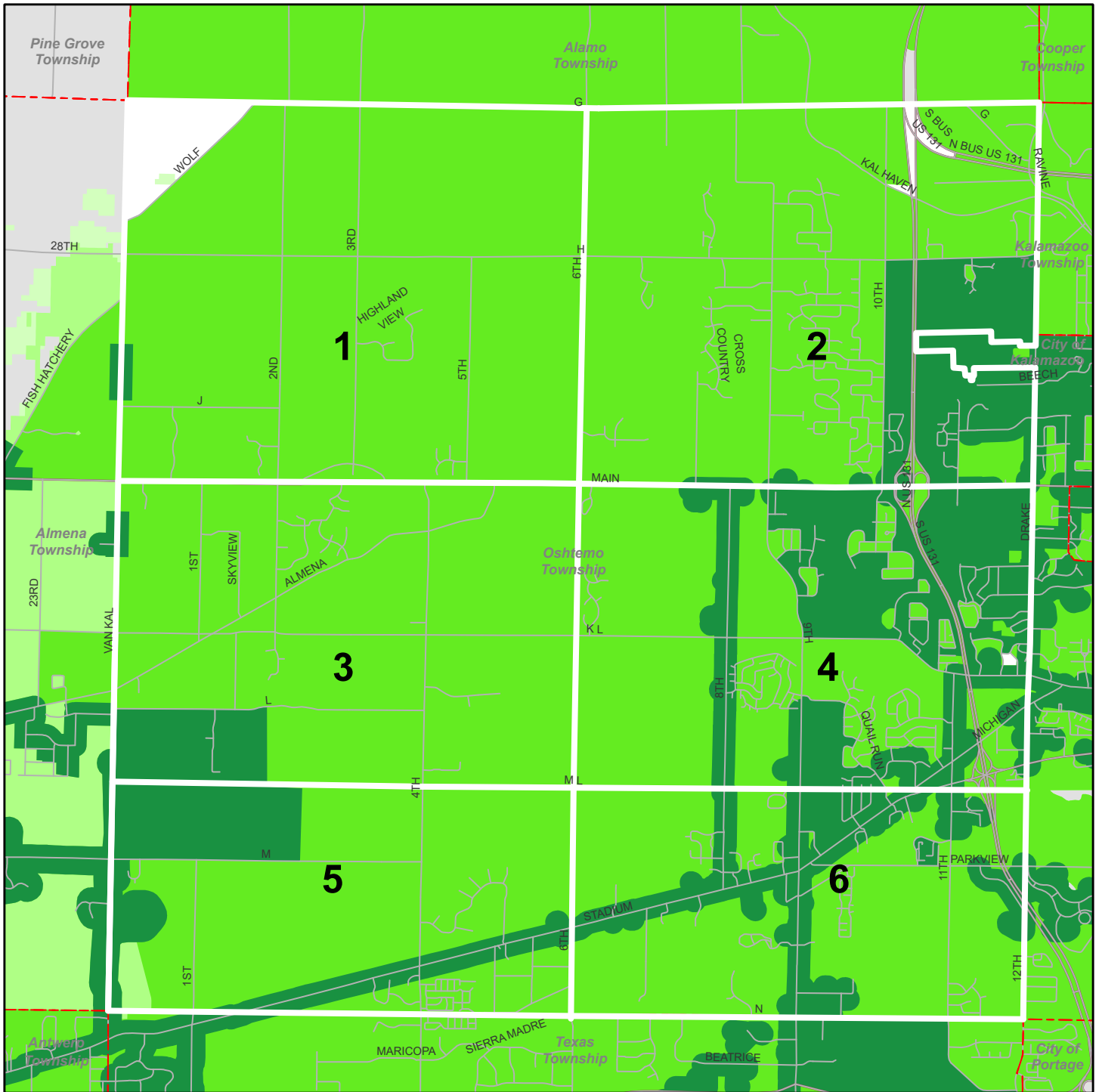
LEGEND

-  Cell Tower Location
-  Municipal Boundary



Basemap Source: Michigan Center for Geographic Information, v. 17a.
Data Source: Oshtemo Township, McKenna 2022.





Broadband Coverage

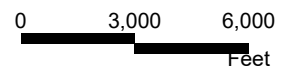
All Download Speeds

Oshkemo Township
Kalamazoo County, Michigan

February 2, 2022

LEGEND

- Roadways
- State Roadways
- 10Mbps Download Speed
- 25Mbps Download Speed
- 100Mbps Download Speed
- 1 GBPS Download Speed
- Municipal Boundary



Basemap Source: Michigan Center for Geographic Information, v. 17a.
Data Source: Michigan Broadband. McKenna 2022.



From: [Ashley Masuda](#)
To: [Kyle Mucha](#); [Victoria Weidenthaler](#)
Cc: [Christopher Khorey](#)
Subject: RE: [External] Tower Sites - Oshtemo Township, Kalamazoo County, Michigan
Date: Thursday, March 31, 2022 2:57:44 PM

Hi Kyle and Christopher,

We apologize for the length of time it has been to get you this information. Again, we appreciate the opportunity to provide Oshtemo Township with feedback, as a tower owner, towards the rewrite of their telecommunications regulations. We have located a few examples of other practical telecom regulations that have been adopted in the local area that we wanted to provide to you, while also highlighting why we favor these ordinances.

- **Texas Township** (36-4.38 TELECOMMUNICATION TOWERS & ANTENNAS) *neighboring township to Oshtemo*
 - Township provides clear goals to potential tower applicants
 - Special Exceptions required for all new tower applications (public hearing required)
 - Maximum Height for tower structures (in this instance the max height is 190', unless the ZBA grants a height variance)
 - Requirement of applicant to prove no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna – with proof of evidence submitted with application (see Section 36-4.38.B.iii).
 - Separation requirements (tower to tower)

- **Constantine Township** (13.7.3 Communication Tower/Antenna)
 - A clear purpose outlined to potential tower applicants
 - Special Exceptions required for all new tower applications
 - Requirement of applicant to prove no existing tower, structure or alternative technology that does not require the use of towers or structure can accommodate the applicant's proposed antenna – again, with proof of evidence submitted with application (see Section 13.7.3.D.(1)).
 - Separation requirements (tower to tower)

Some additional language we tend to see as problematic within colocation regulations includes an example such as *Section 36-4.383(A)(iii)(e)* in the Texas Township ordinance, as this provides an “out” for colocation based upon the costs to use an existing tower. This is limited to the cost to construct a new tower but this language is often used by developers to justify a new site, thus potentially leading to the proliferation of towers within a consolidated area. SBA finds it is important to maintain the correlation to the cost to construct.

Some additional findings SBA, as a tower owner, desires to see within an ordinance:

- In addition to an applicant for a new tower facility complying with all applicable standards within the Township's Wireless regulations, the facility in the proposed location is necessary to close a significant gap in coverage.

- **Powerline Installation**

As far as carriers installing on powerlines. We reached out internally for some feedback and any insight we could forward on. We were told powerline towers are a viable option because they are virtually everywhere, but most carriers would prefer to take another option if similar and available. This is typically due to fees for review and engineering, and construction costs are higher due to the work being conducted on a high power transmission tower. They are still a fine option when nothing else is around.

- **Small Cells**

To date, SBA pursues small cell infrastructure such as distributive antenna systems (DAS), or rooftop equipment. We have not pursued any right-of-way deployments for small cell activity. Many local municipalities have chosen to include small cell regulations within their ordinances as well.

We hope this information helps. How is the draft coming along? Would you mind sharing anything you may have produced thus far?

After you have had a chance to absorb the information we have supplied you with, please let us know if you have any further questions.

Thank you,

Ashley Masuda

Manager, Zoning, Legal Compliance

561.322.7817 + **T**

561.322.2852 + **F**



ZONING ORDINANCE

ARTICLE 49

49 – REQUIREMENTS FOR SPECIAL USES

(Amended by ord. no. 611; adopted May 28th, 2019; effective June 6th, 2019. Amended by ord. no. 628; adopted September 22nd, 2020; effective October 1st, 2020. Amended by ord. no. 629; adopted October 27th, 2020; effective November 5th, 2020).

49.80 COMMUNICATION TOWERS

A. Purpose

The purpose of this section is to accommodate the need for communication while protecting the public health, safety and welfare. Co-location of equipment shall be required whenever possible.

B. Scope

Communication towers shall be considered as a permitted use with conditions in the I-1, I-2 and I-3 Industrial District Zoning classifications and as a Special Use in all other zoning district classifications, subject to the provisions of this Section and Article 65.

C. Communication tower provisions.

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

1. Justification. A proposed tower shall not be established unless the communications equipment/antenna(s) planned for the proposed location cannot be accommodated on an existing or approved tower within the area of the proposed tower due to one of the following reasons:
 - a. The planned equipment would exceed the structural capacity of the existing or approved tower as documented by a qualified and licensed engineer, and the existing or approved tower 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 or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.
 - c. Existing or approved towers and buildings 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 or approved tower or building.
2. Design of tower.
 - a. Any proposed or modified tower shall be designed and constructed to accommodate future co-locations. Towers shall be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

Commented [CK1]: These requirements may be altered to reflect the specific needs of the Township for build-out, following the analysis and public engagement steps.

The Township may also wish to impose special use requirements based on the height of the tower. Towers under 40 feet in height ("support structures") are required to be treated as permitted uses throughout the Township by the 2018 Small Cells Act. On the other end of the spectrum, towers over 200 feet in height could be treated as Special Uses regardless of their location. (Notably, towers over 199 feet are required to have lights on them by the FAA).

This section should also specifically state that colocations and modifications are permitted uses, except in specific cases where special use approval is allowable under the Zoning Enabling Act. The Township may also wish to make all co-locations and modifications permitted uses, since co-locating and upgrading equipment are both consistent with Township goals for improving service.

Commented [CK2]: "Within the area" should be more clearly defined, using the priorities for service buildout identified during public engagement and analysis.

Commented [CK3]: The new Ordinance will be organized by tower height, given the different state restrictions on zoning for towers under 40 feet versus over 40 feet.

Commented [CK4]: This needs some more nuance, because small cell (under 40 feet tall) installations may not be able to accommodate co-locations. A minimum height should be added for this provision to apply.

Additionally, a specific minimum number of co-locations should be required. 3 and 5 are the most common, though 5 can lead to excess height.

- b. A proposed or modified tower shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities and located on the site so as to minimize its visibility from the public right-of-way and residentially zoned properties.
- 3. Height. The height of a tower shall be determined by measuring the vertical distance from the tower's point of contact with the ground or rooftop to the highest point of the tower, including all antennas or other attachments. When towers are mounted upon other structures, the height shall be considered with the combined height of the structure and tower.
- 4. Tower setbacks.
 - a. A tower shall be located so that the setback from all property lines is equal to or greater than the height of the tower. The reviewing body may deviate from such requirements if the deviation is consistent with the spirit and intent of the Ordinance.
 - b. Towers shall not be located between a principal structure and a public street, with the following exceptions:
 - i. In industrial zoning districts, towers may be placed within a side yard abutting an internal industrial street.
 - ii. On sites adjacent to public streets on all sides, towers may be placed within a side yard abutting a local street.
 - c. A tower's setback may be reduced or its location to a public street varied to allow the integration of a tower into an existing or proposed structure, such as a church steeple, utility pole, power line support device or other similar structure.
 - d. Towers shall be set back at least 150 feet from any adjacent residences, residentially zoned property or a public street.
- 5. Accessory structures. Structures accessory to a tower, including utility buildings, shall be designed and located on the site to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district.
- 6. Landscaping/screening.
 - a. Landscaping/screening at the site shall be designed and maintained to minimize visibility of the tower and related equipment from the public right-of-way and residentially zoned properties.
 - b. Ground-mounted equipment and accessory buildings and structures may be required to be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding area.
- 7. Security fencing. Security fencing of at least six feet (unless other height is required by state or federal regulations) shall be required to prevent access to the tower, accessory building/structure and/or guyed wires. The reviewing body may deviate from such requirements if the deviation is consistent with the spirit and intent of the Ordinance.
- 8. Lighting. Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. Site lighting shall comply with [Article 54](#).
- 9. Signs and advertising. The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.
- 10. Interference with public safety telecommunications. No new or existing telecommunications service shall interfere with public safety telecommunications. All applications for new service shall be accompanied by an intermodulation study by a qualified and licensed professional engineer which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems.
- 11. Site access and parking. The reviewing body may allow deviation from the Access Management Guidelines, paving and/or parking standards of the Zoning Ordinance.

Commented [CK5]: In our experience, this generally leads to silly looking fake trees and other garish designs. We recommend requiring simple non-reflective white or gray paint, unless superseded by MDOT or FAA regulations (though it is very rare that they require color).

Some communities require monopoles and prohibit guy wires – that is another aesthetic option Oshtemo could pursue.

Commented [CK6]: This is a good definition of height. The height should also be required to be the minimum necessary to provide the intended service, with the applicant required to submit service maps at various heights to show need.

Towers under a certain height (certainly 40 feet, and perhaps as tall as 100 feet) could be exempt from the proof of need requirement. Towers over a certain height (200 feet) could be required to justify the height via the special use process.

Commented [CK7]: This exemption should also apply to all towers under 40 feet tall. They are generally envisioned to go along the right of way (if not in the right of way itself). A front yard prohibition and a large setback could be challenged under the Small Cells Act, and could also slow the buildout of 5G – or require the building of more 150+ foot tall towers.

Commented [CK8]: Towers under 40 feet tall should be exempt from these two, though the 150 foot setback from residences can be kept in place.

Commented [CK9]: It needs to be clearer when vegetation is required, and what/how many plants should be planted. Landscaping should be required for large ground enclosures that are near residential areas. Other facility designs should be exempt.

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

Commented [CK10]: Per Iris, none of the existing towers are in compliance with this requirement.

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

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

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

- a. All abandoned or unused towers, portions of towers, tower mounted equipment, and associated facilities shall be removed within 12 months of the cessation of operations at the site unless a time extension is approved by the reviewing body.
- b. In the event that a tower, portions of towers, tower mounted equipment, and/or associated facilities are not removed within 12 months of cessation of operations at a site, the subject facilities may be removed by the Township and the costs of removal assessed against the property.
- c. **A copy of a signed lease**, which includes a requirement that the applicant shall remove the tower, portion of tower, tower mounted equipment and associated facilities upon cessation of operations at the site shall be submitted at the time of application, if applicable.

Commented [CK11]: After discussions with Iris, our recommendation is to require a removal bond, and to specifically state that the owner is required to pay all removal costs, but not to require "escalators" on the bond.

D. **Additional application requirements.**

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

Commented [CK12]: This language should be strengthened to ensure the lease protects the landowner and Township from being responsible for removing an abandoned facility.

- 1. Tower plans and a report from a qualified and licensed professional engineer which:
 - a. Describes the tower height and design, including a cross section and elevation;
 - b. Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distance between antennas;
 - c. Describes the tower's capacity, including the number and type of antennas/equipment that it can accommodate;
 - d. Documents what steps the applicant will take to avoid interference with established public safety telecommunications;
 - e. Includes an engineer's stamp and registration number; and
 - f. Indicates that the proposed tower complies with regulations administered by the Federal Communications Commission and the Federal Aviation Administration.
 - g. Includes information necessary to allow determination of compliance with Building Code, Electrical Code and other applicable Township Ordinances.
 - h. Includes other information necessary to evaluate the request.
- 2. A letter of intent committing the tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use. Further, a request to co-locate antennas on a tower shall not be unreasonably refused. No provider or lessee or agent thereof shall unreasonably fail to cooperate to accommodate co-location.

Commented [CK13]: This list should also include coverage maps, to determine the appropriateness of the height, and also whether the facility meets the Township's build-out goals.

Commented [CK14]: The Township should be aware of the "shot clocks" that exist in the Small Cells Act and the Zoning Enabling Act, which require a decision to be made in a specific amount of time, after which the application is automatically approved. The Township may not want to actually adopt those timelines into the ordinance, because then they would still apply even if repealed by the state. But the Township should make sure staff are aware of them.

We have language that describes them, but not does not actually require them, in order to make sure future Township officials are aware of the deadline. That is another option.

E. Co-location

1. The placement of antennas/equipment on roofs, walls and existing towers **may** be approved by the reviewing body, provided the antennas and associated equipment meet the requirements of this Section and Article 64, after submittal of (1) a Site Plan; (2) a report prepared by a qualified and licensed professional engineer indicating the existing structure or tower's suitability to accept the antenna, any structural modifications needed to accommodate the co-location, and the proposed method of affixing the antenna to the structure, including complete details of all fixtures and couplings, and the precise point of attachment; (3) a copy of the signed lease, if applicable, including a removal clause; and (4) other information necessary to evaluate the request.
2. Co-locations on approved towers and electric transmission towers shall be considered a minor change to an approved Site Plan and shall be reviewed pursuant to this section and [Article 64](#).

Commented [CK15]: This should be changed to "shall"

Oshtemo Township 5G & Broadband Survey

1. What is your age:

- 18 - 24
- 25 - 34
- 35 - 44
- 45 - 54
- 55 - 64
- 65 - 74
- 75 and older

2. If you own a mobile device, who is your provider?

- AT&T
- T-Mobile
- Verizon
- MetroPCS
- Cricket Wireless
- Boost Mobile
- Mint Mobile
- I don't own a mobile device

Other (please specify)

3. What is your mobile device primarily used for?

- Phone
- Text
- Phone & Text
- Multimedia (social media platforms)
- Video streaming
- Wireless hot spot
- Combination of phone, text, multi-media & video streaming

Other (please specify)

4. Does your service provider offer coverage that meets your mobile needs?

- Yes
- No
- No opinion

5. Does your primary residence have sufficient wireless service to meet your needs?

- Yes
- No
- No opinion

6. Based on the following graphic, which region do you live in?

- Region 1
- Region 2
- Region 3
- Region 4
- Region 5
- Region 6

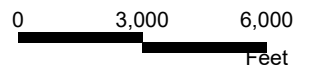


Cellular Service Survey Regions

Oshtemo Township
Kalamazoo County, Michigan

February 2, 2022

- Cell Survey Regions
- Municipal Boundary



Basemap Source: Michigan Center for Geographic Information, v. 17a.
Data Source: Oshtemo Township, McKenna 2021.



8. Should the Township encourage cellular antennas to be attached to existing buildings, structures, or infrastructure?

- Yes
- No
- No preference

9. When using your phone at home (without Wifi), does it say "4G/LTE" or "5G" at the top?

- 4G/LTE
- 5G
- Not sure

In the following questions, Oshtemo Charter Township is seeking input from its residents regarding existing internet service. This input will allow the Township to focus in on regions that need enhancement and will also show internet providers where service is lacking, and will help the Township and its partners seek Federal and State funding to expand service.

10. Do you have high speed internet at your primary residence?

- Yes
- No

11. If you do not have internet service at your primary residence, please check the reason(s) why:

- Don't need internet
- Use it at school and/or work
- Not available in my location
- Cost is too high

Other (please specify)

12. How is your internet service provided to your primary residence?

- Dial-up telephone line
- DSL enabled phone line
- Cable TV modem
- Wireless connection
- Fiber optic (U-Verse)
- Unknown

Other (please specify)

13. What are some of the main functions you use internet at your primary residence for (check all that apply):

- Streaming services (Netflix, Hulu, Disney+, HBO, etc)
- Email
- Online purchases
- Gaming
- Bill payment
- News
- Manage financial information
- Manage health information
- Social networking (Facebook, Twitter, Instagram, TikTok, etc.)
- Work functions (remote work)
- School functions
- Family and personal connections

Other (please specify)

14. How many persons actively use the internet in your primary residence?

- 1
- 2
- 3
- 4
- 5
- Greater than 5

15. Does your internet plan/package meet your needs?

- Yes
- No
- No opinion

16. How strong is your internet service (able to maintain connections consistently)?

- Very Strong
- Strong
- Moderate
- Weak
- Very Weak
- No internet available at my primary residence