

OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION

MINUTES OF MEETING HELD MAY 22, 1997

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Agenda

COMMUNICATIONS TOWERS - TEXT AMENDMENT

NEIGHBORHOOD COMMERCIAL - TEXT AMENDMENT

REZONING APPLICATION (CORAKIS) - 6703 STADIUM DRIVE - REAR PORTION

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A meeting was conducted by the Oshtemo Charter Township Planning Commission on Thursday, May 22, 1997, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall, pursuant to notice.

Members Present:            Wilfred Dennie, Chairperson  
                                 Ted Corakis  
                                 Millard Loy  
                                 Marvin Block  
                                 Lara Meeuwse  
                                 Elizabeth Heiny-Cogswell

Member Absent:            Ken Heisig

Also present were Rebecca Harvey, Planning and Zoning Department and Patricia R. Mason, Township Attorney. There were no other interested persons.

**CALL TO ORDER**

The Chairperson called the meeting to order at 7:05 p.m.

**AGENDA**

The Chairperson suggested adding the consideration of a rezoning request for the scheduling of a public hearing. Additionally, under "Other Business," the Chairperson suggested a discussion of the joint meeting with the Township Board which had occurred last Tuesday evening. Mr. Loy moved to approve the agenda as amended. Mr. Block seconded the motion. The motion carried unanimously.

## MINUTES

The Planning Commission next considered the minutes of the meeting of May 8, 1997. The Chairperson suggested a change to page 3 to eliminate, in the second line of the last paragraph, "it was their consensus that. . ." Further, the change suggested by Ms. Harvey was noted.

Mr. Corakis moved to approve the minutes as amended, and Ms. Meeuwse seconded the motion. The motion carried unanimously.

## COMMUNICATIONS TOWERS - TEXT AMENDMENT

The Planning Commission next considered the amendment of the Township Zoning Ordinance, first to add Section 11.575, which would be a definition of "Tower or communications tower." The Planning Commission would also consider amendment of the Ordinance to add Section 60.600 regarding Communications Towers to provide for the purpose and scope of the section and for regulations as to "co-location, design, height, setbacks, utility buildings, lighting, signs and advertising, abandoned or unused towers, and inspections." The text would also provide application requirements.

The Chairperson noted that the Township currently classifies communications towers as an essential service; but the Zoning Ordinance does not provide any specifics as to the districts in which they are allowed, height, setback, etc. The Township has experienced an increase in the number of applications concerning towers. It was felt that a text was necessary to address approval of such towers specifically.

The Planning Commission began a review of the proposed text. It was agreed that the word "collocation" would be spelled "co-location," which the Planning Commission felt would be the most understandable way to refer to the desire that tower space be shared among users.

There was a discussion of subpart d of Section 60.630A.1. and the use of the word "infeasible." After that discussion, the Planning Commission determined that the word should remain. As to Section 60.630D.3., the Planning Commission agreed to refer to "utility pole" rather than "light standard." Under subpart E of the same section, the Planning Commission discussed whether screening should be required. It was felt that screening should be discretionary in that it would depend upon the location of the site, its proximity to residential use, and other characteristics. After further discussion, Planning Commission members concurred that the second sentence of the paragraph would be revised to read "Ground-mounted equipment and accessory buildings and structures may be required to be screened from view by suitable vegetation. . ." Additionally, the sentence "Landscaping at the site shall be consistent with the character of the area" would be added. The provision as to security fencing would be made a new paragraph, paragraph F, and

would read that "Security fencing shall be required to prevent access to the site, tower, accessory building/structure and/or guyed wires."

There was a discussion of the subpart regarding Abandonment or Unused Towers or Portions of Towers. It was agreed that subpart 3 should be made subpart 3 under the Co-location provision and should refer to the "reviewing body." As to subparts 1 and 2 under Abandonment or Unused Towers or Portions of Towers, it was the consensus of the Planning Commission that subpart 2 be eliminated and incorporated into subpart 1, which would refer to "All abandoned or unused towers or portions of towers 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." As to Inspections, it was agreed that reports as to all inspections, servicing, and as to the operational status of the tower should be submitted to the Township annually. This would allow the Township to monitor whether the tower or portion of the tower had been abandoned.

There was a discussion of access and parking, and it was noted that typically, when dealing with such towers, the ZBA had granted relief in the areas of access and parking. It was felt that, due to the low traffic at such sites, paving was not necessary and designated parking spaces were not needed. Planning Commission members agreed that the Tower Ordinance should provide a paragraph entitled "Site Access and Parking" which would state that the reviewing body may allow deviation from the Access Management Guidelines, paving and/or parking standards of the Zoning Ordinance. The Planning Commission noted that it would be their intent that in site plan review, if the site enjoyed another access, that access would be used to serve the tower as well. No separate access would be granted.

Ms. Heiny-Cogswell had a question with regard to subpart B concerning design, and it was noted that the issue of design could be addressed with the applicant to attempt to obtain a tower design which would blend with the surrounding environment. Taken in conjunction with other factors, design might be a factor supporting denial of a special exception use permit.

Mr. Corakis had a question as to the lighting, noting that a tower on 9th Street included a strobe light which shown through his window on occasion. Planning Commission members recognized that the FAA requires certain lighting of towers.

Ms. Harvey had questions with regard to the issue of utility buildings and whether the establishment of antennas on a tower and/or separate utility buildings would require a return to the Planning Commission or ZBA for site plan review. She noted that Section 82.200B does not exempt accessory buildings from a new site plan review. Planning Commission members felt that an additional utility building and/or antenna on a tower might change the primary features of the site and therefore felt that a new site plan approval or special exception use approval would be necessary. Such additions to a site could change Fire Department review, the nature of the use or the compatibility with the area.

It was suggested that the term "Accessory" be removed from the title of subpart E.

After additional discussion, Mr. Loy moved to recommend that the text amendments to the Zoning Ordinance text be adopted, which are set forth fully in Exhibit 1.

Ms. Meeuwse seconded the motion, and the motion carried unanimously.

### **NEIGHBORHOOD COMMERCIAL - TEXT AMENDMENT**

The next item was discussion of draft #3 of the Master Land Use Plan amendments and text amendments concerning the Neighborhood Commercial Districts. The Chairperson stated that the Planning Commission had previously agreed that the Neighborhood Commercial Districts would be divided into the "RC" Residential Convenience Center Overlay District to be applied to the eastern portions of the Township and the "RRC" Rural Residential Convenience Center Overlay District to be applied to the western portions of the Township. Areas would be established in recognition of those areas which are already identified in the Master Land Use Plan.

The proposed amendments to the Master Land Use Plan were reviewed. The Planning Commission then reviewed the proposed "RC" District. Members recalled that the maximum square footage for convenience grocery sales was changed to 3,000 sq. ft. With regard to design standards, the Planning Commission discussed the two-acre limitation. It was recognized that, since unplatted parcels were required to be a minimum of 50,000 sq. ft., such districts might be limited to one parcel. Mr. Loy felt it was important to keep the limited size given the goals and objectives of the Neighborhood Commercial District. Other Planning Commission members concurred. The Chairperson commented that, if the area was allowed to be too large, there would be nothing to distinguish the Neighborhood Commercial nodes from the regular Commercial District of the Township.

There was discussion of whether a special setback for buildings should be included, such as a decrease in setback. The Chairperson felt that utilizing the regular setback standards of the Ordinance would make the development on such parcels more in character with the District. Mr. Loy and Ms. Meeuwse agreed.

There was a discussion of parking, noting that the goal was to reduce the amount of parking which is normally required for such uses. It was agreed that the proposed provisions should require four parking spaces for each 1,000 sq. ft. of retail area. There was also discussion of the limitation on the total improved area on a particular development site.

There was a concern that, when coupled with the proposed requirements regarding percentage of the area which should be landscaped, there would not be enough area on a particular site for development. After extensive discussion, Planning Commission members agreed that the landscaping provision under subpart H would read that the unimproved area shall be designed and located to achieve the following:

- : provide screening of undesirable views
- : complement building form
- : define walkways and traffic circulation
- : soften impact of paved areas
- : provide adequate treatment within setback areas
- : mitigate impacts from noise and lighting
- : provide landscaping in character with the area

As to signage, there was some concern regarding allowing extensive signage in such areas which would be close to residential development. It was noted that 30-sq.-ft. freestanding signs were allowed in residential zoning districts but that wall signage was not. It was agreed that signage in the Neighborhood Commercial District should be consistent.

The Planning Commission discussed the proposed "RRC" District. It was recognized that the uses allowed in such districts did not include retail sales and therefore retail centers would not be established in these areas. Planning Commission members felt that, in that this area was more rural in nature, the limitation on building area should be lessened to 7,500 sq. ft. However, parking requirements should be consistent since it was expected that there might be more traffic to such areas rather than pedestrian traffic. As to signage, it was felt the requirements should be consistent with that currently allowed in residential districts. Because of the rural nature of the areas in which this district would be applied, there would be no requirement for landscaping. It was felt, however, that there should be requirements that the unimproved areas be designed and located to provide screening of undesirable views, etc.

After further discussion, Mr. Corakis moved to schedule public hearing on the Master Land Use Plan amendments and proposed text amendments for July 10, 1997. The proposed amendments are attached hereto as Exhibit 2. Mr. Block seconded the motion. The motion carried unanimously.

### **REZONING APPLICATION (CORAKIS) - 6703 STADIUM DRIVE - REAR PORTION**

The next item was consideration for an agenda item of the proposed rezoning of approximately 3½ acres located on the south side of Stadium Drive, west of 9th Street (6703 Stadium Drive - rear portion) from the "AG"-Rural to the "C" Local Business District zoning classification. A review/amendment of the Village Focus Area Development Plan contained within the Master Land Use Plan would be required. It was noted that this parcel is west of the Chime Street School parcel, which is 090. That parcel is zoned Agricultural. The front portion of the subject parcel is zoned in the "C" District. The south portion is in the "AG" District. The applicant requested Commercial zoning for the entire parcel.

The applicant is Ted Corakis, a member of the Planning Commission. He would therefore abstain from discussion or vote on the item. After discussion of whether there should be an expansion of the number of parcels to be considered, the Planning Commission

determined that there should be no expansion for the parcels under consideration since they would not wish to render the school nonconforming.

Mr. Loy moved to schedule the rezoning and Master Land Use Plan consideration for July 10, 1997. Ms. Meeuwse seconded the motion. Planning Commission members agreed that the July 24, 1997, meeting would be used as a work meeting. Upon a vote on the motion, the motion carried with five voting in favor and Mr. Corakis abstaining.

### OTHER BUSINESS

The Chairperson discussed the joint meeting conducted with the Township Board. It was reported that Michael West would be joining the Planning and Zoning Department of the Township later this month.

The Boards had discussed the 9th Street Focus Area Overlay Zone and the possibility of a Sign Ordinance text amendment. The Zoning Board of Appeals had indicated that it wished the Planning Commission to consider the issue of placement and location of wall signage.

### ADJOURNMENT

There being no further business to come before the Commission, the meeting was adjourned at 10:15 p.m.

### OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION

BY: Lara Meeuwse  
Lara Meeuwse, Secretary

Minutes prepared:  
May 23, 1997

Minutes approved:  
5-12-97

11.575 Tower or Communications Tower

A guyed, monopole, self-support tower, or other structure, whether free standing or on a building, which structure contains one or more antennas intended for transmitting or receiving television, radio, digital, microwave, cellular, telephone or other forms of electronic communication.

SECTION II - Amendment to add Compiled §60.600.

Oshtemo Charter Township Zoning Ordinance is hereby amended to add Compiled Section 60.600 to read as follows:

60.600 Communication Towers

60.610 Purpose. The purpose of this section is to accommodate the need for communication while protecting the public health, safety and welfare.

60.620 Scope. Communication towers shall be considered as a permitted use in the "I-1," "I-2" and "I-3" Industrial District Zoning classifications and as a special exception use in all other zoning district classifications, subject to the provisions of this Section and Sections 60.100 and 60.200.

60.630 Communication Tower Provisions.

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

A. Co-location.

1. 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 or more 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. Any proposed tower shall be designed and constructed to accommodate future co-location. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

3. The placement of antennas/equipment on roofs, walls and existing towers may be approved by the reviewing body, provided the antennas meet the requirements of this Section, after submittal of (1) a site plan and (2) a report prepared by a qualified and licensed professional engineer indicating the existing structure or tower's suitability to accept the antenna and the proposed method of affixing the antenna to the structure. Complete details of all fixtures and couplings, and the precise point of attachment, shall be indicated.

B. Design of Tower.

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.

C. 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.

D. Tower Setbacks.

1. A tower shall meet the greater of the two following setback standards: (a) minimum building setbacks of the underlying zoning district with the exception of industrial zoning districts, where towers may encroach

into the rear setback area, provided that the rear property line abuts another industrially zoned property and the tower does not encroach upon any easements, or (b) located so that the setback from all property lines is equal to or greater than the height of the tower.

2. Towers shall not be located between a principal structure and a public street, with the following exceptions:

a. In industrial zoning districts, towers may be placed within a side yard abutting an internal industrial street.

b. On sites adjacent to public streets on all sides, towers may be placed within a side yard abutting a local street.

3. 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.

4. Towers shall be set back at least 150' from any adjacent residences, residentially zoned property or a public street.

E. Utility Buildings.

All utility buildings and structures accessory to a tower shall be architecturally 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. 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 neighborhood. Landscaping at the site shall be consistent with the character of the area.

F. Security Fencing.

Security fencing shall be required to prevent access to the site, tower, accessory building/structure and/or guyed wires.

G. 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 Sections 78.700-78.730.

H. Signs and Advertising.

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

I. Abandonment or Unused Towers or Portions of Towers.

Abandoned or unused towers or portions of towers shall be removed as follows:

All abandoned or unused towers or portions of towers 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. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. In the event that a tower is not removed within 12 months of cessation of operations at a site, the tower and associated facilities may be removed by the Charter Township of Oshtemo and the costs of removal assessed against the property.

J. 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 which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems.

K. Site Access and Parking.

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

L. 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, servicing and as to operational status shall be submitted to the Charter Township of Oshtemo annually.

60.640

Additional Application Requirements.

In addition to the information required for the site plan review and special exception use review, applications for towers shall include the following supplemental information:

- A. A report from a qualified and licensed professional engineer which:
  - 1. describes the tower height and design, including a cross section and elevation;
  - 2. documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distance between antennas;
  - 3. describes the tower's capacity, including the number and type of antennas/equipment that it can accommodate;
  - 4. documents what steps the applicant will take to avoid interference with established public safety telecommunications;
  - 5. includes an engineer's stamp and registration number; and
  - 6. indicates that the proposed tower complies with regulations administered by the Federal Aviation Administration.
  - 7. includes other information necessary to evaluate the request.

B. 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.

**Master Land Use Plan Amendment: *Residential Convenience Center  
Rural Convenience Center  
Land Use and Locational Policies***

*Pg. 61 - Commercial Land Use Policies*

- \* The Plan provides for the location of neighborhood related businesses and services within residential areas of the Township. These uses are reserved for and designed to meet the frequent shopping needs of nearby residents and are compatible in size and appearance with adjacent land use and nearby residential neighborhoods, as well as sensitive to the environment of the site.

Specific neighborhood commercial sites have been identified in recognition of existing/planned neighborhood and community commercial development. Additional locations will be permitted only when consistent with the applicable Neighborhood Commercial Location Standards.

Standards of use and design will be established to ensure compatibility with the character of the area. Rural Residential Convenience Centers located within the rural portions of the Township will provide limited services and be located and designed to maintain the rural character of the area. Residential Convenience Centers located within the developed portions of the Township will provide services and be located and designed commensurate with higher-density development and pedestrian activity.

*Pg. 78 - Neighborhood Commercial Location Standards*

**Residential Convenience Center**

1. Be located at an intersection of an arterial street and neighborhood collector, providing access only from the collector.
2. Be located in close proximity to high-density residential land use.
3. Be located within easy walking distance of existing or planned residential areas.
4. Be located a minimum of 1 mile from existing/planned residential convenience centers.
5. Be served by public utilities.
6. Be limited to developed residential areas and typically located within the eastern portions of the Township.

### **Rural Convenience Center**

- 1. Be located at an intersection of an arterial street and collector, providing access only from the collector.**
- 2. Be located a minimum of 3 miles from existing/planned rural convenience centers.**
- 3. Be limited to rural areas and typically located within the western portions of the Township.**

33.000 "RC" Residential Convenience Center Overlay District

**33.100 Statement of Purpose**

This overlay district is intended to accommodate neighborhood related businesses and services reserved for and designed to meet the frequent shopping needs of the area. A Residential Convenience Center area is designed to provide limited goods and services in a manner convenient to adjacent residential areas. These regulations are specifically intended to provide standards of use and design that ensure compatibility of size and appearance with adjacent land use and nearby residential neighborhoods, as well as a sensitivity to the environment of the site. This district is limited to developed residential areas served by public utilities and typically located within the eastern portions of the Township.

**33.200 Permitted Uses**

- 33.201 Convenience Grocery Sales (1,200 sq. ft. to 3,000 sq. ft.)
- 33.202 Drugstore
- 33.203 Video Rental
- 33.204 Drop-Off Drycleaning Facility
- 33.205 Ice Cream Shop/Coffee Shop
- 33.206 Hardware Store
- 33.207 Limited Banking Service
- 33.208 Hair Salon/Barber Shop

**33.400 Special Exception Uses**

- 33.401 Gasoline Sales
- 33.402 Retail Laundry, when served by public sanitary sewer facilities
- 33.403 Restaurants, without drive-up window (up to 1,500 sq. ft.)
- 33.404 Pet Care Facility, providing pet food and grooming services

**33.500 Design Standards**

- (a) Each residential convenience center overlay district shall consist of no more than 2 contiguous acres.
- (b) To achieve compatibility with adjacent residential neighborhood and overall aesthetic objectives, the total improved area shall not occupy more than 50% of the development site.
- (c) The scale of buildings shall be appropriate in relationship to the surrounding residential area, including the size and design of canopies. The total building area shall not exceed 10,000 sq. ft.
- (d) Off-street parking shall be provided at 4 parking spaces for each 1,000 sq. ft. of retail area.

Parking lot layouts shall be designed to accommodate any potential cross-access and/or cross-parking arrangements.

- (e) On-site parking and circulation shall be designed to facilitate pedestrian travel. On-site pedestrian walkways shall be oriented to off-site pedestrian routes.
- (f) Loading and refuse disposal areas shall be located to the side/rear of the building and hidden from view.
- (g) Exterior site lighting shall be designed in compliance with the lighting objectives and standards set forth in Section 78.700.
- (h) The unimproved area shall be designed and located to achieve the following:
  - : provide screening of undesirable views
  - : complement building form
  - : define walkways and traffic circulation
  - : soften impact of paved areas
  - : provide adequate treatment within setback areas
  - : mitigate impacts from noise and lighting
  - : provide landscaping in character with the area
- (i) The incorporation of hardscapes, such as patios, outdoor seating, special paving materials, site furniture, etc., into the development scheme shall be encouraged.
- (j) A ground-mounted sign not exceeding 30 sq. ft. in area may be established per parcel provided it is located no closer to the front, side

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or rear property line than one-half of the required building setback. Wall signage shall not be permitted. All signs shall be of a subdued nature commensurate with the residential character of the area and visually related to the site and building design.

34.000 "RRC" Rural Residential Convenience Center Overlay District

34.100 **Statement of Purpose**

This overlay district is intended to accommodate neighborhood related businesses and services reserved for and designed to meet the frequent shopping needs of the area. A Rural Residential Convenience Center area is designed to provide limited goods and services in a manner convenient to nearby residential areas. These regulations are specifically intended to provide standards of use and design that ensure compatibility of size and appearance with the rural character of the area, as well as a sensitivity to the environment of the site. This district is limited to rural residential areas typically located within the western portions of the Township.

34.200 **Permitted Uses**

34.201 Convenience Grocery Sales (1,200 sq. ft. to 3,000 sq. ft.)

34.400 **Special Exception Uses**

34.401 Restaurant, without drive-up window

34.402 Gasoline Sales

34.500 **Design Standards**

- (a) Each rural convenience center overlay district shall consist of no more than 2 contiguous acres.
- (b) To maintain the rural character of the area and achieve overall aesthetic objectives, the total improved area shall not occupy more than 50% of the development site.
- (c) The scale of buildings shall be appropriate in relationship to the surrounding area, including the size and design of canopies. The total building area shall not exceed 7,500 sq. ft.
- (d) Off-street parking shall be provided at 4 parking spaces for each 1,000 sq. ft. of retail area.

Parking lot layouts shall be designed to accommodate any potential cross-access and/or cross-parking arrangements and oriented to complement the character of the area and the abutting corridor(s).

- (e) Loading and refuse disposal areas shall be located to the side/rear of the building and hidden from view.
- (f) Exterior site lighting shall be designed in compliance with the lighting objectives and standards set forth in Section 78.700.
- (g) The unimproved area shall be designed and located to achieve the following:
  - : provide screening of undesirable views
  - : complement building form
  - : soften impact of paved areas
  - : provide adequate treatment within setback areas
  - : mitigate impacts from noise and lighting
  - : maintain the rural character of the area and the abutting corridor(s)
- (h) A ground-mounted sign not exceeding 30 sq. ft. in area may be established per parcel provided it is located no closer to the front, side or rear property line than one-half of the required building setback. Wall signage shall not be permitted. All signs shall be of a subdued nature commensurate with the rural character of the area and visually related to the site and building design.

AGENDA: \_\_\_\_\_

DATE: May 22, 1997

MINUTES: Planning Commission

SENT: June 18, 1997

ZBA

- Lara M.
- Dave B.
- ✓ Bill S.
- ✓ Brian
- ✓ Tom B.

PEOPLE

Home Builders Association  
5700 West Michigan  
Kalamazoo, MI 49009

Oshtemo Business Association  
P.O. Box 1  
Oshtemo, MI 49077

PC

- ✓ Libby
- ✓ Marvin
- ✓ Lara
- ✓ Ken H.
- ✓ Millard
- ✓ Ted C.
- ✓ Wilfred

McGraw-Hill/F.W. Dodge  
Attn: Linda Hibbard  
4000 Portage Road  
Kalamazoo, MI 49001

TB

- ✓ Fred
- ✓ Dave B.
- Marvin
- ✓ Norm

OFFICE

- ✓ Becky
- ✓ Bob
- ✓ Marci
- ✓ Lois
- ✓ Ron
- ✓ Tony
- ✓ Jim
- Attorney's
- Index
- ✓ Elaine

Total

✓ Mike West



7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334  
616-375-4260 FAX 375-7180 TDD 375-7198

## **NOTICE**

### **OSHTEMO TOWNSHIP PLANNING COMMISSION MEETING**

May 22, 1997  
7:00 p.m.

### **AGENDA**

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes  
    - May 8, 1997
4. Text Amendment - Communications Towers
  1. Consideration of the amendment of the Township Zoning Ordinance to add Section 11.575, definition of "Tower or Communications Tower."
  2. Consideration of the amendment of the Zoning Ordinance to add Section 60.600 regarding Communications Towers to provide for the purpose and scope of the section and for regulations as to: (a) collocation, (b) design of tower, (c) height, (d) tower setbacks, (e) accessory utility buildings, (f) lighting, (g) signs and advertising, (h) abandoned or unused towers, and (j) inspections. The text would also provide application requirements.
6. Text Amendment - Neighborhood Commercial
  - Board Review - Draft #3
  - Schedule Public Hearing
7. Other Business
8. Adjourn

**\*\* SCHEDULE OUTLINE**

**May 20, 1997 Joint Township Board/Planning Commission/Zoning Board  
of Appeals Meeting**

**May 27, 1997 Township Board Meeting**

- : Rezoning - Hamilton (Returned by Township Board)
- : Rezoning - Herweg (Set for 1st Reading)

**June 12, 1997 Planning Commission Meeting**

- : Text Amendment - "I-R" District (Schramm)
- : Text Amendment - 9th Street Focus Area Overlay Zone

CHARTER TOWNSHIP OF OSHTEMO

KALAMAZOO COUNTY, MICHIGAN

NOTICE OF PUBLIC HEARING

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE CHARTER TOWNSHIP OF OSHTEMO, KALAMAZOO COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the Planning Commission of the Charter Township of Oshtemo will conduct a public hearing on Thursday, May 22, 1997, commencing at 7:00 p.m. at the Oshtemo Charter Township Hall, 7275 West Main Street, within the Township, as required under the provisions of the Township Rural Zoning Act and the Zoning Ordinance for the Township.

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

1. Consideration of the amendment of the Township Zoning Ordinance to add Section 11.575, definition of "Tower or Communications Tower."
2. Consideration of the amendment of the Zoning Ordinance to add Section 60.600 regarding Communications Towers to provide for the purpose and scope of the section and for regulations as to: (a) collocation, (b) design of tower, (c) height, (d) tower setbacks, (e) accessory utility buildings, (f) lighting, (g) signs and advertising, (h) abandoned or unused towers, and (j) inspections. The text would also provide application requirements.
3. Such other and further matters as may properly come before the Planning Commission at the public hearing.

Written documents will be received from any interested persons concerning the foregoing application by the Oshtemo Charter Township Clerk at the Township Hall at any time during regular business hours up to the date of the hearing on May 22, 1997, and may be further received by the Planning Commission at said hearing.

By ordinance and statute, said Planning Commission has the right at or following said public hearing to deny, approve, or approve with conditions the foregoing application.

Anyone interested in reviewing the Zoning Ordinance pertinent to the foregoing may examine a copy of the same at the Oshtemo Charter Township Hall during regular business hours of regular business days hereafter until the time of said hearing and may further examine the same at said hearing.

Oshtemo Charter Township will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting/ hearing upon seven (7) days' notice to the Oshtemo Charter Township. Individuals with disabilities requiring auxiliary aids or services should contact the Oshtemo Charter Township by writing or calling the Township.

All interested persons are invited to be present at the aforesaid time and place.

OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION

By: Wilfred Dennie, Chairperson  
Oshtemo Charter Township Hall  
7275 West Main Street  
Kalamazoo, Michigan 49009  
Telephone: (616) 375-4260



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. Any proposed tower shall be designed and constructed to accommodate future collocation. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

#### B. Design of Tower.

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.

#### C. 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.

#### D. Tower Setbacks.

1. A tower shall meet the greater of the two following setback standards: (a) minimum building setbacks of the underlying zoning district with the exception of industrial zoning districts, where towers may encroach into the rear setback area, provided that the rear property line abuts another industrially zoned property and the tower does not encroach upon any easements, or (b) located so that the setback from all property lines is equal to or greater than the height of the tower.

2. Towers shall not be located between a principal structure and a public street, with the following exceptions:

a. In industrial zoning districts, towers may be placed within a side yard abutting an internal industrial street.

b. On sites adjacent to public streets on all sides, towers may be placed within a side yard abutting a local street.

3. 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, light standard, power line support device or other similar structure.

4. Towers shall be set back at least 150' from any adjacent residences, residentially zoned property or a public street.

E. Accessory Utility Buildings.

All utility buildings and structures accessory to a tower shall be architecturally 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. Ground-mounted equipment and accessory buildings and structures shall 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 neighborhood. Security fencing may be required to prevent access to the site, accessory building/structure and/or guyed wires.

F. 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 Sections 78.700-78.730.

G. Signs and Advertising.

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

H. Abandonment or Unused Towers or Portions of Towers.

Abandoned or unused towers or portions of towers shall be removed as follows:

1. All abandoned or unused towers 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 Charter Township of Oshtemo. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. In the event that a tower is not removed within 12 months of cessation of operations at a site, the tower and associated facilities may be removed by the Charter Township of Oshtemo and the costs of removal assessed against the property.

2. Unused portions of towers above a manufactured connection shall be removed within six months of the time of antenna relocation.

3. The placement of antennas/equipment on roofs, walls and existing towers may be approved by the Planning Commission, provided the antennas meet the requirements of this Section, after submittal of (1) a site plan and (2) a report prepared by a qualified and licensed professional engineer indicating the existing structure or tower's suitability to accept the antenna and the proposed method of affixing the antenna to the structure. Complete details of all fixtures and couplings, and the precise point of attachment, shall be indicated.

I. 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 which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems.

**J. 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 to all inspections and servicing shall be made available to the Charter Township of Oshtemo upon written request.

**60.640 Additional Application Requirements.**

In addition to the information required for the site plan review and special exception use review, applications for towers shall include the following supplemental information:

- A. A report from a qualified and licensed professional engineer which:
1. describes the tower height and design, including a cross section and elevation;
  2. documents the height above grade for all potential mounting positions for collocated antennas and the *minimum* separation distance between antennas;
  3. describes the tower's capacity, including the number and type of antennas/equipment that it can accommodate;
  4. documents what steps the applicant will take to avoid interference with established public safety telecommunications;
  5. includes an engineer's stamp and registration number; and
  6. indicates that the proposed tower complies with regulations administered by the Federal Aviation Administration.
  7. includes other information necessary to evaluate the request.
- B. 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.

**EFFECTIVE DATE AND REPEAL.**

This Ordinance shall take effect on \_\_\_\_\_, 1997. All ordinances or parts of ordinances in conflict are hereby repealed.

ELAINE BRANCH, Clerk  
OSHTEMO CHARTER TOWNSHIP

May 22, 1997  
Draft #3

**Master Land Use Plan Amendment: *Residential Convenience Center  
Rural Convenience Center  
Land Use and Locational Policies***

*Pg. 61 - Commercial Land Use Policies*

- \* The Plan provides for the location of neighborhood related businesses and services within residential areas of the Township. These uses are reserved for and designed to meet the frequent shopping needs of nearby residents and are compatible in size and appearance with adjacent land use and nearby residential neighborhoods, as well as sensitive to the environment of the site.

Specific neighborhood commercial sites have been identified in recognition of existing/planned neighborhood and community commercial development. Additional locations will be permitted only when consistent with the applicable Neighborhood Commercial Location Standards.

Standards of use and design will be established to ensure compatibility with the character of the area. Rural Convenience Centers located within the rural portions of the Township will provide limited services and be located and designed to maintain the rural character of the area. Residential Convenience Centers located within the developed portions of the Township will provide services and be located and designed commensurate with higher density development and pedestrian activity.

*Pg. 78 - Neighborhood Commercial Location Standards*

**Residential Convenience Center**

1. Be located at an intersection of an arterial street and neighborhood collector, providing access only from the collector.
2. Be located in close proximity to high-density residential land use.
3. Be located within easy walking distance of existing or planned residential areas.
4. Be located a minimum of 1 mile from existing/planned residential convenience centers.
5. Be served by public utilities.

6. Limited to developed residential areas and typically located within the eastern portions of the Township.

#### Rural Convenience Center

1. Be located at an intersection of an arterial street and collector, providing access only from the collector.
2. Be located a minimum of 3 miles from existing/planned rural convenience centers.
3. Limited to rural areas and typically located within the western portions of the Township.

May 22, 1997  
Draft #3

## "RC" Residential Convenience Center Overlay District

### **Statement of Purpose**

This overlay district is intended to accommodate neighborhood related businesses and services reserved for and designed to meet the frequent shopping needs of the area. A Residential Convenience Center area is designed to provide limited goods and services in a manner convenient to adjacent residential areas. These regulations are specifically intended to provide standards of use and design that ensure compatibility of size and appearance with adjacent land use and nearby residential neighborhoods, as well as a sensitivity to the environment of the site. This district is limited to developed residential areas served by public utilities and typically located within the eastern portions of the Township.

### **Permitted Uses**

1. Convenience grocery sales (1200 sq ft to 3000 sq ft)
2. Drugstore
3. Video Rental
4. Drop-off dry-cleaning facility
5. Ice cream shop/coffee shop
6. Hardware store
7. Limited banking service
8. Hair salon/barber shop

### **Special Exception Uses**

1. Gasoline sales
2. Retail laundry, when served by public sanitary sewer facilities
3. Restaurants, without drive-up window (up to 1500 sq ft)
4. Pet care facility, providing pet food and grooming services

## **Design Standards**

- a) Each residential convenience center overlay district shall consist of no more than 2 contiguous acres.
- b) To achieve compatibility with adjacent residential neighborhood and overall aesthetic objectives, the total improved area shall not occupy more than 50% of the development site.
- c) The scale of buildings shall be appropriate in relationship to the surrounding residential area, including the size and design of canopies. The total building area shall not exceed 10,000 sq ft.
- d) There shall be a      ft building setback from the road right-of-way line . . . .
- e) *Off-street parking shall be provided at 4 parking spaces for each 1000 sq ft of gross floor area.*  
  
Parking lot layouts shall be designed to accommodate any potential cross-access and/or cross-parking arrangements.
- f) On-site parking and circulation shall be designed to facilitate pedestrian travel. On-site pedestrian walkways shall be oriented to off-site pedestrian routes.
- g) Loading and refuse disposal areas shall be located to the side/rear of the building and hidden from view.
- h) Exterior site lighting shall be designed in compliance with the lighting objectives and standards set forth in Section 78.700.
- i) A minimum of 35% of the improved area shall be established in landscaping. Proposed landscaping shall be designed to achieve the following:
  - : provide screening of undesirable views
  - : compliment building form
  - : define walkways and traffic circulation
  - : soften impact of paved areas
  - : provide adequate treatment within setback areas
  - : mitigate impacts from noise and lighting
- j) The incorporation of hardscapes, such as patios, outdoor seating, special paving materials, site furniture, etc., into the development scheme shall be encouraged.
- k) A ground-mounted sign not exceeding      sq ft in area may be established per parcel provided it is located no closer to the front, side or rear property line than ½ of the

---

required building setback. Wall signage shall be permitted pursuant to the standards set forth in Section 76.135. All signs shall be of a subdued nature commensurate with the residential character of the area and visually related to the site and building design.

May 22, 1997  
Draft #2

## "RRC" Rural Residential Convenience Center Overlay District

### **Statement of Purpose**

This overlay district is intended to accommodate neighborhood related businesses and services reserved for and designed to meet the frequent shopping needs of the area. A Rural Convenience Center area is designed to provide limited goods and services in a manner convenient to nearby residential areas. These regulations are specifically intended to provide standards of use and design that ensure compatibility of size and appearance with the rural character of the area, as well as a sensitivity to the environment of the site. This district is limited to rural residential areas typically located within the western portions of the Township.

### **Permitted Uses**

1. Convenience grocery sales (1200 sq ft to 3000 sq ft)

### **Special Exception Uses**

1. Restaurant, without drive-up window
2. Gasoline sales

### **Design Standards**

- a) Each rural convenience center overlay district shall consist of no more than 2 contiguous acres.
- b) To maintain the rural character of the area and achieve overall aesthetic objectives, the total improved area shall not occupy more than % of the development site.
- c) The scale of buildings shall be appropriate in relationship to the surrounding area, including the size and design of canopies. The total building area shall not exceed 10,000 sq ft.
- d) There shall be a ft building setback from the road right-of-way line . . .

e) Off-street parking shall be provided at 4 parking spaces for each 1000 sq ft of gross floor area.

*Parking lot layouts shall be designed to accommodate any potential cross-access and/or cross-parking arrangements and oriented to compliment the character of the area and the abutting corridor(s).*

f) Loading and refuse disposal areas shall be located to the side/rear of the building and hidden from view.

g) Exterior site lighting shall be designed in compliance with the lighting objectives and standards set forth in Section 78.700.

h) A minimum of % of the improved area shall be established in landscaping. Proposed landscaping shall be designed to achieve the following:

- : provide screening of undesirable views
- : compliment building form
- : soften impact of paved areas
- : provide adequate treatment within setback areas
- : mitigate impacts from noise and lighting
- : maintain the rural character of the area and the abutting corridor(s)

i) A ground-mounted sign not exceeding sq ft in area may be established per parcel provided it is located no closer to the front, side or rear property line than ½ of the required building setback. Wall signage shall be permitted pursuant to the standards set forth in Section 76.135. All signs shall be of a subdued nature commensurate with the rural character of the area and visually related to the site and building design.



7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334  
616-375-4260 FAX 375-7180 TDD 375-7198

**To:** Planning Commission

**Meeting Date:** 5-22-97

**From:** Planning/Zoning Department

**Agenda Item:** #7

Consideration for an agenda item, the proposed rezoning of approximately 3 ½ acres located on the south side of Stadium Drive, west of 9th Street (6703 Stadium Drive - rear portion), from "AG"-Rural to "C".

A review/amendment of the Village Focus Area Development Plan contained within the Master Land Use Plan is required.

CHARTER TOWNSHIP OF OSHTEMO  
KALAMAZOO COUNTY, MICHIGAN

APPLICATION FOR REZONING

Date MAY 5 1997  
~~APRIL~~

Applicant Name TED T CORAKIS

Address 6703 STADIUM DR Phone 375-1057

Section or Plat 35 - parcel 51

To the Zoning Board:

The above named applicant hereby petitions the Charter Township of Oshtemo Zoning Board to amend the Charter Township of Oshtemo Zoning Ordinance by the rezoning of the following described property as hereinafter set forth and in support of such rezoning submits the following facts:

- I. Legal description of property (Lot and Plat name or meets and bounds description). Attach separate sheets if necessary.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- II. Size and general location of property (acreage, dimensions, street, street number if available, nearest landmark).

*600 feet on front  
joined in parcel  
900 sq ft*  
Total 3 1/2 acres - Rezone 300 feet  
6703 STADIUM DR - west of  
900 sq ft

- III. Present improvements on the property (building, other structures, etc.).

KEN LIVINGSTONE HOME STUDIO -  
wood on all barn

(over)

IV. Nature of applicant's interest in the property (deed holder, option, land contract purchaser, tenant, other).

OWNER -

V. If applicant's interest is other than deed holder, does the deed holder know of this application and consent thereto?

Yes \_\_\_\_\_ No \_\_\_\_\_

VI. The following private plan or deed restrictions encumber the property. (If none, so state; otherwise list such restrictions or attach a copy of the same).

NONE

VII. The purpose of the rezoning is to use the property as follows: (Describe operations and construction if any).

None

VIII. It is hereby requested that the foregoing described property be rezoned from R 1 ? Zone to C Zone.

IX. Enclosed herewith is the application fee of \_\_\_\_\_ payable to the Charter Township of Oshtemo to help defray a portion of the cost of the consideration of the foregoing application.



Signature of Applicant

**CHARTER TOWNSHIP  
OF OSHTEMO  
7275 W. MAIN STREET  
KALAMAZOO, MI 49009  
616-375-4260**

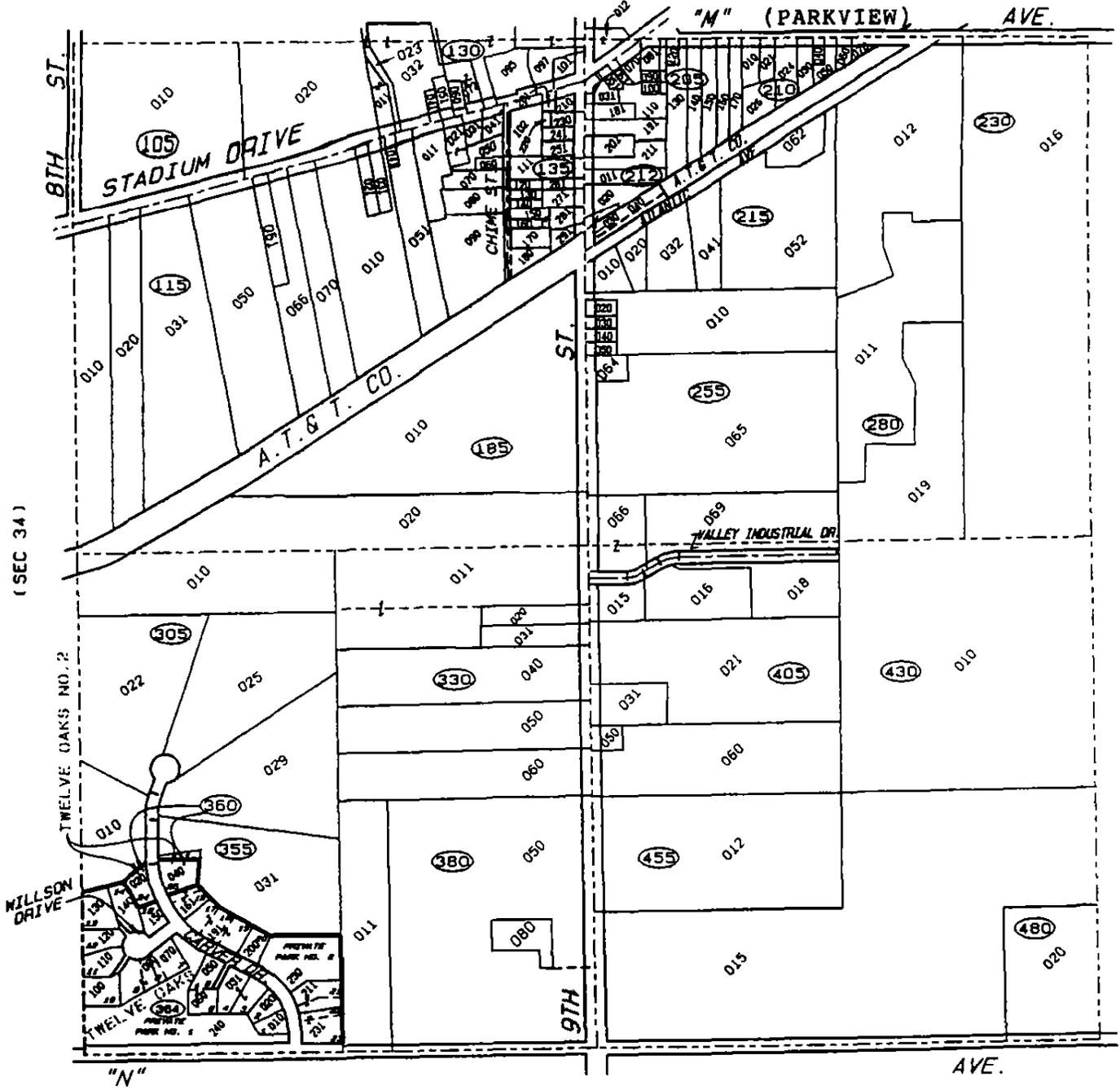
5/09/97 JF

052996 REZON APP/CORAKIS 300.00  
TOTAL PAID 300.00

THANK YOU

# SECTION 35

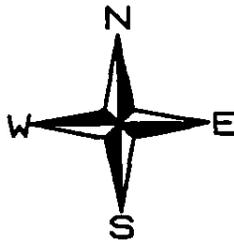
( SEC 26 )



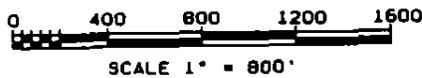
( SEC 34 )

( SEC 36 )

( TEXAS 2 )



DATE: AUGUST 25, 1993  
REVISED DATE: FEBRUARY 29, 1996  
PRINTED DATE: MARCH 22, 1996



**REED,  
STOVER &  
O'CONNOR, P.C.**  
**Attorneys At Law**

April 23, 1997

Robert C. Engels  
Gould Fox  
Patricia R. Mason  
Willy Nordwind, Jr.  
Michael D. O'Connor  
Cynthia P. Ortega  
Michael B. Ortega  
James W. Porter  
Richard D. Reed  
Carolyn W. Schott  
Michael A. Shields  
Gregg E. Stover  
  
*Of Counsel*  
Richard H. Morris  
Edward P. Thompson

Elaine Schultz  
Kalamazoo Gazette  
401 S. Burdick  
Kalamazoo, MI 49007

VIA FACSIMILE

Re: Charter Township of Oshtemo Public Hearing  
Text Amendment re: Communications Towers

Dear Elaine:

Enclosed is a Notice of Public Hearing. Please publish this as a legal notice in the Hometown Gazette West and North on:

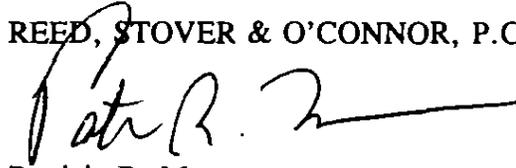
Monday, April 28, 1997  
Monday, May 19, 1997

Please forward one Affidavit of Publication to our office and one Affidavit of Publication along with your bill to: Elaine J. Branch, Oshtemo Charter Township Hall, 7275 West Main Street, Kalamazoo, MI 49009.

Thank you for your attention to this matter.

Very truly yours,

REED, STOVER & O'CONNOR, P.C.

  
Patricia R. Mason

PRM/jrd

Encl.

C Oshtemo Charter Township

151 S. Rose Street  
800 Comerica Building  
Kalamazoo, Michigan  
49007-4731

Telephone 616-381-3600

Fax 616-381-8550