

**WIRELESS COMMUNICATIONS PLAN
OF THE
CITY OF KENTWOOD, MICHIGAN:
An Amendment to the
City of Kentwood Master Plan**

Proposed by the Wireless Communications Task Force⁷
October 3, 2000

Adopted by Planning Commission Resolution 2-00 on October 10, 2000
Amended by Planning Commission Resolution 1-01 on January 9, 2001

Section One: Introduction

A. Basis for creation of a Wireless Communications Plan for the City of Kentwood, Michigan

1. Background

The City has received and approved numerous requests for locating wireless communications equipment and facilities within the City. With the rapid increase in the use of such devices by business, public services, and the general public, it is anticipated that the City will receive increased requests for locating towers and antennae within Kentwood. In order to maintain a high quality of life within the City of Kentwood, this wireless communications plan is developed to balance the need for orderly development of wireless communications facilities within the City with communications providers' rights to locate and operate within the City. This plan will be reviewed regularly to ensure that it reflects advances in wireless communications technology.

2. The preparation of this Plan

A special Wireless Communications Task Force developed this Plan. This Task Force met from May to September 2000 to receive input and consider applicable legal, technical, and planning considerations. Out of its work, the Task Force recommended:

- This proposed Plan – While this Plan is designed to function as a stand-alone planning document, it is also an amendment to the Master Plan of the City of Kentwood. In that latter capacity, it reflects the City's proactive plan for the provision of wireless communications services within the City.
- Zoning Ordinance Amendments – Amendments to Kentwood's Zoning Ordinances are required to implement the tenets of this Plan.

These proposed amendments to the City's Master Plan and Zoning Ordinances were then submitted to the Planning Commission for action. The legislative history and other records comprising the work of the Task Force are on file and available for public inspection in the City of Kentwood Planning Department.

3. The City's intent under this plan

With respect to wireless communications equipment and facilities, it is the City's objective to:

- Accommodate the desires of users of wireless communications devices to obtain a level of service commensurate with reasonable expectations.
- Fulfill the City's legal obligations related to these devices in conformance with Section 704 of the Federal Telecommunications Act of 1996.
- Provide for the orderly development of the City of Kentwood.
- Ensure an orderly and efficient means of managing future requests to locate wireless communications equipment and facilities within Kentwood.

The purpose of this plan is to provide a means of balancing these often-conflicting objectives in a uniform and consistent manner.

4. General requirements to be met

This plan, in its implementation through the City's Zoning Ordinances, is designed to provide that all future wireless communications equipment and facilities comply with the following general guidelines:

- a. This Plan is predicated upon the finding that the City will:
 - Permit the construction of towers for wireless telecommunication equipment and facilities in certain locations, to wit:
 - The City will encourage the location of towers in eight specific locations throughout Kentwood that have been determined to provide the greatest possible RF coverage while minimizing the impact on surrounding areas; and
 - The City will consider the location of towers in other locations, subject to those requirements set forth in the City's Zoning Ordinances.
 - Permit the erection of antennae on certain existing structures where such actions will avoid the need for the construction of a tower; and
 - Require that all antennae and towers shall meet certain basic site plan requirements.

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- b. It is the desire of the City of Kentwood that antennae requiring a free standing tower shall be co-located whenever possible to reduce the number of towers required within the City. Zoning Ordinance provisions shall be enacted that require any tower constructed to be capable of carrying at least four antennae.
- c. All wireless communications equipment and facilities installed and operated within the City of Kentwood shall:
 - Be as inconspicuous as possible in both placement and appearance
 - Minimize their impact on adjacent areas, especially in the case of residential areas
 - Fully comply with all applicable Federal, state, and local regulations
- d. The City of Kentwood shall fully comply with all applicable legal requirements.
- e. The right of the City and its residents to peacefully enjoy their property and preserve its value is recognized to be a principal concern in the provision of any wireless communication plan.

B. Legal Considerations of this Plan

1. Municipal Planning Act, as amended, and Michigan City & Village Zoning Act, as amended. These Acts authorized the City to adopt plans and zoning ordinances restricting the use of land for certain public purposes.
2. Federal Telecommunications Act of 1996, as amended.
 - a. Relevant to this plan, Section 704 provides that:
 - Nothing in the Act limits local government's authority to control the location, number, or design of the site of personal wireless facilities. The City is not required to allow providers of wireless communications services to install facilities in every location that the carriers feel are necessary to provide customers with the optimal service. However, the City's decisions on every request to locate facilities must be based upon consistent applications of standards for the location and design of sites.
 - The City may not:
 - Discriminate among providers of functionally equivalent services;
 - Prohibit the provision of personal wireless services; or
 - Regulate the placement of facilities on the basis of their environmental impact if they comply with FCC regulations
 - The City must:
 - *Act on requests for facilities within a reasonable period of time
 - *Provide reasons for denial of a request in writing with a substantial basis for the denial in the record.

- b. More detailed information is available for public inspection in the City of Kentwood Planning Department

Section Two: Specific Provisions for Wireless Communications Facilities

- A. The City of Kentwood will encourage tower providers and wireless communications service providers to first consider certain preferred tower sites (see Map 1) before other possible locations within the City. These sites are designated as allowing towers by right:

| Description | Max. Allowed Ht. |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| On private property north of 32 nd St. near Lake Eastbrook Blvd. (site of guyed Crouch Communications tower now under development) | 265 ft. (See note c) |
| On the City water tank property near 44 th St. & Eastern Ave. (no tower presently on that site) | 195 ft. |
| On private property near 29 th St. & Shaffer (an antenna is on the Roskam Bakery water tower near this location) (See notes a, b) | 195 ft. (See notes c, d) |
| On City property adjacent to Fire Station No. 1 (site of an existing monopole tower) | 195 ft. (See note e) |
| In Lamberts Park, adjacent to or on the southernmost water tower (no tower presently on that site) | 195 ft. |
| On private property in the vicinity of 52 nd St. and Broadmoor (no towers presently in that vicinity) (See note a) | 195 ft. |
| On private property north of Embassy Drive east of East Paris Ave. (site of an existing monopole tower) | 195 ft. (See Notes c, d) |
| Saladin Drive (no tower presently on that site) | 195 ft. |

Notes to sites:

- a. Towers may be located on any private parcel within 1/8 mile of the noted intersection, and must be located on a specific parcel. Only one tower on one site will be allowed by right in this area.
- b. No tower may be erected in this location as long as the existing antennae remain on the water tower located on private property (commonly called the "Roskam Bakery site") near the southwest corner of this intersection.
- c. Existing tower and/or antenna would be allowed to remain on site, even if height exceeds the Maximum Allowed Height for that site. Any towers and/or antennae erected on that site after the present tower or antenna was removed would be subject to the height limitation shown above.
- d. Private property sites would also be subject to all applicable zoning limitations.
- e. Existing 120-foot tower may be extended or replaced with a taller tower, up to the Maximum Allowed Height restriction.

The bases for allowing towers by right at these eight locations were:

- a. The Task Force reviewed:
 - The location of sites deemed suitable for radio transmission towers;

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- The general Special Approval Standards;
 - The specific characteristics of those sites; and
 - Technical considerations of the wireless communications industry
- b. Based upon input provided to the Task Force, and upon research conducted into wireless communications and related municipal zoning and planning issues, it is the Task Force's findings that:
- These eight sites would have the least possible impact on adjacent zoning districts, especially residential areas;
 - The characteristics of each site were adequately suited to the construction of a tower;
 - An RF (Radio Frequency) signal strength study (see Map 2) done for the City demonstrated that towers on these eight sites would provide total coverage of the City of Kentwood; and
 - Therefore these sites should be designated as sites of choice for the construction of wireless communications towers.
 - The Saladin Drive site will have less impact on adjoining residential areas than the Northeast Park site would have.
 - When the Planning Commission adopted the Wireless Communications Plan, the Saladin Drive site was not available for consideration. The applicant there had not consented to splitting the lot to create a primary use, but has now done this, as noted at the Planning commission meeting of December 12, 2000.
 - The Saladin Drive site will provide – from the perspective of wireless communication service providers – RF (radio frequency) coverage equal to the Northeast Park site except for a small area to the southeast from the site, and that can be adequately covered by a Cascade Township tower on Kraft avenue South of Burton Street.
 - As evidenced by their action in the December 12, 2000, Planning Commission Work Session, Vertical Partners has withdrawn their request to construct a tower in Northeast Park.
- c. Based upon its consideration of these factors, it is the judgement of the Task Force that these eight locations provide reasonable RF coverage of all locations within the City of Kentwood for primary use by wireless communications providers.

All applications for new towers on those "allowed by right" sites will still require site plan approval by the Planning Commission, based upon site review standards to be recommended by the Task Force. The reason for requiring that these sites have Planning Commission review is to ensure that neighbors of the proposed sites have an opportunity to be advised and to comment on the specifics of any proposed tower.

- B. The City may allow the construction of antennae on existing structures (e.g., Consumers Energy high voltage towers, smokestacks, buildings, etc.) subject to a site plan review by Planning Staff. The review will include determining whether the proposed location is *appropriate* for an antenna. Obviously, since existing structures are private sites, the owner's willingness to allow antennae, and the ability of the structure to accommodate an antenna, will also be considered. No antenna erected on any existing structure may project more than 15 feet above the existing structure.
- C. The City recognizes that additional locations may be needed due to unforeseen gaps in coverage, capacity needs, or other factors, and will consider applications for towers on any other public or private parcel within the City as a Special Approval Use. Consideration of any other site must include determining whether the site is appropriate for the location of a tower, based upon criteria to be established and incorporated into the City's Zoning Ordinances, and the review of the proposed site design against special approval use and site design standards. Requests for towers on City of Kentwood park sites will also include review and a report to the Planning Commission by the Parks and Recreation Commission.

Section Three: Provisions for Codification and Review

- A. This Plan shall be adopted as an Amendment to the City of Kentwood Master Plan, with the full force and effect of that instrument.
- B. The specific provisions of this Plan shall be codified through amendments to the City of Kentwood Zoning Ordinance.
- C. Since wireless communications technology changes so rapidly, this Plan shall be reviewed as reasonably determined to be necessary by the Planning Commission, which shall appoint a special task force to conduct the review. Based upon that review, the task force may submit recommendations for modifications of this Plan and/or the City's Zoning Ordinances.

CITY OF KENTWOOD

KENT COUNTY, MICHIGAN

PREFERRED TOWER SITES

LEGEND

1. 32nd Street Near Lake Eastbrook Blvd.
2. 44th Street Near Eastern Avenue
3. 29th Street and Shaffer Avenue
4. Fire Station No. 1
5. Lamberts Park
6. 52nd Street at Broadmoor Avenue
7. Embassy Drive East of East Paris Avenue
- 8.

SCALE: 1" = 3500'

