

CITY OF KALAMAZOO, MICHIGAN

ORDINANCE NO. 2094

**AN ORDINANCE TO REZONE PROPERTY AND AMEND SECTION 50-1.2
“ZONING MAP” OF THE KALAMAZOO CITY CODE OF ORDINANCES**

THE CITY OF KALAMAZOO ORDAINS:

Section 1. PUD Amendment (Rezoning).

The following described property in the City of Kalamazoo, Kalamazoo County, Michigan is designated as a Planned Unit Development (PUD) on the Official Zone District Map for the City of Kalamazoo:

LAND SITUATED IN THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 7 AND IN THE NORTHWEST FRACTIONAL QUARTER OF SECTION 18, TOWN 2 SOUTH, RANGE 11 WEST, CITY OF KALAMAZOO, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 7, TOWN 2 SOUTH, RANGE 11 WEST; THENCE SOUTH 00 DEGREES 21 MINUTES 42 SECONDS WEST 1,092.68 FEET ALONG THE WEST LINE OF THE SOUTHWEST FRACTIONAL QUARTER OF SAID SECTION 7 TO THE NORTH LINE OF THE SOUTH 218.7 FEET OF THE NORTHWEST FRACTIONAL QUARTER OF SAID SOUTHWEST FRACTIONAL QUARTER; THENCE SOUTH 89 DEGREES 25 MINUTES 20 SECONDS EAST 486.00 FEET ALONG SAID NORTH LINE PARALLEL WITH THE SOUTH LINE OF SAID NORTHWEST FRACTIONAL QUARTER OF THE SOUTHWEST FRACTIONAL QUARTER TO THE PLACE OF BEGINNING; THENCE SOUTH 01 DEGREES 33 MINUTES 54 SECONDS WEST 105.00 FEET; THENCE SOUTH 88 DEGREES 26 MINUTES 06 SECONDS EAST 193.95 FEET; THENCE SOUTH 01 DEGREES 33 MINUTES 54 SECONDS WEST 163.95 FEET; THENCE SOUTH 46 DEGREES 55 MINUTES 22 SECONDS WEST 250.90 FEET; THENCE SOUTH 37 DEGREES 34 MINUTES 38 SECONDS EAST 46.61 FEET; THENCE SOUTH 02 DEGREES 25 MINUTES 45 SECONDS EAST 46.51 FEET TO THE SOUTH LINE OF THE NORTH 309.83 FEET OF THE SOUTHWEST FRACTIONAL QUARTER OF SAID SOUTHWEST FRACTIONAL QUARTER; THENCE NORTH 89 DEGREES 25 MINUTES 20 SECONDS WEST 290.00 FEET ALONG SAID SOUTH LINE PARALLEL WITH THE NORTH LINE OF SAID SOUTHWEST FRACTIONAL QUARTER TO A POINT SOUTH 89 DEGREES 25 MINUTES 20 SECONDS EAST 233.00 FEET FROM SAID WEST LINE OF THE SOUTHWEST FRACTIONAL QUARTER; THENCE SOUTH 00 DEGREES 21 MINUTES 42 SECONDS WEST 33.00 FEET PARALLEL WITH SAID WEST LINE; THENCE NORTH 89 DEGREES 25 MINUTES 20 SECONDS WEST 233.00 FEET PARALLEL WITH SAID SOUTH LINE TO SAID WEST LINE; THENCE SOUTH 00 DEGREES 21 MINUTES 42 SECONDS WEST 671.06 FEET ALONG SAID WEST LINE TO A POINT NORTH 00 DEGREES 21 MINUTES 42 SECONDS EAST 297.00 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 7; THENCE SOUTH 89 DEGREES 22 MINUTES 29 SECONDS EAST 733.34 FEET PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST FRACTIONAL QUARTER; THENCE SOUTH 00 DEGREES 21 MINUTES 42 SECONDS WEST 297.00 FEET PARALLEL

WITH SAID WEST LINE TO SAID SOUTH LINE SOUTHWEST FRACTIONAL QUARTER; THENCE SOUTH 89 DEGREES 22 MINUTES 29 SECONDS EAST 536.68 FEET ALONG SAID SOUTH LINE TO THE NORTHEAST CORNER OF "GREEN ACRES NO. 1" PLAT AS RECORDED IN LIBER 21 OF PLATS, PAGE 48, KALAMAZOO COUNTY RECORDS; THENCE SOUTH 00 DEGREES 24 MINUTES 56 SECONDS WEST 197.87 FEET ALONG THE EAST LINE OF SAID PLAT TO THE SOUTH LINE OF CROYDEN AVENUE AS EXTENDED WESTERLY FROM STEWART DOWNS NO. 6' PLAT AS RECORDED IN LIBER 38 OF PLATS, PAGE 32, KALAMAZOO COUNTY RECORDS; THENCE SOUTH 89 DEGREES 22 MINUTES 19 SECONDS EAST 201.08 FEET ALONG SAID WESTERLY EXTENSION TO A POINT WESTERLY 264.00 FEET FROM NORTHEAST CORNER OF LOT 194 OF SAID STEWART DOWNS NO. 6"; THENCE NORTH 00 DEGREES 17 MINUTES 51 SECONDS EAST 66.0 FEET PARALLEL WITH THE WESTERLY OF SAID LOT 194 TO THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID CROYDEN AVENUE; THENCE SOUTH 89 DEGREES 22 MINUTES 19 SECONDS EAST 264.00 FEET ALONG WESTERLY EXTENSION TO THE WEST LINE OF STAFFORD STREET; THENCE NORTH 0 DEGREES 17 MINUTES 51 SECONDS EAST 131.94 FEET ALONG SAID WEST LINE TO SAID SOUTH LINE OF THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 7; THENCE SOUTH 89 DEGREES 22 MINUTES 29 SECONDS EAST 198.00 FEET ALONG SAID SOUTH LINE TO THE WEST LINE OF STEWART DOWNS NO. 4 AS RECORDED IN LIBER 29 OF PLATS, PAGE 39, KALAMAZOO COUNTY RECORDS; THENCE NORTH 00 DEGREES 04 MINUTES 52 SECONDS EAST 1,087.50 FEET ALONG SAID WEST LINE OF "STEWART DOWNS NO. 4" TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SOUTHWEST FRACTIONAL QUARTER; THENCE NORTH 89 DEGREES 25 MINUTES 20 SECONDS WEST 665.61 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 32 SECONDS EAST 443.71 FEET ALONG SAID EAST LINE TO SAID NORTH LINE OF THE SOUTH 218.7 FEET; THENCE NORTH 89 DEGREES 25 MINUTES 20 SECONDS WEST 775.56 FEET ALONG SAID NORTH LINE TO THE PLACE OF BEGINNING. THE WEST 50.0 FEET BEING SUBJECT TO HIGHWAY EASEMENT. EXCEPT THEREFROM : COMMENCING AT THE SOUTHWEST CORNER OF SECTION 7, TOWN 2 SOUTH, RANGE 11 WEST; THENCE NORTH 00 DEGREES 21 MINUTES 42 SECONDS EAST, 876.35 FEET ALONG THE WEST LINE OF THE SOUTHWEST FRACTIONAL QUARTER OF SAID SECTION TO THE PLACE OF BEGINNING; THENCE CONTINUING NORTH 00 DEGREES 21 MINUTES 42 SECONDS EAST 66.10 FEET ALONG SAID WEST LINE; THENCE NORTH 87 DEGREES 17 MINUTES 01 SECONDS EAST 198.23 FEET; THENCE NORTHEASTERLY 122.00 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 175.00 FEET AND A CHORD OF NORTH 67 DEGREES 18 MINUTES 44 SECONDS EAST 119.54 FEET TO THE SOUTH LINE OF THE NORTH 309.83 FEET OF THE SOUTHWEST FRACTIONAL QUARTER OF SAID SOUTHWEST FRACTIONAL QUARTER OF SECTION 7; THENCE SOUTH 89 DEGREES 25 MINUTES 20 SECONDS EAST 95.57 FEET ALONG SAID SOUTH LINE; THENCE SOUTH 46 DEGREES 53 MINUTES 46 SECONDS WEST 67.76 FEET; THENCE SOUTHWESTERLY 169.88 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 241.00 FEET AND A CHORD OF SOUTH 67 DEGREES 05 MINUTES 23 SECONDS WEST 166.38 FEET; THENCE SOUTH 887 DEGREES 17 MINUTES 01 SECONDS WEST 201.77 FEET TO THE PLACE OF BEGINNING.

Commonly known as: 1400 N Drake Road, 1402 N Drake Road & the western 1,440 feet of 4300 Beech Avenue, Kalamazoo, Michigan.

Parcel Numbers: 06-07-362-001, 06-07-386-002 & 6-07-341-002.

Amendments to the Final Development Plan and Agreement controlling this PUD have been approved by the Kalamazoo City Commission by resolution as part of the process of adopting this ordinance. These amendments will amend the Final Development Plan and Agreement controlling the PUD on June 19th, 1972, as amended May 27, 1997. The amendments change the conditions to which this PUD Overlay Zone is subject and as a result, the Zoning Map needs to be amended to reflect these changed conditions.

Section 2. Amendment of Section 50-1.2 (“Zoning Map”). The Zoning Map in Section 50-1.2 of the Code of Ordinances shall be amended and revised to continue to reflect this property as withing the PUD Overlay, subject to the Final Development Plan and Agreement, as amended.

Section 3. Severability. If any section, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity and enforceability of the remaining portions of this ordinance.

Section 4. Saving Clause. The amendment or repeal by this ordinance of any ordinance or ordinance provision shall have no effect upon prosecutions commenced prior to the effective date of this ordinance or prosecutions based upon actions taken by any person prior to the effective date of this ordinance. Those prosecutions shall be conducted under the ordinance provisions in effect prior to the effective date of this ordinance.

Section 5. Conflict. Except as otherwise expressly provided, the provisions of this ordinance shall control in the event of any inconsistency or conflict between this ordinance and any other provision of any other ordinance of the City of Kalamazoo.

Section 6. Effective Date. Subject to Section 3, above, this ordinance shall take effect from and after 10 days from the date of its passage pursuant to Section 13(a) of the City Charter.

CERTIFICATE

The foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Kalamazoo at a regular meeting held on September 3, 2024. Public notice was given, and the meeting was conducted in full compliance with the Open Meetings Act, (PA 267, 1976). Minutes of the meeting will be available as required by the Act, and the ordinance was duly recorded, posted, and authenticated by the Mayor and City Clerk as required by the Charter of said City.

David F. Anderson, Mayor

Scott A. Borling, City Clerk