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**NOTICE  
OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**Thursday, May 26, 2016**

**7:00 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 – May 12, 2016
6. **PUBLIC HEARING: Conditional Rezoning (Weathervane Self-Storage)**  
Consideration of an application from Weathervane Farms Development, Inc., on behalf of Thomas and Carole DeBoer, for a rezoning with a voluntary set of conditions of approximately 10.82 acres pursuant to Section 53 of the Township Zoning Ordinance to a self-storage facility at 4221 South 9<sup>th</sup> Street from the I-R: Industrial District, Restricted to the I-1: Industrial District, Manufacturing/Services District. Parcel No. 3905-35-405-060
7. Old Business
  - a. Village Form-Based Code Overlay District
8. Any Other Business
9. Planning Commissioner Comments
10. 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 to respond at a later date.
- 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.

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; it is not required unless the speaker wishes to have their comment recorded in the minutes.

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 or Citizen Comment on 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 is in contravention of any of the principles and procedures set forth herein.

(adopted 5/9/2000)  
(revised 5/14/2013)

**Policy for Public Comment**  
**6:00 p.m. "Public Comment"/Portion of Township Board Meetings**

At the commencement of the meeting, the Supervisor shall poll the members of the public who are present to determine how many persons wish to make comments. The Supervisor shall allocate maximum comment time among persons so identified based upon the total number of persons indicating their wish to make public comments, but no longer than ten (10) minutes per person. Special permission to extend the maximum comment time may be granted in advance by the Supervisor based upon the topic of discussion.

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 to respond at a later date.

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; it is not required unless the speaker wishes to have their comment recorded in the minutes.

Public comment shall not be repetitive, slanderous, abusive, threatening, boisterous, or contrary to the orderly conduct of business. The Supervisor shall terminate any public comment which is in contravention of any of the principles and procedures set forth herein.

(adopted 2/27/2001)  
(revised 5/14/2013)

**OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**MINUTES OF A MEETING HELD MAY 12, 2016**

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**Agenda**

**Old Business:**

**PARKING LOT DRIVE AISLE WIDTHS – SECTION 68.300**

**Any Other Business:**

- a. SCHEDULE OF AREA, FRONTAGE AND/OR WIDTH REQUIREMENTS – SECTION 66.201**
  - b. OFF-STREET PARKING OF MOTOR VEHICLES – RESIDENTIAL USES – SECTION 68.000**
  - c. TEMPORARY SIGNS – SECTION 76.190**
  - d. RECYCLING IN MULTI-FAMILY DEVELOPMENTS – SECTION 24.205**
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A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, May 12, 2016, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

**MEMBERS PRESENT:** Millard Loy, Chair  
Fred Antosz  
Kimberly Avery  
Wiley Boulding, Sr.  
Dusty Farmer  
Pam Jackson

**MEMBERS ABSENT:** Mary Smith

Also present were Julie Johnston, Planning Director, and Martha Coash, Meeting Transcriptionist. No other persons were in attendance.

**Call to Order and Pledge of Allegiance**

The meeting was called to order by Chairperson Loy at approximately 7:00 p.m., and the “Pledge of Allegiance” was recited.

**Agenda**

Chairperson Loy asked if there were any additions, deletions or corrections to the Agenda. Hearing none, he called for a motion to accept the Agenda as presented.

Ms. Jackson made a motion to accept the agenda as presented. Mr. Boulding Sr. seconded the motion. The motion passed unanimously.

### **Public Comment on Non-Agenda Items**

Chairperson Loy noted there were no audience members and proceeded to the next agenda item.

### **Approval of the Minutes of April 28, 2016**

Chairperson Loy asked if there were any additions, deletions or corrections to the minutes of April 28, 2016. Hearing none, he asked for motion to approve the minutes.

Mr. Antosz made a motion to approve the minutes of April 28, 2016 as presented. Ms. Avery seconded the motion. The motion was approved unanimously.

### **Old Business**

#### **PARKING LOT DRIVE AISLE WIDTHS – SECTION 68.300**

Chairperson Loy asked Ms. Johnston to address the Board regarding review of the Parking Lot Drive Aisle Widths – Section 68.300.

Ms. Johnston said she met with the Fire Chief and the Fire Marshall to discuss the Commission's request to see if the Fire Chief would be willing to designate fire lanes on sites as opposed to requiring that all drive aisles be 24 feet in width. The Fire Marshall felt this was a good compromise and that fire lanes might not need to be included on all site plans. He suggested language could indicate such designation would be up to the Fire Marshall's discretion.

Commissioners concurred; Ms. Johnston will present amended language reflecting this compromise for consideration at the second Planning Commission meeting in June.

Chairperson Loy moved to the next item on the agenda.

### **Any Other Business**

#### **a. SCHEDULE OF AREA, FRONTAGE AND/OR WIDTH REQUIREMENTS – SECTION 66.201**

Ms. Johnston said with the recent changes recommended by the Planning Commission to the Township Board on Section 62.000 Nonconforming Uses, Structures and Land, a change needs to be made to Section 66.201, which deals with area,

frontage and width requirements of parcels, lots and building sites. Currently Section 66.201 states the following:

*Any parcel, lot or building site existing prior to March 31, 1997 shall be considered buildable if the only dimensional nonconformity is a depth to width ratio exceeding four-to-one subject to the Planning Director in his/her discretion to require the dedication of a 66-foot-wide easement for future access to interior lands.*

She said the changes to the Nonconforming section of the Zoning Ordinance allows all parcels, lots or building sites that were lawfully created to be buildable. To ensure these two sections of the code work well together, Staff recommended the following language instead:

**Parcels, lots or building sites which meet the regulations of Section 62: Nonconforming Uses, Structures and Land may be issued a building permit provided all other requirements of this Ordinance are met.**

Ms. Johnston said if authorized by the Board to move forward, a public hearing could be set for this amendment.

Commissioners felt this change made sense and will eliminate contradiction in the two affected sections of the code. It was the consensus of the Board to authorize Ms. Johnston to move forward on a public hearing regarding this amendment.

Chairperson Loy moved to the next item on the agenda and asked Ms. Johnston for her review.

#### **b. OFF-STREET PARKING OF MOTOR VEHICLES – RESIDENTIAL USES – SECTION 68.000**

Ms. Johnston explained the current ordinance language that deals with residential driveways is difficult to interpret and does not provide much flexibility on individual residential lots. In addition, there are no real limitations to the amount of impervious surface that can be placed on a lot. However, it does limit where you can park. Essentially, allowing the entire front yard to be paved, but only allowing parking on 22 feet of that pavement. The Zoning Administrator and Ordinance Enforcement Officer have expressed difficulties in administering the current code.

She said working with these two staff members, new Ordinance language has been developed mirroring the requirements of the Road Commission for Kalamazoo County in relation to driveway access and width of drives permitted in the road rights-of-way. It also provides some specific requirements to where drives are permitted and includes some setback requirements from property lines. Finally, the amended language permits one additional parking space on a parcel, lot or building site, which was not permitted in the previous ordinance.

Ms. Johnston noted one additional change to the Parking Ordinance includes a definition of how parking is calculated for nonresidential and multi-family uses. The Ordinance does not currently address how parking should be calculated. Staff has been using the standard planning practice of 70 percent of gross floor area, but this was never codified. The recommended change would clearly define this practice in the Ordinance.

Commissioners were supportive of the changes but discussed whether the practice of using 70 percent of gross floor area is too high, resulting in too much paving/asphalt. Ms. Johnston said 70 percent is standard, but that it might be more effective to change the parking calculation table to reduce required paving.

It was also suggested that specific types of recreational vehicles be delineated in the language. Ms. Johnston will add such language.

Also discussed was the difficulty in enforcement of parking violations for one-time events such as graduation parties when cars are parked illegally.

Ms. Johnston suggested advancing the proposed amendments to public hearing, after which Staff will work on possible changes to the parking calculation table. Commissioners agreed she should pursue this approach

Chairperson Loy moved to the next agenda item.

#### **c. TEMPORARY SIGNS – SECTION 76.190**

Ms. Johnston told the Board a recurring request has been made to the Planning Department to allow temporary business signs during the rehabilitation or reconstruction of a building, when the business will still be active. For example, a commercial center is completing façade improvements to update the look of the building. The planned improvements are not internal so construction will not require the businesses in the center to close. However, the improvements will require the removal of the permanent business signs. The request made to the Planning Department is to allow temporary banner signs during construction.

She said the current Sign Ordinance does not permit this type of sign in the Temporary Sign section of the code. The amended language would permit these types of signs for the duration of the construction period. The recommendation is to allow temporary banner signs, 32 square feet in area, for each business that may be affected by the construction.

Discussion by Commissioners resulted in their endorsement of advancing this amendment to a public hearing with the addition of “construction or maintenance” as conditions for allowing temporary signs.

Chairperson Loy moved to the next item on the agenda and asked Ms. Johnston to review the recommendation for the Board.

**d. RECYCLING IN MULTI-FAMILY DEVELOPMENTS – SECTION 24.205**

Ms. Johnston said a request was made by a Township Trustee to promote recycling in multi-family developments within the Township. The R-4 District, which allows multi-family projects by right, has some specific requirements for development. To encourage residents within any new multi-family development to recycle, receptacles will need to be made available. Requiring these receptacles within Dumpster enclosures is within the purview of zoning and can be included within these requirements.

She said the recommended language is as follows:

**Recycling. Dumpster enclosures shall be designed large enough to contain both a standard trash receptacle and a recycling receptacle. Recycling shall be made available in all Dumpster enclosures.**

In addition to adding the language above, some minor organizational changes are recommended to address consistency within this section.

She noted the current Ordinance says trash companies have to provide recycling to multi-family developments but does not require residents to participate.

There was discussion of providing a single hauler service for the Township in order to reduce heavy truck traffic and to secure a better price for residents.

In answer to a question, Ms. Johnston indicated the general Ordinance wording would apply to multi-family developments as well as to single family residences. She was not sure if it would apply to existing or just new multi-family residences. She will check with Attorney Porter on that point.

Commissioners agreed this amendment should move forward to a public hearing.

**PLANNING COMMISSIONER COMMENTS**

Mr. Boulding, Sr. was pleased recycling is being addressed for the benefit of all.

In response to a question from Ms. Jackson about keeping Ordinance books up to date, Ms. Johnston agreed that is a problem and said she is attending the June 14 Township Board meeting to provide a demonstration and request funding for a state of the art web-based program for online Ordinance hosting.

Chairperson Loy noted the excellent work being done by Township Staff on updating Ordinances.

Ms. Jackson spoke about the Friends of the Park promotional efforts regarding the upcoming three summer concerts, fundraising status, and cooperative programming with Kalamazoo Public Library's Oshtemo Branch. She also noted she would be absent from the May 26 meeting.

Ms. Farmer said an opportunity would be coming in the mail from Ms. High to pledge to the Drake Homestead capital campaign. She also noted there will be a joint board meeting held May 17 at 6:00 p.m.

Chairperson Loy said the kick off campaign is underway and noted the cabinet will meet June 22. He encouraged the Board to support the pledge drive and acknowledged how hard Ms. High has been working on these efforts. He also told Commissioners the first wedding in the park's gazebo will take place July 30.

Ms. Avery noted she will be absent from the June 9 meeting.

## **ADJOURNMENT**

Having exhausted the agenda, and with there being no further business to discuss, Chairperson Loy adjourned the Planning Commission meeting at approximately 8:04 p.m.

Minutes prepared:  
May 14, 2016

Minutes approved:  
\_\_\_\_\_, 2016



May 19, 2016

**Mtg Date:** May 26, 2016

**To:** Planning Commission

**From:** Julie Johnston, AICP

**Applicant:** Weathervane Farms Development, Inc.

**Owner:** Thomas and Carole DeBoer

**Property:** 4221 South 9<sup>th</sup> Street (Parcel # 3905-35-405-060)

**Zoning:** I-R: Industrial District, Restricted

**Request:** Rezoning to I-1: Industrial with Conditions

**Section(s):** Section 40.000 – I-R: Industrial District, Restricted  
Section 41.000 – I-1: Industrial District, Manufacturing/Servicing  
Section 53.000 – Conditional Rezoning

**Project Name:** Weathervane Self Storage

## OVERVIEW

The applicant is requesting the Planning Commission consider a conditional rezoning of a 10.82 acre parcel from the existing I-R: Industrial District, Restricted to the I-1: Industrial District as allowed by *Section 53.00: Conditional Rezoning* of the Zoning Ordinance. The subject parcel is addressed as 4221 South 9<sup>th</sup> Street, which is located on the east side of 9<sup>th</sup> Street just north of Technology Avenue. The previous use of the property was V & V Lumber, which has been out of business for approximately five years. The current I-R District does not permit the use desired by the applicant. After discussion with Planning staff, the applicant was informed that a traditional rezoning to the I-1 District for this parcel was unlikely and therefore the requested use of a self-storage facility would not be permitted. This prompted the applicant to seek the conditional rezoning.

Conditional rezoning is a mechanism that allows anticipated concerns or unique circumstances to be addressed or managed by attaching conditions to a rezoning request. The conditional rezoning process follows the same steps and procedure as a traditional rezoning with the exception that the applicant may offer conditions that place additional restrictions or limitations on their property. Per *Section 53.300: Application Review*, the Planning Commission, after a public hearing, may recommend changes to the conditions offered by the applicant, provided that any conditions are acceptable to and thereafter offered by the land owner.

## SUBJECT PROPERTY

As stated previously, the property subject to the rezoning request is 10.82 acres with approximately 246 feet of frontage on the South 9<sup>th</sup> Street. The property is currently owned by Thomas and Carole DeBoer,

and the applicant has an option to purchase pending various approvals. The owner has given consent to this application.

The property previously housed V & V Lumber, which developed approximately the first 650 linear feet of the property east of South 9<sup>th</sup> Street. The remaining 500 linear feet to the east property line remained undeveloped. Originally, six large warehouse buildings were located on the property. The recent development of the transmission lines installed by ITC necessitated the removal of two buildings along the southern boundary of the property, leaving four buildings on site.

The ITC electrical transmission line traverses the property along the southern boundary the full length of the parcel. At the right-of-way line for South 9<sup>th</sup> Street, the utility easement is 102 feet in width, gradually increasing to 180 feet in width at the east property line. The easement agreement restricts the placement of buildings or other above ground structures that the utility feels would interfere with their use of the easement. The parcel at its widest point is 378 linear feet and reduces to 370 linear feet at the eastern property line. At the western parcel line, the easement reduces this buildable width to 276 linear feet and to 190 linear feet at the eastern property line.

The narrowing of the parcel where buildings can be constructed increases the depth to width ratio of the parcel from 3:1 to 4:1. While some site activities would be allowed within the easement, such as parking, the significant encroachment of the ITC easement may impose some development challenges on the parcel.

### **CONDITIONAL REZONING & CONDITIONS**

The applicant has provided a concept plan and a list of conditions for the Planning Commission's consideration. The conditions associated with the request to rezone to the I-1 District are as follows:

Condition #1: The property would be conditionally rezoned to the I-1: Industrial District. However, two acres immediately adjacent to South 9<sup>th</sup> Street would house uses consistent with the permitted uses in the I-R District.

Staff Comments: Allowing the front two acres, which are adjacent to the public right-of-way, to develop under the I-R District will provide some buffering to the self-storage development as well as afford some consistency in uses along South 9<sup>th</sup> Street. Staff has no concerns with this condition.

Condition #2: The gate and fencing along the portion of the property adjacent to 9<sup>th</sup> Street will be removed.

Staff Comments: Staff has no concerns with this condition. The removal of the fencing will improve the aesthetics of the property.

Condition #3: Buildings 1 and 2 (as noted on the concept plan) will be removed.

Staff Comments: Removal of these buildings will be a benefit to the overall project and may assist in the redevelopment of the front two acres in a timelier manner. Staff supports the approval of this condition.

Condition #4: Buildings 3 and 4 (as noted on the concept plan) will be converted to specialty storage (climate controlled) for homeowners and businesses.

Staff Comments: Staff has no concerns with the proposed use of these buildings.

Condition #5: 11 additional storage buildings will be constructed, the total area will not exceed 56,000 square feet.

Staff Comments: The number of storage buildings on site should be conditioned on meeting all Zoning Ordinance requirements for things such as setbacks, distance between buildings, etc. The concept plan has made best efforts to incorporate these requirements. However, this is a conditional rezoning request and not site plan review. With that in mind, if the Planning Commission is interested in forwarding a recommendation of approval, this condition should be restated as follows:

**A maximum of 11 additional storage buildings will be constructed, the total area not exceeding 56,000 square feet, if all other Zoning Ordinance requirements for a self-storage facility within the I-1 District are met.**

Condition #6: Outdoor storage (approximately 50 spaces for boats, recreational vehicles, etc.) will be developed on the southern boundary of the property, in the area subject to the utility easement. No inoperable or wrecked vehicles or semi-trailers will be stores in this area.

Staff Comments: Outdoor storage is allowed in the I-1 District as part of the special exception use approval of a mini warehouse. Since this is being requested as a condition of the rezoning, the Planning Commission will need to decide if outdoor storage is an acceptable use for this property. As currently indicated on the concept plan, the outdoor storage would be located approximately 560 feet from the South 9<sup>th</sup> Street right-of-way. While a considerable distance, the parcel is relatively flat, allowing for views to the outdoor storage from the street. Traditional screening with landscape materials is unlikely due to the easement agreement, which states that ITC can remove trees, bushes or brush at any time at their sole discretion. However, *Section 75.220: Exceptions* to the Landscaping Ordinance allows the Planning Commission to approve alternate plantings and visual screens.

If the Planning Commission is considering including the outdoor storage as part of the conditional rezoning, staff would suggest changing the condition to the following:

**Outdoor storage (approximately 50 spaces for boats, recreational vehicles, etc.) will be developed on the southern boundary of the property, in the area subject to the utility easement. No inoperable or wrecked vehicles or semi-trailers will be stored in this area. Visual screening, such as a 6-foot opaque fence or other means approved by the Planning Commission at the time of site plan review, shall be provided at the east and west end of the paved storage area for, at minimum, the 40-foot length of the spaces.**

Condition #7: The entrance drive to the property will be 26 feet wide asphalt paved with concrete curbs and will feature decorative lighting.

Staff Comments: Staff has no concerns with this condition. However, the Road Commission of Kalamazoo County may have specific dimensions for width of drives within the public right-of-way. Staff would suggest altering this condition as follows:

**The entrance drive to the property will be based on Road Commission of Kalamazoo County standards. The remaining drive to be designed as depicted on the concept plans dated 04-14-2016; paved with asphalt and concrete curbs, including decorative lighting.**

Condition #8: A two story, 1,200 square foot office building will be constructed as depicted in the concept plan, complete with office space and security infrastructure on the 1<sup>st</sup> floor and a manager's quarters on the 2<sup>nd</sup> floor.

Staff Comments: Unfortunately, the I-1 District does not allow new residential uses to be developed. *Section 53.200: Application and offer of conditions* of the conditional rezoning requirements indicates the following:

*C. The owner's offer of conditions may not purport to authorize uses or developments **not permitted** in the requested new zoning district. Offers of conditions or restrictions shall not be approved if such conditions or restrictions would have the effect of departing from the standards of the Zoning Ordinance or other regulations or Ordinances promulgated by, or applicable in Oshtemo Charter Township.*

The applicant can develop the two story building, it just cannot include any type of residence. The condition could be changed to the following:

**A two story, 1,200 square foot office building will be constructed as depicted in the concept plan, complete with office space and security infrastructure on the 1<sup>st</sup> floor and a manager's office on the 2<sup>nd</sup> floor.**

Condition #9: Six foot security fencing will be installed on the site, complete with two sliding gates and two utility maintenance gates.

Staff Comments: While understanding security is important to a self-storage use, the type of fence proposed on the concept plan, particularly in those areas where landscaping will not likely be planted, is problematic. The Landscaping Ordinance will require this site to have a 10-foot greenspace area that contains one canopy tree and two understory trees every 100 linear feet. Staff understands that this cannot occur within the utility easement area. However, this should not preclude the applicant from meeting the landscaping requirements.

As stated earlier, *Section 75.220: Exceptions* of the Landscaping Ordinance, provides some flexibility in meeting screening and buffering requirements. In addition, when completing a recent staff report for a variance request to landscaping because of this very same utility easement, staff found that while relief has been granted in the past to the width of the required greenspace, no variances to reduce the number of plant materials has ever been approved.

It will be important for the Township to be consistent in its approach to managing landscaping on properties that are affected by this large utility easements. With that said, staff feels the applicant should still be required to meet the intent of the landscaping ordinance in some fashion. We would recommend the following two conditions:

**Condition #9: A six foot security fence will be installed on the site, complete with two sliding gates and two utility maintenance gates. For that area within the ITC utility easement, a six foot opaque fence or other screening mechanism approved by the Planning Commission at the time of site plan review and meets the Zoning Ordinance requirements will be installed.**

**Condition #10: The landscaping materials required within the greenspace areas found at the property boundaries within the ITC easement, which include one canopy tree and two understory trees for 100 linear feet, will be met elsewhere on the parcel.**

Staff has two additional conditions for the Planning Commission and the applicant to consider. As this is a new development, as well as a special exception use within the I-1 District, staff feels the following conditions should be included:

**Condition #11: The applicant shall submit a site plan subject to, and in compliance with, the relevant special exception use requirements.**

**Condition #12: All other Zoning Ordinance requirements shall apply.**

## CONSIDERATIONS

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 or conditional rezoning request. However, there are some generally recognized factors that should be deliberated before a rezoning decision is made. These considerations are as follows:

### 1. Master Plan Designation

The Future Land Use Plan for this area indicates Transitional Mixed Use District for the first approximately 500 feet on both sides of South 9<sup>th</sup> Street. The Research Office designation is indicated adjacent to the Transitional Mixed Use District. Please see the attached Future Land Use Map. The intent of these two districts are as follows:

Transitional Mixed Use:

*“South 9th Street north of N Avenue: This area along South 9th Street is a mix of land uses that reflects its surroundings. To the north is the Village area; to the south is highway commercial development adjacent to the freeway interchange; and to the east is office / light industrial development. The corridor is included within the DDA district and represents a key gateway into the Township.*

*This transitional mixed use area is envisioned to continue to have a mix of uses as it serves as a transition between these various areas of higher intensity development. Although it is not envisioned that new residential development will be included, office, institutional, health care, financial, research and development, studio, and similar type uses would be considered appropriate. The intent is to serve as a lower intensity transition between the commercial areas to the north and south while providing a reflective, attractive gateway to the community.”*

Research Office:

*“The Research Office designation is located on 9th Street at the southern gateway to the Township. It is partially within the DDA district, includes several recent developments, and has land available for further development / redevelopment. This portion of the Township has traditionally provided many important jobs to the Township, and it is important that this remain an employment center for the Township. It is envisioned that development in this area will continue to provide high quality employment opportunities to residents. Uses might include offices, research and development, life science, corporate center, light industrial with limited impact outside the building, indoor recreation facilities, public or quasi-public institutions, financial institutions, and health care facilities.”*

While a self-storage use is not specifically indicated in the Master Plan, the design of the concept plan provided as part of the conditional rezoning application affords some compatibility with the future land use designations. The two acres adjacent to South 9<sup>th</sup> Street and intended for development under the I-R District aligns with the Transitional Mixed Use District planned for this area. Uses permitted within the I-R District include packaging of products, medical facilities, professional offices, research, financial institutions and clinics, which is similar to the uses in the Transitional Mixed Use designation.

The remaining acreage intended for the self-storage facility would fall within the Research Office District. Per the Master Plan, self-storage is generally planned in areas intended for General Industrial activities. In fact, the General Industrial District indicates the following:

*“The designation includes both light and general industrial uses (including those industrial uses described in the Research Office Industrial designation above), warehouse and distribution facilities, and heavy commercial and storage facilities.”*

The difficulty when reviewing future land use designations is deciding which district is most appropriate for a use like self-storage. Master Plans and Zoning Ordinances historically categorized mini or self-storage in industrial districts. However, there has been a shift in thinking

over the past several years that this use is actually more of a commercial venture than an industrial use. For example, the City of Kalamazoo allows mini-storage within the Commercial, Community District as a Special Use.

The Research Office Future Land Use District that the subject property is mostly designated as allows for light industrial uses as long as they have limited impact outside the building. The self-storage use would meet this intent if the outdoor storage indicated in the concept plan was removed. The Planning Commission will need to determine if proper screening of the outdoor storage will meet the intent of the Future Land Use designation.

## 2. Consistency of the Zoning Classification in the General Area

The zoning classification that surrounds the subject site on all sides is the I-R: Industrial District, Restricted. As stated previously, the uses allowed in this district are packaging of products, medical facilities, professional offices, research, financial institutions and clinics. Wholesaling, storage and/or warehousing of commodities is also allowed as a permitted use. Moving north on South 9<sup>th</sup> Street, one parcel north of the subject site, is property zoned the I-1 District.

Industrial zoning has been a part of this area of the Township for many years. From this historical records, staff found that the creation and district boundary designations for the I-R District occurred in 1989. The development of much of the industrial properties north of N Avenue transpired after this date. The Oshtemo Business Park, which is immediately south of the subject site and contains large office, research, warehousing and processing uses, was approved in 1998.

The requested change to the I-1 Industrial District with conditions is generally consistent with the surrounding zoning. The request to limit most of the site to one use, self-storage, will allow the Planning Commission to ensure compatibility through the site plan review process of the special exception use requirements. In addition, allowing the frontage of the parcel to be developed under the I-R District provides some consistency of zoning and development design along South 9<sup>th</sup> Street.

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

The general land use pattern from the I-94 intersection moving north on South 9<sup>th</sup> Street is:

- Retail and commercial until West N Avenue, then;
- Larger industrial and office uses, particularly on the east side of South 9<sup>th</sup> Street until just before Atlantic Avenue, then;
- Commercial, office, and residential, including a Township park, moving north to Stadium Drive.

Immediately adjacent to the subject site to the north is a nonconforming residential home, a vacant building and Cort Furniture Rental distribution center. To the south of the proposed conditional rezoning is a parcel owned by ITC, which is being used as a staging area for the development of the utility transmission lines. Also to the south is the Oshtemo Business Park and

the uses immediately adjacent are Bosch Auto Parts and Mophie, Inc. East of the property is a field that is still actively farmed. Finally, to the west of the subject site is an architectural office building, a company that manufactures HVAC and infiltration systems and a landscaping company.

Similar to the consistency with the zoning classifications outlined above, a commercial self-storage use is generally compatible with neighboring uses. Again, the redevelopment of the two acres that front South 9<sup>th</sup> Street will be important to the overall compatibility of the site. In addition, proper screening and landscaping of outdoor uses will be important to the harmonious establishment of this use.

#### 4. Utilities and Infrastructure

Both water and public sewer are available on South 9<sup>th</sup> Street. A curb cut is already been established for this property and will continue to be utilized if it is redeveloped. The design of drive on the concept plan provides safe access to the secured storage areas, which does not impede access to the site or cause traffic to back up into the drive aisle or South 9<sup>th</sup> Street.

#### 5. Reasonable Use under Current Zoning Classification

Any vacant land or land to be redeveloped within the I-R District must be established as an Industrial-Office Development, which is a special exception use with specific development criteria. The intent of the development criteria is to create a “park-like atmosphere” for new business or industrial facilities. Some of the requirements under the special exception use include a lot coverage limitation of 50 percent, public roads if the site has more than one building, and architectural and design standards that must be approved by the Planning Commission.

The difficulty with applying these requirements to the subject site is the ITC easement that runs east/west through the property. The inability to develop structures within the easement makes development of this site challenging. While the easement area might be used to satisfy the 50 percent open space requirement (only 50 percent of site can be covered with impervious surface) of the Ordinance, it does not meet the spirit and intent of the Ordinance, which is to promote a “park-like” setting. In addition, the placement of a public road on this lot is not feasible. If a 66-foot wide easement is added to the ITC easement that already exists, the lot almost becomes undevelopable. To circumvent the requirement of a public road, the property owner would only be allowed to construct one building.

While compliance with the I-R District regulations is hypothetically possible, doing so significantly reduces any reasonable use of the property. With that in mind, the Planning Commission will need to consider if the conditional rezoning to allow a self-storage facility is the best alternative to the I-R District.

#### 6. Effects on Surrounding Property

The effect of a self-storage facility on the adjacent uses to the south is negligible. The large industrial-office uses found in the Oshtemo Business Park are oriented so the rear of the buildings are facing the proposed conditional rezoning. Most of the northern property line of the subject

site is adjacent to the Cort distribution center parcel, which is largely undeveloped within the eastern half of the property.

The primary challenge of self-storage on this parcel will be its effects on the properties west of South 9<sup>th</sup> Street. As stated previously, the placement of an I-R District development immediately adjacent to South 9<sup>th</sup> Street helps to mitigate these concerns. However, the entrance to the storage facilities and the placement of outdoor storage, which cannot be screened by the use of a structure because of its placement in the ITC easement, needs to be carefully considered. Alternate screening methods outside of plant materials that are permissible in the utility easement area should be employed.

## **RECOMMENDATION**

The Planning Commission has three possible options when considering this request, as follows:

- A. Recommend a conditional rezoning to the I-1 District to the Township Board with the conditions presented by the applicant.
- B. Request the applicant consider revised conditions per *Section 53.300: Application Review* and if acceptable to the applicant, recommend approval of the conditional rezoning to the I-1 District to the Township Board with the revised conditions, listed below:
  1. The property would be conditionally rezoned to the I-1: Industrial District. However, two acres immediately adjacent to South 9<sup>th</sup> Street would house uses consistent with the permitted uses in the I-R District.
  2. The gate and fencing along the portion of the property adjacent to South 9<sup>th</sup> Street will be removed.
  3. Buildings 1 and 2 (as noted on the concept plan dated 04-14-2016) will be removed.
  4. Buildings 3 and 4 (as noted on the concept plan dated 04-14-2016) will be converted to specialty storage (climate controlled) for homeowners and businesses.
  5. A maximum of 11 additional storage buildings will be constructed, the total area not exceeding 56,000 square feet if all other Zoning Ordinance requirements for a self-storage facility within the I-1 District are met.
  6. Outdoor storage (approximately 50 spaces for boats, recreational vehicles, etc.) will be developed on the southern boundary of the property, in the area subject to the utility easement. No inoperable or wrecked vehicles or semi-trailers will be stored in this area. Visual screening, such as a 6-foot opaque fence or other means approved by the Planning Commission at the time of site plan review, shall be provided at the east and west end of the paved storage area for, at minimum, the 40-foot length of the spaces.

7. The entrance drive to the property will be based on Road Commission of Kalamazoo County standards. The remaining drive to be designed as depicted on the concept plans dated 04-14-2016, paved with asphalt and concrete curbs, including decorative lighting.
8. A two story, 1,200 square foot office building will be constructed as depicted in the concept plan dated 04-14-2016, complete with office space and security infrastructure on the 1<sup>st</sup> floor and a manager's office on the 2<sup>nd</sup> floor.
9. A six foot security fence will be installed on the site, complete with two sliding gates and two utility maintenance gates. For that area within the ITC utility easement, a six foot opaque fence or other screening mechanism approved by the Planning Commission at the time of site plan review and meets the Zoning Ordinance requirements will be installed.
10. The landscaping materials required within the greenspace areas found at the property boundaries within the ITC easement, which include one canopy tree and two understory trees for 100 linear feet, will be met elsewhere on the parcel.
11. The applicant shall submit a site plan subject to, and in compliance with, the special exception use requirements.
12. All other Zoning Ordinance requirements shall apply.

C. Deny the request.

Based on the considerations noted above, staff would recommend that the Planning Commission consider a conditional rezoning to the I-1 District with the revised conditions. The regulatory requirements of the I-R District and the restrictions placed on the property by the ITC easement make reasonable use and development of the property challenging under existing conditions.

Respectfully submitted,



Julie Johnston, AICP  
Planning Director

Attachments: Application  
Project Narrative and Proposed Conditions  
Weathervane Company Information  
Electrical Transmission Easement Agreement  
Concept Plan  
Aerial Map  
Existing Zoning Map  
Future Land Use Map



7275 W. Main Street, Kalamazoo, Michigan 49009-9334  
Phone: 269-216-5223 Fax: 269-375-7180

**PLEASE PRINT**

PROJECT NAME & ADDRESS Conceptual Site Plan - Weathervane Self Storage - 9th St.

**PLANNING & ZONING APPLICATION**

Applicant Name : Weathervane Farms Development, Inc.

Company Weathervane Farms Development, Inc.  
c/o Michael Fisher

Address 7906 Gull Road  
Richland, MI 49083

E-mail mike@weathervaneselfstorage.com  
(269)207-2281

Telephone \_\_\_\_\_ Fax \_\_\_\_\_

Interest in Property Potential buyer under purchase  
agreement.

**OWNER\*:**

Name Thomas J. DeBoer & Carole L. DeBoer

Address 122 Hutchinson St.,  
Kalamazoo, MI 49001

Email tom@woodworkspecialties.com

Phone & Fax \_\_\_\_\_

Oshtemo Charter Township  
7275 W MAIN ST  
KALAMAZOO, MI 49009  
Phone : 269-375-4260  
OSHTEMO TOWNSHIP.ORG

Received From: WEATHERVANE  
Date: 04/18/2016 Time: 11:30:35 AM  
Receipt 123282  
Cashier LINDAI

ITEM REFERENCE	AMOUNT
1091 APP - REZONING/ZONING	
APP - REZONING/ZONING CONDITI	\$2,000.00
TOTAL	\$2,000.00
CHECK 8569	\$2,000.00
Total Tended:	\$2,000.00
Change:	\$0.00

**NATURE OF THE REQUEST:** (Please check the appropriate item(s))

- Planning Escrow-1042
- Site Plan Review-1088
- Administrative Site Plan Review-1086
- Special Exception Use-1085
- Zoning Variance-1092
- Site Condominium-1084
- Accessory Building Review-1083
- Land Division-1090
- Subdivision Plat Review-1089
- Rezoning-1091
- Interpretation-1082
- Text Amendment-1081
- Sign Deviation-1080
- Other: Conditional Rezoning

**BRIEFLY DESCRIBE YOUR REQUEST** (Use Attachments if Necessary): \_\_\_\_\_

See letter attached as Exhibit A.

**LEGAL DESCRIPTION OF PROPERTY (Use Attachments if Necessary):**

See Exhibit B.

**PARCEL NUMBER:** 3905- 05-35-405-060

**ADDRESS OF PROPERTY:** 4221 South 9th Street, Oshtemo, Michigan

**PRESENT USE OF THE PROPERTY:** Vacant - former lumber yard.

**PRESENT ZONING** I-R **SIZE OF PROPERTY** 10.819 acres

**NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS  
HAVING A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:**

**Name(s)**

**Address(es)**

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

**SIGNATURES**

*I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate. I (we) acknowledge that we have received the Township's Disclaimer Regarding Sewer and Water Infrastructure. By submitting this Planning & Zoning Application, I (we) grant permission for Oshtemo Township officials and agents to enter the subject property of the application as part of completing the reviews necessary to process the application.*

  
**Owner's Signature** (\* If different from Applicant)

4-14-16  
**Date**

  
**Applicant's Signature**

4.14.16  
**Date**

- Copies to:
- Planning -1
- Applicant -1
- Clerk -1
- Deputy Clerk -1
- Attorney-1
- Assessor -1
- Planning Secretary - Original

\*\*\*\*

**PLEASE ATTACH ALL REQUIRED DOCUMENTS**

Property

[Subject to Modification Pursuant to Title and/or Survey Work]

SEC 35-2-12 BEG PT N & S 1/4LI 1316.4FT N OF S 1/4POST TH N ALG SD 1/4LI 245.83FT  
TH S 89DEG40MIN20SEC E 165FT TH N PAR 1/4LI 132FT TH S 89DEG40MIN20SEC E  
1152.82FT TO E LI NW1/4 SE1/4 TH S THEREON 369.84FT TO SE COR NW1/4 SE1/4 TH S  
89DEG58MIN30SEC W 1317.93FT TO BEG EXC W 50FT FOR HWY\* \*\*12-92 1992  
DESCRIPTION REVISION

The property address and tax parcel number listed below are provided solely for informational purposes, without warranty as to accuracy or completeness. If the information listed below is inconsistent in any way with the legal description listed above, the legal description listed above shall control.

Property Address: 4221 South 9<sup>th</sup> Street, Oshtemo, Michigan 49009

Tax Parcel No.: 05-35-405-060

**Weathervane Farms Development, Inc.**  
**7906 Gull Road**  
**Richland, Michigan 49083**

Oshtemo Charter Township  
c/o Ben Clark, Zoning Administrator  
7275 W. Main Street  
Kalamazoo, Michigan 49009-9334

Re: **Rezoning Request – 4221 South 9<sup>th</sup> Street, Oshtemo, Michigan**  
**Parcel ID No. 05-35-405-060**

Dear Mr. Clark:

On behalf of Weathervane Farms Development, Inc. (“**Weathervane**” or “**Applicant**”<sup>1</sup>), I have enclosed with this letter a rezoning application for above-referenced parcel, along with a check in the amount of \$2,000 for the rezoning request fee. I have also enclosed for the Township’s review (1) a legal description of the parcel (herein referred to as the “**Property**”), and (2) a Conceptual Site Plan for Weathervane Self Storage – 9<sup>th</sup> Street (the “**Conceptual Plan**”). This application is further supported by the narrative statement below.

**Narrative Statement in Support of Rezoning Request**

Background

The Property is currently owned by Thomas J. DeBoer and Carole L. DeBoer. The DeBoers operated V & V Lumber on the Property. The Property has been vacant for approximately 5 years. Pursuant to an Offer to Purchase Real Estate dated March 31, 2016 the DeBoers anticipate selling the Property to Weathervane. Weathervane is currently in the due diligence phase of the purchase agreement, and Weathervane’s purchase is contingent, in part, upon Weathervane’s receipt of the zoning approvals necessary to allow the uses anticipated by the Conceptual Plan.

Weathervane operates flexible storage facilities for businesses, homeowners, collectors, students, and others. Weathervane has operated a storage facility in Richland, Michigan for 10 years, pictures of which are included with this letter. Weathervane prides itself in maintaining clean, safe, attractive, and productive facilities that serve as a necessary amenity for local residents and businesses.

Rezoning Request

The Property is zoned Industrial District Restricted (“I-R”). Applicant respectfully requests that the Township rezone the entire Property as Industrial District, Manufacturing/Servicing (“I-1”) so that it allows the uses anticipated by the Conceptual Plan.

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<sup>1</sup> Weathervane may assign its interest in the Property to an affiliated entity; accordingly, Weathervane requests that this application and any approval thereof be transferable to its affiliated successors and assigns.

Weathervane believes that the Property's highest and best use is for self-storage, and furthermore such use is compatible with the surrounding properties. Specifically:

- The existence of a Permanent Electric Transmission Line Easement Agreement and the improvements associated with this easement result in a significant percentage of the southern portion of the Property being encumbered by a restriction on buildings or other above ground improvements. This agreement, which contains a depiction of the easement area, is included with this letter. The easement area is also outlined in the Conceptual Plan. The easement and the resulting construction of high tension power lines running east and west along the southern boundary of the property will limit its appeal from a development standpoint.
- Natural screening is in effect for the properties to the west, north, and east, through existing trees or berms. Weathervane anticipates developing a landscaping plan for the Property consistent with Section 75 of the Oshtemo Township Zoning Ordinance that will meet the objectives and functions of the Township's landscaping requirements. As evidenced by the enclosed pictures, Weathervane takes pride in operating facilities that are attractive both with regard to its structures and natural features.
- This rezoning allows uses comparable with the "Research Office" land use anticipated by the Oshtemo Township Master Plan. Accordingly, the proposed rezoning is consistent with the future land use recommendations in the Oshtemo Township Master Land Use Plan, as evidenced by Figure 6.3 to the Oshtemo Township Master Plan.
- The potential impact to neighboring property owners is minimal, as the majority of such owners are already engaged in compatible industrial uses.
- Weathervane will develop site and landscaping plans that will complement both the surrounding uses and the natural areas. Weathervane's anticipated use of the Property, while classed as "Industrial", is low impact.
- Weathervane prides itself in developing facilities that are safe and convenient for local residents.

## Conditional Rezoning Request

Additionally, pursuant to Oshtemo Township Zoning Ordinance Section 53.000, Weathervane submits the following conditions associated with this rezoning request, specifically:

- The front portion of the parcel, highlighted in gray in the attached Conceptual Plan, will be limited to uses permitted in the I-R district. This condition will allow the front of the parcel to be developed in a manner consistent with the redevelopment of the surrounding parcels and in a way that preserves and enhances the attractive nature of the 9<sup>th</sup> Street corridor, while also allowing the entire Property to be devoted to productive use.
- The gate and fencing along the portion of the Property adjacent to 9<sup>th</sup> Street will be removed.
- Buildings 1 and 2 (as noted on the Conceptual Plan) will be removed.
- Buildings 3 and 4 (as noted on the Conceptual Plan) will be converted to specialty storage areas (e.g. climate controlled storage) for homeowners and businesses.
- 11 additional storage buildings will be constructed, the total area altogether which will not exceed 56,000 square feet.
- Outdoor storage (approximately 50 spots for boats, recreational vehicles, etc.) will be developed on the southern boundary of the Property, in the area subject to the utility easement. As noted above, structures are not permitted in this area. That, combined with the natural topography of the site, create an environment where such storage is the highest and best use for this area of the parcel. No inoperable or wrecked vehicles or semi-trailers will be stored in this area.
- The entrance driveway to the Property will be 26 feet wide, asphalt paved with concrete curbs and will feature decorative lighting.
- A 2 story, 1200 square foot office building will be constructed as depicted in the Conceptual Plan, complete with office space and security infrastructure on the 1<sup>st</sup> floor and a manager's quarters on the 2<sup>nd</sup> floor.
- Six foot security fencing will be installed on the site, complete with 2 sliding gates and 2 utility maintenance gates.

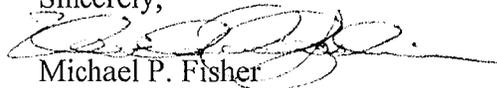
## Conclusion

As a zoning matter, the rezoning will allow the Property to be used in an efficient manner (consistent and compatible with surrounding uses) despite the development challenges posed by the utility easement. On a practical level, it will enable Weathervane to develop this site in a manner that will promote efficiency, safety, and the best service for its retail customers, including Township residents.

If permitted to move forward, Weathervane anticipates closing on the Property and will develop site and landscaping plans for township approval and conduct site prep work during the first year of ownership. Additional work during this first year will include demolition of the two buildings adjacent to 9<sup>th</sup> Street; removing old fencing on the Property; balancing and restoring the topography of the site; and constructing the drive, entry, and signage along with installation of pads for the new buildings. As the buildings gain occupancy, Weathervane will add more, consistent with the Conceptual Plan, as demand requires. It is anticipated that all 11 additional storage buildings will be in place within 8 years.

Accordingly, Weathervane respectfully requests that the Township grant its request to rezone the entirety of the Property to "I-1" Industrial, and offers the conditions described above should the Township decide to grant its request. Please have this rezoning request placed on the planning commission's calendar for the earliest possible meeting (which we believe will be held June 14, 2016). If you require any further information or have any questions, please do not hesitate to contact me at (269) 207-2281.

Sincerely,



Michael P. Fisher  
Weathervane Farms Development, Inc.  
President

**Biographies of Principals**  
**For WeatherVane Self Storage Project**  
**Oshtemo, Michigan**

Patrick Carl: Pat was born in the area and graduated from Western Michigan University's Haworth College of business in 2005. Subsequently Pat worked in Trust Operations for Greenleaf Trust until 2009. Since leaving Greenleaf, Pat has worked as an entrepreneur with a focus on real estate development, and he currently manages the operations of the WeatherVane Self Storage facility in Richland. Patrick resides in Richland with his wife.

John Chipman: John is a lifelong resident of Southwest Michigan, and graduated from Michigan State University with a BSc in Materials and Logistics Management. In 1986 John started working for the family company, Landscape Forms, and after 14 years of assisting the company achieve remarkable growth, left the company to pursue entrepreneurial ventures. These initiatives include a custom cabinetry company and commercial real estate investment and management. John serves on the board of the Sherman Lake YMCA and is a director for Landscape Forms. He resides in Augusta with his wife and two children.

Michael Fisher: Mike was raised in the Kalamazoo area and graduated in 1984 from Grand Valley State University's Seidman College of Business with a BBA in Finance and Real Estate. Mike has developed numerous residential communities including WeatherVane Farms, CottageWood, ThistleWood, and WeatherStone Village. Mike has also developed and owns several commercial properties in the Richland area including WeatherVane Self Storage and the Kalamazoo Plug Building. Mike prides himself in developments that enhance his community and the surrounding areas. Mike and his wife live in the Richland area where they raised their four children.

Ian Kennedy: Ian is from Traverse City, but now resides in Kalamazoo with his wife and five children. After obtaining a BSc from Alma College and his law degree from the University of Notre Dame, Ian moved to Kalamazoo 12 years ago and began practicing law with a focus on real estate. Ian has been involved in many facets of real estate development, including both at the planning and management phases.

MI-KA-325.500

PERMANENT ELECTRIC TRANSMISSION LINE EASEMENT AGREEMENT

This Permanent Electric Transmission Line Easement Agreement (the "Agreement") is made this 13<sup>th</sup> day of March, 2015, by and between Thomas J. DeBoer and Carole L. DeBoer, husband and wife, with an address of 4221 South 9<sup>th</sup> Street, Kalamazoo, MI 49009 ("Grantor") and MICHIGAN ELECTRIC TRANSMISSION COMPANY, LLC, a Michigan limited liability company, with an address of 27175 Energy Way, Novi, Michigan 48377, and its successors and assigns ("Grantee").

WHEREAS, Grantor is the owner of certain real property more particularly described on the attached Exhibit "A" (the "Easement Area").

WHEREAS, Grantor desires to convey to Grantee a perpetual easement upon, under, across and through the Easement Area, upon the terms and conditions stated below.

NOW THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor and Grantee hereby agree as follows:

1. **Grant of the Easement.** Grantor hereby conveys, warrants and grants to Grantee, its successors and assigns, a perpetual easement (the "Easement") over, under, across and through the Easement Area with the right, privilege and authority for Grantee, its agents, employees, and contractors, to:

(a) access, construct, reconstruct, modify, upgrade, improve, maintain, operate, inspect, replace, repair, patrol and remove an electric transmission line or lines and Telecommunications Line or Lines (as later defined in this Section 1), consisting of poles, towers, crossarms, insulators, wires, guy wires, anchors and other necessary fixtures, structures, cables (including fiber optic cable related to the Telecommunications Line or Lines), and equipment for transmitting electricity and communications ("Grantor's Facilities"); and

(b) temporarily improve the surface of the Easement Area as reasonably necessary to place and operate Grantee's construction vehicles and equipment; and

(c) enter upon and cross the Easement Area to construct, operate, maintain, repair, inspect, replace, improve, modify, enlarge and remove similar facilities on other land(s); and

(d) have ingress and egress to the Easement Area on, over and across lands owned by the Grantor at reasonable location(s) mutually agreeable to Grantor and Grantee for the above-described purposes, except in the event that Grantee determines in its sole and absolute discretion that an imminent threat to Grantee's Facilities exists, then Grantee shall have immediate and unrestricted access to the Easement Area; and

(e) prohibit and/or remove, at Grantee's sole discretion, any existing buildings or other above ground structures (collectively referred to as "Structures"), excluding currently existing fences ("Permitted Fence") as provided for herein. In the event a Permitted Fence currently exists within the Easement Area as of the date of this Easement, Grantee may: (1) install and maintain a gating system in the Permitted Fence, of Grantee's choice, in order to obtain access to the Easement Area for the purposes of construction and maintenance of Grantee's Facilities as provided for herein; and (2) cause such Permitted Fence to be removed as Grantee deems necessary provided that Grantee restores such Permitted Fence to substantially the same condition as it existed prior to removal. Grantee may also prohibit and/or remove at Grantee's sole discretion any future construction of above-ground Structures located or proposed to be located within the Easement Area. Grantee may remove prohibited Structures from the Easement Area with seven (7) days prior notice to Grantor and without responsibility for any damage that occurs as a result of such removal. Notwithstanding anything to the contrary herein, in the event Grantee reasonably determines that the proposed Improvement interferes with Grantee's use of the Easement and/or prohibits access to the Easement Area to perform the activities permitted under the Easement, Grantee may exercise all rights hereunder immediately and without notice to Grantor; and

(f) at any time to cut, trim, remove, destroy or otherwise control any or all trees, bushes, or brush or other vegetation now or hereafter standing or growing upon or within the Easement Area, all at Grantee's sole and absolute discretion; and

(g) for purposes of this Agreement, the term "Telecommunications Line or Lines" shall be defined as Grantee's internal telecommunications line or lines (and not the telecommunications line of a third party telecommunications provider).

**2. Repair, Restoration, and Crop Damage. Grantee shall:**

(a) re-grade, repair and restore any portions of the Easement Area or other lands owned by Grantor damaged by Grantee's temporary placement of surface improvements for the Grantee's construction, operation, maintenance, repair, reconstruction and use of Grantee's Facilities; and

(b) repair or replace at Grantee's sole expense any actual damage located within the Easement Area or other lands owned by Grantor, that sustain damage arising from Grantee's construction, operation, maintenance, repair, reconstruction and use of Grantee's Facilities. Upon reasonable notice to Grantee that damage has been sustained, the parties shall work cooperatively to identify the damage and to determine the scope of repair or replacement work; and

(c) upon Grantee's completion of initial construction of Grantee's Facilities, Grantee shall reimburse Grantor the value of any growing crops damaged by Grantee's construction activities. If it becomes necessary to re-enter the described lands after initial construction for the continued operation, maintenance, repair, reconstruction and use of Grantee's Facilities, Grantee shall reimburse Grantor the value of any growing crops damaged by Grantee's activities.

3. **Covenants of Grantor.** Grantor hereby covenants, promises, agrees and acknowledges that at the execution and delivery of this instrument it is the lawful owner of the Easement Area and is seized of a good and indefeasible fee simple estate therein, and subject to existing easements of record will warrant and defend Grantee's and Grantee's successors' and assigns' right to the quiet and peaceable possession of the same for the purposes described herein, forever, against all persons lawfully claiming the same.

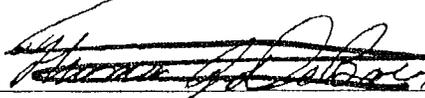
This conveyance shall be permanent, shall run with the land, and shall be binding upon the parties' successors and assigns.

4. **Limited Use/Non-Use.** Limited use or non-use of the rights granted herein shall not prevent later use to the full extent herein conveyed.

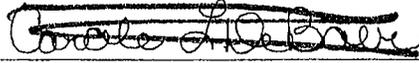
This Easement is exempt from real estate transfer tax pursuant to MCLA 207.505(f) and from State real estate transfer tax pursuant to the provisions of MCLA 207.526(f).

[SIGNATURE ON NEXT PAGE]

GRANTOR:



Print Name: Thomas J. DeBoer



Print Name: Carole L. DeBoer

STATE OF MICHIGAN )  
 ) SS.  
COUNTY OF KALAMAZOO )

Acknowledged before me in Kalamazoo County, State of Michigan, on this 13<sup>th</sup> day of MARCH, 2015, by Thomas J. DeBoer and Carole L. DeBoer.



JAMES E. BECK

, Notary Public

KALAMAZOO County, MICHIGAN

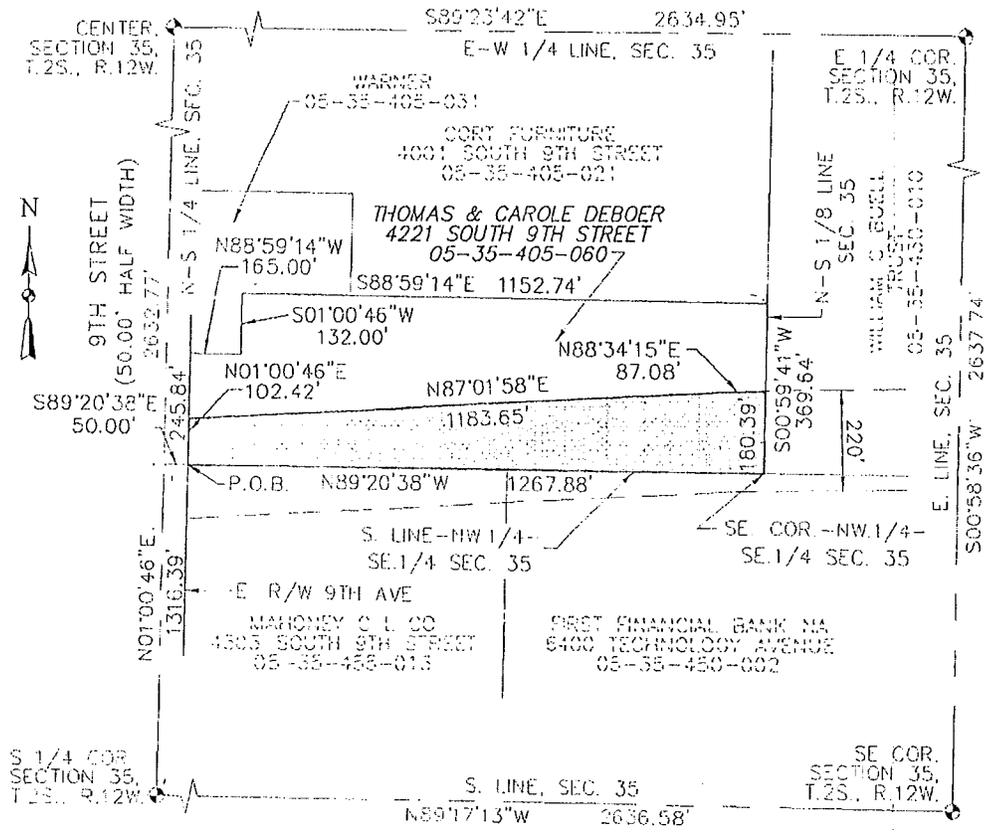
Acting in KALAMAZOO County, MICHIGAN

My Commission Expires MARCH 3, 2017

Drafted by and when recorded return to:

Jenny D'Anna, Esq. (P66234)  
ITC Holdings Corp.  
27175 Energy Way  
Novi, MI 48377

**EXHIBIT A**  
 BEING A PART OF SECTION 35, T2S, R12W, OSHTEMO  
 TOWNSHIP, KALAMAZOO COUNTY, MICHIGAN



LEGEND	
	P.O.B. EASEMENT POINT OF BEGINNING
	PERMANENT EASEMENT AREA

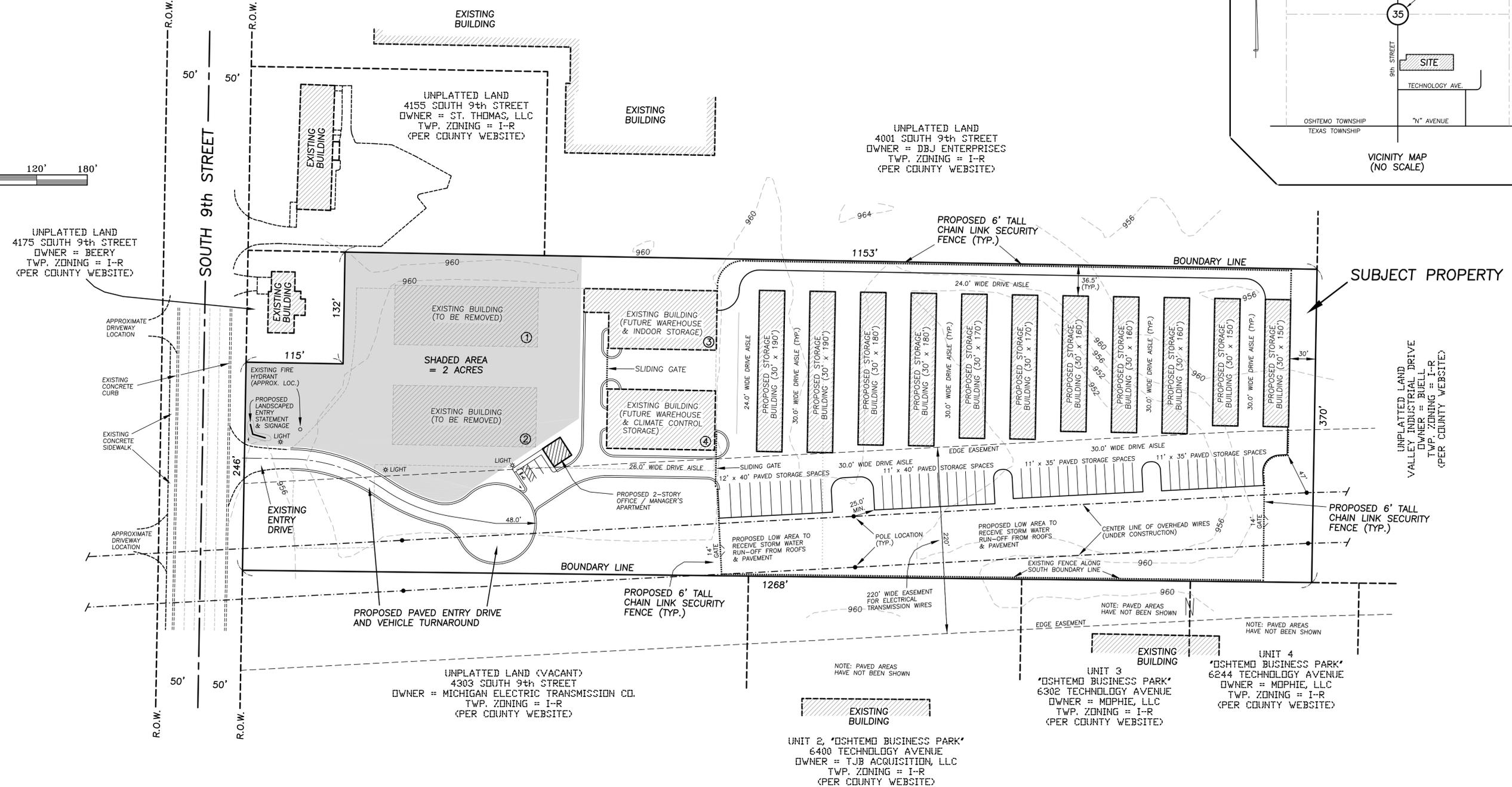
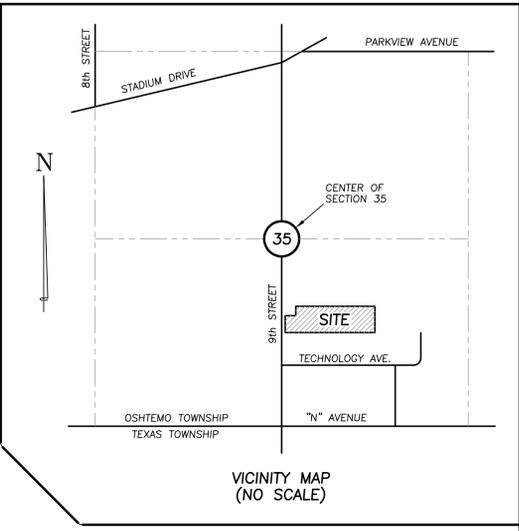
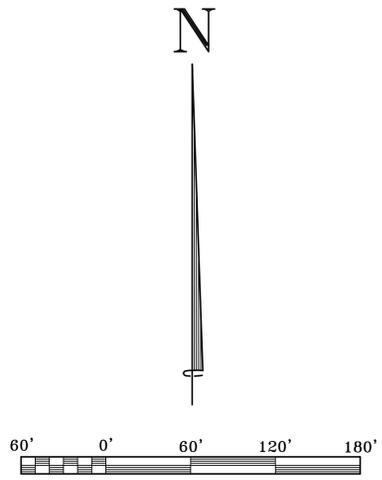
SEE PAGE 2 OF 2 FOR DESCRIPTIONS  
 MI-KA-325.500-220  
 THOMAS & CAROLE DEBOER  
 4221 SOUTH 9TH STREET  
 05-35-405-060

Permanent Total ROW Width 220 Feet  
 Total Easement Area 4.15 Acres

PROJECT: WEEDS LAKE TRANSMISSION LINE		CLIENT: MICHIGAN ELECTRIC TRANSMISSION COMPANY	
 MICHIGAN ELECTRIC TRANSMISSION COMPANY SCALE: 1" = 300' 	 METRO CONSULTING ASSOCIATES 6001 SCHOONER DRIVE BELLEVILLE, MICHIGAN 48111 PHONE: 734.483.1427 FAX: 734.483.3431 www.metroca.net	JOB: 1037-11-5398 CWC: MI-KA-325.500-220 ISSUE DATE: 11-10-11 REV: 1-12-12 REV: DRAWN BY: MT CHECK BY: SB SHEET: 1 OF 2	

# CONCEPTUAL SITE PLAN for WEATHERVANE SELF STORAGE

SOUTH 9th STREET, OSHTEMO TOWNSHIP, KALAMAZOO COUNTY



**PROPERTY INFORMATION:**  
**OWNER = THOMAS & CAROLE DeBOER**  
**ADDRESS = 4221 SOUTH 9th STREET**  
**PARCEL # = 05-35-405-060**  
**AREA = 10.5 ACRES**  
**ZONING = I-R**

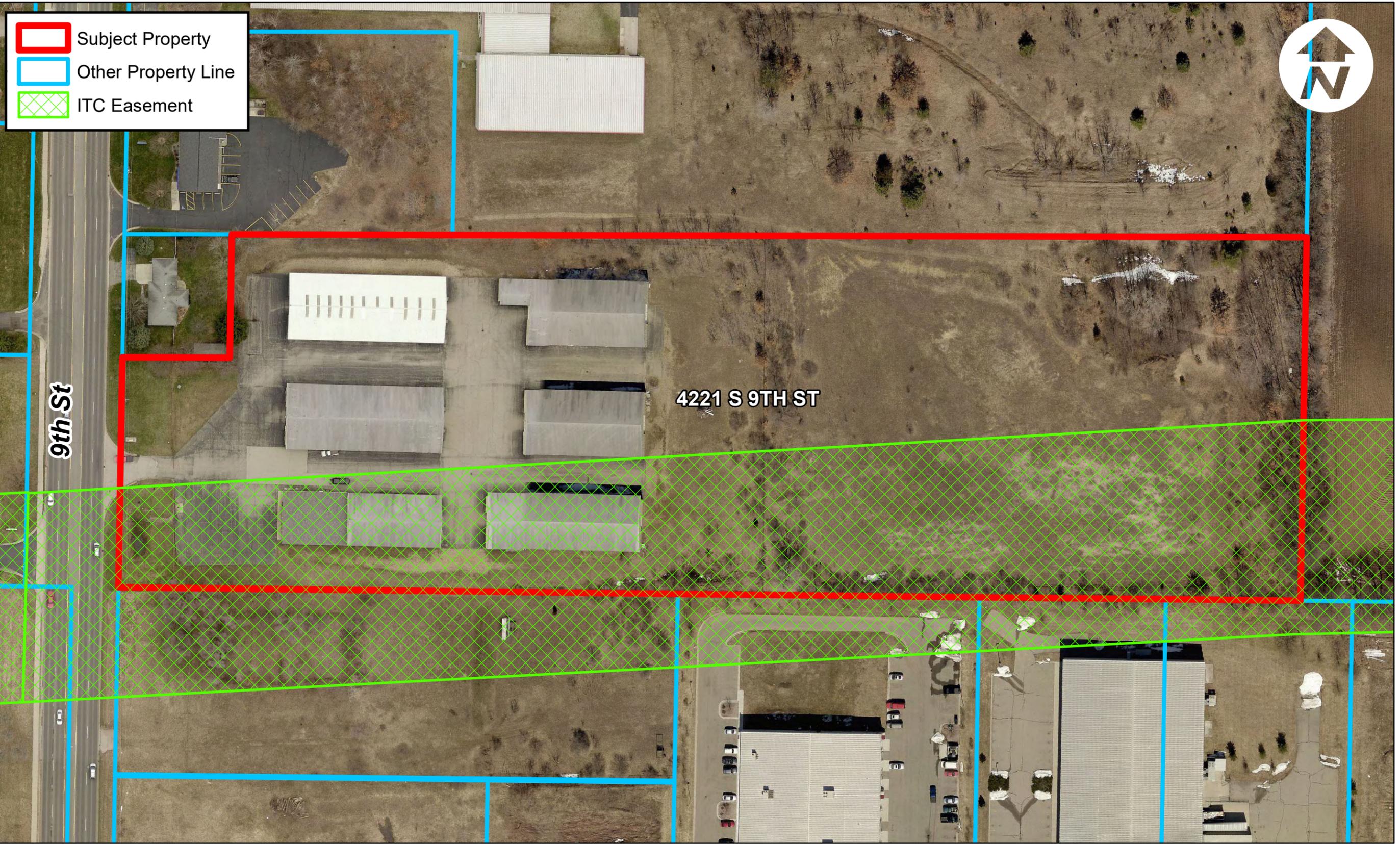
**APPLICANT:**  
**WEATHERVANE FARMS DEVELOPMENT, INC.**  
**7906 GULL ROAD**  
**RICHLAND, MI 49083**  
**(269) 629-4262**

CONCEPTUAL SITE PLAN		REVISED: 4/14/2016
<b>WEATHERVANE SELF STORAGE</b>		DATE: 3/31/2016
PART OF THE SE. 1/4 OF SECTION 35, OSHTEMO TOWNSHIP, KALAMAZOO COUNTY, MI		SHEET: 1
<i>Ingersoll, Watson &amp; McMachen, Inc.</i>		JOB No.: 36507
CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS		
1133 East Milham Road • Portage, Michigan 49002 • Phone 269 344-6165 • Fax 269 344-0555		



# 4221 South 9th Street

*ITC Easement*



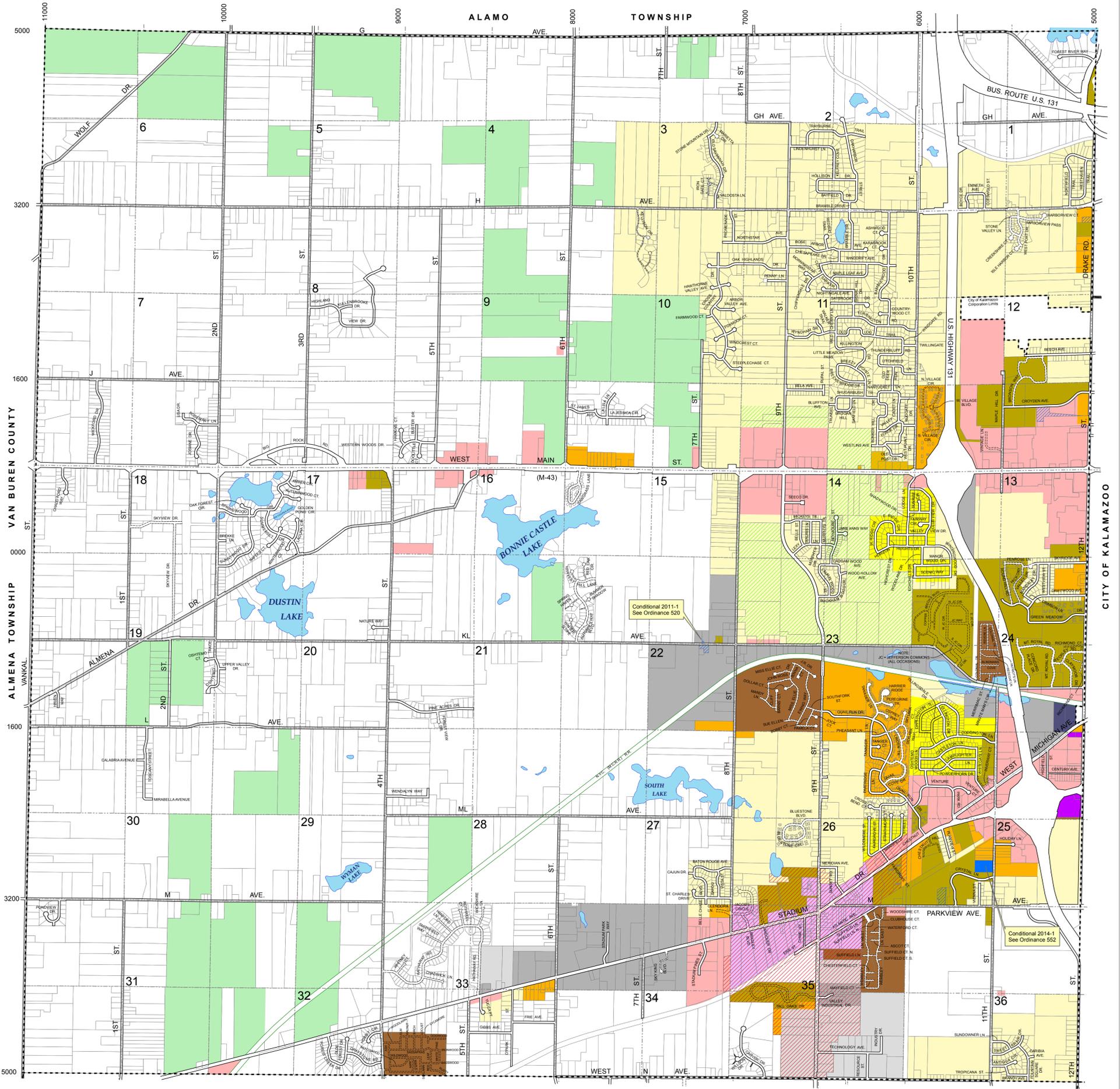
0 125 250 500 Feet

1 inch = 100 feet

# Charter Township of Oshtemo

Kalamazoo County, Michigan

## Zoning Map



### LEGEND

- AG - AGRICULTURAL DISTRICT
- RR - RURAL RESIDENTIAL DISTRICT
- R1 - RESIDENCE DISTRICT
- R2 - RESIDENCE DISTRICT
- R3 - RESIDENCE DISTRICT
- R4 - RESIDENCE DISTRICT
- R5 - RESIDENCE DISTRICT
- VC - VILLAGE COMMERCIAL DISTRICT
- C-R - LOCAL BUSINESS DISTRICT RESTRICTED
- C - LOCAL BUSINESS DISTRICT
- I-R - INDUSTRIAL DISTRICT RESTRICTED
- I-1 - INDUSTRIAL DISTRICT MANUFACTURING & SERVICE
- I-2 - INDUSTRIAL DISTRICT MANUFACTURING & SERVICE
- I-3 - INDUSTRIAL DISTRICT SPECIAL
- CONDITIONAL (See Notes On Map)
- 9TH STREET AND WEST MAIN STREET OVERLAY ZONE
- HISTORICAL OVERLAY ZONE
- NEIGHBORHOOD COMMERCIAL OVERLAY ZONE
- VILLAGE FORM BASED CODE OVERLAY ZONE



1,500 750 0 1,500 Ft

Scale: 1" = 1,500'

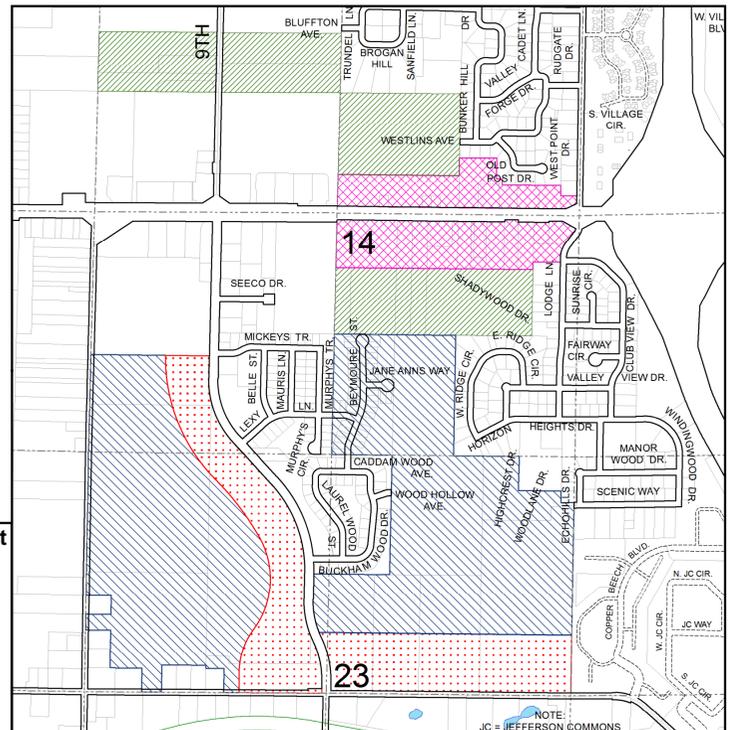
- Public ROW
- Private ROW
- Railroad ROW

Current Through Ordinance Number: 556  
Effective: Dec. 26, 2014

Printed: February 2015

### 9th Street and West Main Street Overlay Zone Designations

- 9th Street Commercial
- 9th Street Residential
- West Main Commercial
- West Main Residential



**FIGURE 8.1**

# Future Land Use

Oshtemo Charter Township, Kalamazoo County, Michigan

## LEGEND

- Rural Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Manufactured Residential
- Transitional Mixed Use
- Local Commercial
- General Commercial
- Village Commercial
- Research Office
- General Industrial
- Sub Area
- Neighborhood Commercial Nodes

## Sub-Areas

- ① Genesee Prairie
- ② West Main Street
- ③ Maple Hill Drive South
- ④ Century Highfield
- ⑤ 9th Street

Base map Source: MiGCI v6b & v7b  
 Data Source: Oshtemo Township, 2008;  
 McKenna Associates, 2012

