

THE CITY OF THE VILLAGE OF DOUGLAS

PLANNING COMMISSION

THURSDAY, MAY 08, 2025 AT 6:00 PM 86 W CENTER ST., DOUGLAS MI

AGENDA

To view remotely, join online or by phone.

Join online by visiting: https://us02web.zoom.us/j/84100073894

Join by phone by dialing: +1 (312) 626-6799 | Then enter "Meeting ID": 841 0007 3894

1. CALL TO ORDER

2. ROLL CALL

- A. Election of Officers
 - a. Nomination(s) for Chair Motion to Approve voice vote
 - b. Nomination(s) for Vice Chair Motion to Approve voice vote
 - c. Nomination(s) for Secretary Motion to Approve voice vote
- **B.** Approval of Agenda May 8, 2025 (additions/changes/deletions)

Motion to approve the May 8, 2025 agenda

C. Approval of Minutes - February 20, 2025 (additions/changes/deletions)

Motion to approve the February 20, 2025 regular meeting minutes

3. PUBLIC COMMUNICATION - VERBAL (LIMIT OF 3 MINUTES)

- A. Nicole Villegas President of the Boardwalk at Swingbridge Condominium Association Letter
- B. Joe Milauckas Letter

4. PUBLIC COMMUNICATION - WRITTEN

5. NEW BUSINESS

- A. Public Hearing 98 W Center St Special Land Use Request for Short-Term Rental Units (Section 26.34) and Ground Floor Residential (Section 26.13)
 - -Motion to Open Public Hearing (Roll Call Vote)

- a. Applicant Presentation
- b. Planning and Zoning Administrators Report
- c. Public Comments (limit 3 minutes each, please)
- d. Commissioner Questions
- -Motion to Close the Public Hearing (Roll Call Vote)
- -Motion to [approve / approve with conditions / deny / table] the request made by Erhan Kara for special land use approval for Ground Floor Residential at the basement level, per Section 26.13, and for Short-Term Rental Units on the second level and in the basement, per Section 26.34 of the City of the Village of Douglas Zoning Ordinance, based on the findings outlined in the staff report dated May 2, 2025, and to [approve / deny] the request to waive all of the parking requirements for the residential uses on the parcel identified as P.P. 59-551-002-00, located at 98 W. Center St. roll call vote
- **B.** Public Hearing 50 E Center St Special Land Use Request for Short-Term Rental Units (Section 26.34)
 - -Motion to Open Public Hearing (Roll Call Vote)
 - a. Applicant Presentation
 - b. Planning and Zoning Administrators Report
 - c. Public Comments (limit 3 minutes each, please)
 - d. Commissioner Questions
 - -Motion to Close the Public Hearing (Roll Call Vote)
 - -Motion to [approve / approve with conditions / deny / table] the request made by Cynthia Miller for special land use approval for Short-Term Rental Units on the second level per Section 26.34 of the City of the Village of Douglas Zoning Ordinance, based on the findings outlined in the staff report dated May 2, 2025, and to [approve / deny] the request to waive all of the parking requirements for the short term rental on the parcel identified as P.P. 59-100-009-00, located at 50 E. Center St., subject to the following conditions: roll call vote
- C. Public Hearing Boardwalk at Swingbridge Condominium amendment to the approved site plan under Section 16.24(11)(c)
 - -Motion to Open Public Hearing (Roll Call Vote)
 - a. Applicant Presentation
 - b. Planning and Zoning Administrators Report
 - c. Public Comments (limit 3 minutes each, please)
 - d. Commissioner Questions
 - -Motion to Close the Public Hearing (Roll Call Vote)

Motion move to recommend the [approval / approval with conditions / denial] of the request made by Dave Contant of BDR Inc. for amendment to the approved Boardwalk at Swingbridge condominium site plan under Section 16.24(11)(c) for the property at Swingbridge Condominiums, generally located just north and west of the Blue Star Highway/Union Street intersection, based on the findings outlined

in the staff report dated May 2, 2025, on the parcel identified as PPN 59-670-000-00/59-016-024-00. - roll call vote

6. UNFINISHED BUSINESS

7. REPORTS

- A. Planning and Zoning Administrator Report
- **B.** Planning Commissioner Remarks (limit 3 minutes each, please)
- 8. PUBLIC COMMUNICATION VERBAL (LIMIT OF 3 MINUTES)

9. ADJOURNMENT

Motion to adjourn the meeting.

Please Note – The City of the Village of Douglas (the "City") is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of this meeting or the facilities, are requested to contact Laura Kasper, City Clerk, at (269) 857-1438, or clerk@douglasmi.gov to allow the City to make reasonable accommodations for those persons. CITY OF THE VILLAGE OF DOUGLAS, ALLEGAN COUNTY, MICHIGAN



THE CITY OF THE VILLAGE OF DOUGLAS RESCHEDULED PLANNING COMMISSION

THURSDAY, FEBRUARY 20, 2025 AT 6:00 PM 86 W CENTER ST., DOUGLAS MI

MINUTES

To view remotely, join online or by phone.

Join online by visiting: https://us02web.zoom.us/j/84100073894

Join by phone by dialing: +1 (312) 626-6799 | Then enter "Meeting ID": 841 0007 3894

1. CALL TO ORDER: By Chair Buszka at 7:00pm

2. ROLL CALL: By Clerk Kasper

PRESENT

Chair Paul Buszka

Vice-Chair Louise Pattison

Secretary Kelli Heneghan

Commissioner John O'Malley

Commissioner Laura Peterson

Commissioner Matt Balmer

Commissioner Patty Hanson

Also Present City Clerk Laura Kasper

Planning and Zoning Administrator Sean Homyen

ABSENT

Commissioner Neal Seabert

Commissioner Thomas Hickey

- A. Approval of Agenda February 20, 2025 (additions/changes/deletions)
- B. Approval of Minutes January 9, 2025 (additions/changes/deletions)

Motion by Henneghan, seconded by Balmer to approve the February 20, 2024 agenda and January 9, 2024 regular meeting minutes. – Motion carried by unanimous voice vote.

- 3. PUBLIC COMMUNICATION VERBAL (LIMIT OF 3 MINUTES) -
- 4. PUBLIC COMMUNICATION WRITTEN
 - A. Bruce Stewart & Barry Wood 460 Fremont St.
- 5. NEW BUSINESS

A. Public Hearing - 453 Center St – Rezone Request from R-5, Multiple Family District to C-1, Village Commercial District

Motion by Peterson, seconded by Pattison to open public hearing. - Motion carried by unanimous voice vote.

- a. Applicant Presentation The applicant explained her intent to open an Italian ice shop in front of her home. She stated that she has no plans to sell the property, convert it into a heavy commercial use, or develop it as a multi-family residence. Her goal is to continue using the property as a home. She also expressed a willingness to work with neighboring residents to address any concerns.
- b. Planning and Zoning Administrators Report Planning & Zoning Administrator Sean Homyen provided an overview of the criteria the Planning Commission will use to evaluate the request. He offered to walk through each criterion individually, should the Commissioners wish to do so.
- c. Public Comments (limit 3 minutes each, please) -

Richard Marth (461 Fremont) – Expressed concerns about the rezoning request. He stated he would not like to see large-scale commercial development in the area. He referenced a site plan provided by Barry and Bruce, illustrating what the area could look like if it were converted to commercial use.

Rick Birgham (393 Fremont) – Voiced opposition to the rezoning, stating that it would have a significant impact on the surrounding neighborhood. He also began to cite specific sections of the zoning ordinance in support of his concerns.

Bruce Stewart and Barry Wood (460 Fremont) – Shared that they believe the City is not prepared for a rezoning to C-1 in this location and that such a change is not supported by the current Master Plan. They outlined several reasons why the proposal does not align with the zoning ordinance.

d. Commissioner Questions -

Commissioner Balmer noted that the existing home is legally non-conforming due to setback requirements under the R-5 zoning district. He explained that rezoning the property to C-1 would actually make the home more conforming. He emphasized that the Planning Commission should evaluate the rezoning request based on the current ordinance and not on speculation about future use. He also discussed which zoning districts allow for home occupations.

Commissioner Heneghan stated that she believes the Italian ice business is a great idea but could not recall whether it had been previously discussed by the Commission. She expressed a desire to preserve the character of the small neighborhood.

Commissioner Pattison expressed concern about spot zoning, stating that she does not support it. She added that approving the rezoning could limit the potential for attainable housing on the block. Additionally, she raised issues related to parking availability in the area and the impact on pedestrian access.

Commissioner Peterson asked the applicant about the proposed hours of operation and what was planned for the adjacent lot. The applicant responded that the hours would be similar to the Root Beer Barrel, and that the adjacent lot would be used for landscaping.

Commissioner Heneghan asked the Planning & Zoning Administrator to explain the special land use permit process.

Commissioner O'Malley spoke about the future of the area, stating that he can envision changes happening over time.

The Planning & Zoning Administrator responded by explaining that in this situation, a special land use permit would be required for ground floor residential use.

Commissioner Buszka provided his thoughts on the feedback shared during public comment and offered his analysis of the proposal based on the ordinance.

Finally, Commissioner Balmer reviewed the ordinance requirements for ground floor residential uses, noting that parking would be reviewed during the site plan process. He also offered clarification on what constitutes spot zoning and how it does not apply to the case at hand.

Motion by Balmer, seconded by O'Malley to close public hearing. - Motion carried by unanimous voice vote.

Motion by Balmer, seconded by O'Malley to approve the request made by Andrea Johnson-Wardynski for the amendment to the zoning ordinance and map in reference to a parcel of land located at 453 West Center Street (PPN 59-350-001-00), from R-5, Multiple Family District to C-1, Village Commercial District, based on the findings outlined in the staff report dated February 14, 2025.

YES

Buszka

O'Malley

Seabert

Balmer

Hanson

NO

Pattison

Heneghan

6. UNFINISHED BUSINESS

A. Public Hearing - Recommendation to the City Council for the approval of the Master Plan update.

Motion by Peterson, seconded by Pattison to open public hearing. - Motion carried by unanimous voice vote.

- a. Planning and Zoning Administrators Report -
- b. Public Comments -

Holly Anderson of 567 Wyrick congratulated the Planning Commission on the Master Plan and expressed that she thought it was very well done. She stated that she hopes the City will collaborate on the Tri-Community Master Plan. Additionally, she pointed out an error on page 51, noting that there is a 20% cap on short-term rentals in the R-1 zoning district, excluding accessory dwelling units (ADUs).

c. Commissioner Questions -

Hanson provided feedback and requested that, in the future, notes be included to highlight the specific

changes made in the Master Plan revisions to assist with the review process. Peterson expressed satisfaction with the changes. Heneghan felt the revisions were much improved but shared some confusion regarding the proposed downtown expansion. Balmer pointed out a correction related to the residential designation for the W Center Street District, which had been forwarded to the Planning & Zoning Administrator and subsequently sent to Williams & Works for correction. Chair Buszka referenced the timeline of previous discussions concerning W Center Street.

-Motion to Close the Public Hearing (Roll Call Vote)

Motion by O'Malley seconded by Heneghan to recommend the approval of the Master Plan update by the Douglas City Council. – Motion carried by unanimous voice vote.

7. REPORTS

- A. Planning and Zoning Administrator Report The Planning & Zoning Administrator informed the Planning Commission about potential training courses available through MSU Extension that Commissioners may consider attending that can be hosted at the City.
- B. Planning Commissioner Remarks (limit 3 minutes each, please) Commissioner Heneghan inquired about the Code Enforcement process. The Planning & Zoning Administrator provided an overview of how the Code Enforcement Officer manages enforcement procedures. Commissioners congratulated one another on the completion of the Master Plan. Commissioner Balmer reviewed the importance of evaluating requests based on the criteria outlined in the Zoning Ordinance rather than personal opinions. Chair Buszka asked Commissioners to consider whether any of them would like to participate in the Zoning Ordinance Subcommittee. He also noted that the sign located at 319 Ferry St. has been removed from the entrance leading into the area.
- **8. PUBLIC COMMUNICATION VERBAL (LIMIT OF 3 MINUTES) –** Frank Marrow (453 W. Center St.) thanked the Commissioners for their recommendation to City Council. He stated that the property is intended to remain in the family for generations and that there are no plans to sell.

9. ADJOURNMENT

Motion by Balmer, seconded by O'Malley to adjourn the meeting.

Sean Homyen

From:

nicole@villegasgroup.com

Sent:

Thursday, March 6, 2025 7:15 PM

To:

Sean Homyen

Subject:

Boardwalk at Swing Bridge Condos

Hello Sean!

Thank you for all your hard work for Douglas. Today I am reaching out to you and the Douglas Planning Commissioners as the President of the Boardwalk At Swing Bridge Condominium Association. I have been honored to be a part of the Saugatuck-Douglas community since 2022, and I deeply love both Douglas and my neighborhood. While I find the community charming year-round, Saugatuck-Douglas truly comes alive during the summer. One of the main reasons many in our community, including myself, were excited was develop plan to include a neighborhood pool. Our association is looking forward to this amenity being constructed and for the residents to have a place to bond with each other and continue to build community.

BDR shared the site plan with the residents of the Boardwalk at Swing Bridge Condominium Association at our past association meeting and as president of the association, I'm sharing support for the site plan. BDR worked tirelessly with contractors, state agencies and now local authorities for final approval necessary for building permits to be issued. I am requested your vote of approval of this application to subsequently enable BDR to complete the remaining work. Our association looks forward to the pool, pool house and remaining drive and landscaping being completed.

Thank you for consideration and support!

Nicole Villegas (248) 765-4124 From: Joe Milauckas
To: Sean Homyen
Cc: Andrew Milauckas

Subject: Swingbridge-Public Hearing 4/10/25

Date: Thursday, April 17, 2025 3:19:08 PM

Mr. Sean Homyen, Douglas Planning and Zoning Administrator Douglas Planning Commissioners

Greetings Administrator Homyen and Douglas Planning Commission,

This letter regards the public hearing for the Swinigbridge application for site plan amendment. I own parcel #59-016-016-00 next of the Swinigbridge development. My parcel is adjacent to the proposed emergency access, pool, and pool house and Units 12 and 13 to the east. I have a couple questions and requests regarding the application.

- 1) Drainage Swale to Lake Kalamazoo- The final approval of the original application included a condition that Swingbridge would construct a surface water drainage swale to move water to the lake along my east property line and Swingbridge west property line. This was required to prevent flooding onto my parcel. Prior to the placement of much fill material brought in (without a permit) to elevate the Swinigbridge development, large amounts of water from Blue Star Highway would be released through a basin and discharged onto the Swingbridge parcel and eventually flow to the lake. After the fill was brought in, that water was diverted and flooded onto my property. The City enforced a requirement upon Swingbridge to negate that the diversion of water. The required swale and culvert under the Swingbridge property to the lake were constructed by the developer. The City file contains the requirement and drain plan. The new site plan should reflect all aspects of the development. I request the amended site plan show and describe the drainage swale and culvert discharge to the lake. This is an important and necessary protection for the future use of our parcel.
- 2) Parcel Width- The proposed site plan does not indicate the width of the parcel proposed to be used for the access, pool, and pool house?
- 3) Setback- The proposed plan does not indicate the set back from my property line to the access road. What is the ordinance required setback?
- 4) Setback-The proposed plan does not indicate the distance from my property line to pool deck structure, and pool house?
- 5) Pool Shrubs- The shrubs along the pool on the original site plan should remain,
- 6) Height limits- What is the maximum height of the pool house? Recommend 12 feet.
- 7) The entrance onto the access from Union Street appears to show an apron radius that extends southerly across Union easement in front of our parcel. This would likely create an issue when we intend to place our future driveway in that location. Can that be adjusted?

Thank you for your consideration of these questions. Sean, If you have questions regarding any of these items please contact me to discuss prior to the rescheduled planning commission public hearing.

Sean, please confirm your receipt of this letter prior to the hearing. Thanks.

Joe Milauckas. 616 994-2617. lsr@wmol.com

To: City of the Village of Douglas Planning Commission

Date: May 2, 2025

From: Sean Homyen, Planning & Zoning Administrator

RE: 98 W Center St. – Special Land Use Request for

Short-Term Rental Units (Section 26.34) and Ground

Floor Residential (Section 26.13) of the City of the Village

Zoning Ordinance.

The Village of Friendliness – Since 1870

Request. Mr. Erhan Kara has submitted an application for special land use approval for Ground Floor Residential under Section 26.13 and Short-Term Rental under Section 26.34 for the property at 98 W. Center St., located in the C-1 Village Commercial District, immediately west of the City Hall.

Background. The subject property, located at 98 W. Center St., was recently purchased. It is zoned C-1 Village Commercial District and covers 0.20 acres (8,679 SF). This parcel is part of the Spencer's Add Block 1 Plat. The building previously housed an art gallery on the main floor, residential use on the second floor, and a storage area in the walk-out basement. The proposal includes converting the basement (currently a storage area) into living space, converting the second floor into two separate units, and continuing to use the main floor for commercial. The applicant seeks approval to convert the basement into Ground Floor Residential space and to use the living spaces as Short-Term Rentals. The application, narrative, conceptual remodel plans, and additional documents are attached.



OUGLAS

MICHIGAT

Procedure. The owner is required to submit a special land use application for Ground Floor Residential under Section 26.13 and for Short-Term Rental under Section 26.34 of the Zoning Ordinance. While "ground floor" is typically understood to refer to the main entry level of a building, this property includes a basement that functions as a walk-out level. In accordance with Section 3.05(2)(b), the Zoning Administrator has the discretion to determine a comparable use. Given the basement's direct exterior access and functional similarity to a ground-level space, it is being considered a compatible use for Ground Floor Residential designation.

It should be noted that the short-term rental special land use for the C-1 District was adopted in 2021. Both uses require special land use approval from the Planning Commission. Additionally, a recommendation from the DDA is needed for the Ground Floor Residential use under Section 26.13(2)(C), as the property is located within the DDA boundary. At the February 26, 2025, DDA meeting, the DDA Members made a recommendation to the Planning Commission in support of the ground floor residential in the basement.

Special Land Use Consideration. Section 26.13 and 26.34 outlines the special land use requirements for the ground floor residential, and short-term rentals. These requirements are listed below, along with staff's analysis and comments:

Section 26.13 Ground Floor Residential

1) <u>Locational Requirements:</u> Residential uses shall be permitted on the ground floor of a structure located in the C-1 District only where such use does not front upon Center Street.

Remarks. This appears to be met. On the site plan provided shows that the residential use is behind the 30' setback.

2) Site Requirements:

a. All residential dwelling units on the ground floor of a structure located within the C-1 District shall be set back a minimum of thirty (30) feet from the Center Street right-of-way to avoid breaking up the continuity of active commercial areas along Center Street.

Remarks. This appears to be met. The main floor shall remain a commercial use, and the 30-ft setback on the basement level will be used for storage space as part of the commercial use on the main floor.

b. The Planning Commission shall make a determination that the regular flow of pedestrian traffic to and from established commercial uses is not likely to be negatively reduced or impeded by the residential use within a ground floor structure.

Remarks. The property features a walkway to the right of the building that leads to the walkout basement at the rear, where the ground-floor residential unit will be located. The existing building also includes a residential unit on the second floor, which is accessible via an interior stairway.

Any application for Ground Floor Residential use within the boundaries of the Downtown
 Development Authority shall be submitted to the DDA Board for recommendation prior to Planning
 Commission approval.

Remarks. This appears to be met. The DDA Board made a favorable recommendation to the planning commission in the support of the request of the ground floor residential use in the basement at February 26, 2026 meeting.

d. All standards of Article 10 C-1 Village Center District shall apply to a ground floor residential use except that the minimum transparency requirements set forth within Section 10.02, D, may be reduced to no less than 30% to ensure the safety and privacy of residents.

Remarks. This appears to be met. The lot width is 65.83', lot size is 8,679 SF, and the existing building meets all the requirements of 10.02 and transparency requirements.

Section 26.34 Short- Term Rental Units.

1) Locational Requirements: Short-Term Rental Units are permitted by Special Use Permit in the C-1 Village Center District, specifically approved by the Planning Commission.

Remarks. The Subject property is currently in the C-1 District. The applicant is currently seeking to obtain special land use approval for the short-term rental units.

2) Site Requirements: The parcel must be large enough to meet all the requirements of a lot in this district and the requirements below.

Remarks. The parcel meets the minimum lot size and lot width requirements for the C-1 district. However, the Commissioners will need to determine if these requirements are fully met, as the required parking spaces still need to be addressed below.

- 3) Performance Standards.
- a. Short-Term Rental Units shall be in compliance with the provisions of Section 16.33 of this Ordinance.

Remarks. A condition has been added requiring the applicant to register the short-term rental units with the City if approved.

b. All signs shall be in compliance with the provisions of Section 16.26 of this Ordinance.

Remarks. The applicant is not proposing any new signs at this time. Any future signs will require a sign permit before installation. A condition has been added for any future signage.

c. All parking shall be in compliance with the provisions of Article 19 of this Ordinance.

Remarks. The applicant is requesting that the Planning Commission waive all of the parking space requirements for the residential use. Section 10.04(b)(2) of the ordinance allows the Planning Commission to reduce or waive the parking space requirements specified in Sections 19.03 and 10.04(b)(1). The applicant's request letter is included in the packet. The required parking for the three units is six spaces in total. One and Two-Family Dwellings would be used to determine parking for the residential uses. Since the art gallery is no longer in operation, additional parking is not necessary. If a new art gallery or other permitted or special land use is established in the future, this would be a suitable time to reassess the parking requirements. Should there be a change of use, a new site plan approval and a subsequent request to waive parking requirements may be necessary.

This condition has been included as part of the approval. If the Commissioners do not approve the waiver, the applicant shall provide 6 parking spaces in the back and obtain an easement from the City for egress and ingress to the parking lot. The applicant provided minutes from the Council meeting held on March 11, 2002, where Council approved an access easement through the City Hall parking lot for access in the back parking area. Records show no history of an easement being recorded.

d. Landscaping and Buffering shall be provided in accordance with Article 21 of this Zoning Ordinance.

Remarks. This appears to be met. The buffering is pre-existing with a fence placed around the property along with landscaping around the property.

e. All exterior lighting shall be in accordance with Section 19.05(6) and 24.03(9) hereof.

Remarks. The plan does not show any lighting. A condition has been added that addresses lighting, should any additional exterior lighting be proposed to the building addition.

Recommendation. At the upcoming Public Hearing meeting, the Planning Commission will review the Ground Floor Residential and Short Term Rental request. Commissioners should carefully consider the information presented in this report, as well as comments from the applicant and the public. If the Planning Commission concurs that the standards of the ordinance have been met, and waives the parking requirements quest, staff recommends approval of the request for the ground floor residential of the basement, and short term rental of the second level and basement of the existing building located at 98 W Center Street, subject to the following conditions as shown in the suggested motion. If the Planning Commission denies the waiver, the applicant should be required to obtain an easement from the City. This was added in the condition as well.

Suggested Motion. I move to [approve / approve with conditions / deny / table] the request made by Erhan Kara for special land use approval for Ground Floor Residential at the basement level, per Section 26.13, and for Short-Term Rental Units on the second level and in the basement, per Section 26.34 of the City of the Village of Douglas Zoning Ordinance, based on the findings outlined in the staff report dated May 2, 2025, and to [approve / deny] the request to waive all of the parking requirements for the residential uses on the parcel identified as P.P. 59-551-002-00, located at 98 W. Center St., subject to the following conditions:

- 1. The applicant shall obtain a zoning permit before making any modifications to the building.
- 2. The applicant shall obtain a building permit from MTS before commencing construction.
- 3. The applicant shall register the short-term rental units with the City per Section 16.34 (1).
- 4. Any change in use shall require site plan approval per Section 24.01 of the Zoning Ordinance.
- 5. Any proposed signage shall require a sign permit per Section 22.04 (A) of the Zoning Ordinance
- 6. Any proposed exterior lighting must comply with Zoning Ordinance Sections 19.05(6) and 24.03(9).
- 7. The applicant shall obtain an easement from the City for access to the parking lot.

Please feel free to contact me with any questions or concerns.

PLAT OF SURVEY

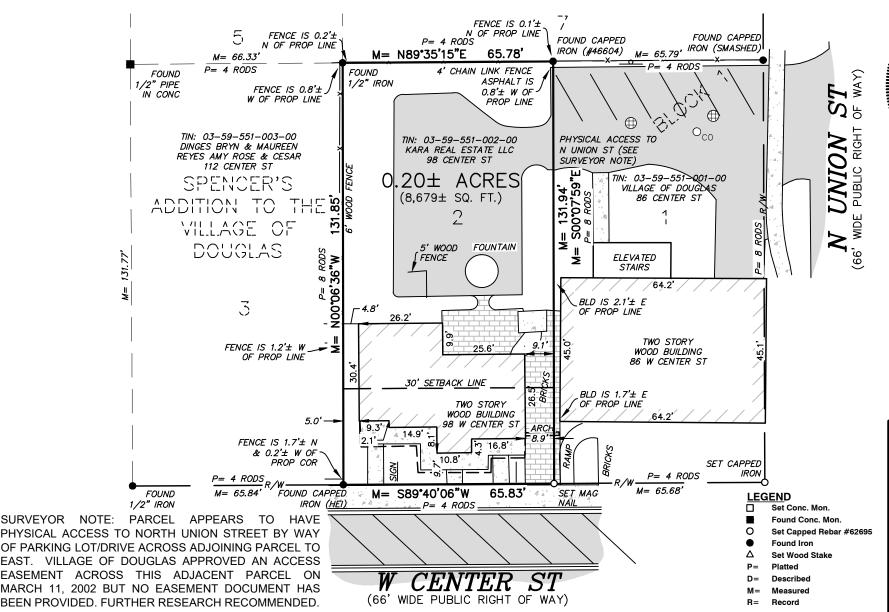
LEGAL DESCRIPTION

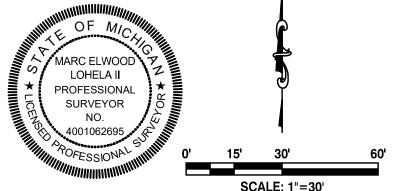
FROM: ATA NATIONAL TITLE GROUP

COMMITMENT NO.: 03-24932435-HOL (DATED JANUARY 17, 2025)

THE LAND IS DESCRIBED AS FOLLOWS: SITUATED IN THE CITY OF THE VILLAGE OF OF DOUGLAS, COUNTY OF ALLEGAN, STATE OF MICHIGAN

LOT 2, BLOCK 1, SPENCER'S ADDITION TO THE VILLAGE (NOW CITY) OF DOUGLAS, ACCORDING TO THE RECORDED PLAT THEREOF, AS RECORDED IN LIBER 44 OF PLATS, PAGE 69, ALLEGAN COUNTY RECORDS.





REVISION 1 - 30' SETBACK LINE/BUILDING DETAIL 03/04/2025, MJD

Tax Parcel No.: 03-59-551-002-00



THE DESCRIPTION WAS GIVEN TO US BY THE PERSON CERTIFIED TO, OR WAS PREPARED BY US FROM INFORMATION OR DOCUMENTS GIVEN TO US BY THE PERSON CERTIFIED TO, AND SHOULD BE COMPARED WITH THE ABSTRACT OF TITLE OR TITLE INSURANCE POLICY FOR ACCURACY, EASEMENTS OR EXCEPTIONS.



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98 CENTER STREET

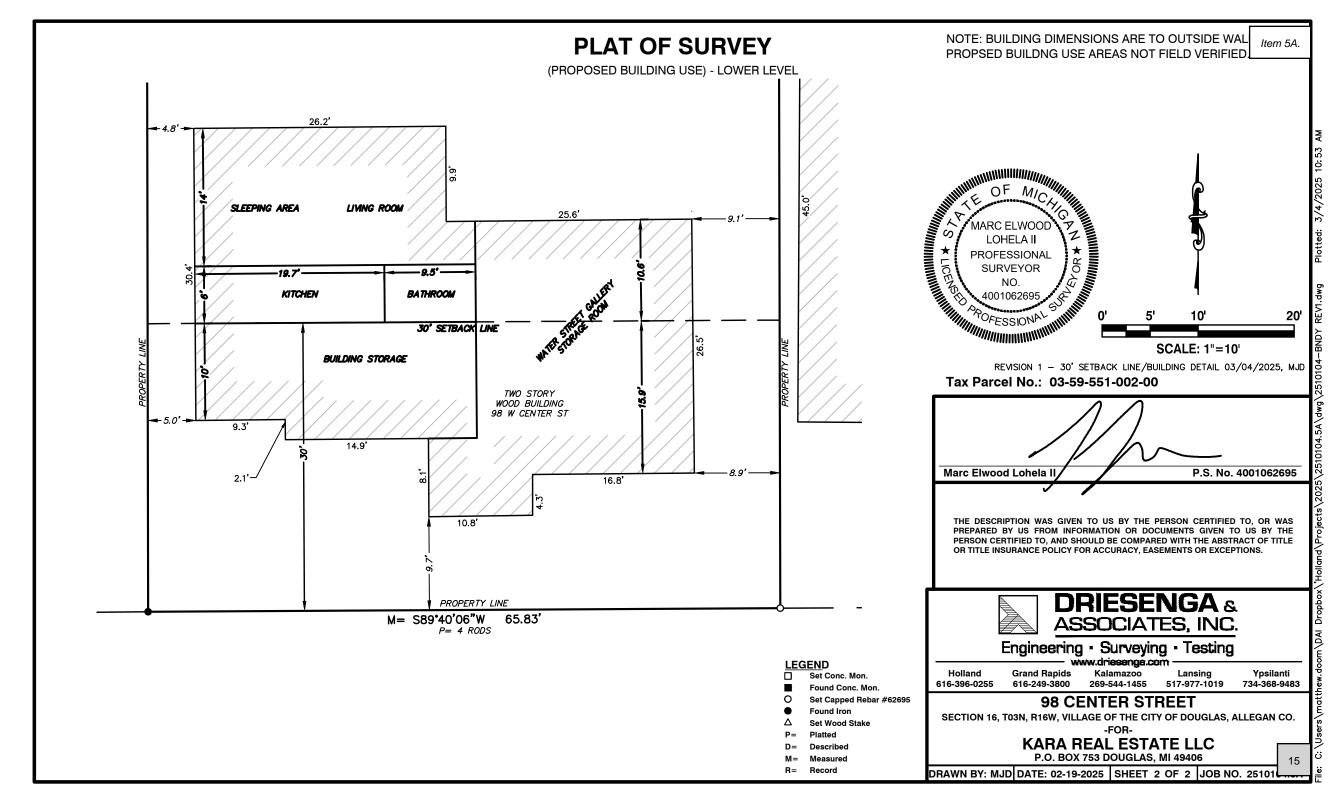
SECTION 16, T03N, R16W, VILLAGE OF THE CITY OF DOUGLAS, ALLEGAN CO.
-FOR-

KARA REAL ESTATE LLC

P.O. BOX 753 DOUGLAS, MI 49406

DRAWN BY: MJD DATE: 02-19-2025 | SHEET 1 OF 2 | JOB NO. 25101

14



VILLAGE OF DOUGLAS

Item 5A.

ALLEGAN COUNTY, MICHIGAN

The Village of Friendliness – Since 1870

OFFICE OF THE VILLAGE CLERK

June 26, 2002

Mr. Steven Laughner Mr. Robert Goeke P.O. Box 153 Douglas, MI 49406

Re: 98 Center Street

Gentlemen:

The Douglas Village Council, at it regular meeting held March 11, 2002 (copy of minutes enclosed), approved an access easement through the village's parking to access your rear parking area at 98 Center Street.

Please coordinate your plans and proposed improvements for your off-street parking area with the village's architect and contractor for placement and tie-in of your storm drainage system with the village's system.

It has been a pleasure working with you on your project and it certainly is an asset to our growing downtown area.

Sincerely,

Terry Hofmeyer

Village Manager

cc: Mark VonDerHeide C.L. Construction

File

Commission approval. Developers will need to provide an additional 26 "on site" spaces to meet ordinance requirements.

Motion by Dykema/Wagner to approve the site plan subject to developer return with plan that includes 158 on-site (including the West lot/32 spaces) for 195 total spaces, that meet specified ordinance space minimums (footage). Motion amended, spaces shall not included any "queud"/valet areas. Carried.

Motion by Anthrop/Van Stedum to schedule the public hearing for the revised Site Plan/PUD (for "The Saugatuck Lodge at Douglas") at the March 21, 2001 meeting, based upon timely submission of the revisions. Carried.

The meeting adjourned at 9:17 P.M. for a brief recess and reconvened at 9:25 P.M.

Request to schedule a workshop meeting on Wednesday, February 28, 2001 at 6:30 P.M. to review the parking revisions submitted for "The Saugatuck Lodge at Douglas". The workshop will be held prior to the D.H.P.C. meeting (scheduled for 7:30 P.M.).

Old Business:

A. Parking - Parking Committee report and ordinance recommendations presented by Anthrop to amend Planning Commission "non-residential parking waiver" language and establish fees in C-lA district. Council would determine fee (to be listed in the Village's Schedule of Fees) and apply directly to "parking improvement fund". Motion by Anthrop/Wagner to schedule public hearing on March 21, 2001 for the proposed amendment to Article XIX OFF-STREET PARKING AND LOADING, (adding new section) Section 19.07 Exceptions to Off-Street Parking Requirements. Carried. Planning Commission will review language submitted to prohibit parking "Queuing" at next meeting. Request to "fix" parking language to match diagrams depicted in the Zoning Ordinance. Hofmeyer will review for corrections and submit "adjustments" for consideration.

B. Flag Lots - Tim Dykema is now chair, report will be submitted at next meeting.

New Business: None.

Audience Communications:

Dee Schoeneich, 112 Center St. - Concerns regarding Planning Commission's approval of the placement/relocation of home and proposed business at 98 Center St., it changes the look of the "historic block". Suggested Planning Commission give additional consideration to parking waiver/compromise for the retail space.

Gene Schoeneich, 112 Center St. - Clarified statement made earlier that a parking waiver was granted for his home/business. The parking for his location was "grandfathered" because a previous owner had utilized the property for combined residential/commercial use.

Dan Shanahan, 290 Crest - Does not believe Douglas has a parking problem, rather a Saugatuck issue. Mr. Shanahan would like the Village to consider additional bicycle amenities for the community, such a bike path to Lake Michigan, and encouraged Planning Commission to look over the parking issues as only 10 weeks out of the year.

Motion to adjourn at 10:23 P.M.

Barbara McVea, Clerk/Treasurer Village of Douglas

PROPOSED MINUTES DOUGLAS PLANNING COMMISSION FEBRUARY 21, 2001 7:30 P.M.

The meeting was called to order by Planning Commission Chair Urquhart at 7:30 P.M.

Roll Call: Anthrop, Dykema (7:35 P.M.), Naughtin, Phillippe, Urquhart, Van Stedum, Wagner, Walter. Absent: Hutchings. Also Present: Hofmeyer, McVea.

Approval of Minutes: Motion by Wagner/Van Stedum to approve the minutes of the January 17, 2001 meeting as submitted. Clarification regarding "Saugatuck Lodge" item 3 - parking spaces referenced does not include the "overall" figure of 195 required for the project. Motion carried.

Audience Communications: None.

Written Communications:

A. Downtown Development Authority - February 13, 2001 meeting minutes. Item referencing the placement of additional "plantings" at Beery Field as part of "Community Pride Day"/Douglas Garden Club activities. Concerns expressed by Wagner for increased watering needs and Village DPW ability to provide. Hofmeyer confirmed future installation of water spigots to accommodate.

Zoning Administrator:

A. Site Plan Review/Pines Motel - Conversion to Retail Use. Revised plan presented by architect Mark Von Der Heide, addressing the setback concerns. Existing drive fronting on Blue Star Hwy. will remain, "side" drive (St. Peter's Dr.) will be eliminated. Lighting will be placed along building - under roof "overhang" area, landscape plan will be submitted at a later date, proposed signage meets current requirements. Motion by Wagner/Walter to approve the Site Plan (dated 1-19-01) submitted, subject to receipt of landscape plan. Carried. B. Site Plan Review/98 Center St. - Retail/Residential Use. Owners Laughner/Goeke presented plans for proposed first floor retail, second floor apartment residential renovation project. The building will be moved forward, existing garage removed, construction of a new garage at rear of property, small addition to the west and north sides of current structure footprint. Applicants are also requesting waiver of four required retail off-street parking spaces. Motion by Dykema/ Naughtin to approve the site plan (dated 2-5-01) submitted for retail/ residential at 98 Center St., with waiver of commercial parking requirements, and subject to receipt and approval of landscape and lighting plans. Discussion: Parking concerns still an issue for the Village. Seems appropriate to waive the requested 4 spaces at this time. Motion carried.

C. Amended Site Plan/PUD - Saugatuck Lodge at Douglas. Proposed parking concerns addressed in memo from developer's attorney, Glenn Sperry. Project architect, Steve Upchurch, provided additional clarification regarding changes. Villa's have been placed within 5' of property line adjacent to the "Old School" property. Property description "Amendment" presented to include the vacated portion of Wall St. Discussion: Discrepancies with number of parking spaces provided as "on site", remote "shared use" spaces, and total required for the project. Changes/revisions precipitate a second public hearing prior to Planning

VILLAGE OF DOUGLAS

Item 5A.

ALLEGAN COUNTY, MICHIGAN

The Village of Friendliness - Since 1870

OFFICE OF THE VILLAGE CLERK

March 7, 2001

Mr. Robert Goeke Mr. Steven Laughner 3835 N. Washington Blvd. Indianapolis, IN 46205

Gentlemen:

The Douglas Planning Commission, at its February meeting, approved your site plan for the property improvements proposed for the "Quade Home" located at 98 West Center Street.

As a reminder, the approval was granted subject to the filing, review and approval of a completed landscape plan.

If you have any questions, please feel free to contact me at your convenience.

Sincerely,

Terry Hofmeyer Village Manager

Zoning Administrator

47 W. Center Street • Douglas, Michigan 49406-0757 Phone (616) 857-1438 • Fax (616) 857-4751

Welcome to Douglas!



The Village of Friendliness ~ Since 187



January 14, 2009

Mr. Robert Goeke & Mr. Steven Laughner PO Box 153 Douglas, MI 49406

This letter is intended to acknowledge that the City of the Village of Douglas has established a record to indicate that a total of eight parking spaces are to be permanently recorded and attached to property parcel number 03-59-551-002-00, commonly known as 98 Center Street, Douglas, Michigan. As evidenced by the parking inventory conducted in 1994, notes discovered in the property file, and the asbuilt drawings for the existing use of 98 Center Street, a total of six (6) parking spaces are currently in existence on-site with an additional two (2) parking spaces considered to be "credited" to the property due to the elimination of a road cut and driveway at the time that Center Street was reconstructed in 2005.

Per Section 10.04 and Article 19 of the City of the Village of Douglas Zoning Ordinance, 98 Center Street shall be considered to have a base parking allocation of eight (8) parking spaces as of January 14, 2009.

Please contact me if you should have any questions or concerns about this matter.

Sincerely,

Ryan Kilpatrick Community Planner

Cc: Allegan County Register of Deeds

MIT HOME OCCUPATION ESCHOW

APPLICATION FOR SPECIAL USE PERMIT/ HOME OCCUPATION CITY OF THE VILLAGE OF DOUGLAS PLANNING COMMISSION

| | 1. | Name Erhan Kara-Kara Real EstateLLC |
|----------|-----|--|
| | 2. | Address 98 W. Center St. Douglas, MI 49406 Po box 753 |
| | 3. | Phone Home 269-268 8 4 70 Work |
| | 4. | Legal description of property subject of request: |
| 1 | | Lot 2 Block 1 spencer's Addition |
| <i>\</i> | | Lot size 66'x 132': 8712 sqft: each floor is 1450 |
| | | 59++ |
| | | There are 3 floors including ground floor in the back |
| | 5. | Street address of property subject of request <u>98 w. center st. Douglas</u> |
| | 6. | Is applicant the owner of the property: Yes X No No |
| | | If No, give name and address of the property owner |
| | | |
| | | |
| | | |
| | 7. | How is the property presently zoned? |
| | 8. | If you are requesting approval for a HOME OCCUPATION, please submit with this |
| | | application the following information: |
| | | a) The total floor area of the residence |
| | 9 | b) The area of the room or rooms of the house to be utilized in the conduct of the |
| | | home operation. |
| | | c) A sketch showing the floor plan and the area to be utilized in the conduct of the |
| | | home occupation |
| | | d) Describe the nature of the home occupation |
| | | Please note that all home occupations can only be approved subject to the |
| | | limitations provided in Sec. 14.5 © of the Zoning Ordinance. |
| | 9. | Unless already described in #8, give a brief description of the SPECIAL USE requested. |
| | | Short term rental of & units at the building, |
| | | |
| | 10. | Is the SPECIAL USE, which you are requesting, provided for under CHAPTER 25 of the |
| | | Douglas Village Zoning Ordinance? Yes |

I certify that I have read and understand Article 25 - Special Use Proceedures of the Zoning Ordinance and that all of the information provided herein is true and accurate to

Application was Denied for following reasons

1.

2.

3.

By Erhan Kara Kara Real Estate LLC PO box 753, Douglas, MI Ph: 269 268 8470 erhan-Kura@ aol.com

To the respectable city of Douglas zoning administrator, Douglas city planning commission and DDA,

This is a change of use application that I'd like to present here for the possibility of converting the residential and commercial units at the 98 W. Center st to be used as short term rental properties.

Currently there are 2 units on each of the floors (upper and basement) that I am requesting to obtain short term rental permits. Main entrance floor is rented by water street Gallery in it's entirety, as well as the basement unit *1.

I have presented the drawing where I have designated 6 parking spaces at the back of the property for a total of 4 short term rental units. (Though only 3 units shall be used as STR within the next 3 years and the 4th unit shall be considered for STR depending on the future financials of the rentals.

This property was built in 2002 and the City of Douglas should have all the specs of the building related to the outside lighting, electrical boxes, utility placements, landscaping and the backyard parking area. No changes were ever made to it since it's inception in 2002.

PS: Currently the basement unit XI that is rented by the Water street Gallery does not have a bathroom built in . The space for it was designated but never realized in 2002. I am obtainestimentes from professionals for one to be builtin.

American Land Title Association

ALTA Settlement Statement - Seller Adopted 05-01-2015

File No./Escrow No.: 03-24932435-HOL Print Date & Time: 01/21/25 10:24 AM Officer/Escrow Officer: Christina

Omcer/Escrow Omcer: Ci

Leathers

Settlement Location:

ATA National Title Group, LLC - Holland

324 N. 120th Ave., Ste. 20

Holland, MI 49424

ATA National Title Group, LLC ALTA Universal ID: 1033513 324 N. 120th Ave., Ste. 20 Holland, MI 49424



Property Address:

98 W Center St

Douglas, MI 49406.

Borrower/Buyer:

Kara Real Estate LLC, a Michigan limited liability company

311 Water St Apt 1121

Saugatuck, MI 49453

Seller:

Retrogetaway, Inc., a Michigan corporation

P.O. Box 337

Douglas, MI 49406

Lender:

Horizon Bank, 77 E 8th St, Holland, MI, 49423

Settlement Date: Disbursement Date: 01/21/2025 01/21/2025

Additional dates per state requirements:

proof of building ownership

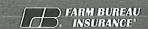
| | | nound who we state the bear |
|---|-------------|-----------------------------|
| Abesaputon) | 59 | |
| Pinancial | | Character of the branch |
| Sale Price of Property | | \$880,000.00 |
| Prorations/Adjustments | | |
| Security Deposit Transfer | \$3,300.00 | |
| City/Summer Taxes from 01/01/2025 to 01/21/2025 | \$376.31 | |
| County/Winter Taxes from 01/01/2025 to 01/21/2025 | \$150.77 | |
| January Rent Proration from 01/21/2025 to 01/31/2025 | \$1,267.48 | |
| Title Charges & Escrow / Settlement Charges | | |
| Title - Owner's Title Insurance to ATA National Title Group, LLC - Holland | \$2,550.00 | |
| Title - Settlement / Closing Fee to ATA National Title Group, LLC - Holland | \$350.00 | |
| Commission | | |
| Real Estate Commission - Listing to Century 21 Affiliated | \$17,600.00 | |
| Real Estate Commission - Selling to Jaqua Realtors | \$22,000.00 | |
| Government Recording and Transfer Charges | | |

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Page 1 of 3

File #.03-24932435-HOL Printed on: 01/21/25 10:24 AM

PL9VCP00100003 - C00030356K000C



BUSINESSOWNERS POLICY | NEW POLICY DECLARATIONS

Effective Date

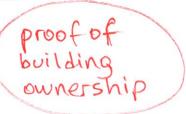
January 21, 2025

Policy Period (12:01 a.m. standard time) 01/21/2025 TO 01/21/2026

Policy Number BO-11589386

Named Insured and Mailing Address:

KARA REAL ESTATE LLC PO BOX 753 DOUGLAS MI 49406-0753



Payment Plan: Full Pay
Payment Method: Manual
Account Number: 1001955242
Agent: SPEARS AGENCY

380 GARDEN AVE HOLLAND MI 49424-8656

616-396-3333

aspears@fbinsmi.com

For 24-hour claim reporting, call 877-FBINSMI (324-6764) or visit our website at FarmBureauInsurance.com.

This policy is exempt from the filing requirements of section 2236 of Michigan's Insurance Code of 1956, as amended, 1956 PA 218, MCL 500.2236.

In return for the payment of the premium and subject to all the terms of this policy, we agree with you to provide the insurance as stated in this policy. This policy consists of the following Coverage Parts. The premium may be subject to adjustment.

Description of Business

Business Type MERCANTILE Type of Legal Entity
LIMITED LIABILITY COMPANY

Description of Premises

Loc.

No. 1 **Location Address**

98 CENTER ST, DOUGLAS, MI 49406-5284

Bldg. No.

1

Occupancy

Mercantile

Roof Type

Construction

Frame Construction

Year Roofing Replaced

Building Description: LRO - Mixed use

Property Coverage

Loc Bldg. No. No. 1

Property*

Type of Valuation
Property* Method **

thod ** Limit of Insurance

RC \$ 736,000

nsurance Deductible 6,000 \$ 1,000 or Hail Deductible N/A

Windstorm

Building Annual Increase Percentage 8%

Protection

Class

3

Art Galleries - Other Than Not-for-profit

*BPP = Business Personal Property

BPPY = Business Personal Property Permanent Yard Storage

**RC = Replacement Cost

ACV = Actual Cash Value

FV = Functional Valuation

Policy Number: **BO-11589386** 25

Date of this notice: 01-13-2025

Employer Identification Number: 33-2799506

Form: SS-4

Number of this notice: CP 575 G

For assistance you may call us at: 1-800-829-4933

IF YOU WRITE, ATTACH THE STUB AT THE END OF THIS NOTICE.

KARA REAL ESTATE LLC ERHAN T KARA SOLE MBR PO BOX 753 DOUGLAS, MI 49406

(proof of ownership)

WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER

Thank you for applying for an Employer Identification Number (EIN). We assigned you EIN 33-2799506. This EIN will identify you, your business accounts, tax returns, and documents, even if you have no employees. Please keep this notice in your permanent records.

Taxpayers request an EIN for their business. Some taxpayers receive CP575 notices when another person has stolen their identity and are opening a business using their information. If you did not apply for this EIN, please contact us at the phone number or address listed on the top of this notice.

When filing tax documents, making payments, or replying to any related correspondence, it is very important that you use your EIN and complete name and address exactly as shown above. Any variation may cause a delay in processing, result in incorrect information in your account, or even cause you to be assigned more than one EIN. If the information is not correct as shown above, please make the correction using the attached tear-off stub and return it to us.

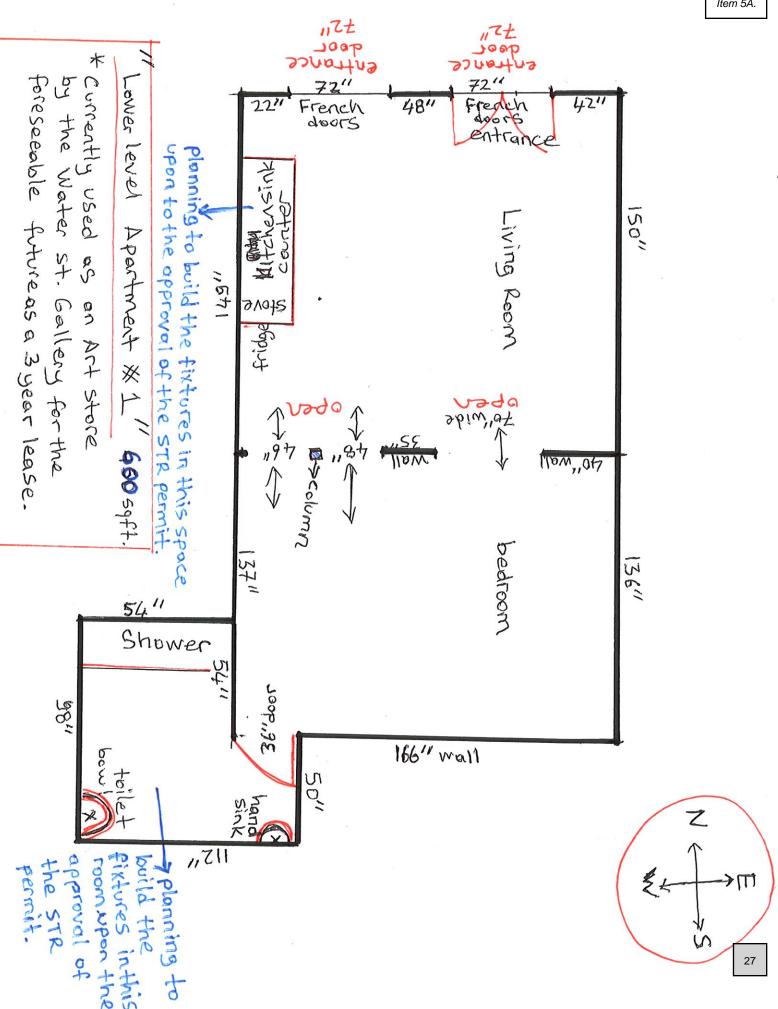
A limited liability company (LLC) may file Form 8832, Entity Classification Election, and elect to be classified as an association taxable as a corporation. If the LLC is eligible to be treated as a corporation that meets certain tests and it will be electing S corporation status, it must timely file Form 2553, Election by a Small Business Corporation. The LLC will be treated as a corporation as of the effective date of the S corporation election and does not need to file Form 8832.

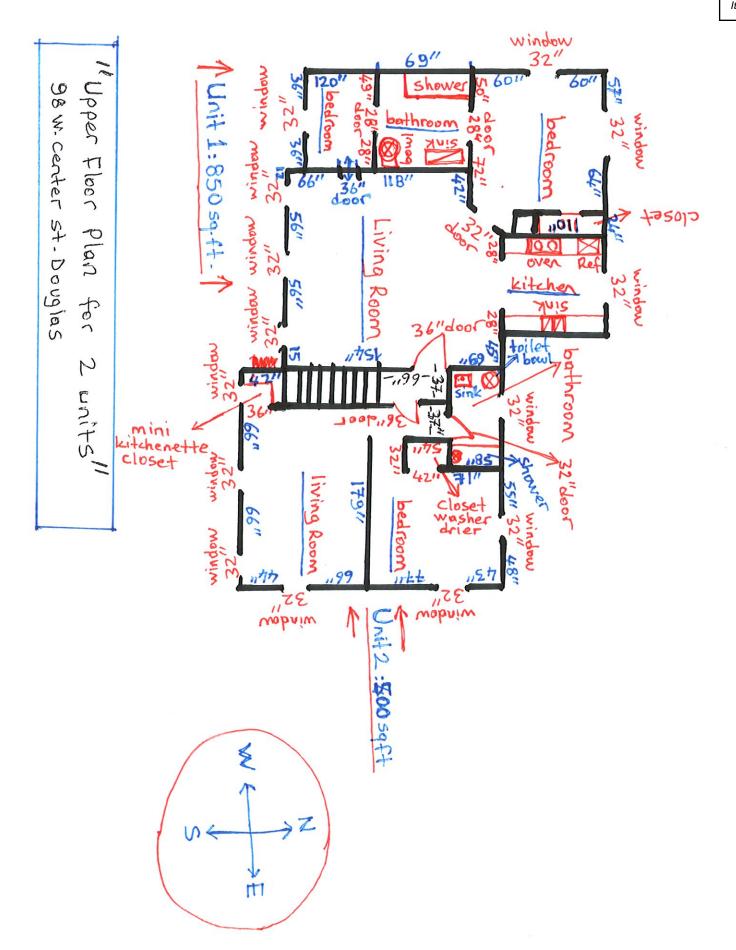
To obtain tax forms and publications, including those referenced in this notice visit our Web site at www.irs.gov. If you do not have 1-800-829-3676 (TTY/TDD 1-800-829-4059) or visit your:

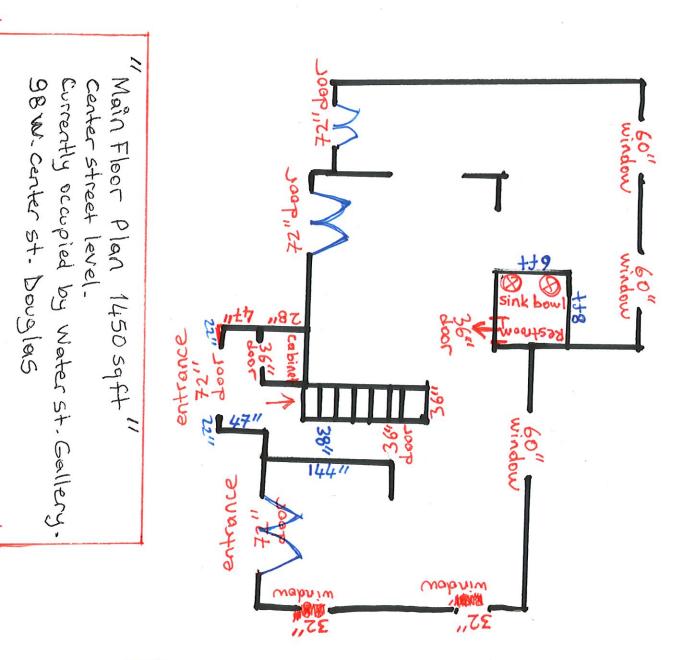
Kara Real estate LLC

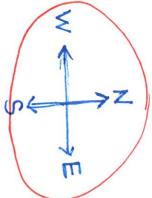
EIN & 33-279 9506

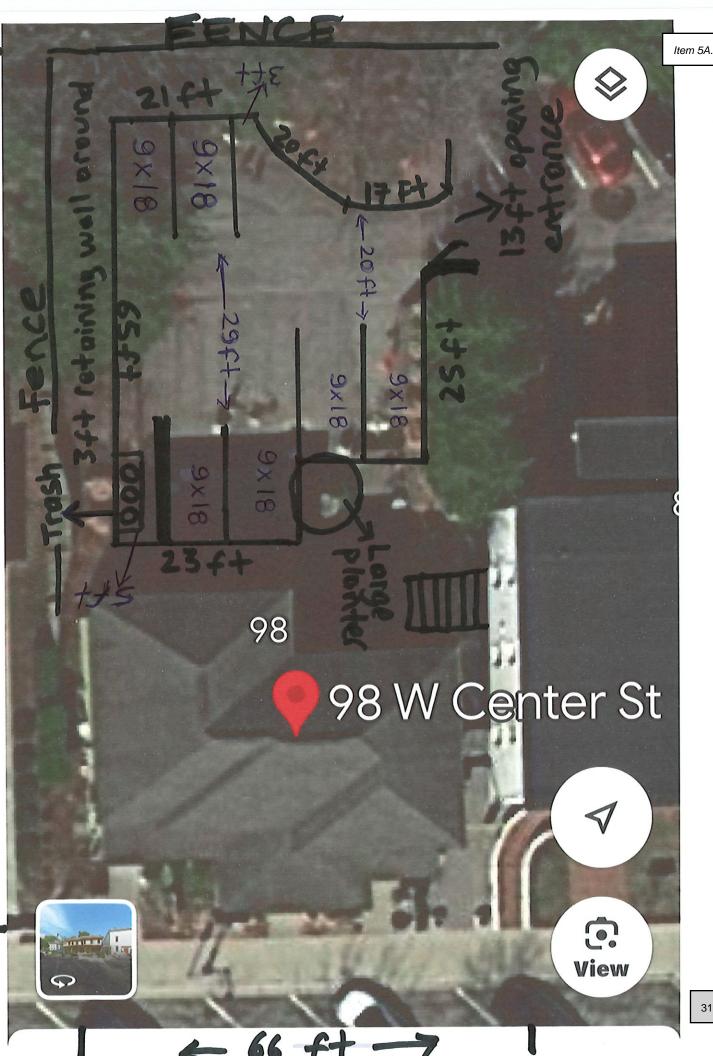
Erhan Kara owner AAA



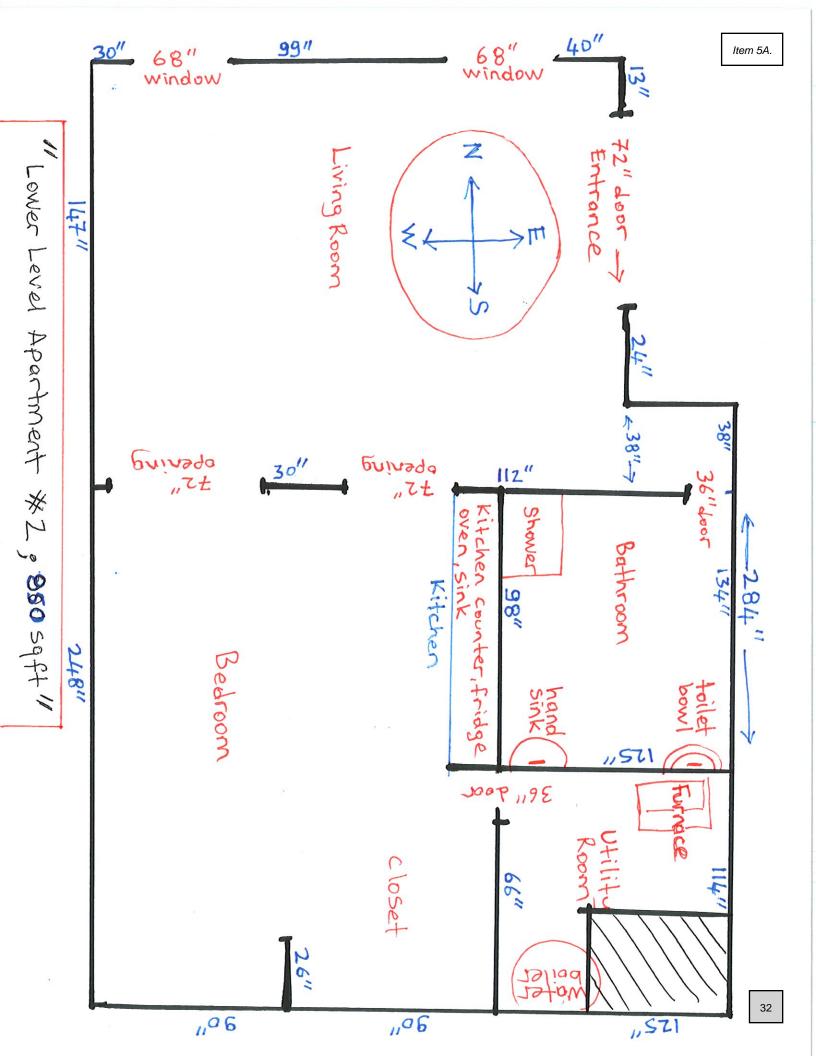








31



ARTICLE 10: C-1 VILLAGE CENTER DISTRICT

Section 10.01 Intent of C-1 Village Center District

The intent of this District is to maintain and enhance the vitality of the Village Center, provide services in close proximity to one another, reinforce the relatively intense development pattern of retail and service establishments on the ground floor with residential accommodations above, reduce the need for on-site parking by encouraging pedestrian and bicycle connections to and from the Village Center, and to expand the employment base and residential population of the Village Center. The compact development pattern of the Village Center establishes a pedestrian-oriented environment and stresses urban and civic design while encouraging the reuse of existing buildings. The District provides standards to reinforce the unique physical character of downtown and establishes minimum criteria for building design compatibility while promoting amenities necessary to attract business, residents and visitors.

Section 10.02 District Summary

A. Permitted Uses

- Accessory Use, when accessory to permitted use
- ♦ Antique Store
- Art gallery
- Essential Public Services
- ♦ Library
- Museum
- Neighborhood Parks
- Office Building
- Outdoor Public Recreation
- Personal Service Establishment
- Professional Service Establishment
- Residential above Retail or Office
- Restaurant, Standard
- Retail Business or Retail Sales
- Showroom
- Studio for Performing/Visual Arts

B. Special Land Uses

- Animal Grooming, subject to Section 26.03
- Buildings associated w/ Public Facilities, subject to Section 26.29
- Convalescent or Nursing Home, subject to Section 26.11
- ♦ Hotel, subject to Section 26.22
- Movie Theater, subject to Section 26.23
- Place of Public Assembly, Large, subject to Section 26.26
- Private Recreational Facilities, subject to 26.27
- ♦ Residential, Ground Floor, subject to 26.13
- Schools subject to Section 26.31

C. Site and Building Placement Standards

Minimum Lot Area:

4,000

(square feet)

Minimum Lot Frontage:

20 ft.

Maximum Lot Coverage:

80%

Minimum Setbacks:

Front:

0 ft

Side: 5 ft., except where a commercial building is placed directly upon the side lot line.

Rear: 5 ft., except where the rear yard abuts a side yard in a residential district the rear yard shall be 25 ft. The full width of a public alley between the rear yard of a lot and a side yard of a lot in a residential district may be considered part of the rear yard for setback computation.

(See Schedule of Regulations)

To: City of the Village of Douglas Planning Commission

Date: May 2, 2025

From: Sean Homyen, Planning & Zoning Administrator

RE: 50 E. Center St. – Special Land Use Request for

Short-Term Rental Units (Section 26.34) of the City of

the Village Zoning Ordinance.



The Village of Friendliness - Since 1870

Request. Ms. Cynthia Miller has submitted an application for special land use approval for Short-Term Rental under Section 26.34 for the property at 50 E. Center St., located in the C-1 Village Commercial District, near Wade's Bayou and Beery Field.

Background. The subject property, located at 50 E. Center St., was recently purchased. It is zoned C-1 Village Commercial District and covers 0.15 acres (6,534 SF). This parcel is part of



the Douglas Plat. The building currently contains, a med spa, salon, and a second floor for residential.

Procedure. The owner is required to submit a special land use application for Short-Term Rental under Section 26.34 of the Zoning Ordinance. It should be noted that the short-term rental special land use ordinance for the C-1 District was adopted in 2021. This use requires special land use approval from the Planning Commission.

Special Land Use Consideration. Section 26.34 outlines the special land use requirements for the short-term rental. These requirements are listed below, along with staff's analysis and comments:

Section 26.34 Short- Term Rental Units.

1) Locational Requirements: Short-Term Rental Units are permitted by Special Use Permit in the C-1 Village Center District, specifically approved by the Planning Commission.

Remarks. The Subject property is currently in the C-1 District. The applicant is currently seeking to obtain special land use approval for the short-term rental units.

2) Site Requirements: The parcel must be large enough to meet all the requirements of a lot in this district and the requirements below.

Remarks. The parcel meets the minimum lot size and lot width requirements for the C-1 district. However, the Commissioners will need to determine if these requirements are fully met, as the required parking spaces still need to be addressed below.

- 3) Performance Standards.
- a. Short-Term Rental Units shall be in compliance with the provisions of Section 16.33 of this Ordinance.

Remarks. A condition has been added requiring the applicant to register the short-term rental units with the City if approved.

b. All signs shall be in compliance with the provisions of Section 16.26 of this Ordinance.

Remarks. The applicant is not proposing any new signs at this time. Any future signs will require a sign permit before installation. A condition has been added for any future signage.

All parking shall be in compliance with the provisions of Article 19 of this Ordinance.

Remarks. The applicant is requesting that the Planning Commission waive all of the parking space requirements for the short term rental request. Section 10.04(b)(2) of the ordinance allows the Planning Commission to reduce or waive the parking space requirements specified in Sections 19.03 and 10.04(b)(1). The applicant's request letter is included in the packet. The parcel currently does not contain off-street parking. If the Commissioners do not approve the waiver, the applicant shall work with staff to update the site plan and provide off-street parking and must construct a parking area.

d. Landscaping and Buffering shall be provided in accordance with Article 21 of this Zoning Ordinance.

Remarks. This appears to be met. The buffering/landscaping is pre-existing with trees and landscaping placed around the property to provide screening from the adjacent residential parcel.

e. All exterior lighting shall be in accordance with Section 19.05(6) and 24.03(9) hereof.

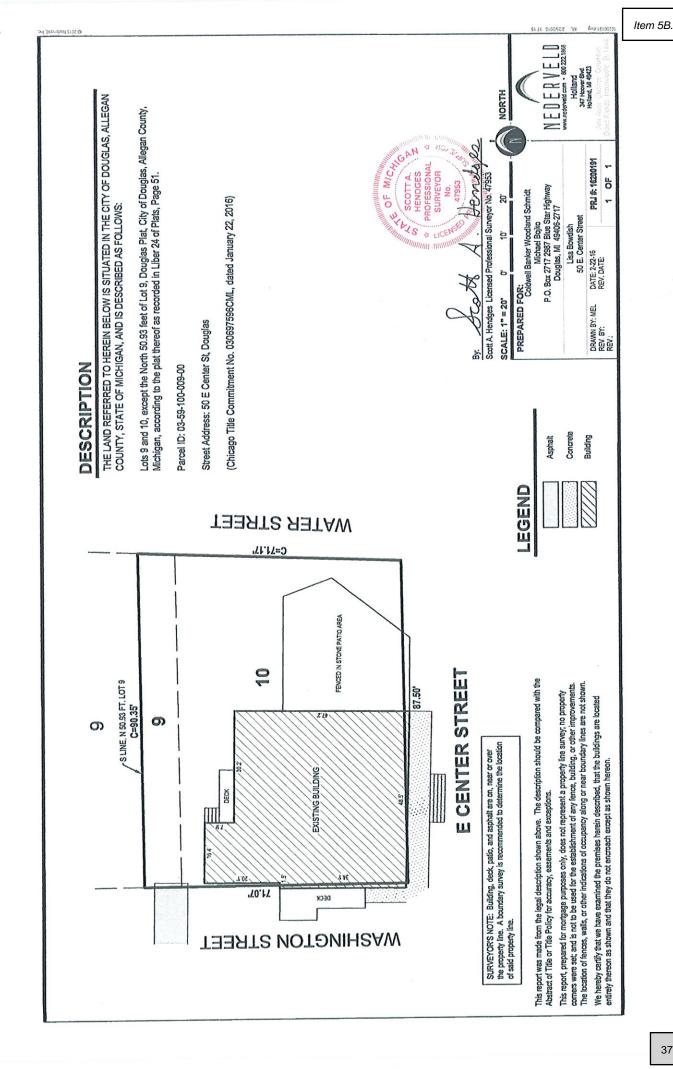
Remarks. The plan does not show any lighting. A condition has been added that addresses lighting, should any additional exterior lighting be proposed to the building.

Recommendation. At the upcoming Public Hearing meeting, the Planning Commission will review the Short Term Rental request. Commissioners should carefully consider the information presented in this report, as well as comments from the applicant and the public. If the Planning Commission concurs that the standards of the ordinance have been met, and waives the parking requirements request, staff recommends approval of the request for the short term rental of the second level at 50 E Center Street, subject to the following conditions as shown in the suggested motion. If the Planning Commission denies the waiver, the applicant shall update the site plan providing a parking area for off-street parking.

Suggested Motion. I move to [approve / approve with conditions / deny / table] the request made by Cynthia Miller for special land use approval for Short-Term Rental Units on the second level per Section 26.34 of the City of the Village of Douglas Zoning Ordinance, based on the findings outlined in the staff report dated May 2, 2025, and to [approve / deny] the request to waive all of the parking requirements for the short term rental on the parcel identified as P.P. 59-100-009-00, located at 50 E. Center St., subject to the following conditions:

- 1. The applicant shall register the short-term rental units with the City per Section 16.34 (1).
- 2. Any proposed signage shall require a sign permit per Section 22.04 (A) of the Zoning Ordinance
- 3. Any proposed exterior lighting must comply with Zoning Ordinance Sections 19.05(6) and 24.03(9).

Please feel free to contact me with any questions or concerns.



On February 28th, 2025, we acquired the property at 50 Center in downtown Douglas. Our vision is to transform the second floor into a cozy short-term rental, offering a one-bedroom, one-bathroom apartment with a private entrance, separate from our main business.

The space requires minimal renovation, with only a few minor adjustments made after a thorough inspection to improve safety and bring the building up to current code standards. Guests will also enjoy a dedicated off-street parking space for their convenience.

We are planning to offer this rental exclusively to adults, with a maximum occupancy of two people. Designed for tranquility, the space is free from amenities that might generate significant noise, ensuring a peaceful stay.

Our primary goal is to return this space to its original purpose, while creating an additional revenue stream. Equally important is our desire to provide guests with a charming, convenient, and memorable stay, reflecting the unique character of our area.

We are committed to extending the warmth and hospitality that makes Saugatuck and Douglas so distinctive, offering friendly referrals and collaboration with local businesses. Ultimately, we hope to contribute to the growth and vibrancy of our wonderful community.

Cindy and Mark Miller

991 Lake St Saugatuck, Mi 49453 (616)828-3611 cynthia.ballast@gmail.com

18th April 2025

Sean Homyen

Planning and Zoning Administrator City of Douglas (269)857-1438 PZAdmin@douglasmi.gov

Dear Mr. Homyen,

In response to your questions regarding a parking waiver at 50 Center:

- 1) The proposed use in question of our second floor apartment, is in keeping with the intent of the C-1 District.
 - a) Section 10.01 "The intent of this District is to maintain and enhance the viability of the Village Center, provide services in close proximity to one another, reinforce the relatively intense development pattern of retail and service establishments on the ground floor with residential accommodations above....."
 - b) Section 10.02 District Summary. i) Permitted Uses: Residential above retail of office
- 2) This space has been "unofficially" used as a short-term rental for years. Our plans to make it an "official" STR, abiding by all the city regulations, making the necessary safety upgrades in order to pass inspection and obtaining all the required approvals; will increase the intensity of use of this space, but not at any one time. There will never be more than one party of two individuals renting this space. And it is our anticipation that the majority of the time, there will only be a need for parking of a single vehicle.
- 3) There are street-side city parking spaces within the required walking distance of our proposed STR, but again the use of these spaces will likely be rarely needed, as our property already has a dedicated off-street parking space for this second floor dwelling unit.

- 4) Section 10.04 Off Street Parking a) states, "Uses requiring an equal or lesser number of parking spaces may be substituted for the use of record on the effective date hereof, without providing off-street parking spaces". We are not rebuilding or structurally altering our building. Our proposed STR will the majority of the time require an equal or lesser number of spaces to be used, as we already have a dedicated, off-street space, on our property, for our STR.
- 5) It is our express intention to not only fit in to both the residential and business community of Douglas, but to do everything in our power to enhance it.
- 6) Please feel free to contact us with any questions or concerns. We thank you for your time.

Sincerely,

Cindy and Mark Miller

APPLICATION FOR SPECIAL USE PERMIT! HOME OCCUPATION CITY OF THE VILLAGE OF DOUGLAS PLANNING COMMISSION

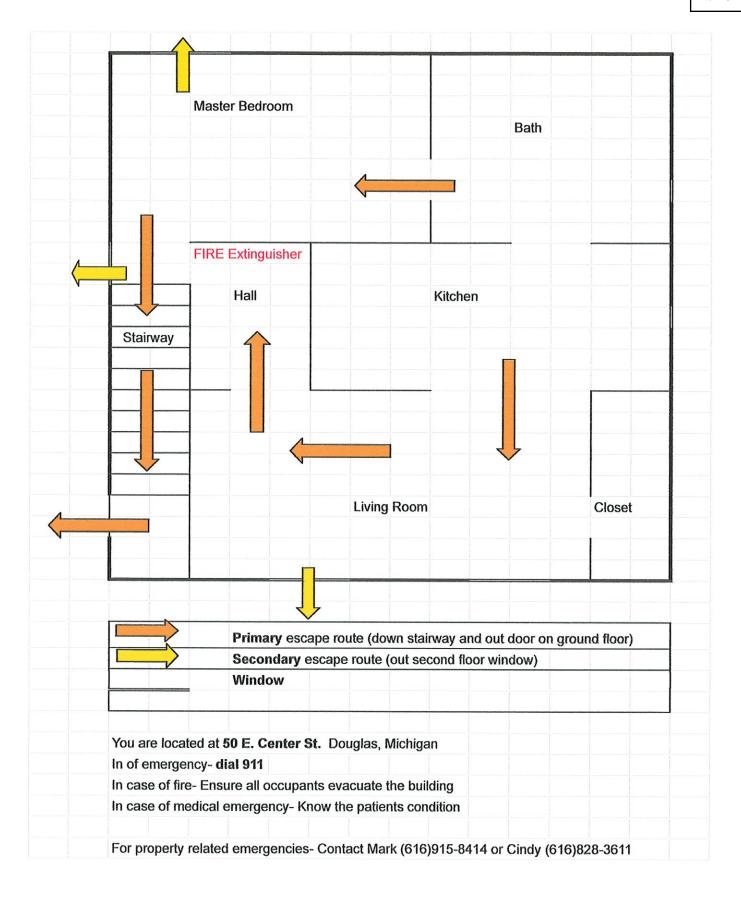
| 1. | . Name Cynthia Miller | | | | |
|--|--|--|--|--|--|
| | 991 Lake St. Unit #2 Saugatuck, MI 49453. PO Box 279 Address | | | | |
| 2. 3. | Phone | Home_ 616 828-3611 Work 269 354-2064 | | | |
| 4. Legal description of property subject of request: | | | | | |
| | Lots 9 and 10, except the North 50.93 feet of Lot 9, Douglas Plat, City of Douglas, Allegan Count Michigan, according to the plat thereof as recorded in Liber 24 of Plats, Page 51. Parcel ID: 03-59-100-009-00 Street Address: 50 E Center St, Douglas | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | (Chicago Title Commitment No. 030697596CML, dated January 22, 2016) | | | | |
| 5. | Street addre | ass of property subject of request 50 Center St. Douglas, Ml. 49406 | | | |
| 6. | | | | | |
| - | | ame and address of the property owner | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| 7. | How is the p | property presently zoned? C-1 | | | |
| 8. | • | If you are requesting approval for a HOME OCCUPATION, please submit with this | | | |
| | application the following information: | | | | |
| | a) The total floor area of the residence | | | | |
| | • | area of the room or rooms of the house to be utilized in the conduct of the | | | |
| | • | ne operation. 750 sq ft | | | |
| | | cetch showing the floor plan and the area to be utilized in the conduct of the | | | |
| | | ne occupation | | | |
| | HUII -45 Onn | cribe the nature of the home occupation Commercial building is a Med Spa | | | |
| | d) Des | ase note that all home occupations can only be approved subject to the | | | |
| | | | | | |
| | | tations provided in Sec. 14.5 ® of the Zoning Ordinance. | | | |
| 9. | Unless already described in #8, give a brief description of the SPECIAL USE requested. Single apartment (2 adults) for short-term rental as AirBnB and VRBO listed destinations | | | | |
| | ongre aparu | HOLE (2 AUDIG) IN SHULLORIN FORM AS AIL SHO MILE WILL ROLL WASHINGTON | | | |
| | 2000-2014-1919-1914-1914-1914-1914-1914-1914-1 | | | | |
| | | IAL USE, which you are requesting, provided for under CHAPTER 25 of the | | | |
| | Douglas Villa | age Zoning Ordinance? No planning standards will | | | |
| | | be violated. | | | |

I certify that I have read and understand Article 25 - Special Use Proceedures of the Zoning Ordinance and that all of the information provided herein is true and accurate to the best of my knowledge, information and belief. Application fee of \$250 Signature of Applicant A SUMMARY OF PLANNING COMMISSION ACTION Date of Public Hearing, if one was held Action taken by Planning Commission and date taken_____

Application was Denied for following reasons_____

1. 2.

3.





Pd \$350° on 3/21/25

| Short Term Rental Registration Application | | | | | |
|---|--|--|--|--|--|
| Date Received Application Number: | | | | | |
| Steps in the Registration Process Complete this Registration Application. Submit this application with the registration fee of \$350.00 to the Douglas City Clerk. (Certification is valid for 3 years) If failed inspection, a reinspection fee of \$125 will apply The Fire Department will be notified and will contact you (or your agent) to schedule an inspection. The Fire Department will notify the City when the property meets the inspection guidelines. Upon notification from the Fire Department, the City will send the owner or agent a Rental Certificate. | | | | | |
| Rental Property Address: 50 E. Center Street Parcel # 59-900-498-18 | | | | | |
| PROPERTY OWNER'S MAILING ADDRESS: Name: Cynthia Miller | | | | | |
| Address/P.O. Box: PO Box 2832 City: Douglas State: MI Zip: 49453 | | | | | |
| Email: Cynthia.ballast@gmail.com Cell Phone: 616.828.3611 | | | | | |
| I hereby authorize that the agent as listed below is authorized to make this application for short-term-rental as my agent and we agree to conform to the all applicable laws and regulations of the City of the Village of Douglas. I additionally grant City of Douglas staff or authorized representatives thereof access to the property to conduct inspections as needed. | | | | | |
| Signature: | | | | | |
| Agency/Local Contact Information (if applicable) | | | | | |
| Agency Name: N/A Contact Name: N/A | | | | | |
| Complete Mailing Address: N/A | | | | | |
| Email: N/A Phone: N/A | | | | | |
| LOCAL EMERGENCY CONTACT PHONE NUMBER/NAME Owner or Mark Miller 616.915.8414 | | | | | |
| Contact and Other Information: | | | | | |
| Who should be contacted to set up the Fire Department inspection? Owner Agent | | | | | |
| Who is the primary contact for questions from the City? Owner Agent | | | | | |
| How many off street parking spaces are available for renters? | | | | | |
| Number of bedrooms 1 Sleeps how many? 2 | | | | | |
| I have read and understand the City of the Village of Douglas's Single Home Short Term rental ordinance. | | | | | |
| Property owner's name (prifit): (), () () () | | | | | |
| Property owner's signature: Date signed: 3/19/2029 | | | | | |
| For Use Fire Dept. Fire Dept. Max Occ By City: Notified _/_/ Approved _/_/ Load | | | | | |
| | | | | | |

To: City of the Village of Douglas Planning Commission

Date: May 2, 2025

From: Sean Homyen, Planning & Zoning Administrator

RE: The Boardwalk at Swingbridge – Amendment to

Approved Condominium and Site Plan



The Village of Friendliness - Since 1870

Request. Dave Contant on Behalf of BDR Inc. has submitted an application for amendment to the approved Boardwalk at Swingbridge condominium site plan under Section 16.24(11)(c) for the property at Swingbridge Condominiums, generally located just north and west of the Blue Star Highway/Union Street intersection, located in the R-4 Habor Residential District. The applicant seeks to complete the remaining improvements associated with the approved



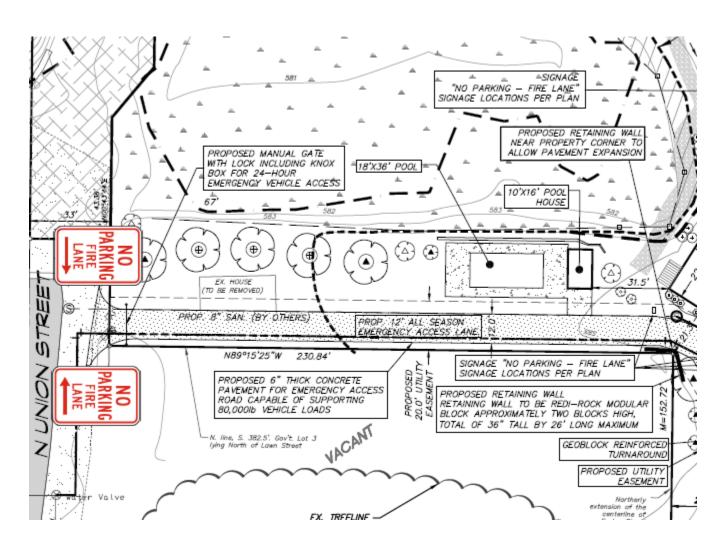
The Boardwalk at Swingbridge Condominiums Ariel View

condominium plan, such as the fire emergency lane, minor change to the pool area, construct a in-g round pool, all of which were part of the Consent Judgement approval. The applicant also seeks a change to the approved plan, which includes the addition of a pool house, and the elimination of the private interior boardwalk.

Background. Before BDR Inc. acquired the Boardwalk at Swingbridge Condominium, the City and the previous developer entered into a consent judgment as part of ongoing litigation. The lawsuit stemmed from the fact that the development had not received final approval from the City. The plaintiffs argued that the failure to either approve or deny the development application constituted a violation of both the Michigan and United States Constitutions, as well as the Michigan Zoning Enabling Statutes. The consent judgement served as the approved site plan and allowed the previous developer to construct a total of 16 residential condominium units, public boardwalk, private boardwalk, and other recreation amenities such as a swimming pool, and future connection to Union Street. The consent judgement is included in the packet for the Planning Commission's reference. Since the consent judgement went into place, the private boardwalk has been installed, and the sixteen units have been built and granted occupancy.

Procedure. Since BDR Inc. is requesting major changes to the site, an amendment to the consent judgment is required. The existing consent judgment is tied specifically to the site plans included as Exhibit B, and only minor modifications are permitted without an amendment per Section 5. of the consent judgement. Section 16 of the consent judgement states that in order to amend the consent judgment, both parties (the City and the developer) must agree to the proposed changes.

The Planning Commission is responsible for reviewing the request and making a recommendation to City Council. Following the Planning Commission's recommendation, City Council will consider the site plan amendment and the associated agreement to the changes. Council may approve, deny, or table the request by resolution. If approved, the developer must then petition the district court to formally amend the consent judgment, which must be recorded.



Emergency Lane. The Fire Department and I met on site and also held a Zoom meeting with BDR to discuss the emergency access lane. The majority of the Fire Department's concerns have been addressed, and their review is included in the packet. It should be noted that the setback distance from the emergency access road to the property was not provided. This will need to be

addressed at the meeting. The Fire Department did have one additional request, which is for the developer to install 'No Parking – Fire Lane' signs with directional arrows along the Union Street side to prevent boats and trailers from parking there. This was added as a condition per Fire Departments request.

Private Boardwalk. As mentioned in the narrative provided by the applicant, feels that the removal of the internal boardwalk was due to privacy concerns, accessibility and impact on the common area landscaping. I have met with one of the residents from the condominium. They had privacy and safety concerns about the private boardwalk that goes behind their property that leads to the public board walk and private pool area. They are supportive in the elimination of the private boardwalk. The removal of the private boardwalk would be considered acceptable due to privacy concerns and since that the developer and resident have come to agreement with the removal. The residents' concerns about safety and privacy are valid, and eliminating the boardwalk would help address these issues while maintaining the integrity of the common areas. This solution seems to align with the goal of ensuring a safe and private living environment for all residents.

Landscaping. There have been notable changes to the landscaping plan compared to the site plan attached to the consent judgement. The proposed site plan now contains no shrubs around the pool area, but now consists of 3 shrubs around the pool house. The trees around units 12 and 13 are now removed. Based on the proposed site plan, more plants have been added around the units of the condominiums. The Planning Commission can determine if these changes are acceptable.

Swimming Pool Area. The swimming pool is now geometric compared to the previously approved free form pool. The original site plans shows that the pool house as optional. The developer now would like to construct the pool house as an amenity to the residents using the pool. A condition has been added to ensure that the pool and the pool house will be constructed per approved site plan.

Drainage. On May 2, 2025, the City Engineer, the DPW team, and I conducted a site visit after receiving a report of an open drain running from Union Street to Kalamazoo Lake. Following the visit, the City Engineer determined that a culvert must be installed beneath the emergency lane. Additionally, the drainage swale along Blue Star Highway had not been installed and will need to be addressed. A public utility easement and a drainage easement must also be recorded for the culvert located on the Swingbridge property. The City Engineer has provided a memorandum outlining the full details and recommendations from the site visit.

Final Thoughts. The applicant does have the ability to move forward with the swimming pool, and emergency access road as they are required to be built. If the City Council approves the requested amendments, the Applicant will need to continue the process of the amendment of the consent judgement to eliminate the private boardwalk.

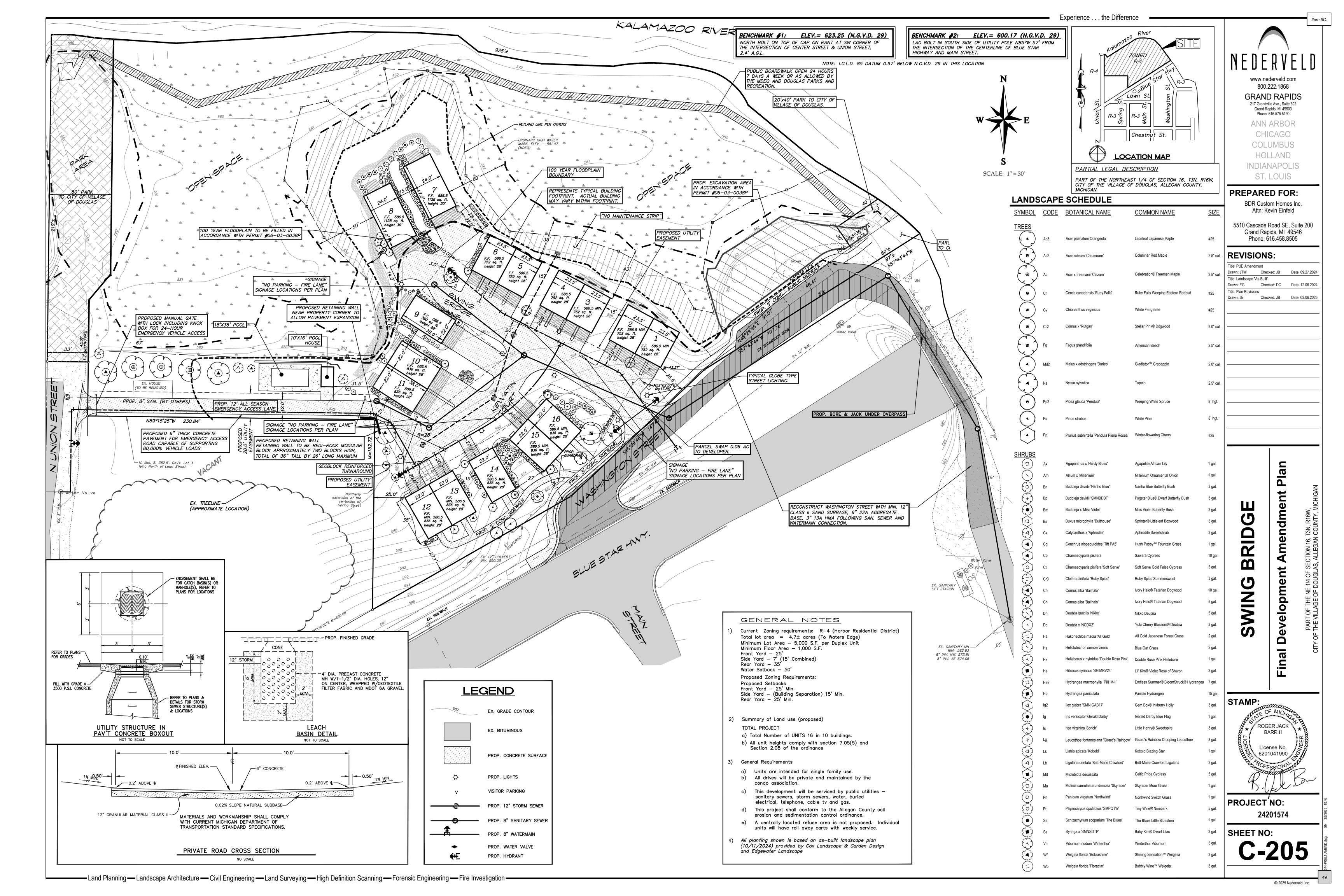
Recommendation. At the upcoming Public Hearing, the Planning Commission will review the site plan amendment and carefully consider the information presented in this report, as well as comments from the applicant and the public. The Planning Commission should carefully review the documents provided in the packet. If the Planning Commission concurs with the changes being requested, staff recommends that the Planning Commission provide a favorable

recommendation to City Council for the approval of the request to amend the site plan, subject to the conditions shown in the suggested motion below.

Suggested Motion. I move to recommend the [approval / approval with conditions / denial] of the request made by Dave Contant of BDR Inc. for amendment to the approved Boardwalk at Swingbridge condominium site plan under Section 16.24(11)(c) for the property at Swingbridge Condominiums, generally located just north and west of the Blue Star Highway/Union Street intersection, based on the findings outlined in the staff report dated May 2, 2025, on the parcel identified as PPN 59-670-000-00/59-016-024-00, subject to the following conditions:

- 1. Install "No Parking Fire Lane" signs with arrows at the Union Street side of the emergency lane.
- 2. The applicant shall obtain a zoning permit prior to building the pool, pool house, emergency access lane.
- 3. The applicant shall obtain a building permit from MTS before commencing construction.
- 4. The Emergency Access Lane must be constructed in accordance with the site plan (Project No. 2420157, Sheet C-205) and shall be completed by 11/30/2025, with a final inspection conducted by the Zoning Administrator and City Engineer.
- 5. The pool, pool house shall be constructed in accordance with the approved site plan (Project No. 2420157, Sheet C-205) and completed no later than 11/30/2025.
- 6. Landscaping shall be constructed in accordance with the approved site plan (Project No. 2420157, Sheet C-205) and completed no later than 11/30/2025.
- The culvert shall be installed beneath the emergency access lane to allow water to flow north toward Kalamazoo Lake, in accordance with the City Engineer's memorandum. The installation shall be completed by 11/30/2025.
- 8. The Drainage Swale shall be constructed per approved utility site plan (Project No. 06200300, G2.10, dated 10/9/11) and shall be completed by 11/30/2025 and to be inspected by the City Engineer.
- 9. Prior to recording the public utility and drainage easement agreement, the agreement shall be reviewed by the City Attorney. The developer shall record the public utility and drainage easement agreement for the culvert located on the Swingbridge property as no later than 11/30/2025.

Please feel free to contact me with any questions or concerns.





SAUGATUCK TOWNSHIP FIRE DISTRICT



Proudly serving: Douglas | Saugatuck | Saugatuck Township

3342 Blue Star Highway Saugatuck, MI 49453 269 857-3000 / Fax: 269 857-1228 E-mail: info@saugatuckfire.org

March 25th, 2025

Nederveld c/o Jack Barr 217 Grandville Ave. SW, #302 Grand Rapids, MI 49503

Re: Swingbridge Development Emergency Access Lane – Site Plan Review #3 for Nederveld Project #24201574 for sheets C-205 for submittals dated 03.06.2025.

Dear Mr. Barr,

We are in receipt of the revised site plan for the Swingbridge Development Emergency Access Lane Amendment received 3/11/2025. We reviewed the plans using the International Fire Code (IFC) 2015 edition. Please see the result of the fire department review listed **below**.

- 1. Dead end driveways and access roads in excess of 150 feet in length shall be provided with an approved area for turning around with fire apparatus (IFC 503.2.5) *Not applicable, the emergency lane provides for contiguous pathway.*
- "No Parking Fire Lane" signage shall be installed at the dead end of the turnaround. (IFC 503.3) Please add No Parking Fire Lane signage at the Union Street boat launch. Suggested locations and type in returned submittals on sheet C-205.
- 3. No parking shall be allowed within the turnaround. The area must be clear and unobstructed for turnaround at all times. (IFC 503.4)
- 4. Fire apparatus access roads and driveways shall have an unobstructed width of not less than 20 feet, exclusive of shoulders. (IFC 503.2.1) *Approved, width is 12 feet wide emergency access lane that was previously approved back in 2008.*
- 5. Minimum clear height shall be 13'6" across the entire 20 feet width of driveway. (IFC 503.2.1) **Approved, height clearance will be maintained at 13'6" above the existing and proposed access lane.**
- 6. Road shall not exceed the 10% maximum grade. (IFC 503.2.7) **Approved, grade is shown as less than 10% in the plans provided.**
- 7. The driveway shall be installed with asphalt, concrete, or other approved driving surfaces capable of supporting the 80,000-pound imposed load of our heaviest apparatus and be installed to provide emergency access prior to commencement of building construction. (IFC 503.2.3) *Approved, weight capacity is noted s* 6" thick concrete to support 80,000lbs for emergency vehicle access.
- 8. The required turning radius of a fire apparatus access road shall be 28.0' as determined by the fire code official. (503.2.4) *Approved, the radius is shown as 28' in the plans provided.*
- 9. The roads shall be maintained free of snow and ice to provide all weather driving capabilities. (IFC 503.2.3)
- 10. Fire department access roads shall be constructed and maintained for all construction sites. (IFC 3310.1) Ensure the road and turnarounds are installed and navigable for emergency access prior to



SAUGATUCK TOWNSHIP FIRE DISTRICT



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commencement of vertical building construction.

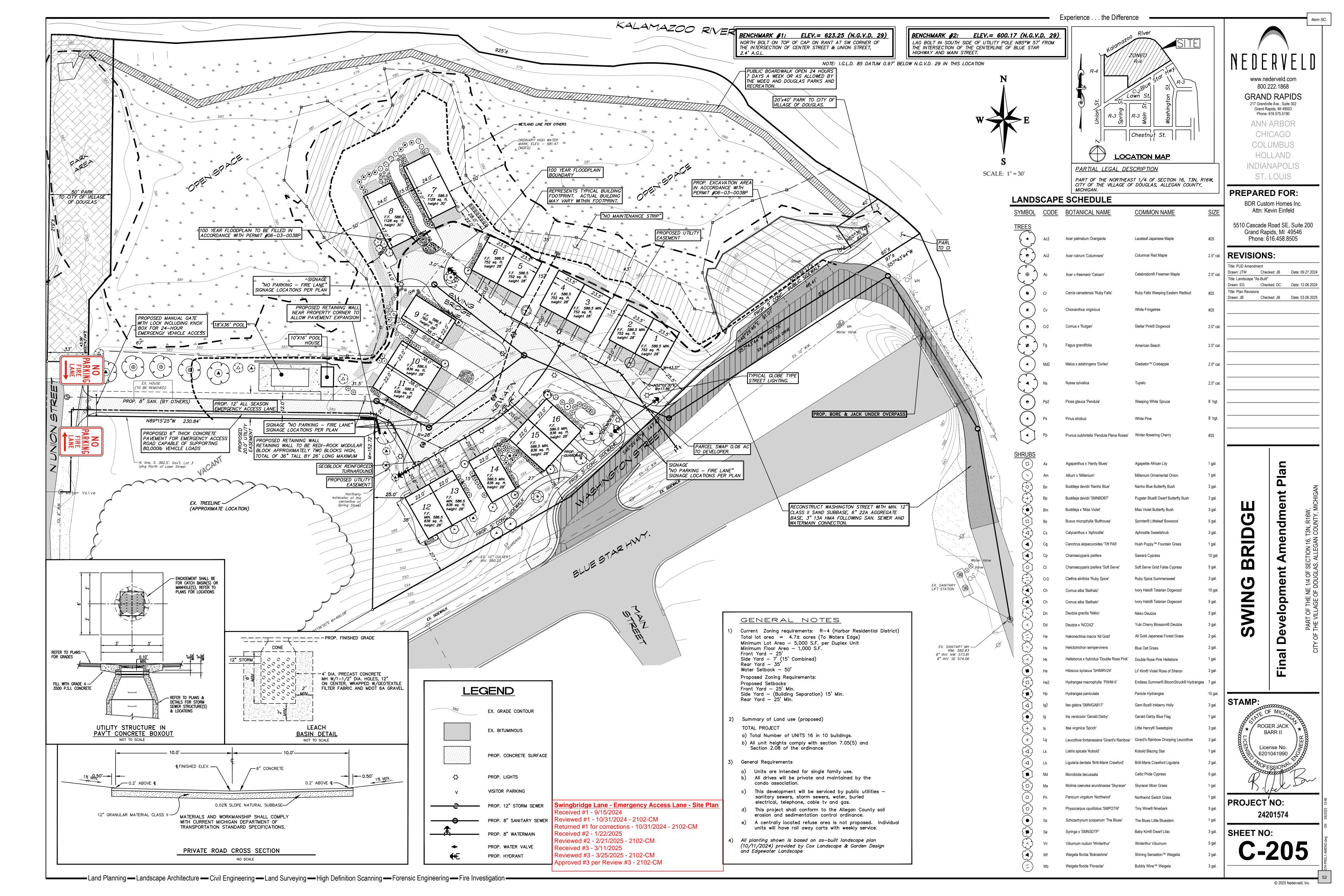
- 11. The installation of security gates across a fire apparatus access road shall be approved by the fire chief. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200. (IFC 503.6) A Knox Key switch or Knox Pad Lock will be required for the proposed gate. Products can be ordered from www.knoxbox.com.
- 12. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. (IFC 505.1) *Not applicable*.
- 13. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings, or portions of buildings are hereafter constructed or moved into or within the jurisdiction. (IFC 507.1) *Not applicable.*
- 14. The fire code official shall be notified prior to the water supply test. Water supply tests shall be witnessed by the fire code official, or approved documentation of the test shall be provided to the fire code official prior to final approval of the water supply system. (IFC 507.4) **Not applicable.**
- 15. A hydrant is required within 400 ft. of any exterior portion of a non-sprinklered building or 600 ft. for an R-3 occupancy or sprinklered building. (IFC 507.5.1) *Not applicable.*
- 16. An approved water supply for fire protection, either temporary or permanent, shall be made available as soon as combustible material arrives on the site. (IFC 3312.1) *Not applicable.*
- 17. Upon completion of construction, physical testing with apparatus will be required. If the apparatus is unable to navigate the completed road and driveway in a safe and efficient manner, modifications may be required.
- 18. Anything omitted in this plan review is subject to field inspection. (IFC 105.4.4)

You have site plan approval from the fire department to begin construction for the Emergency Access Lane at the Swingbridge Development in Douglas, MI if you are in agreement with the above-mentioned items. Please ensure you receive the appropriate permits from City of Douglas and Michigan Township Services prior to commencement of construction. Please let us know if you have any questions.

Respectfully Yours,

Chris MantelsDeputy Chief / Fire Inspector

Cc: Greg Janik – Fire Chief (via email)
Sean Homyen – Zoning Administrator (via email)
Dan Poll – Building Official (via email)
Ric Dyk – Owner Representative (via email)





Memorandum

| Date: | 5/2/2025 |
|------------|--|
| To: | Mr. Sean Homyen, Planning and Zoning Administrator |
| Company: | City of the Village of Douglas |
| From: | Lucas Timmer, P.E. |
| Project #: | 2250320 |
| Re: | Swingbridge and Union Street Drainage |

Today the Douglas DPW, you, and I met on site to review the issues pertaining to the 2010 Swingbridge Development and the Union Street Boat Launch relative to the parcel owned by Joseph Milauckas (176 Blue Star Highway, Parce Number 59-016-016-00). Following this meeting, we received records from the City of Douglas pertaining to these issues. Below is a summary of these issues and some comments regarding our review both in the field and in the office of the documents received.

Swingbridge Emergency Access Drive and Culvert

We first reviewed the Swingbridge emergency access that was part of the proposed development drawings (see below) but does not appear to have been constructed. When this driveway is constructed, it is recommended that a driveway culvert is installed to not continue to block drainage on parcel 59-016-016-00 site from the south (upstream) to the north (downstream). There is evidence anecdotally, from state contour data, and historic aerials that before the Swingbridge development was in place that this area had a swale that flowed to the north into Kalamazoo Lake. This swale currently appears blocked and as part of the emergency access construction, a culvert should be installed to return flow to the north towards Kalamazoo Lake.

Drainage East of Union Street Boat Launch Parking Lot

Review also occurred at the Union Street Boat Launch Parking Lot regarding the drainage swale. In March of 2008, the City of Douglas and Joseph Milauckas entered into a revocable license agreement to allow the City to use parcel 59-016-016-00 for public use parking. The license agreement also indicates that the site before 2008 already had existing parking, signage, and a light pole on the property that were being used for this boat launch (known as "Improvements" in the easement document). The conditions of this agreement allow the City to use and maintain the "Improvements" (per Section 1 of this license agreement). In addition, if the City were to alter or change any portion of the property due to the "construction or maintenance of the Improvements under this agreement", the City then would be responsible for restoring to its original condition (per Section 3 of this license agreement). Other conditions of use were also described including the City removing "litter from the hedge and land east of the hedge on a regular basis", prohibiting the City from "cutting and trimming the hedge presently on the east side of the parking area", the City "limiting the number and placement of parking curbs and other improvements without

Mr. Sean Homyen 5/2/2025 Page 2

approval of the Licensor", and the City "keeping and maintaining the natural state of the Property" (Section 4 of the License Agreement).

The property owner has brought up concerns with drainage on this property to the City. The agreement does not appear to indicate anything requiring any drainage improvements on the property (as the Improvements refer to the preexisting parking lot, light pole, and signage, not the drainage swales on the owner's property) by the City. In addition, the license agreement prohibits removal of the hedge east of the parking lot which appears to be within the area where drainage would occur and would thus likely be needed to improve drainage in this area.

The City should review this license agreement further with their attorney to determine the responsibilities of the City in this agreement and may want to consider having a meeting with the property owner, the City, and the City's attorney to discuss drainage responsibilities of each party.

Blue Star Highway Drainage and Staybridge Development Drainage

The final area reviewed was how Blue Star Highway's roadway drainage (last improved in 1996) drains into the Swingbridge property and how the drainage then heads west and then north into parcel 59-016-016-00. Per the approved drawings by the City of Douglas' engineer back in 2010, the developer was required to construct a 1 foot flat bottom ditch a minimum of 1 foot deep with 1V:3H side slopes (see drawings below). This ditch does not appear to ever have been constructed (see photos below) as there does not appear to be a swale capturing this water within the Swingbridge Development and the 10 foot easement on parcel 59-016-016-00. In addition, the location of the silt fence also suggests this swale was not suggested as the silt fence would have been located west of where the swale was located) as silt fence should beyond the limits of site disturbance but this silt fence is instead on the east side of the swale.

The easement signed by Joseph Milauckas back in 2011 given to the City of Douglas on his parcel 59-016-016-00 indicated that "The Developer has agreed to undertake the initial construction and restoration of the drainage way" (Section 4 of the easement) and that "the City agrees to undertake the repair, maintenance, replacement, and improvement of the drainage way" in the future (Section 5 of the easement). With the drainage way not appearing to have been constructed, the development should construct this drainage way so that it does not continue to drain outside of the easement onto parcel 59-016-016-00.

The City then would still be required to maintain the ditch that Blue Star Highway drains into while in the right-of-way as this is their responsibility due to it being the right-of-way. However, the Developer should then construct the remaining portion of the ditch up to the 18 inch culvert per the drawings.

In the future, it is not clear if the City then is responsible for the ditch on the development property as at the time of the writing the City did not locate a drainage and public utility easement from the Swingbridge development. The City should confirm these requirements with the development as this language would also cover not only drainage but also the City's and KLSWA's ability to maintain the water and sanitary sewer utilities in this easement. It is

Mr. Sean Homyen 5/2/2025 Page 3

clear though that in the future, the portion of the drainage way on parcel 59-016-016-00 does need to be maintained and improved by the City per the signed easement agreement.



Blue Star Highway storm sewer drainage ditch within right-of-way (City responsibility)



Blue Star Highway storm sewer drain outlet (12 inch)

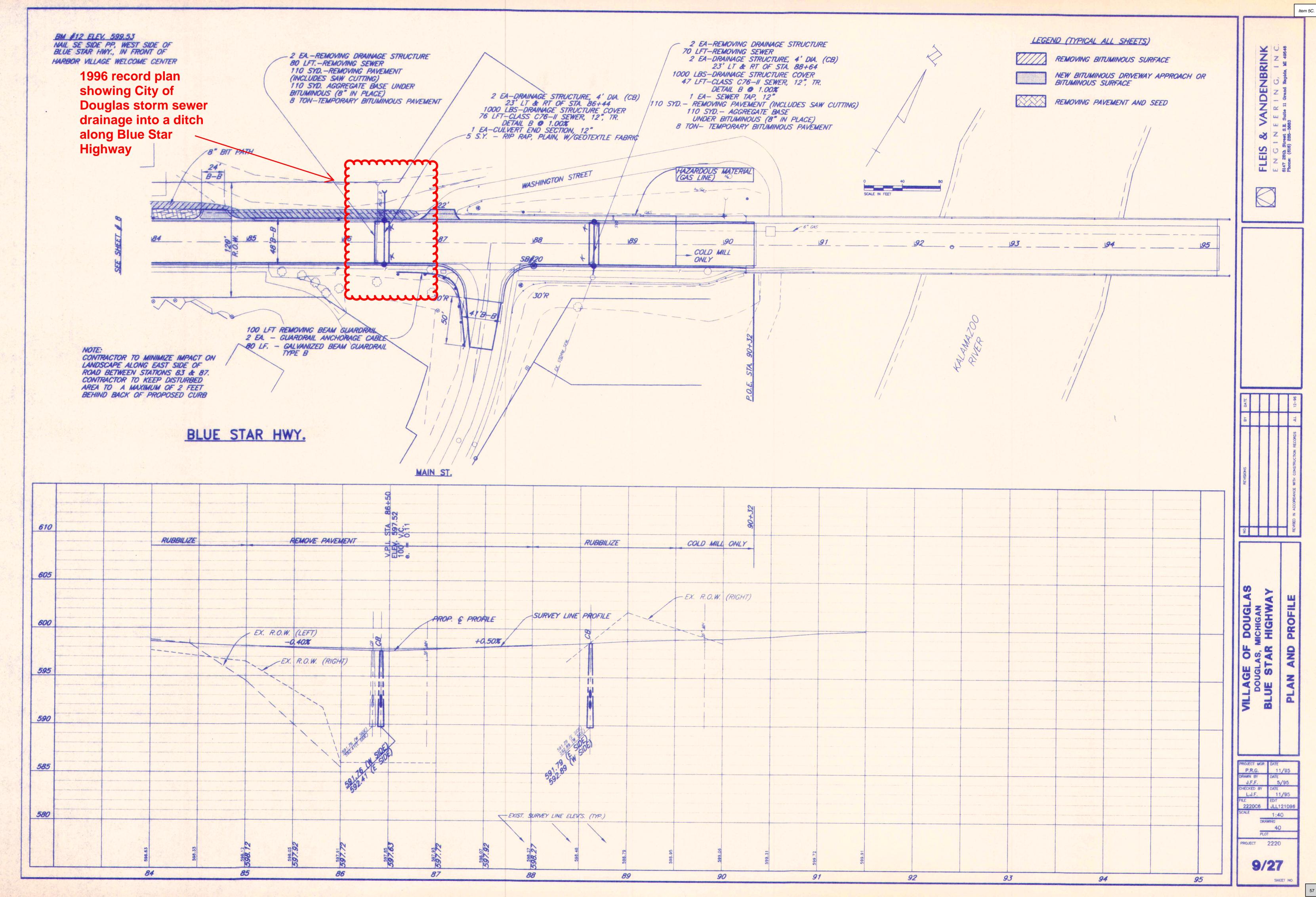
Mr. Sean Homyen 5/2/2025 Page 4

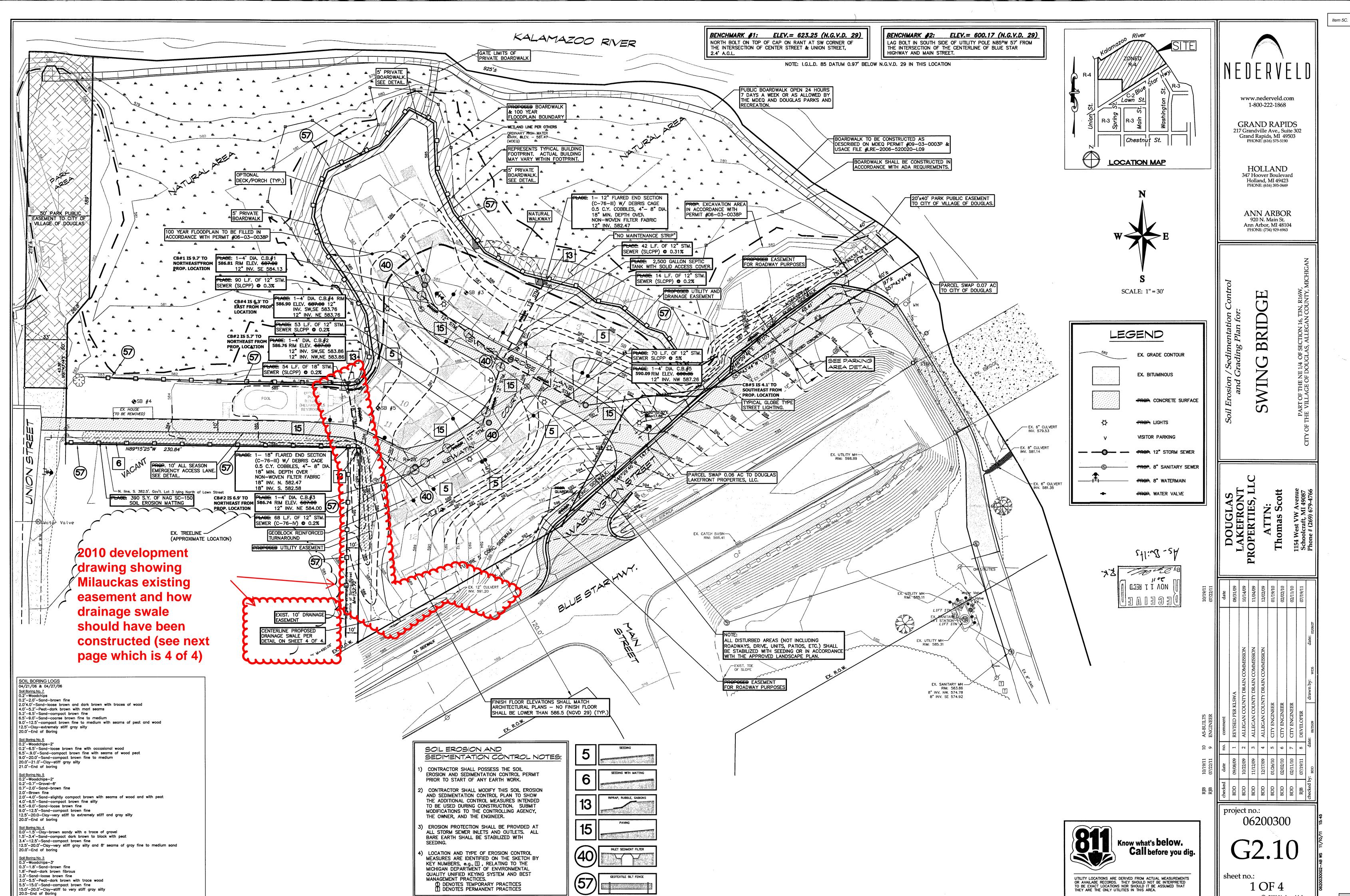


Roadside ditch then drains north onto Swingbridge and Milauckas property. No swale appears to be constructed and notice silt fence east of where swale disturbance would have been.

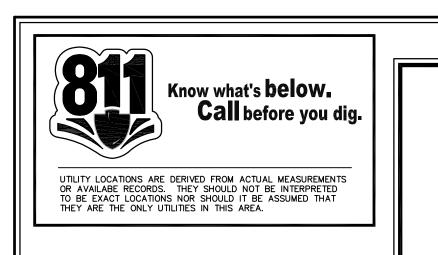


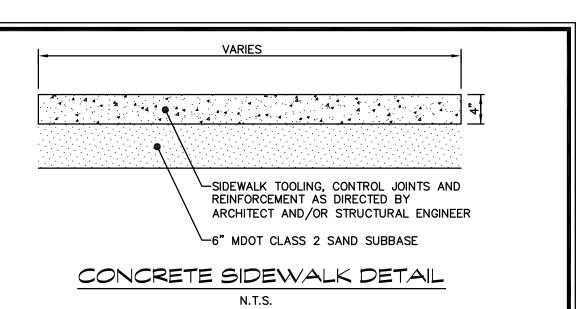
Roadside ditch then drains north onto Swingbridge and Milauckas property. No swale appears to be constructed and notice silt fence east of where swale disturbance would have been.

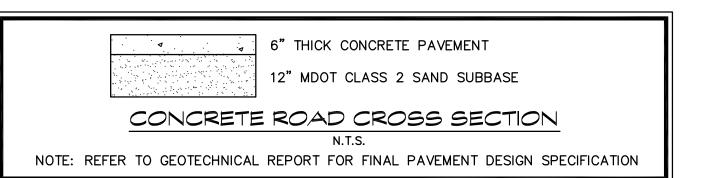


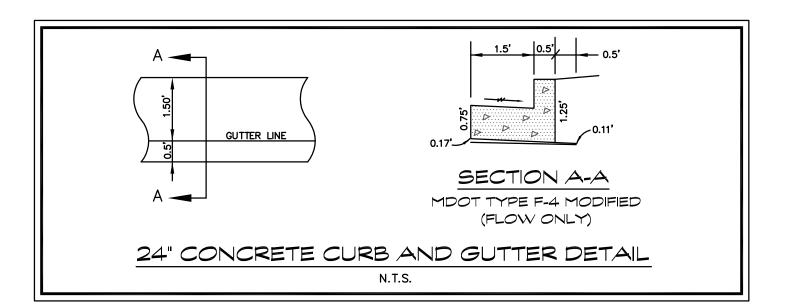


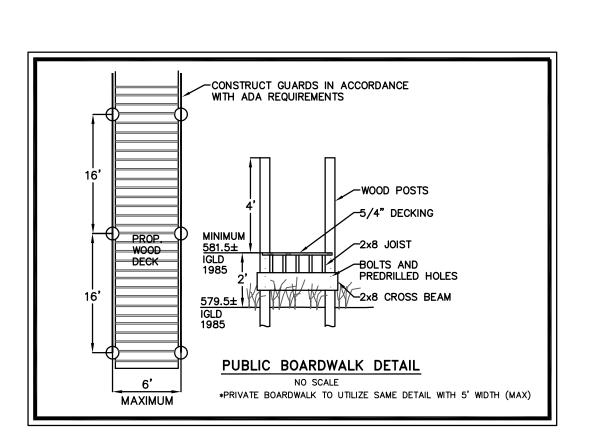
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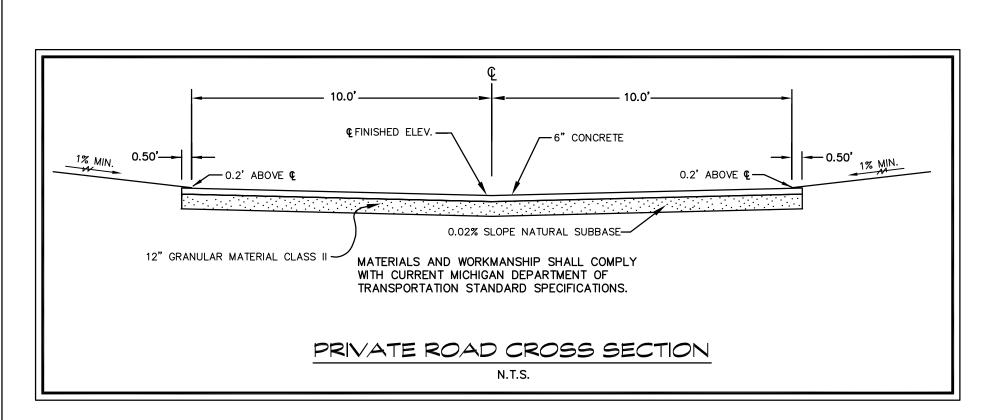


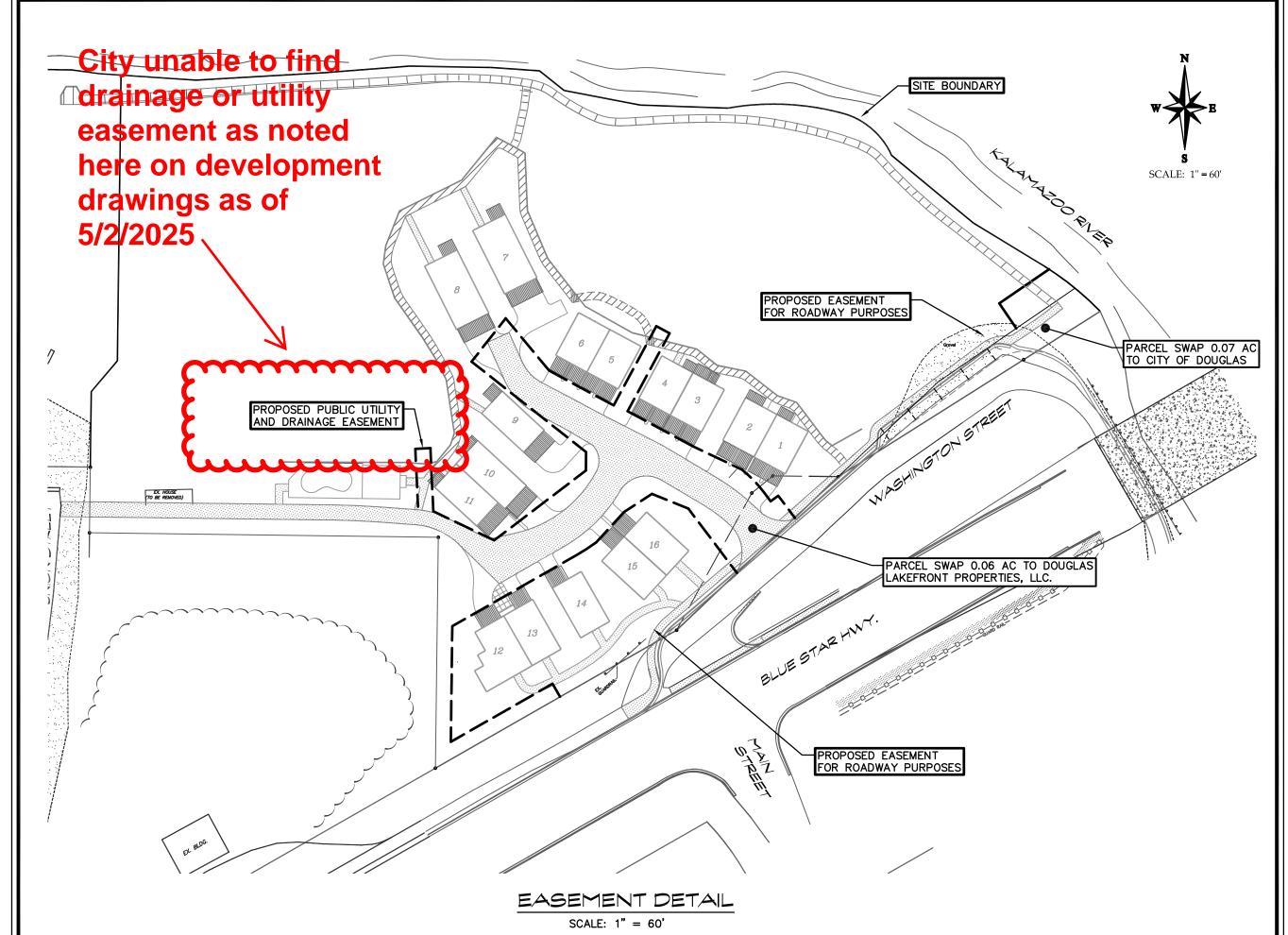








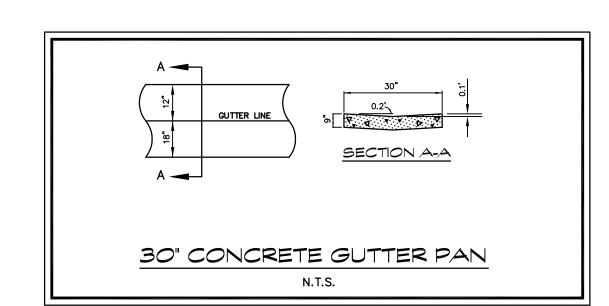


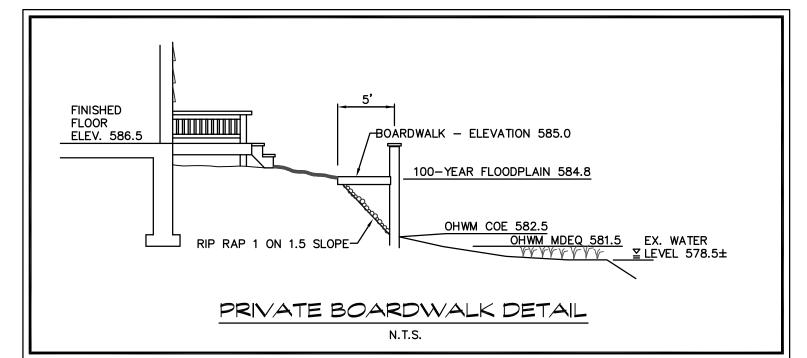


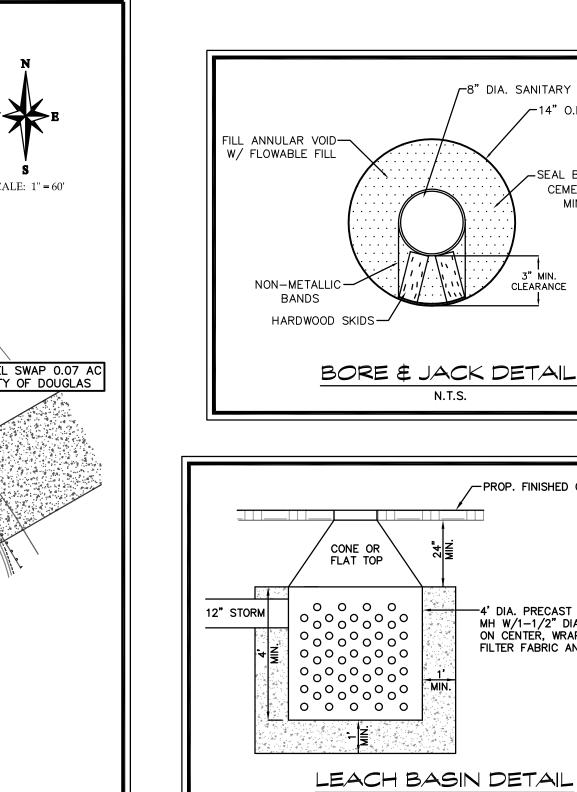


FOR GRADES

FILL WITH GRADE A — 3500 P.S.I. CONCRETE







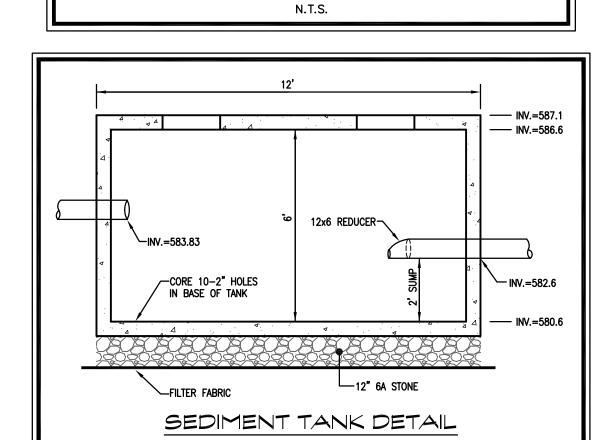
— ENCASEMENT SHALL BE FOR CATCH BASIN(S) OR MANHOLE(S), REFER TO PLANS FOR LOCATIONS

DETAILS FOR STORM SEWER STRUCTURE(S)

UTILITY STRUCTURE IN PAVEMENT

CONCRETE BOXOUT

N.T.S.



BORE & JACK DETAIL

CONE OR FLAT TOP

√8" DIA. SANITARY SEWER

-PROP. FINISHED GRADE

-4' DIA. PRECAST CONCRETE

MH W/1-1/2" DIA. HOLES, 12" ON CENTER, WRAPPED W/GEOTEXTILE FILTER FABRIC AND MDOT 6A GRAVEL.

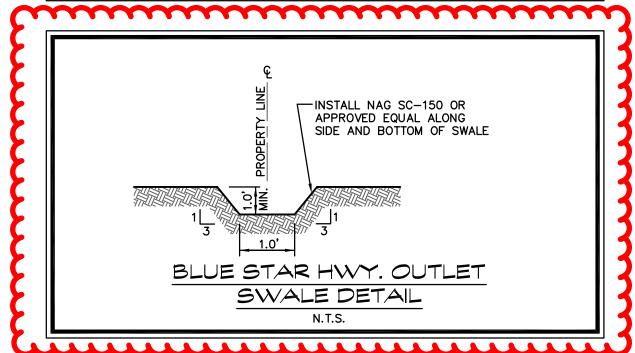
-14" O.D. STEEL CASING

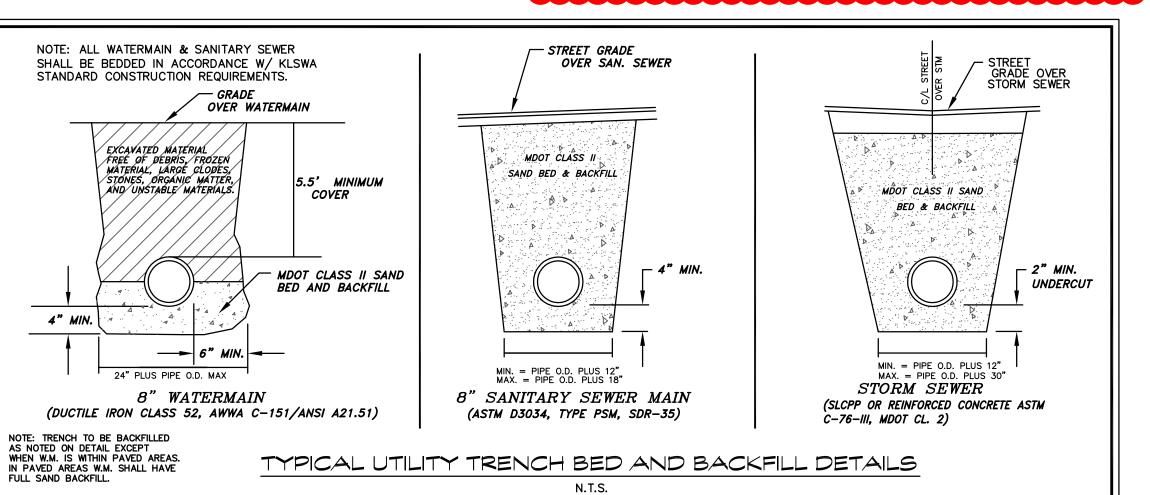
-SEAL BOTH ENDS WITH

CEMENT GROUT OR

MINERAL WOOL

(0.25 W.T)







1-800-222-1868

GRAND RAPIDS 217 Grandville Ave., Suite 302 Grand Rapids, MI 49503 PHONE: (616) 575-5190

HOLLAND 347 Hoover Boulevard Holland, MI 49423

ANN ARBOR 920 N. Main St. PHONE: (734) 929-6963

Ann Arbor, MI 48104

RID \mathbf{Q}

ATTN: Thomas Scott

project no.: 06200300

DET1.

sheet no.:

© 2008 Nederveld, Inc.

Final plan review letter from 2010

engineers scientists architects constructors

1515 Arboretum Dr., SE

Grand Rapids, MI

ph: 616.575.3824

fax: 616.575.8155

www.ftch.com

49546

February 17, 2010 Project No. G100033

Mr. Ryan Kilpatrick City Planner City of the Village of Douglas 86 West Center Street Douglas, MI 49406

Re: Swing Bridge Development

Dear Ryan:

We have reviewed the site plans for the referenced project dated February 11, 2010, consisting of Sheets 1 through 4 and labeled as: G1.7, C1.7, C2.7, and DET1.7.

Based on our review of these plans, our discussions with Mr. Tom Desmet at KLSWA, and our discussions with Mr. Glen Pomp at the Allegan County Drain Commissioners office, it appears that the developer has addressed all of the review comments noted in our original review letter dated January 20, 2010, in our meeting with the developer's engineer on February 2, 2010, and in our e-mail on February 11, 2010.

If you have any questions or require additional information, please contact me at 616-464-3946.

Sincerely,

FISHBECK, THOMPSON, CARR & HUBER, INC.

Brian G Vitors

Brian G. Vilmont, P.E.

tlc

By e-mail

cc: Mr. Brent DeRose - Nederveld and Associates

Item 5C.

STATE OF MICHIGAN Allegan County Joyce A. Watts Register of Deeds

RECORDED



September 15, 2011 12:52:14 Liber 3545 Page 646-649 EASE FEE: \$23.00



Liber 3545 Page 646 #2011017097

Swingbridge drainage way easement 2011

DRAINAGE EASEMENT

THIS INDENTURE is entered into this // day of State., 2011 by Joseph J. Milauckas, whose address is 2887 Lake Shore Drive, Saugatuck, Michigan and the City of the Village of Douglas, with offices at 86 West Center Street, Douglas, Michigan, 49406 (the "City").

WITNESSETH:

WHEREAS, the Grantor is the owner of real property in the City of Douglas, Allegan County, Michigan as described in the attached Exhibit A (the "Property"); and

WHEREAS, the Grantee is the City of the Village of Douglas; and

WHEREAS, the City has received and approved development plans dated 1/11/11 from the adjacent property developer, The Boardwalk at Swing Bridge, whose address is 113 Chestnut Street, Allegan, Michigan, 49010 (the "Developer). The developer wishes to construct a drainage way improvement to convey surface water from Blue Star Highway across the Property to Kalamazoo Lake within an easement on the Property as described in the attached Exhibit A. Said improvements shall be as detailed and specified in the approved development plans; and

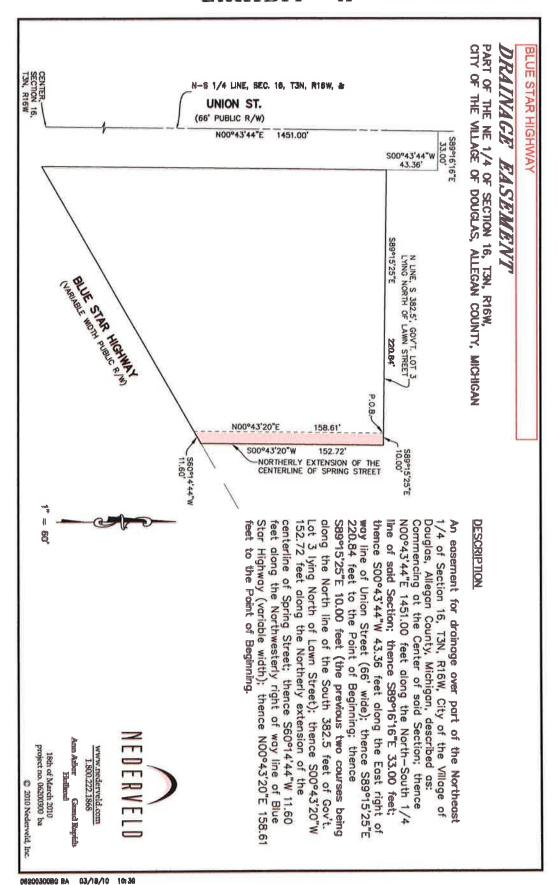
NOW, THEREFORE, the Grantor, for and in consideration of:

- 1. The sum of one dollar (\$1.00), the receipt of which is hereby acknowledged, does hereby grant, warrant and convey to the City a permanent easement over and across the premises lying within The City of the Village of Douglas, Allegan County, Michigan, and more particularly described on the attached Exhibit A which is incorporated by reference the "Easement Description".
- 2. That Easement shall be for the construction, installation, repair, maintenance, and improvement of a water drainage course and related appurtenances that will be located completely within the area defined in the Easement Description.
- 3. Grantor and its lessees, successors, or assigns may use the Easement for access to its property, utilities, and for any other purpose which would not unreasonably interfere with the uses permitted to the City, including, without limitation landscaping, drainage, construction of driveways, installation of utilities including sewer and water, and related improvements; provided that no building shall be erected in the Easement. The Grantor reserves the right to enclose the drainage swale upon approval of the City. Such approval by the City shall not be unreasonably withheld.



- 4. The Developer has agreed to undertake the initial construction and restoration of the drainage way.
- 5. The City agrees to undertake the repair, maintenance, replacement and improvement of the drainage way improvements and related appurtenances in an expeditious and conscientious manner so as to minimize interference with the use of the area of the Easement and the adjacent land. Should the City, it its reasonable discharge of its obligations, be required to enter upon the parent parcel, it shall have the right to do so upon prior notice to grantor and shall restore any disturbed areas to their original condition prior to the activity.
- 6. The Grantor hereby agrees to save and hold the City harmless from any and all claims, debts, causes of action or judgments for any damage to property and/or injury to any person which may arise out of any use of the Easement areas by the Grantor, its agents, employees, representatives, contractors, successors or assigns.
- 7. The City hereby agrees to save and hold the Grantor harmless from any and all claims, debts, causes of action or judgments for any damage to property and/or injury to any person which may arise out of any use of the Easement areas by the City, its agents, employees, representatives, contractors, successors or assigns.

EXHIBIT "A"



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8. The Grantor reserves the right to grant to others additional Easement rights in the Easement hereby being granted, for the installation and maintenance of gas, electric power, telephone structures and lines; said right being subject to approval by the City as to the location of the proposed easement and utilities. Such approval by the City shall not be unreasonably withheld.

IN WITNESS WHEREOF, the Grantor and Grantee have executed this instrument as of the day and year first above written.

| GRANTOR: | WITNESS: | | | |
|---|---|--|--|--|
| Sign Joseph Ja Mouchas | Sign: Timule J. Cally | | | |
| Print Joseph J. Milauckas | Print: PANELA R. PAIDERINK | | | |
| STATE OF MICHIGAN) | | | | |
|) ss. COUNTY OF ALLEGAN) | | | | |
| On this 14 day of SLPT, 20//, before me, a Notary Public, personally appeared to me known to be the same person who signed and is described in the above instrument, and acknowledged the same to be his free act and deed. | | | | |
| sign fan E. neve | | | | |
| Notary Public, State of Michigan, County of Allegan Acting in the County of Allegan My Commission Expires 9-17-2012 | JEAN E. NEVE NOTARY PUBLIC - STATE OF MICHIGAN COUNTY OF ALLEGAN My Commission Expires Sept. 17, 2012 Acting in the County of Allegan | | | |
| GRANTEE : City of Douglas | | | | |
| Sign <u>Ir. Waddell</u> | | | | |
| Print RENEE WADDELL | | | | |
| | | | | |
| STATE OF MICHIGAN) ss. | | | | |
| COUNTY OF ALLEGAN) | | | | |
| On this 14 day of 510t, 201, before me, a Notary Public, personally appeared to me known to be the same person who signed and is described in the above instrument, and acknowledged the same to be his free act and deed. | | | | |
| sign fan E. newe | | | | |
| Notary Public, State of Michigan, County of Allegan Acting in the County of Allegan My Commission Expires 9-/7-20/2 JEAN E. NEVE NOTARY PUBLIC - STATE OF MICHIGAN COUNTY OF ALLEGAN My Commission Expires Sept. 17, 2012 | | | | |
| Prepared by Fishback, Thompson +C | Acting In the County of Alligan | | | |
| 1515 Achoretum SE | | | | |
| Grand Rapids Charter Tup. 49546 | | | | |
| 616-595-3824 | | | | |

Union Street Boat Launch revocable license agreement

REVOCABLE LICENSE AGREEMENT

Union Street Boat Launch

THIS AGREEMENT is entered into this 17th day of March, 2008, by and between the CITY OF THE VILLAGE OF DOUGLAS, a Michigan Municipal Corporation of Allegan County, Michigan, hereinafter referred to as the "City" and JOSEPH J. MILAUCKAS, JR., residing at 2885 Lakeshore Drive, P.O. Box 121, Saugatuck, MI 49453, hereinafter referred to as the "Licensor."

STATEMENT OF AGREEMENT

The City owns and operates a boat launch located at the end of Union Street, north of the Blue Star Highway, Douglas, Michigan. Licensor is the owner of certain real property located east and adjoining Union Street, which is legally described on the attached **Exhibit A**, and designated as Permanent Parcel No. 03-59-016-016-00 ("Property"). The City desires to use Licensor's Property for purposes of parking on the Property in order to allow public use of the Union Street Boat Launch. The existing parking area, signage, and existing light pole located thereon shall hereinafter be referred to as the "Improvements."

The purpose of this Agreement is to outline the terms and conditions whereby Licensor has granted to the City the right to use the Property for purposes of the Improvements.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL PROMISES
CONTAINED HEREIN, THE CITY AND THE LICENSOR DO AGREE AS FOLLOWS:

1. <u>Use and Maintenance of the Improvement</u>. The Licensor hereby grants to the City a revocable license to use the Property as described on the attached **Exhibit A** for the purposes of public parking for the Union Street Boat Launch. The City shall be permitted to install signage and bumper barricades on the Property for purposes of designating areas for parking.

- 2. <u>Insurance/Indemnification</u>. During the term of this Agreement, the City shall maintain a general liability policy in the amount of \$1,000,000, naming the Licensor as an additional named insured for claims, actions, and liabilities relating to the Property and the Improvements. To the extent authorized by law and for any claim, action, or liability which is not covered by insurance, City hereby covenants and agrees to indemnify, defend, and hold harmless the Licensor from any claims, demands, or suits by any person or entity arising out of or connected with the construction, installation, erection, maintenance, or use of the Improvements within the public right-of-way as outlined herein. This covenant of indemnification shall include any attorney fees and costs incurred by the Licensor in connection with the defense of such claims, demands, or suits of any person or entity. All expenses incurred by the City in the construction, installation, or maintenance of said Improvements shall be the sole expense of the City.
- Restoration of Public Improvement. In the event that City should alter or change any portion of the Property as a result of the construction or maintenance of the Improvements under this agreement, the City shall restore the public improvements to its original condition to the extent as is reasonably practical without expense to the Licensor.
- 4. <u>Conditions of Use by the City</u>. The City agrees that the following conditions shall apply to the use of the Property and the Improvements located thereon:
- (a) The City shall remove litter from the hedge and land east of the hedge on a regular basis as needed.
- (b) The City shall prohibit the cutting and trimming of the hedge that presently exists along the east side of the parking area.
- (c) The City shall limit the number and placement of parking curbs and other improvements to the amount as presently exist without the approval of the Licensor.
 - (d) The City shall keep and maintain the existing natural state of the Property.

5. <u>Termination of License</u>. The City acknowledges that this Agreement can be terminated and revoked by the Licensor upon 60 days written notice to the City mailed by regular mail to P.O. Box 757, Douglas, MI 49406. In the event of revocation, the City hereby waives any claims, actions, or demands against the Licensor for the installation, construction, erection, maintenance or use of the Improvements on the property, and does further acknowledge that said installation, construction, maintenance or use is the sole and complete risk of the City without representation by the Licensor as to the duration of this Agreement.

Upon revocation or termination of this license, all Improvements, including the bumper barricades, lighting structure, and signage shall be removed from the Property at the expense of the City.

- 6. <u>Assignability</u>. This Agreement shall not be assignable by the City except upon the express written consent of the Licensor.
- 7. <u>Complete Agreement</u>. This Agreement constitutes the entire agreement between the City and Licensor and no covenant, warranty, or agreement exists which has not been incorporated herein.
- 8. <u>Binding Effect</u>. This Agreement is binding upon the parties hereto, their successors, heirs, or assigns, and the covenants, condition, and terms thereof shall run with the land.

| Witnesses: | CITY OF THE VILLAGE OF DOUGLAS |
|--|--|
| Brigge S. Van Dew | By: <u>Renee Winddell</u> Renee Waddell |
| - MM - M | Its: Mayor Pro Tem |
| 1 \ \ \ \ | |

| By: \ | Clar E. neme | |
|-------------|--------------|--|
| · — · · · · | Jean E. Neve | |
| Its: | City Clerk | |

STATE OF MICHIGAN) ss COUNTY OF ALLEGAN)

On this 18th day of March, 2008, before me a Notary Public in and for said County, appeared RENEE WADDELL and JEAN E. NEVE, to me personally known, who, being by me duly sworn, did each for himself/herself say that they are, respectively, the Mayor Pro Tem and City Clerk of the City of the Village of Douglas, the corporation named in and which executed the within instrument, and that said instrument was signed and sealed on behalf of the City of the Village of Douglas by authority of its City Council; and said Mayor Pro Tem and City Clerk acknowledged said instrument to be the free act and deed of the said City of the Village of Douglas.

Notary Public, County of: Allegan
My commission expires: 3-12-13

Acting in the County of Allegan, MI

KRISTIE S. VAN PLEW

NOTARY PUBLIC - STATE OF MICHIGAN

COUNTY OF ALLEGAN

My Commission Expires March 12, 2013

Acting in the County of Hilegan

| Witnesses: | LICENSOR: |
|--|--|
| | By: Joseph J Milauckas, Jr. |
| | |
| STATE OF MICHIGAN))ss COUNTY OF) | |
| On this <u>3rd</u> day of <u>April</u> said County, personally appeared JOSEPH J described in and who executed the within in and deed. | , 2008, before me, a Notary Public in and fo MILAUCKAS, JR., known to be the same person strument, who acknowledged the same to be his free ac |
| DOCUMENT PREPARED BY: Andrew J. Mulder Cunningham Dalman, P.C. Attorneys at Law 321 Settlers Road Holland, MI 49423 (616) 392-1821 | Notary Public, County of: Allagan My commission expires: 9-17-08 Acting in the County of: Allagan |
| | IEAN E. NEV! JEAN E. NEV! JEAN E. NEV! JEAN E. NEV! JEAN COUNTY OF ALLEGAN JEAN COUNTY OF ALLEGAN |

EXHIBIT A

The south 382.5 feet of the west 260.5 feet of that part of Government Lot No. 3, lying north of Lawn Street, except that part lying southerly of State Trunk Line U.S. 31, Section 16, T3N, R16W, Village of Douglas, Allegan County, Michigan.

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STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF ALLEGAN



DOUGLAS LAKEFRONT PROPERTIES, LLC.,

FILE NO: 08-42855-CZ

Plaintiff,

HON. KEVIN W. CRONIN

VS.

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CITY OF THE VILLAGE OF DOUGLAS, a Michigan Municipal Corporation, the CITY OF THE VILLAGE OF DOUGLAS' PLANNING COMMISSION, MATT BALMER, GREG HARVATH, RENEE WADDELL. DIANE BAILEY, JANE MAYER, MARTHA HOEXTER, ROBERT MOORE, and KAREN VANPELT, JOHN PIGGINS, RON DELLARTINO, CHRISTOPHER NERN, DAVID BURDICK, and ALEXA URQUHART, individually,

Defendants.

James E. Spurr (P33049) James L. Liggins (P66816) Attorneys for Plaintiff Miller, Canfield, Paddock & Stone 277 South Rose Street Kalamazoo, MI 49007 Telephone: 269/381-7030

Michael S. Bogren (P34835) Attorney for Defendants Plunkett Cooney 535 S. Burdick Street, Ste. 256 Kalamazoo, MI 49007 Telephone: 269/226-8822

CONSENT JUDGMENT

Upon stipulation and consent of the parties, by and through undersigned counsel, the Court finds as follows:

Plaintiff Douglas Lakefront Properties, L.L.C., (hereafter referred to as Plaintiff), a Michigan limited liability corporation, is the owner of certain undeveloped

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real property in the City of the Village of Douglas (hereafter referred to as the Property). The Property is undeveloped land located north of Blue Star Highway and east of Union Street with frontage on the Kalamazoo River. (A legal description of the Property is attached as Exhibit A).

- B. Defendant City of the Village of Douglas (hereafter referred to as the City), is a Michigan municipal corporation organized and existing under the laws of the State of Michigan and located in Allegan County, Michigan. Defendant City of the Village of Douglas' Planning Commission (hereafter Planning Commission) is a commission of the City created pursuant to state law and City Charter, but is not a separate municipal corporation apart from the City. The individual defendants are current or former members of the City's Council and/or Planning Commission.
- C, The Property is zoned R-4 Residential pursuant to the City's Zoning Ordinance and Zoning Map.
- D. At various times beginning in May 2006 the Plaintiff, through its agent T.
 A. Scott Construction submitted to the City various proposals for a residential development on the Property.
- E. The Plaintiff's development proposals, submitted by its agent T. A. Scott Construction, were referred to the Planning Commission for review and consideration.
- F. None of the Plaintiff's various development proposals received final formal approval or denial by the City Council.
- G. Plaintiff filed the instant action, Docket No. 08-42855-CZ, on or about March 3, 2008 in the 48th Circuit Court for the County of Allegan, asserting numerous claims against the defendants and alleging that a failure to give final approval or denial of

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the development proposals from May 2006 until March 2008 violated the Michigan and United States constitutions and violated Michigan zoning enabling statutes. Plaintiff sought equitable relief and monetary damages. Plaintiff also alleged that the City had committed trespass and waste on a portion of the Property.

- H. Defendants filed an Answer and Affirmative defenses, denying any violation of the Plaintiff's constitutional rights and denying liability to the Plaintiff.
- I. The parties have engaged in extensive settlement discussions through Facilitation, pursuant to the Court's Pre-Trial Order and Order Regarding Facilitation dated August 8, 2008.
- J. The parties acknowledge that there exists a mutual opportunity to resolve this litigation in accordance with the terms and conditions of this Consent Judgment, in order to avoid further costs and expenses, the uncertainty of a trial and to obtain finality, without any admission of liability or wrongdoing on the part of any party.

NOW, THEREFORE, pursuant to the agreement and stipulation of the parties, through their counsel, and as approved by the Plaintiff and the City of the Village of Douglas City Council, and the Court having determined that the terms of this Consent Judgment are reasonable and appropriate, IT IS HEREBY ORDERED AND ADJUDGED:

- The Property shall continue to be zoned as R-4 Residential pursuant to the City's Zoning Ordinance.
- Plaintiff shall be permitted to develop and use the Property as a residential condominium development in accordance with this Consent Judgment and the Site Plan

attached as Exhibit B and made a part of this Consent Judgment. The Site Plan shall be signed and sealed by the Plaintiff's Engineer prior to entry of this Consent Judgment.

- 3. The parties agree that the Site Plan will allow 16 residential condominium units to be developed on the Property, specifically as depicted in the Site Plan attached as Exhibit B (hereafter referred to as the Development).
- The parties agree that approval of this Consent Judgment constitutes site plan approval under Article XXIV of the City of the Village of Douglas Zoning Ordinance, with the exception of the requirements of Section 24.02(10) and (12), regarding the location of utilities and the location and design of water supply, stormwater management facilities, waste water systems and landscaping. Plaintiff shall submit additional plans and data addressing these issues which shall be subject to review and approval by the City Engineer and City Planner and such other governmental agencies with jurisdiction over such matters. Additionally, the issuance of any permits that would normally be available upon site plan approval is conditioned upon Plaintiff obtaining approval and necessary permits from the Michigan Department of Environmental Quality (MDEQ) to construct the boardwalk adjacent to the Kalamazoo River as depicted on the Site Plan attached as Exhibit B.
- 5. Pursuant to Section 24.06(1) of the Zoning Ordinance it is understood and agreed that no changes shall be made to the Site Plan attached as Exhibit B except for "small changes" in the location of buildings and structures; adjustment of utilities, walkways, trafficways, parking areas and similar small changes based upon previously unknown or unanticipated facts disclosed as a result of detailed engineering and field conditions. Such small changes shall be submitted for approval by the Zoning

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Administrator in consultation with the City Planner and, if necessary, the City Engineer.

Approval shall be granted unless the proposed small changes would violate a requirement of this Consent Judgment, the Zoning Ordinance or other ordinance, State or Federal law.

6. The boardwalk is the public benefit associated with the Development and will be open to the public 24 hours a day, seven days a week, unless otherwise directed by the MDEQ. The Plaintiff shall grant an easement for public access to the boardwalk at the eastern and western portion of the property, as depicted on the Site Plan attached as Exhibit B. Both of these areas are depicted as park area on the Site Plan attached as Exhibit B. The form and content of the easement shall be approved by the City Attorney and shall be recorded with the Allegan County Register of Deeds. The boardwalk shall be owned and maintained by the Condominium Association associated with the Development. The area designated for the easement shall be landscaped, irrigated and maintained at the same standards as the other common areas depicted on the Site Plan attached as Exhibit B. Certificates of Occupancy shall not be issued for any unit until such time as the boardwalk has been completed or until the Plaintiff has deposited financial security acceptable to the City (i.e. Letter of Credit or other mutually agreeable instrument) sufficient to complete construction of the boardwalk.

The Plaintiff shall apply to the MDEQ for necessary permits to construct the boardwalk as soon as possible after entry of this Consent Judgment. The City shall cooperate with Plaintiff in obtaining any necessary permits from the MDEQ for construction of the boardwalk. The City shall provide requested communication to the MDEQ stating its agreement with the issuance of necessary permits for construction of the boardwalk.

Document 6 of 7

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A final order of the MDEQ failing or refusing to issue necessary permits for the construction of the boardwalk shall result in revocation of the terms of this Consent Judgment and shall result in termination of the Development as depicted on the Site Plan attached as Exhibit B. The Plaintiff shall not be deemed to have obtained any vested rights or interest in any work done or expenses incurred up to the time of such a failure or denial of the MDEQ to issue necessary permits for the construction of the boardwalk and shall not be allowed to proceed with the Development as a prior nonconforming use or on any other basis. The City shall not be estopped from taking any and all enforcement action available to it with respect to the Property in the event of a final order of the MDEQ failing or refusing to issue necessary permits for construction of the boardwalk.

In the event of a final order of the MDEQ failing or refusing to issue necessary permits for the construction of the boardwalk, the Plaintiff may re-apply for development of the Property pursuant to the terms of the Zoning Ordinance in effect at the time of the re-application.

7. Upon approval of this Consent Judgment and final engineered plans and construction drawings; upon compliance with Paragraph 4; and upon application and payment of required fees by Plaintiff or its agents, the City shall process and issue necessary permits for site development and construction of units, consistent with and subject to the terms and conditions of this Consent Judgment. Issuance of permits shall not unreasonably be delayed or withheld. Such permits for construction shall not be issued until such time as all necessary permits have been issued by the MDEQ for construction of the boardwalk as detailed in Paragraphs 4 and 6.

- 8. The Consent Judgm
 - The Consent Judgment and Development are subject to review and approval by the Fire Chief.
 - 9. Plaintiff shall construct Washington Street as depicted on the Site Plan attached as Exhibit B.
 - 10. The extension of utilities to serve this residential development shall be at the sole responsibility and expense of the Plaintiff and all improvements depicted on the Site Plan on or off the property shall be completed prior to any occupancy permit being issued by the City. The Plaintiff shall also provide all necessary easements for utilities, the boardwalk and sidewalks as required by City standards and the City Engineer.
 - 11. The Development shall be subject to all reviews and approvals required by City, County, State, Federal or other local or intergovernmental agencies having jurisdiction over the Development, except as explicitly provided in this Consent Judgment. All such approvals shall be presented to the City with the application to start any construction on the Property. The Development shall comply with all applicable building codes. Any retaining walls constructed on the Property shall be certified by a registered structural engineer.
 - 12. The provisions of Section 24.06(3) of the Zoning Ordinance in effect at the time of entry of the Consent Judgment shall apply to the Development upon entry of this Consent Judgment.
 - 13. The provisions of the Zoning Ordinance of the City of the Village of Douglas in effect at the time of entry of this Consent Judgment shall apply to the Property and to the Development except as otherwise explicitly provided in this Consent Judgment. In the event of a conflict between the provisions of the Zoning Ordinance and

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the provisions of this Consent Judgment, the provisions of Consent Judgment shall control. In the event that a zoning standard is not addressed on the Site Plan or in this Consent Judgment, the provisions of the Zoning Ordinance shall control.

- 14. This Consent Judgment is declared to be in recordable form, and the provisions contained herein are declared to be covenants running with the land and all portions or divisions thereof, and shall be binding on all successors and assigns of the parties, and the Allegan County Register of Deeds shall record a true copy of this Consent Judgment in the land records of Allegan County.
- 15. Reference in this Consent Judgment to "Plaintiff" shall mean and refer to Douglas Lakefront Properties, L.L.C., and to its successors, assigns and transferees and the terms and conditions of this Consent Judgment shall be binding upon those successors, assigns and transferees.
- 16. The terms of this Consent Judgment may be amended, changed or modified only upon written agreement of the parties except as otherwise provided in this Consent Judgment and any such changes must be approved and ordered by this Court. The parties are not obligated or required to agree to any change in any of the terms of this Consent Judgment except as provided in Paragraph 5.
- 17. Except as otherwise explicitly provided in this Consent Judgment, all claims asserted by the Plaintiff in this lawsuit, including claims for money damages, equitable relief, attorneys fees and costs, are merged into this Consent Judgment and forever barred. All claims against the individual defendants shall be deemed to be dismissed with prejudice and without costs or attorney fees.

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18. This Court retains jurisdiction to enforce the terms of this Consent Judgment, but this matter shall be administratively closed upon entry of the Consent Judgment.

Date: 3-4-01

Hon. Kevin W. Cronin

Date: 1-5-09

MAH

Matthew Balmer

Mayor, City of the Village of Douglas

Allegan County Circuit Court Judge

Date: 1-29-09

Michael S. Bogren (P34836) Attorney for Defendants

Date:

Douglas Lakefront Properties, L.L.C.

By: _______

Date:

James E. Spurr (P33049) Attorney for Plaintiff

Branches.00560.80981.1749298-1

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This Court retains jurisdiction to enforce the terms of this Consent 18. Judgment, but this matter shall be administratively closed upon entry of the Consent Judgment.

Date:

Hon, Kevin W. Cronin

Allegan County Circuit Court Judge

, š

Date:

Matthew Balmer

Mayor, City of the Village of Douglas

Date:

Michael S. Bogren (P34835)

Attorney for Defendants

Date: 2-18-09

Date: 2-18-09

Idnes E. Spur (P33049)

Attorney for Plaintiff

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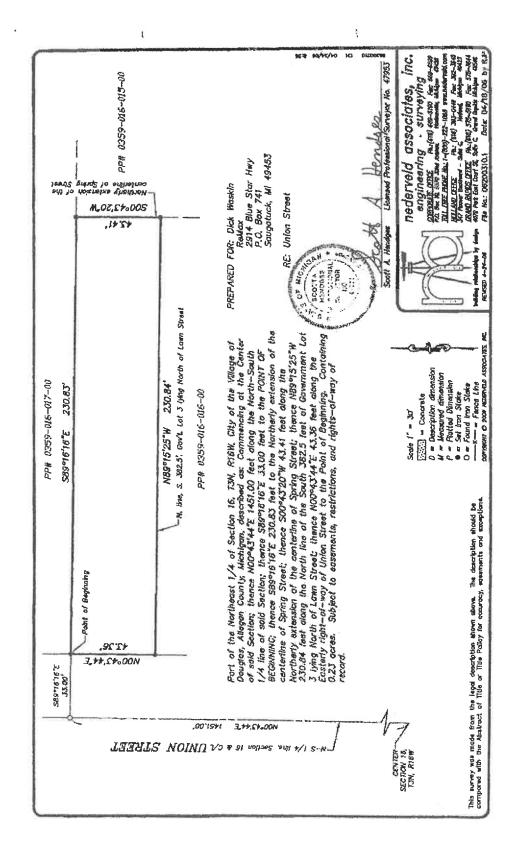
EXHIBIT A

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Item 5C.

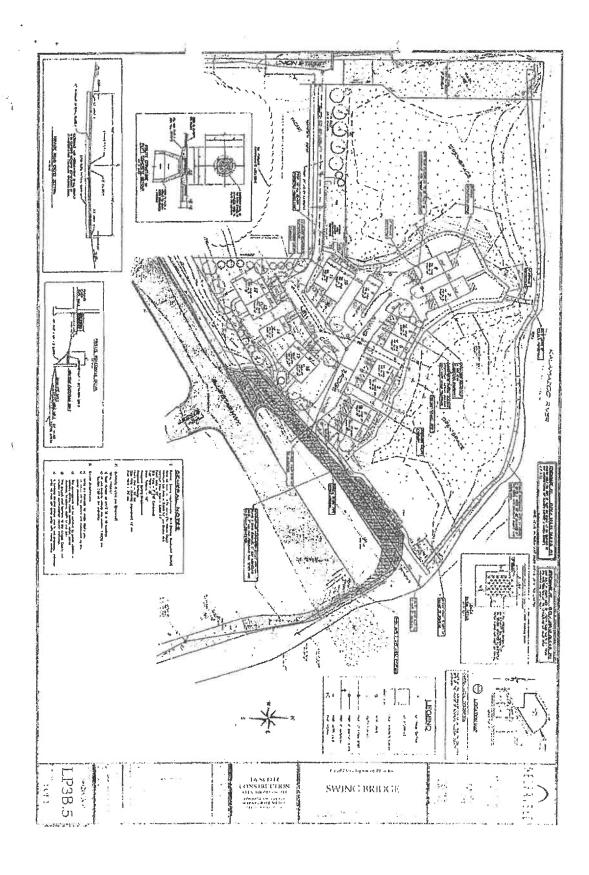
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EXHIBIT B

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SWING BRIDGE

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Image Print Processor

Page 1 of 1

STATE OF MICHIGAN Allegan County Joyce A. Watts Register of Deeds

RECORDED



September 28, 2012 11:31:34 AM Liber 3660 Page 27-27 RFE: \$14.00



Liber 3660 Page 27 #2012020106

AFFIDAVIT OF CORRECTION RE: EXHIBIT A TO MASTER DEED OF THE BOARDWALK AT SWING BRIDGE RECORDED IN LIBER 3566 PAGE 575

STATE OF MICHIGAN COUNTY OF KALAMAZOO

Shaun P. Willis, being sworn, says:

- 1. I am the attorney for T.A. Scott Construction.
- 2. Exhibit A to the Master Deed of the Boardwalk at Swing Bridge, the ByLaws, is amended to remove Section 5, (d), Right of First Refusal language.
- 3. I have personal knowledge of the facts set forth in this affidavit, and if sworn as a witness, can testify competently to these facts

9/26/12 Date Shaun A Willis

Subscribed and sworn to before me by Shaun P. Willis on 9-26-12

DEBORAH A BURZA
Notary Public, State of Michigan
County of Kalamazoo
My Commission Expires Avg. 09, 2013
Acting in the County of Kalamazoo

Notary Public

My commission expires: f-9-13Acting in Kylama 700 County

Drafted by and when recorded, return to: Shaun P. Willis (P62441) 491 W. South Street Kalamazoo, MI 49007 (269) 492-1040

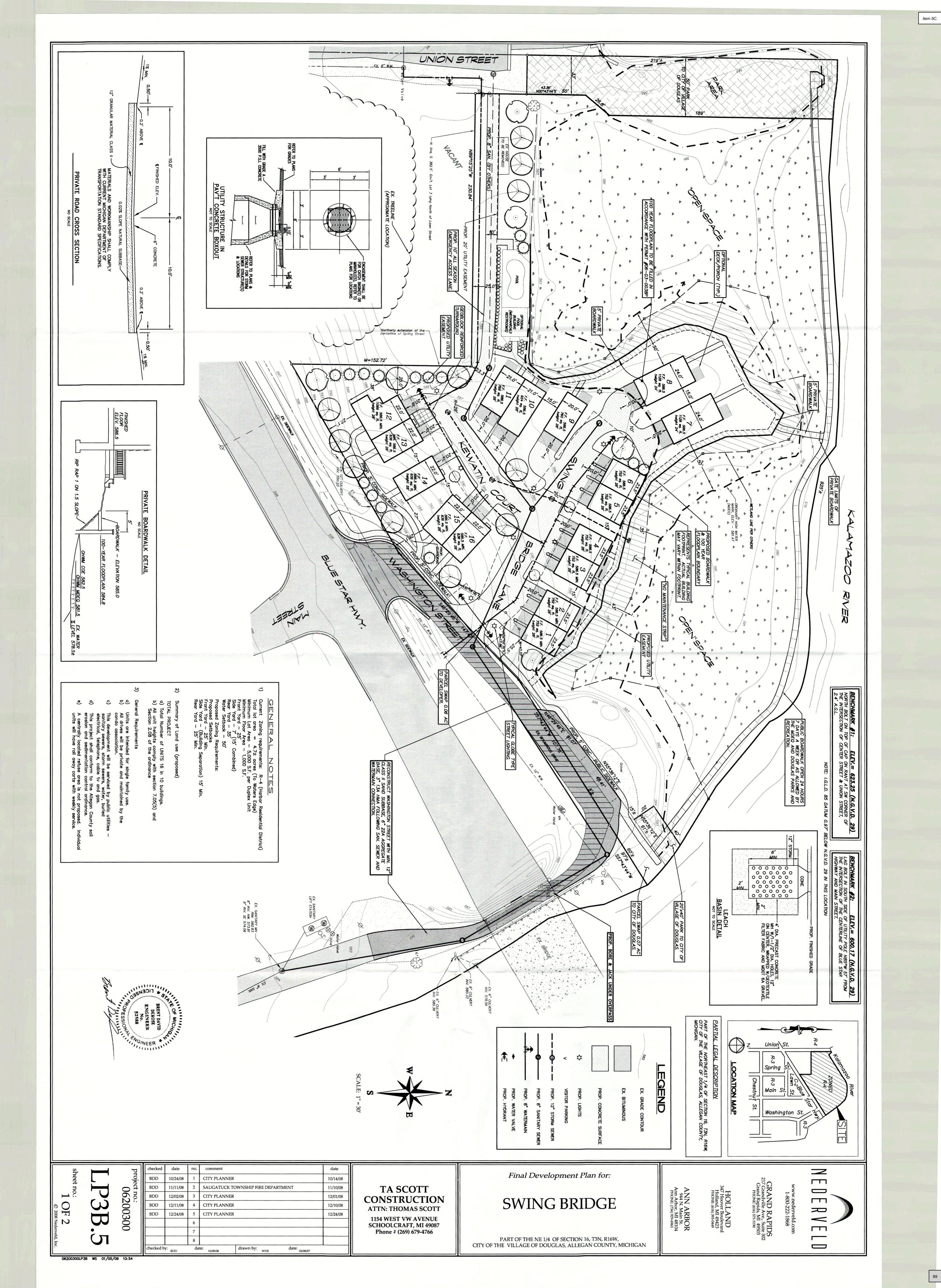
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LANDSOAPE GENERAL NOTES

- AL PLANT MATORIALS SHALL CONFORM TO VILLAGE OF DOUGLAS STANDARDS. ALL DECIDIOUS TREES SHALL BE A MINIMUM 2" CAL. AND 12' TALL AT TIME OF

- AL EVERTINA.

 4. AL TREES SHALL BE S'-7' HT. AT TIME OF PLANTINA.

 4. AL TREES SHALL HAVE A S' DIA. SHRETDED HARDWOOD BARRANLAH RINA AROUND BACH TO DEPTHS SPECIFIED AS BELOW.

 5. ALL SHRUBS SHALL BE Z' HT. AT TIME OF PLANTINA.

 6. ALL LANDSCAPE BEDS SHALL BE #1 CONTAINER POT AT TIME OF PLANTINA.

 7. ALL LANDSCAPE BEDS SHALL RECEIVE A SPADE CUT BED EDGE WITH 3" DEPTH OF SHREDDED HARDWOOD BARRANLAH.

 8. THE PROPERTY OWNER SHALL MAINTAIN SUCH LANDSCAPEINA IN A REASONABLY HEALTHY CONDITION, FREE FROM REPUSE AND DEBRIS. ALL UNHEALTHY AND DEAD MATERIAL SHALL BE REPLACED WITHIN (1) ONE YEAR OF DANAGE OF DEATHOR THE NEXT APPROPRIATE PLANTINA PERIOD, WHICHEVER COMES FIRST.

 9. ALL LANDSCAPED AREAS SHALL BE PROVIDED WITH A READTLY AVAILABLE AND ACCEPTABLE WATER SUPPLY.

TREE PLANTING NOTES

- 1. TREE PLANTING HOLE SHALL BE DUG APPROXIMATELY B"—IZ" LARGER THAN TREE ROOTBALL.

 2. HOLE SIDENALL.

 3. HOLE SIDENALL SUPPLES SHALL HAVE A ROUCH VARTING TEXTURE.

 3. TREE ROOT FLARE SHALL BE OUT OFF TOP S"—B" OF ROOTBALL.

 4. TREE ROOTBALL BURLAP SHALL BE OUT OFF TOP S"—B" OF ROOTBALL.

 5. NATURAL TREE ROOT FLARE SHALL BE OLEANED OFF OF EXCESS SOIL ACCUMILATED DURING TREE CHOWING PROCESS.

 6. A SOIL SAUCER SHALL BE PLACED REPORT THE PERIMETER OF THE ROOTBALL TO 4"—B" DEPTH ABOVE EXISTING CRADE OF SUPPONIDING SOIL.

 7. A SHEEDDED HARDWOOD BARRANICH RING SHALL BE PLACED AROUND TREE; HAN I "OF MULCH PLACED ON TOP OF IT.

 8. ALL TREE TRUNKS SHALL BE PROJECTED AFTER PLANTING WITH INDUSTRY STANDARD TREE WAY.

 9. TREES SHALL BE SUPPORTED WITH POSTS AND SUPPORT TIES. (Z) WOOD POSTS SHALL BE SET OUTSIDE THE PLANTING PIT PARALLEL TO THE PREVAILING WINDS. FABRIC TIES SHALL BE HAVEN AND THE TRUNK AND THE TRUNK AND THE TO THE PREPARALLING WINDS. FABRIC TIES SHALL BE SET LOVED.

TREE AND DIFFUR MAINTENANDE NOTES

- MAINTAIN PLANTINGS BY PRUNING, CULTIVATING, WATGRING, WEEDING, PERVING, PERVING, PERVING, PERVING, PERVING, PERVING, PERVING, AND PER-SETTING, AND PERPURING OF VERTICAL POSITION, AS REQUIRED TO ESTABLISH HEALTHY, VABLE PLANTINGS.

 SPRAY OF TREAT AS REQUIRED TO KEEP TREES AND SHRUBS FREE OF INSECTS AND DISEASE.

 PESTORE OR PEPLACE DAMAGED TREES WRAPPINGS.

 ALL DISEASED, DAMAGED, OR DEAD MATERIALS SHALL BE REPLACED IN ACCORDANCE WITH THE VILLAGE OF DOUGLAS ZONING OPDINANCE.

AWN INSTALLATION NOTES

- ALL AREAS DESIGNATED TO DE LAWN SHALL RECEIVE A MINIMUM 4"
 SCREENED TOPSOIL AND SHALL DE FINE CRADE DY MECHANICAL MEANS AND
 HAND RAKED PRIOR TO SEEDING.
 SEEDING SHALL DE ACCOMPLISHED DY EITHER HTTRO-SEEDING AR SODDING
 IN ACCORDANCE WITH INDUSTRY STANDARDS.

MANTAN AND ESTABLISH LAWN BY WATERING, FEBRILIZING, WEEDING, MOWING, TRIMMING, REPLANTING AND OTHER OPERATIONS. ROLL, RECIRADE, AND REPLANT BARE OR ERODEDAREAS AND REMULCH TO PRODUCE A UNIFORMLY SMOOTH LAWN. LAIN MAINTENANCE NOTES

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Final P.U.D. Plan for:

CITY OF THE VILLAGE OF DOUGLAS, ALLECAN COUNTY, MICHIGAN PART OF THE NE 1/4 OF SECTION 16, T3N, R16W,

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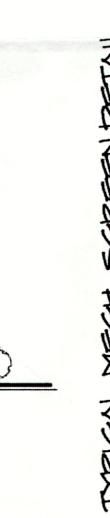
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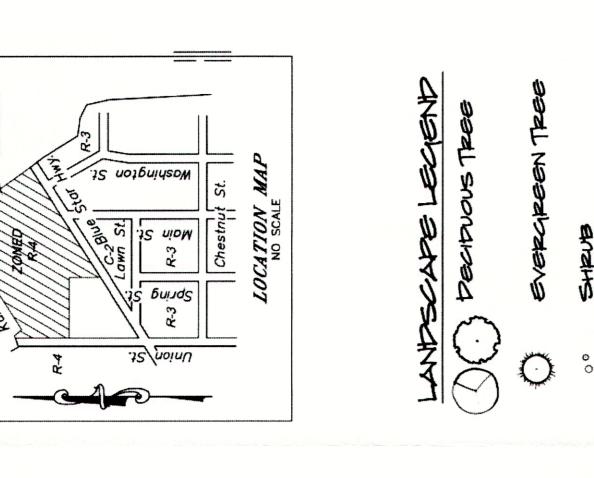
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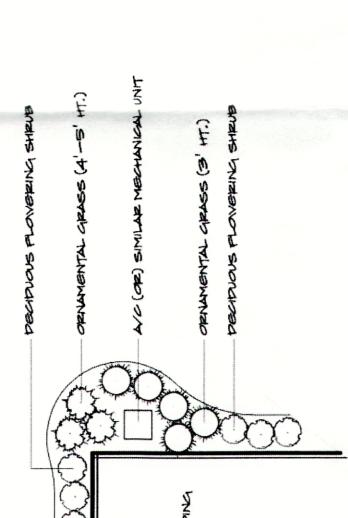


ANN ARBOR 944 N. Main St. Ann Arbor, MI 48104 PHONE: (734) 929-6963

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Twin Lakes Nursery, Inc.

project no.: 06200300

sheet no.:

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Boardwalk at Swing Bridge

Project Summary:

The Boardwalk at Swing Bridge includes 16 attached and detached condos located off of Swing Bridge Lane and Keewatin Court. The development will also include an exterior pool for the residents and their guests. The general common areas within the development, including private drives, landscaping, pool, and existing waterfront boardwalk will continue to be maintained by the Boardwalk at Swing Bridge Condominium Association.

The submitted site plan reflects changes to the secondary access drive, pool and pool house (ADA restroom & pool mechanicals) and surrounding landscaping consistent with landscaping throughout the development. Additionally, the site plan includes the removal of the internal boardwalk due to privacy concerns, accessibility, as well as impact on the common area landscaping.

The submitted site plan is consistent with the original development plan while addressing practical revisions necessary for completion of the development as provided by the City of Douglas.

Site Plan Review Application October 3, 2024 General Notes

The proposed site plan amendments maintain the intent of the original consent judgment while providing clarity where the original plan lacked detail. These minor modifications enhance the overall understanding of the site plan without altering its fundamental aspects. The modifications include the removal of an internal boardwalk designated for resident use only, along with other minor revisions to update the site and landscape plans.

Site Allocation and Residential Development

The percentage of site allocated to buildings, parking lots, and other impervious surfaces will not change from the existing site plan. Similarly, for residential developments, there will be no alterations to the number, type, and density of dwelling units, or the proposed market to be served.

Impact on Public Services and Construction Schedule

There will be no impact on public services, including schools, police and fire protection, utilities, and traffic. The construction is scheduled to begin upon approval of the minor amendments.

Regulatory Approvals

No State, Federal, or other regulatory approvals are required for these minor amendments.

Relationship to Surrounding Properties

The relationship to surrounding properties and uses regarding vehicular and pedestrian access and circulation, development density and orientation, and the development's architectural and landscape character will remain consistent with the existing site plan.

Environmental and Neighborhood Impact

There will be no impact related to noise, vibration, smoke, light, glare, or other potentially problematic conditions associated with the proposed uses.

Additional Information

No independent professional studies, such as traffic studies, environmental impact assessments, fiscal impact assessments, flood plain and wetland determinations, or soil test borings, are required for these minor amendments. The proposed changes are primarily focused on providing clarity and additional detail to the existing site plan without altering its fundamental aspects or impacts.

Item 5C.



Site Plan Review Application Application Fee \$300

Additional Fees May Apply

The Village of Friendliness-Since 1870

| | The vinage of Thendiness office 10/0 |
|---|---|
| Property Information: | |
| Address or Location: 1 Swingbridge Lane | |
| | Property Size: 4.4 +/- acres |
| Zoning District – Current: consent judgement Pro | oposed Zoning District (if applicable): |
| Existing Use of Building/Property: Condominium Develop | oment Special Use (if applicable): |
| Type of Project (Residential or Commercial): | |
| Describe Proposed Project: This submission is for review | w of an updated site plan that incorporates minor |
| ammendments to the existing plan. These revision | |
| the original plan lacked sufficient detail. | |
| | |
| Estimated Project Cost: NA | |
| Site Plan Review Application Requirements | |
| ☑ Yes, I have read the City of Douglas Zoning Ordinance Art | ticle 24 Site Plan Review |
| Y N N/A □ □ □ Completed Site Plan Review application □ □ □ Plot Plan □ □ □ Legal Description □ □ □ Narrative Description | |
| Kevin Einfeld hereby state that all | the above statements and all the accompanying information |
| are true and correct. | |
| In E | 10/3/24 |
| Signature of Owner/General Contractor | Date |
| Email Address: dcontant@bdrinc.com | |
| Phone: 616.458.8505 | |

Item 5C.

FOR INTERNAL USE ONLY

| CITY OF DOUGLAS ZONING REVIEW Approved □ Conditional Approval □ Denied □ Permit Number | |
|---|---|
| Rationale | |
| Fee Paid ☐ Plot Plan Submitted ☐ Application Complete ☐ Legal Description MDEQ Permit Required ☐ Allegan Health Dept. Permit Required ☐ | n Included ☐ Narrative Description Included ☐ |
| Plans sent to Saugatuck Township Fire Department on:Ap | oproved on: |
| Plans reviewed by Planning Commission on: Approved on: | : (Attach Minutes) |
| Submitted By:To:To: | Date: ative |
| Submitted By: City Staff (Initials) & Delivery Method To: MTS Representative | Date: |
| Signature of Planning & Zoning Administrator | Date |
| KALAMAZOO LAKE SEWER AND WATER AUTHORITY REVIEW Connection to Water / Wastewater System (Subject to appropriate connection and | d inspection fees) |
| Approved ☐ Conditional Approval ☐ Denied ☐ Permit Number | |
| Rationale | |
| Street and Number | |
| Signature of KLSWA Administrator | Date P012092021PZ |