



**THE CITY OF THE VILLAGE OF DOUGLAS
PLANNING COMMISSION
THURSDAY, MAY 11, 2023 AT 7:00 PM
86 W CENTER ST., DOUGLAS MI**

AGENDA

To attend and participate in this remote meeting of the City of the Village of Douglas Planning Commission, please consider joining online or by phone.

Join online by visiting: <https://us02web.zoom.us/j/88166155724>

Join by phone by dialing: +1 (312) 626-6799 | Then enter "Meeting ID": 881 6615 5724

1. CALL TO ORDER

2. ROLL CALL

- A. Approval of May 11, 2023 Agenda (additions/changes/deletions)
- B. Approval of March 9, 2023 and April 20, 2023 Minutes (additions/changes/deletions)
- C. Approval of the Remaining 2023 Planning Commission Schedule

Motion to approve; May 11, 2023 Agenda, March 9, 2023 and April 20, 2023 Minutes, and the remaining 2023 Planning Commission Schedule. (Roll Call Vote)

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

4. PUBLIC COMMUNICATION - WRITTEN

5. NEW BUSINESS

- A. Lakeshore Woods Private Road Review
- B. Centre Collective Preliminary Condominium Site Plan Review
- C. Public Hearing, Sign Ordinance Draft

-Motion to Open Public Hearing (Roll Call Vote)

- a. Public Comments (limit 3 minutes each, please)

b. Staff Remarks

c. Commissioner Questions

- Motion to Close Public Hearing, Recommend to City Council (Roll Call Vote)

D. Planning Commission Bylaws Amendment with Resolution

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

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 Pamela Alderink, 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
PLANNING COMMISSION
THURSDAY, MARCH 09, 2023 AT 7:00 PM
86 W CENTER ST., DOUGLAS MI**

MINUTES

1. CALL TO ORDER

2. ROLL CALL:

PRESENT

Commissioner John O'Malley

Commissioner Neal Seibert

Chair Paul Buszka

Vice-Chair Louise Pattison

Commissioner Gregory Freeman

Interim Planning & Zoning Administrator, Tricia Anderson

Deputy Clerk, Laura Kasper

ABSENT

Secretary Kelli Heneghan

Commissioner Matt Balmer

A. Approval of March 9, 2023 Agenda (additions/changes/deletions)

B. Approval of February 9, 2023 Minutes (additions/changes/deletions)

Motion by Commissioner Freeman, Seconded by Commissioner Seibert, to approve; March 9, 2023 Agenda & February 9, 2023 Minutes.

Motion carried by unanimous roll call vote.

3. PUBLIC COMMUNICATION - VERBAL (LIMIT OF 3 MINUTES): No verbal communication.

4. PUBLIC COMMUNICATION – WRITTEN: Two letters were submitted to the Commission.

A. Sue Neville and Sue Jansky Letter regarding the proposed Forest Gate Condo development – Letter received in agenda packet for public record.

B. Ralph Pizza Letter regarding the proposed Forest Gate Condo development - Letter received in agenda packet and for public record.

5. NEW BUSINESS:

A. **April Meeting Date Change** – Chair Buszka indicated that there will be some scheduling conflicts among some Planning Commission members on the regular meeting date of April 13th, 2023. He

proposed moving the meeting date out by one week and instead, holding it on April 20th, 2023.

Motion by Commissioner Seabert, Seconded by Commissioner O'Malley, to reschedule the date of the regular April 13th Planning Commission meeting to April 20th.

Motion carried by unanimous roll call vote.

- B. **485 Ferry – Forest Gate Condominium Development Special Studies-** Traffic and Environmental Study Review – Tricia Anderson, City Planner gave a summary of what the Commission would be considering with a motion for this item. Ms. Anderson spoke about the Public Hearing at last month's February 8, 2023 Commission meeting for the Forest Gate Development plan submission. The Commission voted unanimously at the February meeting to table the item until the applicant was able to address concerns brought forth by the Commission and Ms. Anderson. The motion did not include specific direction for staff follow up with independent consultants review for the special studies submitted by the applicant. These items were related to traffic impacts and environmental issues. She mentioned that the City has the right to have the applicant's submitted studies and reports review by a consultant of their choosing, and this motion is part of a formality of the Commission for the record. Ms. Anderson spoke about how the independent consultant's review of the special studies that were provided by the applicant will then assist in the Commission's analysis of the standards of site plan approval. This will give the Commission full reassurance that health safety and welfare standards are met, along with the determination of whether all standards are met.

Motion by Commissioner O'Malley, seconded by Commissioner Seabert, to direct staff to have the traffic and environmental study's further reviewed by independent consultants. Motion carried by roll call vote. (Yes) O'Malley, Seabert, Freeman, Buszka (abstain) Pattison

- C. **Planning Commission Bylaws – Discussion Only** – Chair Buszka opened the discussion and asked Tricia Anderson to provide background on the topic of the bylaws. She discussed how amending the Bylaws would be the appropriate way to enact new rules instead of adopting a resolution. Ms. Anderson gave a breakdown of the areas that needed attention or are not typical in Bylaws. This included procedural information, and a great deal of unnecessary language. She questioned the Commissioners if they would like an overhaul of the Bylaws to modernize and simplify the language within and she provided a sample of some new bylaws that she drafted for a different community. Commissioner Seabert stated his main concern with the Bylaws is that it should prohibit Commission Members from meeting without a quorum with applicants outside the setting of a public meeting. Commissioner Pattison stated that the main issue for her was the ex parte contact. Commissioner O'Malley and Commissioner Freeman agreed. Ms. Anderson explained that the Commission can restrict activities of members by what they allow in the Bylaws. Chair Buszka stated that the short-term solution to the problem is the ex parte amendment to the Bylaws, and he would support Ms. Anderson to update a draft for the next meeting. Commissioner Pattison also suggested that the Commission hold a workshop at their first session of the year to look at Bylaws and give commissioners a refresher on topics such as roles and responsibilities and some of the procedures outlined in the zoning ordinance. Commissioner Freeman supported the idea. Chair Buszka stated the next steps is to have Ms. Anderson to take the existing Planning Commission Bylaws and work in a section that would prohibit the ex parte contact and a provision for an annual training workshop as a refresher for roles and responsibilities.

6. UNFINISHED BUSINESS

- A. **Draft Sign Ordinance – Discussion Only** – Chair Buszka had directed Tricia Anderson at the prior meeting to give the current sign ordinance a complete overhaul. Ms. Anderson discussed the draft sign ordinance she provided to the Commissioners. She stated that the main focus the of the draft provided was to achieve content neutrality and to simplify the ordinance to make it more user friendly. The

draft also included graphics associated with definitions and a section that includes simplified regulatory language. The Commissioners gave feedback and were all in agreement that the draft should allow for the character and charm of Douglas to be preserved, while regulating electronic message signage. Chair Buszka addressed concern that without enforcement the ordinance is obsolete. He asked Commissioners to list their comments and provide Ms. Anderson with their ideas so she can make additional adjustments to the next draft.

7. REPORTS

- A. **Planning and Zoning Administrator Report** – Ms. Anderson talked about some of the future meeting agenda items which include the draft sign ordinance, Forest Gate, rezone request for the bus lot for Saugatuck Public Schools, and a PUD application from BDR for West Shore. She also mentioned that the Centre Collective developer has reconfigured the residential site condo layout and that it is a substantial enough change to warrant a public hearing and review by the Planning Commission. She stated that the upcoming meeting agendas will be limited to 3 items maximum to prevent late night meetings which often result in less productivity. In addition, she also is looking into a possible mapping error with 200 Center Street and will be going over with the City Attorney.
- B. **Planning Commissioner Remarks** -
Commissioner Freeman and Commissioner O'Malley thanked Ms. Anderson for her work.

8. **PUBLIC COMMUNICATION – VERBAL (LIMIT OF 3 MINUTES):** No verbal communication.

9. ADJOURNMENT:

Motion to adjourn made by Commissioner Seabert, seconded by Commissioner O'Malley.

Submitted by Laura Kasper, Deputy Clerk

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**THE CITY OF THE VILLAGE OF DOUGLAS
PLANNING COMMISSION
THURSDAY, APRIL 20, 2023 AT 7:00 PM
86 W CENTER ST., DOUGLAS MI**

MINUTES

1. CALL TO ORDER

2. ROLL CALL

PRESENT

Secretary Kelli Heneghan

Commissioner John O'Malley

Commissioner Neal Seabert

Chair Paul Buszka

Vice-Chair Louise Pattison

Commissioner Gregory Freeman

Commissioner Matt Balmer

Deputy Clerk, Laura Kasper

Interim Planning & Zoning Administrator, Tricia Anderson (Joined Remotely)

A. Approval of April 20, 2023 Agenda (additions/changes/deletions)

Motion by Pattison, seconded by Balmer, to approve; April 20, 2023 Agenda. – Motion carried by unanimous roll call vote.

B. Approval of March 9, 2023 Minutes (additions/changes/deletions)

Motion by Seabert, seconded by O'Malley, to approve the March 9, 2023 Minutes at next meeting. – Motion carried by unanimous roll call vote.

3. PUBLIC COMMUNICATION – VERBAL - Susanne Dixon, 797 W. Center – Concerns with the Forest Gate Project not being mixed workforce housing, City owned Wiley road access, and environmental aspects. Tracey Shafroth, Water St. – Strongly concerned with the City owned Wiley road access feels the City should not grant an easement for the development .

4. PUBLIC COMMUNICATION – WRITTEN - None

5. NEW BUSINESS

A. **Saugatuck Public Schools Bus Lot (SW corner of Blue Star Hwy and Fremont St.) - Rezone Request from C-2, General Commercial to C-1, Village Center and R-5, Multiple Family Residential – Public Hearing**

Motion by O'Malley, seconded by Heneghan, to open the Public Hearing for Saugatuck Public Schools

Bus Lot Rezone Request. Motion carried by unanimous roll call vote.

a. Applicant Presentation -

Tim Travis, Superintendent of Saugatuck Public Schools, applied for the rezoning from C-2, General Commercial to C-1, Village Center and R-5, Multiple Family Residential and future land division of the parcel located at the southwest corner of Blue Star Highway and Fremont Street, owned by the school district. He spoke about how the lot used to be a gas station prior to its use as bus storage, and the western part to rezone as residential with future intent to sell off the residential section. Mr. Travis also discussed the plan to repurpose the Civil War Era house on the property by proposed move of the house to one of the proposed residential lots and recouping funds from the sale of the property. Skip Redner, Fennville area property owner, stated he restored area homes and would like to restore the said house, and has not submitted any plans yet.

b. Public Comments –

Chris Ferris, owner of Farmhouse Deli - Questioned the reason of rezoning lot to multifamily.
Charles and Cristina Bowman, 375 Fremont – They live adjacent to the property, and asked about the setbacks, and position of the houses.
Skip Redner, potential buyer of the residential lot – Stated that there is not a site plan yet but would be happy to work with them and keep the Bowmans updated. He also mentioned that he built the house that they live in.

c. Staff Remarks –

Tricia Anderson, City Planner gave a few procedural comments and stated the initial request being the rezoning from C-2, General Commercial to C-1, Village Center and R-5, Multiple Family Residential and future land division of the parcel located at the southwest corner of Blue Star Highway and Fremont Street. She answered the earlier question of rezoning to R5, stating that R5 already covers a large portion of the area, keeping in character with that zoning district, and the multi-family zoning district does allow for single family homes. She also stated that the lot size requirements for multi-family are larger, and the minimum lot size for single family is 7,920sqft. Ms. Anderson explained that the Planning Commission is tasked with reviewing the request to rezone the subject parcel and making a recommendation to the City Council to approve, deny or table the request. The splits must be approved by City Council, with anticipation of the splits being reviewed concurrently with the second reading of the rezone request. She added that the splits cannot be approved until the new zoning goes into effect. Ms. Anderson also explained that when reviewing a request for rezoning it is thru section 28.05 standards and the first step is to look to the City Master Plan on future land use, for direction as it relates to planned connectivity, and land use compatibility. She also spoke about the C-1 district being named a “potential compatible” zoning district with the future land use designation of Corridor Commercial. She noted that the stretch of Blue Star Highway between Randolph and St. Peters is somewhat unique, being zoned C-2, but demonstrating more of the downtown character. She believes that a less intense land use associated with the C-1 district would be more compatible with the surrounding residential uses.

d. Commissioner Questions -

Heneghan – Happy about moving the home and thinks C-1 is a good idea.
Freeman – Supportive of the request.
O’Malley – Supportive of the request.
Seabert – Stated concern that C-1 could be double story and change the character of Blue Star.
Balmer – Thanked Tricia for her work and sees this as an opportunity to slow traffic down enough to bring attention to the Downtown area. He also likes the idea about moving the house and added that nearby business could benefit from the C-1.
Pattison – Loves the plan to move the home.

Chair Buszka – Sees this as a win win.

Balmer – Thanked the School and addressing the need for housing.

Motion by O'Malley, seconded by Seabert, to close the Public Hearing. Motion carried by unanimous roll call vote.

Balmer moved, seconded by Seabert, to forward a favorable recommendation to the Douglas City Council for the approval of the rezoning of parcel #59-350-017-20, which is located on the SW corner of Blue Star Highway & Fremont Street from C-2, General Commercial to C-1, Village Center and R-5, in accordance with the survey and legal descriptions provided by the applicant. Motion carried by unanimous roll call vote.

6. UNFINISHED BUSINESS

A. **Forest Gate Duplex Condominium Project (Tabled on 2.9.23) -**

Pattison recused herself as announced by Chair Buszka.

Chair Buszka addressed that while this item is not a public hearing, however, he would allow some public comments.

Tracey Shafroth, Water St. – Would like the road entrance/exit to stay on Ferry St. and is concerned with the Wiley option, also would like for the City to do something really special with the 16 acres.

John Tempas, Civil Engineers from Driesenga & Associates – Wanted to state that eliminating the Wiley Road access would be fine with them, but that the City was in favor of it. He stated that the phasing was included in the plans, and for 1 and 2 the entire EGLE wetland issue was clearly marked, but the EGLE permit for phase 1 is not needed at this point because there is no strong timeline set. He also stated that all permits would be in hand prior to grading and easily not an issue.

Chair Buszka asked how they plan to segregate the stormwater areas shown in phase 1, and the excavated wetland in phase 2 area?

John stated that stormwater is collected in the north basin and phase 1 will be collected and directed north and will not affect the other area.

Chair Buszka ended his ask for public comment and asked for a staff comment from the Interim Planning and Zoning Administrator.

Tricia Anderson spoke, stating that the applicant has been in process for a while, and has been checking the boxes prior to bringing to the Planning Commission. She said this time they have addressed the listed concerns that have been compiled in the reports and explored special studies for going forward with the development. The table created and presented in the agenda packet, which is long, states most items are to where the standards for conditional approval have been met. To further clarification as to the possible Wiley Road access shown in the plan, she explained how municipalities look for redundancy and frontage where roads can go to allow as much access to emergency services. In addition, she added that the legal aspects and process take time regarding the right-of-way, but the City Attorney, City Staff and Council will weigh all options. She spoke to the other requests met such as finally providing sidewalks on the plan, meeting with KLWSA and the City for available water and sewer capacity and there are no anticipated issues with capacity. Ms. Anderson reminded the Commission that at the last meeting, they recommended that staff consult with professionals on the Phase 1 environmental and with the traffic study. Prein & Newhof reviewed these reports and gave comments and recommendations stating to retain their own environmental consultant to review listed concerns and soil tests prior to City Council review. Stormwater maintenance agreement requested, and clarified by John, that the County Drain Commission will have jurisdiction as Allegan County requires a 433-agreement making it a County Drain District. With this, all infrastructure is protected through the Drain Commission and will be maintained by the HOA. She concluded by stating support for a favorable recommendation to City Council is with the set listed conditions provided in her memo, so

the applicant is made responsible for detailed conditions set and the Zoning Administrator will follow up to track the conditions set are being met.

O'Malley – Questioning the traffic study, Ms. Anderson sent Commission an updated traffic study.

Freeman – Thanked Tricia for the traffic study and checked if the drainage space was owned by them.

Heneghan – Thanked Tricia's work, and asked for clarification on the EGLE permitting process. She also stated concerns about the Wiley Rd access.

Mr. Tempas explained that if they got the permit now, without having the set plan ready to work, the permit would expire before the project is ready for work. He also stated, at this point, the wetland permit is premature and will be in hand once City Council approves the plan, and it is standard procedure to have several conditions with a project of this size.

Seabert – Stated C100 wetland area concerns. He also is not in favor of the Wiley Rd access, and mentioned the paper misquoted them and that this property is important and need to have the community concerns addressed.

Balmer- Regarding condition item number 5 he asked for clarification from Ms. Anderson, and also pointed out that the contamination on the land was addressed in number 4, and that in the 13 conditions listed they do not require the Wiley RD access to be secure. He also prepared motions with conditions listed for the Commission to approve or not.

Tricia – Wiley Rd should be a condition, and this may have been an oversight. The Planning Commission can decide what that condition may be, and for condition item 5, the developer has not applied for the permit due to not knowing the exact location of the units there, but we don't know where they are at in the process with EGLE.

Chair Buszka – Likes Wiley Rd connection but knows the City will have to make some changes. He also would like as-builts provided when completed for wastewater, streets, sidewalks, and water from a profession engineer. Also think it's smart if they consider the wiring of the 220 in garages. Also, acknowledged lease duration of long-term, and would like work-force housing addressed.

Motion by Balmer, seconded by Seabert, that the Planning Commission approve the recommendation of the Forest Gate preliminary condominium plan to the Douglas City Council, subject to the following conditions: 1-13 as outlined in the Williams & Works memorandum dated 4-13-23 as it pertains to the Forest Gate condominium preliminary approval.

- 1. The applicant shall work with the Allegan County Drain Commission to satisfy stormwater management design standards and receive approval, prior to the City Council's review of the final condominium plan.***
- 2. Upon approval of the final condominium plan by the City Council, the applicant shall work with the Allegan County Drain Commission to determine the type of stormwater maintenance agreement that will be appropriate for the proposed development. The agreement must be drafted and reviewed by the appropriate attorney and engineer (depending on the type of agreement) and recorded prior to the issuance of any zoning compliance permits for any of the condominium units.***
- 3. Upon approval of the final condominium plan by the City Council, the applicant shall finalize a Master Deed document and other condominium documents to the satisfaction of the City Attorney prior to recording with the Allegan County Register of Deeds. The recorded copy shall be provided to the City prior to the issuance of any zoning compliance permits for any of the condominium units.***
- 4. The applicant shall address any recommendations made by the City's environmental consultant with regard to contamination issues with the subject site, prior to the City Council's review of the final condominium plan.***
- 5. Upon approval of the final condominium plan by the City Council, the applicant shall secure any and all permits and approvals from EGLE or any other federal, state, or local agency, prior to any site prep, grading, or construction of infrastructure on the site.***
- 6. The applicant shall revise the plan set to make the following changes, prior to City Council's review of the final condominium plan: a. The applicant shall place all tree plantings with Ferry Street***

frontage on the back of the right-of-way line on private property to minimize the potential for negative impact on underground utilities within the right-of-way. b. The applicant shall provide a note on Sheet C-101 to include "THE DEVELOPER SHALL WORK WITH THE CITY" in the note that addresses the design template for future Ferry St. modifications. c. The applicant shall identify the appropriate agencies or parties to whom all easements are dedicated to. d. The applicant shall provide dimensions for all on-street parking spaces.

7. Upon the City Council's approval of the final condominium plan, the developer shall work with the City Engineer to meet the minimum standards for road design, inspection, approval, and maintenance for all proposed public streets. No construction of road infrastructure is permitted until construction plans are approved by City Engineer.

8. The applicant shall install "No Parking" signs in accordance with Sheet C-101 during the road construction process, and prior to the issuance of any zoning compliance permits for the condominium units.

9. The applicant shall provide a construction timeline satisfactory to the City Engineer's recommendations, pertaining to the sequence of grading, installation of storm and utility infrastructure, sidewalks and pedestrian pathways, and landscaping, prior to the City Council's review of the final condominium plan.

10. The applicant shall address any and all items noted in the City Engineer's review letter dated April 11, 2023.

11. Upon approval of the final condominium plan by the City Council, the developer shall pay all fees and escrows associated with required permits related to utilities, construction plan review, and inspections.

12. The applicant shall adhere to and address any and all recommendations made by the Saugatuck-Douglas Fire Department.

13. The applicant shall work with the Planning & Zoning Administrator and Assessor to apply for a boundary change in accordance with Sheet V-105, prior to the City Council's review of the final condominium plan.

14. That the applicant shall continue to work with the city to either secure the city owned property along the western edge of the development needed to construct a public access road that connects to Wiley road, or receive city council approval to construct a private road that that connects to Wiley road, or do as the city the council finds appropriate.

With the exception of number 7 being added to per the chair's comments that the final construction details for the water, waste water, street, sidewalk, and stormwater are to be documented in a as-built document yield by a professional engineer. – Motion carried by unanimous roll call vote.

Commissioner Pattison returned to the table.

- B. **200 Center Street / Ordinance Amendment Discussion** – Tricia Anderson led the discussion stating the conclusion is that the parcel's PUD zoning designation as depicted on the 2009 zoning map was a mapping error. The actual zoning is C-1 and will be updated on the zoning map sometime in the near future. The direction from Commission was for the Planning & Zoning Administrator to revise the language to take out the residential part B and leave as special land use.
- C. **Draft Sign Ordinance – Discussion item** – Tricia Anderson discussed that if the Planning Commission is largely accepting of the revised draft, I she will incorporate further additions as advised by the Planning Commission and send it to the City Attorney for review. At the May meeting, the Planning Commission can then hold a public hearing and make a formal recommendation to the City Council for final approval. Discussion of clarifying a few areas of revocable signs and moving forward with the draft was the consensus.

7. REPORTS.

- A. Planning and Zoning Administrator Report – Tricia Anderson was sorry she could not make it and mentioned the new Planning & Zoning Admin starting soon, which she will work with and help get all set up.
- B. Planning Commissioner Remarks – Heneghan – would like the packets sent out earlier. Pattison and Buszka agreed. Chair Buszka also mentioned that next meeting would have the By-Laws amendment. Seabert – Mentioned that at the May 1st City Council meeting the new Planning Admin will be present. Also needs the agenda packet earlier, with a full week and weekend to look at. The Commission was in agreement. Balmer – informed the members about the upcoming joint meeting for City Council and Brownfield regarding affordable housing with Ryan Kilpatrick.

8. PUBLIC COMMUNICATION – VERBAL –

Diana Decker – Was present at Saugatuck’s meeting with Ryan Kilpatrick, and good discussion of grant money with the state’s new passing of housing bills.

9. ADJOURNMENT –

Motion by Seabert, seconded by Balmer, to adjourn.

Submitted by Laura Kasper, Deputy Clerk



PLANNING COMMISSION 2023 SCHEDULE

Planning Commission meetings are held on the 2nd Wednesday of each month. Submittal deadlines shall be six (6) weeks prior to a scheduled meeting. Note that if a public hearing is required, projects may need to be submitted one week prior to the stated submittal deadline. Only projects determined complete will be scheduled to appear for consideration before the Planning Commission.

Application Deadline ¹	Staff Site Plan Review (SPRC) ²	Public Notice Due to Paper	Resubmittal Deadline ³	PC Meeting Date
March 30, 2023	April 13, 2023	April 24, 2023	April 27, 2023	May 11, 2023
May 3, 2023	May 17, 2023	May 22, 2023	May 31, 2023	June 14, 2023
May 31, 2023	June 14, 2023	June 19, 2023	June 28, 2023	July 12, 2023
June 28, 2023	July 12, 2023	July 17, 2023	July 26, 2023	August 9, 2023
August 2, 2023	August 16, 2023	August 21, 2023	August 30, 2023	September 13, 2023
August 30, 2023	September 13, 2023	September 18, 2023	September 27, 2023	October 11, 2023
September 27, 2023	October 11, 2023	October 16, 2023	October 25, 2023	November 8, 2023
November 1, 2023	November 15, 2023	November 20, 2023	November 29, 2023	December 13, 2023

¹ Please submit 1 full-sized copy **and** a .pdf of all site plan documents at this time.

² Please note that you may be invited to attend a staff-level review meeting with city staff (SPRC). Remote meeting platform available when appropriate.

³ Please submit a pdf version of all plan documents.

williams&works

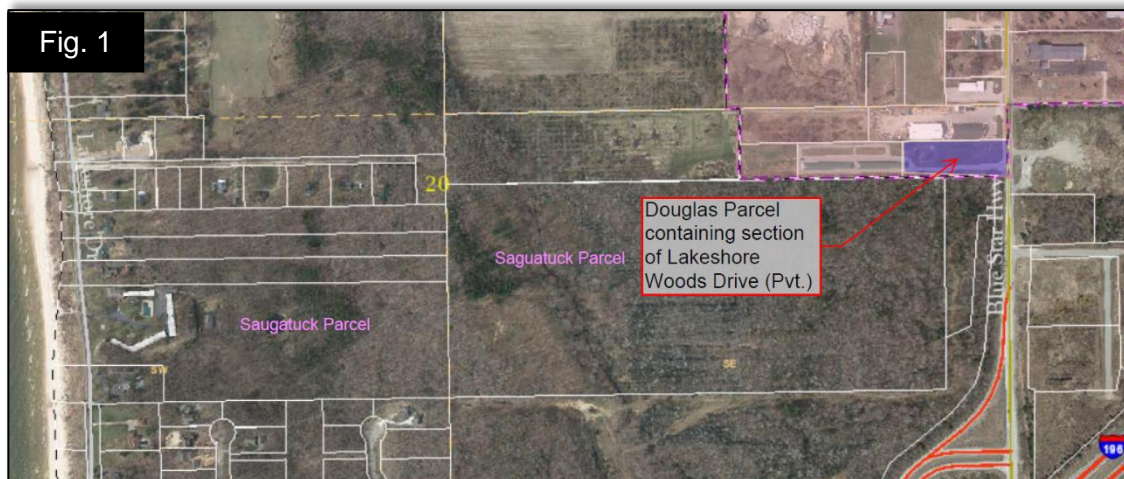
engineers | surveyors | planners

MEMORANDUM

To: City of The Village of Douglas Planning Commission
Date: May 4, 2023
From: Tricia Anderson, AICP
 Andy Moore, AICP
RE: Lakeshore Woods Private Road Review

Background. Mr. Andrew Milauckas, property owner, has submitted an application for a proposed private road that is planned to access the Lakeshore Resort from Blue Star Highway. The subject parcel is located at 2862 Blue Star Highway and is 1.83 acres in size. The parcel is currently occupied by an existing self-storage facility and contains an access road with an approach onto Blue Star Highway. The proposed private road is planned to use this existing access road with the existing approach, as approved by the Allegan County Road Commission. The private road application has been reviewed pursuant to Article 18, Access Control and Private Roads, and reviewed by the City Attorney and the City Engineer.

Jurisdiction. The proposed private road is intended to create an access point to the Lakeshore Resort from Blue Star Highway. As dune and beach erosion slowly create the potential to impact the reliability of Lakeshore Drive, property owners, and public agencies are seeking ways to access the lakeshore from the east. This proposed private road is a bit unique, as it crosses the jurisdictional line between Douglas and Saugatuck Township and is only proposed on one small parcel in the Douglas jurisdiction as shown in Figure 1. The review of this proposed private road was a joint effort between both jurisdictions, however, the Planning



Commission is tasked with providing a recommendation to the City Council for the approval of *only* the portion of the private road that runs through the Douglas parcel (referred to as “Tranquil Parcel” on site plan). Saugatuck Township has jurisdiction over reviews and approval of the majority of the proposed private road.

Application and Process. Section 18.02.11 requires an application to be submitted pursuant to Section 23.03(4), Permit Procedures and Regulations. The process for approval of private roads requires the City Attorney and City Engineer to forward their recommendations to the Planning Commission and City Council. As noted above, the Planning Commission is tasked with providing a recommendation to the City Council, based on the finding that the proposed private road complies with the requirements of Article 18. Once the City Council approves the private road plans, then the authorization for the construction of the road is issued by the Zoning Administrator.

Review. Section 18.02 provides requirements and standards for private road design. This section of the ordinance is provided for your reference. Since the road is only proposed on approximately 489’ of the parcel located in Douglas (shown on the plan as “Tranquil Parcel”), our review is limited to only that portion, however, we have worked with staff from Saugatuck Township to discuss the topics of future development of the Saugatuck parcels, as well as the potential for the road to be utilized by the public, should a catastrophic event cause Lakeshore Drive to become impassible. We have asked the property owner to address these topics within the required easement document/maintenance agreement that covers the entire road in both jurisdictions.

The site plan provided by the applicant dated April 11, 2023, has been reviewed against the requirements of Section 18.02. The applicable standards are below, along with our remarks.

18.02(4) Construction Standards.

- a. *A private road that serves three (3) or more parcels in a division of land other than subdivisions as defined by the Land Division Act of 1967, as amended, shall meet or exceed the cross-sectional construction standards established by the Allegan County Road Commission for public roads, except that the paving of a private road is not required unless the private road has two (2) or more connections to a public street, or seven (7) or more lots or dwelling units gain access from the private road.*

Remarks: The applicant has provided a separate set of construction drawings for the proposed road, however, cross-sectional details are not provided. These plans have been reviewed by the City’s engineer, who has provided review comments related to these standards. The private road, as proposed, does not connect to Lakeshore Drive, thus paving isn’t required at this time, however, the portion of the road on the Tranquil parcel is currently paved with a 25’ wide traveled surface. The road is planned as gravel throughout the Saugatuck parcels. Without the cross-section details, the City Engineer cannot ensure that

the existing access road meets the minimum requirements for private roads as-built.

- b. *For existing private roads with two (2) or more connections to a public street or which provide access for seven (7) or more lots which are not under the jurisdiction of a maintenance agreement specifying paving and/or repaving funding, the City Council may apportion the paving costs via a special assessment to all benefiting property owners or decide that all the costs should be borne by the developer of the private road, whichever under the circumstances, seems fair following a hearing at which each of the affected property owners is notified by mail at least fifteen (15) days before the hearing.*

Remarks: If the Saugatuck parcels are ever developed and there are additional users on the road, this standard will not apply, as it is not under the Douglas jurisdiction. However, the City does have an interest in ensuring the proposed private road has another connection to a public street even though any future connections would be located in Saugatuck Township. The private road maintenance agreement should reflect this.

18.02(5) Right-of-Way and Road Bed Width.

All private roads shall have a minimum right-of-way easement width of at least sixty-six (66) feet unless waived by the City Council. Waiver to a narrower width may be considered when seven (7) or less lots are involved, and is discretionary depending on public health, safety, emergency vehicle access, utility line extension and service considerations pertinent to both the property in question and the surrounding area. In no case shall a right-of-way easement width be less than thirty-three (33) feet in width. Road bed widths for private roads serving seven (7) or less lots shall be at least sixteen (16) feet. Road bed widths for private roads serving more than seven (7), but less than fifteen (15) lots, may not be less than nineteen (19) feet. Road beds for private roads serving fifteen (15) or more lots shall be not less than twenty-four (24) feet.

Remarks: The proposed right-of-way width does not currently meet the 66'. As indicated above, the private road would utilize the access road for the self-storage facility. The plan provides for a 56' wide easement across the self-storage access road, and a 20' wide "Claim of Interest in Easement" over the parcel immediately south of the "Tranquil parcel". The claim of interest in easement document, as reviewed by the City Attorney, does not grant an actual easement and will not be accepted unless the property owner grants the easement. There appears to be space on the "Tranquil parcel" to locate the full 66' easement.

18.02(7) Connection to Public Streets

Construction authorization from the Allegan County Road Commission is required for connection to County roads. When applicable, a permit is also required from the County under the Soil Erosion and Sedimentation Control Act, Act 347. At the discretion of the City Council, a proposed private road may be disapproved unless it connects to another private road or public street when necessary to provide safe traffic flow and/or emergency vehicle access.

Remarks: The existing access drive and its existing geometry is acceptable to the Allegan County Road Commission, according to the applicant. It connects to Blue Star Highway and the permit issued by the Allegan County Road Commission is attached.

18.02(9) Limit on Length

Private roads with only one connection to a public street or another approved private road meeting the requirements of this Ordinance shall not exceed one thousand three hundred and twenty (1,320) feet in length.

Remarks: The total length of the proposed private road far exceeds 1,320 feet. However, the majority of the road is proposed within Saugatuck Township, and their zoning regulations will apply.

18.02(11)(a) Road Maintenance Agreement (to be recorded): Must include:

1. *A method of initiating and financing of such road in order to keep the road up to properly engineered specifications and free of snow or debris.*
2. *A workable method of apportioning the costs of maintenance and improvements to current and future uses.*
3. *A notice that if repairs and maintenance are not made, the City Council may bring the road up to established Allegan County Road Commission standards for public roads and assess owners of parcels on the private road for the improvements, plus an administrative fee in an amount not to exceed twenty-five (25) percent of total costs.*
4. *A notice that no public funds of the City of the Village of Douglas are to be used to build, repair, or maintain the private road or road sign.*
5. *Funding of the posting and maintenance of the road sign.*

Remarks: The most recent draft reviewed by the City Attorney was not acceptable. His report is included with this memorandum. Additional attention is required for several areas.

18.02(11)(b) Road Easement Agreement (to be recorded): Must include:

1. *Easements to the public for purposes of emergency and other public vehicles for whatever public services are necessary.*

2. *A provision that the owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, vendors, tradesmen, delivery persons, and others bound to or returning from any of the properties having a need to use the road.*

Remarks: The required easement document and maintenance agreement document are combined into one document named “Declaration and Grant of Easements”. The City Attorney’s report should be referred to in whether these elements have been included in the combined document.

Final Thoughts. The applicant requested to be placed on the agenda, with the knowledge that there are specific areas indicated in both the City Engineer’s and the City Attorney’s reports, that must be addressed before they can make a favorable recommendation to the Planning Commission. In summary, the following items require attention and compliance before the applicant can return to the Planning Commission:

1. Core samples of the access road on the “Tranquil parcel” must be obtained and provided to the City Engineer for his review.
2. The language within the Declaration and Grant of Easements will need some changes as noted by the City Attorney.
3. The City Attorney has advised that the 20’ “Claim of Interest in Easement” does not suffice for the required 66’ easement.

Saugatuck Township provided an approval with conditions in January of this year, however, some of the issues related to the easement came about after the approval letter was distributed. Lynee Wells, Township Planner, has expressed a desire for the 66’ easement to be contained entirely on the “Tranquil Parcel”, as the “Mendoza Parcel” (containing the 20’ “Claim of Interest in Easement”) is in the Township, and there is an interest in that parcel being developed in the future.

Recommendations. Based on the findings indicated in this memorandum, we are recommending that the Planning Commission postpone any action on this item until such time that the applicant can address all the concerns stated by the City Attorney and City Engineer, as indicated in their respective reports.

April 11, 2023
2221119

Ms. Tricia Anderson
Williams&Works
549 Ottawa Ave., NW Ste. 310
Grand Rapids, MI 49503

RE: Lakeshore Woods Private Road
Engineering Review Comments

Dear Tricia:

On behalf of the City of Douglas, our office has reviewed the *revised* drawings dated *April 11, 2023* and received *April 11, 2023* for the above referenced project. Our comments regarding the *revised submittal for the* project are *in red* as follows: (*Previous review was completed December 27, 2022.*)

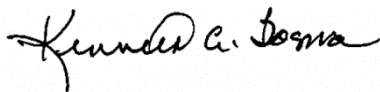
1. A meeting was held with Saugatuck Township, the Fire Department, and Allegan County Road Commission which I attended on behalf of City of Douglas. The points of that meeting included the following:
 - a. Both the Fire Department and Allegan County Road Commission were generally ok with the plan as it did provide another route in the event something happened to Lakeshore Drive. (ACRC has granted a permit for this project on February 14, 2022. We recommend the Fire Department also have the opportunity to grant their approval.) *No additional comments.*
 - b. Saugatuck Township will approve the plan but planned to add a statement that if any changes were made in the development (e.g. more lots added) the developer would need to submit to other agencies for review (i.e. Allegan County Road Commission and City of Douglas.) *The City attorney should verify this was included.*
 - c. The 25-foot easement for ingress, egress, and utilities within City of Douglas was discussed. Per the City's ordinance Section 18.02 (5) the easement width shall be 66 feet unless waived by the City Council. We note 66 foot is shown on a draft easement exhibit dated March 3, 2022, but it appears a portion of this is on a parcel not owned by the developer and it leaves no room on the north side of the road. *An email from you dated March 24, 2023 indicated that the developer may ask for a waiver for a reduced width. It appears from the most recent submittal a minimum of 66 foot easement will be provided (56 on the access site and 20 feet on the site to the south of the access site.) It should be verified the right documents and wording are for both easements.*

2. As noted by the City attorney via email on November 6, 2022, the draft easement agreement does not provide for maintenance of portions of the proposed Private Road and Easement located on the Self-Storage Parcel (or Tranquil Parcel as shown in the easement agreement), which would seem to violate Ordinance Section 18.02 (3). The City attorney shall approve the agreement before it is recorded. *No additional comments.*
3. The City's attorney should address if the Third Party Beneficiary section of the easement agreement is adequate. We suggest that language be added that allows the City to add an administrative fee as noted in the City ordinance Section 18.02 (11a 3) *No additional comments.*
4. Section 18.02 (4a) states that if the private road serves more than three parcels, the road shall meet the cross-section of ACRC. We are not aware of the current cross-section of the road. *No information was provided that the current road meets the cross-section requirements.*
5. We recommend wording for funding for posting and maintenance of the road signs be included in the easement agreement. (See Section 18.02 (11a 5).) *We believe that this language may have been added to a new draft agreement dated March 6, 2023.*
6. The developer is responsible for all review fees.
7. The developer is responsible for obtaining all permits and approvals required for this project.

If you have any questions or comments regarding the above, please feel free to call me.

Sincerely,

Prein&Newhof



Kenneth A Bosma, P.E.
KAB/kab

cc: Ms. Jenny Pearson, City of Douglas



April 20, 2023

VIA EMAIL ONLY: Anderson@williamsworks.com

City of the Village of Douglas, Michigan
c/o Ms. Tricia Anderson
Williams & Works, Planning Consultants to the City

RE: Lakeshore Woods Private Road

Dear Ms. Anderson:

You have requested that Plunkett Cooney, acting in its capacity as City Attorneys for the City of the Village of Douglas (the "City"), advise the Planning Commission and Council, as is required by section 18.02 12) of the Zoning Ordinance, whether a revision dated April 12, 2023, to the Applicant's proposed Declaration and Grant of Easements (the "Easement Agreement") between and among Tranquil Road, LLC ("Tranquil"); Lake Shore Resorts, LLC ("Lakeshore"); and the Joseph J. Milauckas Jr, Trust (the "Trust"; and, collectively, for the purposes of this Opinion, the "Applicant") satisfies the requirements of section 18.02 of the City Zoning Ordinance. For the reasons stated below, we conclude that it does not.

The most recent (dated February 14, 2023) drawings prepared by Applicant's engineer are proposed as an Exhibit A to the Easement Agreement and, consequently, are included as a basis of our Opinion. The proposed Exhibit A show a proposed private road easement and gravel road bed of approximately 3750 feet in length, 66-feet in width, predominantly located within Saugatuck Township, but crossing a parcel located within the City of Douglas (the "Tranquil Parcel") and culminating at an intersection with Blue Star Highway.

We conclude that the Applicant has not demonstrated to our satisfaction that the Easement Agreement satisfies the following requirements of Section 18.02 of the Zoning Ordinance:

1. The Applicant is believed to be requesting that Council waive the 66-foot easement minimum width requirement of Section 18.02 5) of the Zoning Ordinance as to that portion of the private road easement that will lie within the parcel owned by Applicant Tranquil and located within the City (the "Tranquil Parcel"). (Exhibit A shows a proposed Tranquil Parcel easement width of 56-feet to be granted to Lakeshore and the Trust.) Apparently in an effort to avoid having to secure that Council waiver, the Applicant asserts ownership of an adjacent easement across an adjoining Saugatuck Township parcel owned of record by an unrelated person.

We have reviewed the recorded instrument, entitled "Claim of Interest in Easement for Ingress and Egress", as well as the recorded Warranty Deed upon which the former is based. By recording the former instrument, the Trust sought to protect its

claim to a 20-foot wide ingress and egress easement over the portion of the adjacent Saugatuck Township parcel in question. Unfortunately, (i) the grantor who created this easement by Warranty Deed expressly denied any and all warranties, including warranty of title, to the ingress and egress easement, and (ii) the Applicant has offered no evidence that the record owner of the burdened parcel acknowledges its existence. Finally, the Applicant has not provided a title policy or title opinion which would cause the City to conclude that the easement is both valid and owned (as opposed to merely "claimed") by the Trust as the successor-in-interest to the Warranty Deed grantees. Accordingly, we conclude that the Planning Commission and Council must interpret the Applicant's request as seeking approval of a 56-foot wide easement across the Tranquil Parcel and a waiver of the section 18.02 5) minimum width requirement.

2. Although the Easement Agreement assigns among the parties the financial responsibility for the initial construction subsequent maintenance, improvement or expansion of the proposed private road, and also requires that the private road be maintained in accordance with Allegan County Road Commission standards and the requirements of, as applicable, the City and Saugatuck Township, we do not believe that the Easement Agreement OBLIGATION to maintain pursuant to a workable methodology for the apportionment of the expense of maintenance and improvement to current and future uses [(section 18.02 11) a)] is illusory because it is dependent in each instance upon a subsequent agreement among a majority of the Parcel Owners served by the private road, in the absence of which agreement either the City, or Saugatuck Township, may only intervene and perform maintenance at such time as the private road demonstrably ceases to meet those standards and requirements. We are not satisfied that the maintenance obligation of the Easement Agreement is sufficiently robust as to satisfy the intent of section 18.02 11).
3. We have noted the most recent comments of the City Engineer and support his apparent conclusion that the proposed gravel roadbed has not been demonstrated to satisfy Allegan County Road Commission cross-sectional construction standards, as is required by section 18.02 4) a) of the Zoning Ordinance.

PLUNKETT COONEY

1st Philip A. Erickson

Philip Erickson
Plunkett Cooney, City Attorneys

David S. Keast
Of Counsel, Plunkett Cooney

cc: Rich Labombard, City of Douglas Manager

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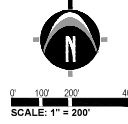
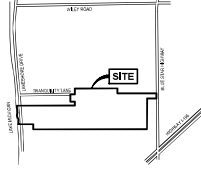
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GRAND RAPIDS
INDIANAPOLIS
ST. LOUIS

PREPARED FOR:
 Lake Shore Resort
 P.O. Box 121
 Saugatuck, MI 49453

REVISIONS:

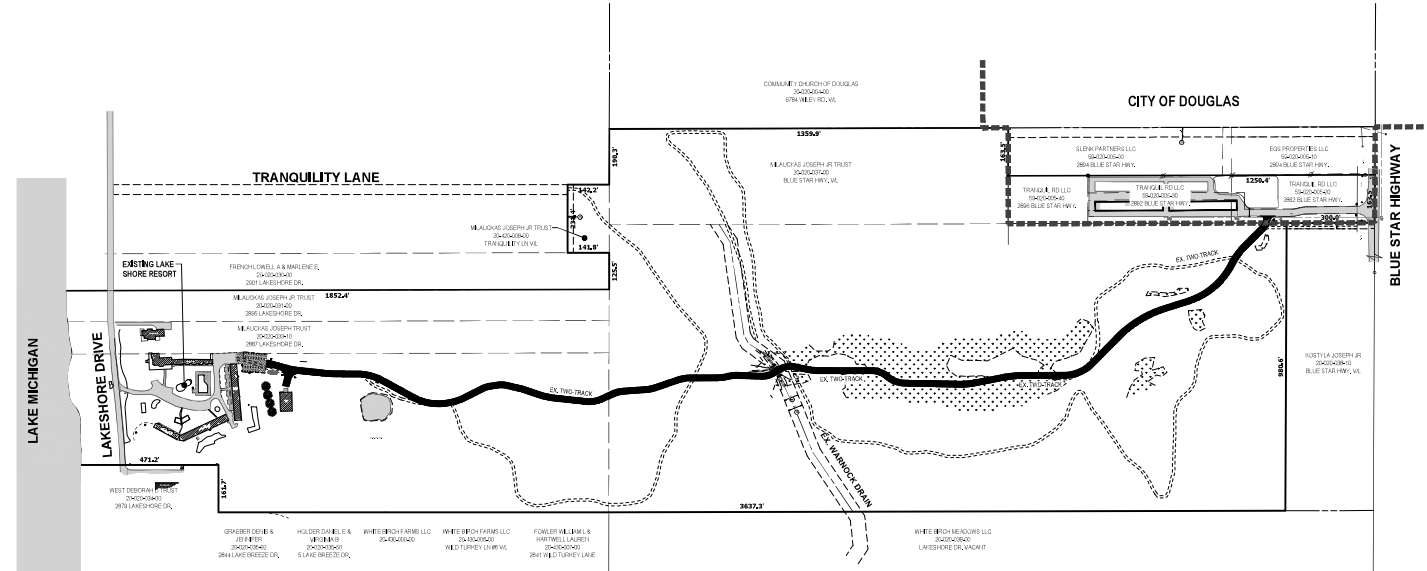
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29	Revised For Owner	Checked M/B	09/20/22
30	Revised For Owner	Checked M/B	09/20/22



BENCHMARKS

BENCHMARK #6511 ELEV. = 642.20 (NAVD88)
 Set cotton gin spindle in South side 30' tree. Located 21' S East of the centerline of Lakeshore Drive & 5' S of the drive entrance to Lakeshore Resort.

BENCHMARK #5526 ELEV. = 652.25 (NAVD88)
 Set cotton gin spindle in west side of utility pole. Located 425' S East of the centerline of Lakeshore Drive & 20' S of the South line of North-South hotel building.

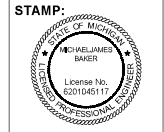


811 Know what's below. CALL before you dig.

811 calls are subject to actual availability of utility services. Call 811 before any excavation or construction work. Digging without calling 811 can be fatal and cause property damage. The information is provided for your information only. It is not a warranty of any kind.

NOTES:
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL HEALTH DEPARTMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL HEALTH DEPARTMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL HEALTH DEPARTMENT.

LAKE SHORE WOODS DRIVE (PVT.)
Overall Site Map
 2885 Lakeshore Drive
 PART OF SECTION 26, T3N, R18W,
 SAUGATUCK TOWNSHIP, ALLEGAN COUNTY, MICHIGAN



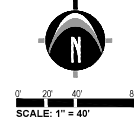
PROJECT NO:
 20200220

SHEET NO:
C-100



811 CALLS ARE DERIVED FROM ACTUAL MEASUREMENTS OF PUBLIC UTILITIES. THEY SHOULD NOT BE RELIED UPON TO IDENTIFY ALL UTILITIES. ALWAYS VERIFY THE LOCATION AND DEPTH OF UTILITIES BEFORE ANY EXCAVATION.

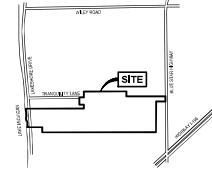
NOTE: THIS PLAN IS FOR INFORMATION ONLY. IT IS NOT TO BE USED FOR CONSTRUCTION. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES BEFORE ANY EXCAVATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES.



BENCHMARKS

BENCHMARK #6511 ELEV. = 646.20 (NAVD89)
 Set cotton gin spindle in South side 30' tree. Located 21' East of the centerline of Lakeshore Drive & 5' South of the drive entrance to Lakeshore Resort.

BENCHMARK #6526 ELEV. = 653.25 (NAVD89)
 Set cotton gin spindle in west side of utility pole. Located 425' East of the centerline of Lakeshore Drive & 20' South of the South line of North-South hotel building.



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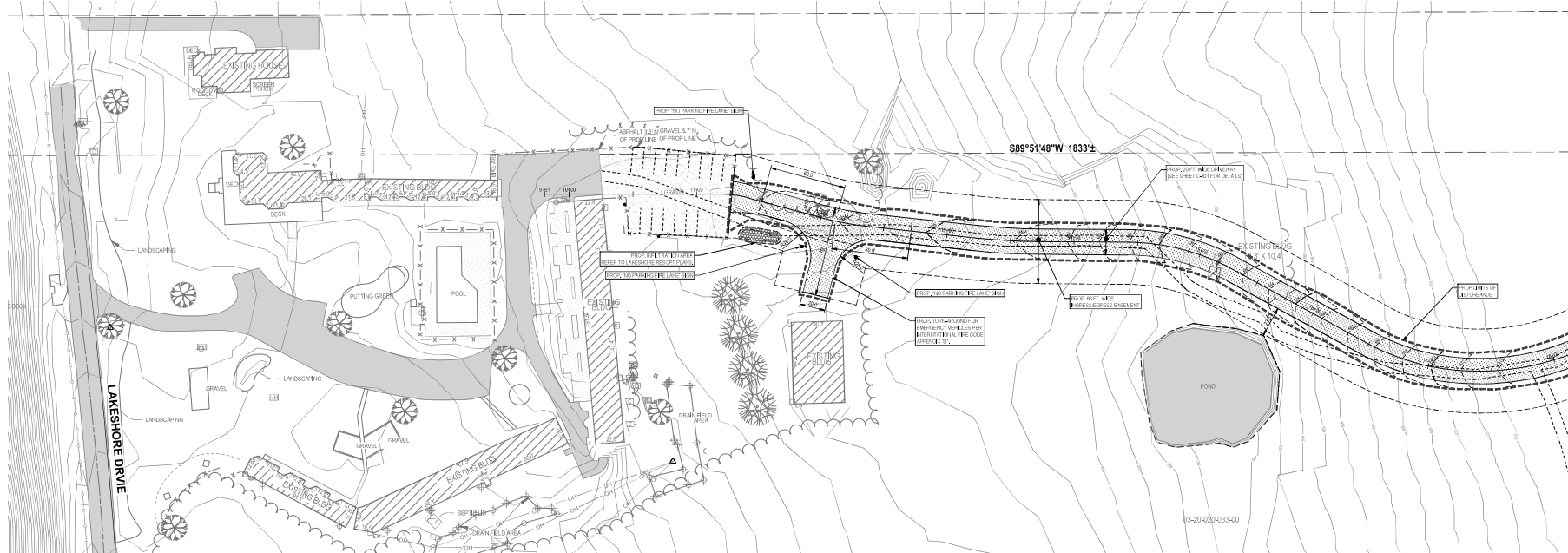
ANN ARBOR
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 ST. LOUIS

PREPARED FOR:

Lake Shore Resort
 P.O. Box 121
 Saugatuck, MI 49453

REVISIONS:

TR:	Revised Per Owner	Checked MJB	Date: 2020/02/20
DR:	WSS	Checked MJB	Date: 2020/02/20
TR:	Revised Per Owner	Checked MJB	Date: 2020/02/20
DR:	WSS	Checked MJB	Date: 2020/02/20
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TR:	Revised Per Owner	Checked MJB	Date: 2020/02/20
DR:	WSS	Checked MJB	Date: 2020/02/20
TR:	Revised Per Designer	Checked MJB	Date: 2020/02/20
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TR:	Revised	Checked MJB	Date: 2020/02/20
DR:	WSS	Checked MJB	Date: 2020/02/20



MATCHLINE - SEE SHEET C-301

LAKE SHORE WOODS DRIVE (PVT.)

Grading Plan
 2885 Lakeshore Drive
 PART OF SECTION 20, T3N, R16W,
 SAUGATUCK TOWNSHIP, ALLEGAN COUNTY, MICHIGAN

STAMP:



PROJECT NO:
20200220

SHEET NO:
C-300

DECLARATION AND GRANT OF EASEMENTS

This Declaration and Grant of Easements (the “**Agreement**”) is made March __, ~~2022~~2023, by **TRANQUIL ROAD, LLC**, a Michigan limited liability company, whose address is PO Box 121, Saugatuck, Michigan 49453 (“**Tranquil**”), Joseph J. Milauckas Jr, as Trustee of the **JOSEPH J. MILAUCKAS JR. TRUST**, whose address is also PO Box 121, Saugatuck, Michigan 49453 (the “**Trust**”) and **LAKE SHORE RESORTS, LLC**, a Michigan limited liability company, whose address is also PO Box 121, Saugatuck, Michigan 49453 (“**Lake Shore**”).

This conveyance is exempt from County Real Estate Transfer Tax under MCL 207.505(a) and from State Real Estate Transfer Tax under MCL 207.526(a). The value of the consideration is less than \$100.

Background

A. Tranquil owns of certain land located in the City of the Village of Douglas, Allegan County, Michigan described and depicted on the attached Exhibit A as the **Tranquil Parcel**.

B. The Trust owns certain adjoining land located in Saugatuck Township, Allegan County, Michigan described and depicted on the attached Exhibit A as the **Trust Parcel**.

~~C.~~ **C.** The Trust also owns certain adjoining land located in Saugatuck Township, Allegan County, Michigan described and depicted on the attached Exhibit A as **Parcel D**.

D. Lake Shore owns certain adjoining land located in Saugatuck Township, Allegan County, Michigan, described and depicted on the attached Exhibit A as the **Lake Shore Parcel**.

~~D.E.~~ **D.E.** Tranquil, the Trust, and Lakeshore desire to grant to each other, and their successors and assigns, non-exclusive, perpetual, private easements over certain portions of the Tranquil Parcel, Trust Parcel, Parcel D, and Lakeshore Parcel (individually a “Parcel” and collectively the “Parcels”) pursuant to the terms and conditions of this Agreement.

Terms and Conditions

NOW, THEREFORE, in consideration of the mutual covenants contained in this Agreement, and other good and valuable consideration, the receipt and sufficiency of which is acknowledged, the parties make this Declaration and Grant of Easements.

1. Declaration of Easements.

(a) **Reciprocal Roadway and Utilities Easement.** Tranquil, the Trust and Lakeshore, as owners of their respective Parcels, declare and grant to the Trust and Lakeshore, and their respective successors and assigns, as easements appurtenant to the Trust Parcel and Lake

Shore Parcel, non-exclusive, perpetual, private easements (the “**Private Road and Utilities Easement**”) for vehicular ingress to and egress from Blue Star Highway, (including for emergency services for local police, sheriff and fire departments), and public and private utilities on, over, across, and under those parts of the Parcels as described and depicted as “the Private Easement for Ingress, Egress & Utilities” on the attached Exhibit A (the “**Road Easement Area**”).

Included within this Private Road and Utilities Easement is the right to construct, install, maintain, repair, replace, reinstall, operate, and inspect driveway improvements, and water, sanitary sewer, telephone, cable television, electric, gas, and other similar utility lines (“**Utility Lines**”), over, across, and under the Road Easement Area.

The easements are to be for purposes of (i) pedestrian and vehicular ingress and egress to and from Blue Star Highway, including access for emergency services, including the Saugatuck Township Fire District, and local police and Sheriff departments, (ii) using, maintaining, repairing, reconstructing, improving, replacing and removing the Utility Lines, (iii) servicing any buildings and improvements upon the Parcels, (iv) fire protection, (v) security, and (vi) related uses.

2. Construction and Maintenance Obligations. The parties to this Agreement shall have the following construction and maintenance obligations with respect to the Private Road and Utilities Easement (together the “**Easements**”):

(a) **Private Road Improvements.** Lake Shore shall initially construct on and in the Road Easement Area gravel roadway improvements for the use of the Lake Shore Parcel, Parcel D, and the Trust Parcel (the “Private Road”). Decisions regarding maintenance of the improvements within the Road Easement Area shall require approval of a majority of the Parcel Owners. Each Parcel Owner shall have one vote for each linear foot of frontage on the Road Easement Area on their respective Parcels. All subsequent costs of construction and maintenance of the Private Road, including the costs for posting and maintaining any road signs, shall be paid by the owners of the Lake Shore Parcel and Trust Parcel in proportion to the linear footage of the Private Road on their respective parcels, which costs will include but not be limited to costs for: expanding or paving the roadway; resurfacing and repairs; snow, leaf and debris removal; and tree trimming and tree removal required for construction or maintenance of the roadway improvements. Notwithstanding the foregoing, any damage to the road or utilities located within the Private Road and Utilities Easement caused by the owner of any parcel, or the respective owner’s family members, guests, invitees, or agents, shall promptly be repaired by such owner at the owner’s sole expense.

The Private Road shall be maintained in a good and useful condition, and shall at all times be owned, constructed, used, maintained, and repaired in compliance with the applicable Saugatuck Township Zoning Ordinance or City of the Village of Douglas Zoning Ordinance, or other applicable law or ordinance.

(b) **Utility Improvements.** Each Parcel Owner shall be responsible for the costs to construct, repair, replace and maintain any utilities located with the Road Easement Area that serve that parcel exclusively. The costs to construct, repair, replace or maintain utilities serving more than one Parcel shall be paid by the Parcel Owners benefitting from such utility in

equal shares.

3. Method of Construction. The construction obligations shall be performed in accordance with applicable laws, ordinances and regulations of all governmental authorities, specifically including (without limitation) Saugatuck Township and the City of the Village of Douglas. Roadway improvements shall be constructed in accordance with the quality standards and specifications of Saugatuck Township, the City of the Village of Douglas, and Allegan County, Michigan. All construction shall be completed in a good, workmanlike, and expeditious fashion and shall be performed free of any and all construction liens.

4. Private Road Notice. The Private Road will not be maintained by the Allegan County Road Commission, Saugatuck Township nor The City of the Village of Douglas. No public funding is available or will be used to construct, reconstruct, maintain, repair, improve or snowplow the Private Road. If repairs and maintenance of the private road are not made so as to maintain the road in reasonably good and usable condition, either Saugatuck Township or the city of the Village of Douglas shall have the authority, but not the obligation, to repair and maintain the road and assess owners of the parcels having frontage on the private road for the total cost, plus an administrative fee in the amount of 10% of the total cost of the repairs and maintenance. Any person purchasing a parcel having frontage on the private road shall be deemed to have petitioned for the repair and maintenance of the private road specified in this subsection as provided by Public Act No. 188 of 1954 (MCL 41.721 et. seq.) authorizing the special assessment by Saugatuck Township or the City of the Village of Douglas of the cost of the maintenance and repair of the private road, and to have consented in all respects to the imposition of a special assessment pursuant to such act for the cost for Saugatuck Township or the City of the Village of Douglas to repair and maintain the private road.

4.5. Rights and Remedies. If any owner of the Trust Parcel or Lake Shore Parcel fails to perform or commence to perform any obligation hereunder and such failure continues for ten (10) days (or shorter if necessity requires) following written notice specifying the default, the non-defaulting owner shall have the right (but not the obligation) to cure such default and take such action as may be necessary to do so including, without limitation, entering upon the land owned by the defaulting owner to effect such cure. If any sums are paid by the non-defaulting owner pursuant to this paragraph, the defaulting owner shall be liable to the non-defaulting owner for all sums expended by such non-defaulting owner in accordance with the provisions of this paragraph until such sums are repaid in full. Such amounts shall bear interest from the date of delinquency at the rate of three (3%) percent per annum in excess of the prime rate of interest published in The Wall Street Journal, adjusting and changing as such prime rate changes, and such amounts, including interest and the costs of collection shall constitute a lien on defaulting owner's parcel. The parties agree, for themselves, their successors and assigns, that such liens constitute a consensual agreement to encumber real property pursuant to MCL 565.25(3)(c).

The non-defaulting owner may enforce collection by foreclosure of the lien securing payment by the means set forth in the Michigan Foreclosure by Advertisement statute, being MCL 600.3201, et. seq., as amended, or by other legal or equitable proceedings as permitted by law or by judicial foreclosure. Alternatively, the non-defaulting owner may enforce collection of such amount by a suit at law for money judgment. The parties agree that prior to such enforcement action the non-defaulting party shall provide written notice to the defaulting party's lender of

record, if any. The expenses incurred in connection with collecting unpaid amounts, including statutory interest, costs and reasonable attorneys' fees (actual, not limited to statutory), shall also be chargeable to the defaulting owner.

5.6. Barriers. No Parcel owner shall at any time construct any barrier, fence, or other obstruction which will inhibit or restrict ingress, egress, and use of the Private Road by other Parcel owners or their family members, guests, invitees, agents, contractors, or emergency vehicles bound to or returning from any of the Parcels.

6.7. No Public Funding. No public funding is available or will be used to construct, re-construct, maintain, repair, or improve the Private Drive or to remove snow and ice from the Private Drive.

7.8. Third Party Beneficiary. All Parcel Owners and all the Owner' successors and assigns agree that Saugatuck Township and the City of the Village of Douglas shall be considered third party beneficiaries with respect to this Agreement and as such shall have the right to enforce the terms, conditions, responsibilities, duties, and obligations set forth in those sections.

8.9. Binding Effect. This Agreement shall, to the extent permitted by law, run with the land which comprises the Parcels, shall not be subject to termination except upon the written mutual agreement of the parties to this Agreement or their respective successors and assigns (in which case such parties will execute and record a release of this Agreement in recordable form, whereupon all rights, duties and liabilities created hereby shall automatically terminate), and shall inure to the benefit of the Trust Parcel and Lake Shore Parcel, and be binding upon the owners of the Parcels and their respective successors, assigns, transferees, licensees, invitees, servants, designees, and mortgagees, and each person or entity owning, occupying, or using the Parcels or any portion of them.

9.10. Liability. The owner of each Parcel agrees to defend, indemnify, and hold harmless ~~the others,~~ Saugatuck Township, the City of the Village of Douglas, the other Parcel Owners and their successors, and assigns, from and against all liens, claims, suits, or causes of action, that may be based upon any injury or alleged injury to person or property, which may be caused by or which may arise from any construction, maintenance, or use of or to the Private Road and Utilities Easement by that party, its successors and assigns, or its employees, agents, contractors, customers, guests or invitees.

10.11. Miscellaneous. Time is of the essence. Invalidation of any one of the provisions contained in the Agreement by judgment, court order, or otherwise shall not invalidate or otherwise affect any other provision in this Agreement, all of which shall remain in full force and effect. Whenever a transfer of ownership of any of the Parcels occurs, liability of the transferor for the breach of any obligation under this Agreement occurring after the transfer shall automatically terminate. The easement grant shall be given a reasonable construction so that the intention of each party to confer a usable right of enjoyment is carried out.

11.12. Scope. This Agreement is being entered into for the sole use and benefit of the Trust Parcel and Lake Shore Parcel. This Agreement, and the rights under this Agreement, shall not be transferred or assigned by the parties, except appurtenant to the property owned by them. None of the rights contained in this Agreement may be conveyed or granted by either party to real estate other than the Parcels.

12.13. Relationship of Parties. Nothing contained in this Agreement, nor any act of the parties, shall be deemed or construed by any party or by any third party to create the relationship of principal and agent, of partnership, of joint venture, of joint enterprise, or of any association between the parties hereto, nor shall anything contained in this Agreement or any act of the parties be construed to render any party liable for the debts or obligations of any other party.

13.14. Amendment, Waiver, Modification, or Cancellation. Any amendment, waiver, alteration, or modification of any of the provisions of this Agreement, or cancellation or replacement of this Agreement (in whole or in part), shall be effective only if in writing and signed by the parties to this Agreement, and only upon receiving the written approval of Saugatuck Township and the City of the Village of Douglas.

14.15. Cumulative Remedies. All rights, remedies, and recourse under this Agreement or otherwise are separate and cumulative and may be pursued separately, successively, or concurrently, are non-exclusive and the exercise of any one or more of them shall in no way limit or prejudice any other legal or equitable right, remedy, or recourse to which any party may be entitled.

15.16. Interpretation. No provision in this Agreement is to be interpreted for or against any party because that party or that party’s legal representative drafted the provision.

16.17. Construction. This Agreement shall be governed by and construed according to the laws of the State of Michigan.

17.18. Entire Agreement. This Agreement contains the entire understanding between the parties relating to the rights granted and the obligations assumed. This Agreement may not be amended, except in writing and signed by all parties to this Agreement, their heirs, personal representatives, successors or assigns.

TRANQUIL:

Tranquil Road, LLC

By: _____
Joseph J. Milauckas
Its Member

Acknowledged before me in _____ County, _____, on March __,

~~2022~~2023, by Joseph J. Milauckas, as Member of Tranquil Road, LLC, a Michigan limited liability company, on behalf of the company.

Notary Public, State of _____, County of _____
Acting in the County of _____
My Commission Expires: _____

TRUST:

Joseph J. Milauckas Jr, as Trustee of the
Joseph J. Milauckas Trust

Acknowledged before me in _____ County, _____, on March __,
~~2022~~2023, by Joseph J. Milauckas Jr, as Trustee of the Joseph J. Milauckas Trust.

Notary Public, State of _____, County of _____
Acting in the County of _____
My Commission Expires: _____

LAKE SHORE:

Lake Shore Resorts, LLC

By: _____
Joseph J. Milauckas
Its Member

Acknowledged before me in _____ County, _____, on March __,
~~2022~~2023, by Joseph J. Milauckas, as Member of Lake Shore Resorts, LLC, a Michigan limited

liability company, on behalf of the company.

Notary Public, State of _____, County of _____

Acting in the County of _____

My Commission Expires: _____

Drafted by and when recorded return to:

William A. Sikkel, IV, esq.
Sikkel & Associates, PLC
42 East Lakewood Blvd.
Holland, Michigan 49424
(616) 394-3025

Exhibit A

Survey

APPLICATION AND PERMIT

to construct, operate, maintain, use and/or
remove within a county road right-of-way

ROAD COMMISSION USE ONLY

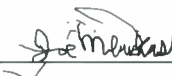
Item 5A.

Permit Number: 22-20-20
 Issuance Date: 2/14/2022
 New/Annual: **NEW CONSTRUCTION**

Board of County Road Commissioners of Allegan County, Michigan
 ADDRESS: 1308 Lincoln Road, Allegan, MI 49010-9762
 PHONE: (269)673-2184 FAX (269)673-5922
 EMAIL: jsharp@alleganroads.org

If applicant hires a contractor to perform the work, BOTH must complete this form and BOTH assume responsibility for the provisions of this Application and Permit.

APPLICANT	CONTRACTOR
Name: <u>Joseph Milauckas</u>	Name: _____
Mailing Address: <u>P.O. Box 121, Saugatuck, MI 49453</u>	Mailing Address: _____
Telephone No: <u>616 994-2617</u>	Telephone No: _____
Email address: <u>LSR@WMOL.COM</u>	Email address: _____

Applicant's Signature: <u></u> Print Name: <u>Joseph Milauckas</u> Title: <u>Property Owner</u> Date: <u>1/25/2022</u>	Applicant's Signature: _____ Print Name: _____ Title: _____ Date: _____
---	---

FINANCIAL REQUIREMENTS	ATTACHMENTS REQUIRED
Application Fee \$ _____	Plans and Specs _____
Permit Fee \$ <u>200.00</u>	Bond _____
Est. Inspect Fee \$ _____	Proof of Insurance <input type="checkbox"/> Yes <input type="checkbox"/> No
Bond \$ _____	P.I. \$ <u>200.00</u> P.D. \$ _____
Deposit \$ _____	Other <u>CS 201639</u>
Other \$ _____	
To Be Billed \$ _____	
Receipt Number _____	
Dated _____	

APPLICATION


Applicant and/or Contractor request a permit for the purpose indicated in the description of work below and attached plans and specifications at the following location:

TOWNSHIP Saugatuck SECTION 20 NAME OF ROAD "Lake Shore Woods" between Blue Star Highway
 and Lake Shore Drive for a period beginning 1/25/2022 and ending permanent and agrees to the terms of the permit.

This is a request for a permit to access Blue Star Hwy from a new private road that will start in the City of Douglas at Blue Star Highway and located on and shared with the existing 22' wide asphalt curb cut driveway that presently accesses Saugatuck Self Storage. The road will continue west on the existing drive approximately 350' then turn left onto my parcel #20-020-038-00 and continue to my business, Lake Shore Resort located at 2885 Lakeshore Drive. Private Road approvals will be obtained from the Saugatuck Twp and Douglas as required. No construction in the Blue Star Hwy right of way unless required. The 20' ingress/egress easement to south will be used for construction access until road completed.

PERMIT

A permit is granted in accordance with the foregoing application for the period stated above subject to the following terms agreed to by the Permit Holder. When Applicant hires a Contractor, the "Permit Holder" is the Applicant and the Contractor.

RECOMMENDED FOR ISSUANCE:
 Investigator: 
 Title: Traffic and Safety
 Date: 2/14/22

BOARD OF COUNTY ROAD COMMISSIONERS
 ALLEGAN COUNTY, MICHIGAN
 By: 

1. **Specifications.** All work performed under this permit must be done in accordance with the plans, specifications, maps, and Statements filed with the Commission and must comply with the Commission's current requirements and specifications on file at its offices and M.D.O.T. specifications.
2. **Fees and Costs.** Permit Holder shall be responsible for all fees incurred by the Commission in connection with this permit and shall deposit estimated fees and costs as determined by the Commission, at the time the permit application is submitted.
3. **Bond.** Permit Holder shall provide a cash deposit, letter of credit, or bond in a form and amount acceptable to the Commission at the time permit is issued.
4. **Insurance.** Permit Holder shall furnish proof of liability and property damage insurance in the amount stated on this permit naming the Commission as an insured. Such insurance shall cover a period not less than the term of this permit and shall provide that it cannot be cancelled without ten (10) days advance written notice by certified mail with return receipt required to the Commission.
5. **Indemnification.** Permit Holder shall hold harmless and indemnify and keep indemnified the Commission, its officers and employees from all claims, suits, and judgments to which the Commission, its officers, or employees may be subject and for all costs and actual attorney fees which may be incurred on account of injury to persons or damage to property, including property of the Commission, arising out of the work under this permit, or in connection with work not authorized by this permit, or resulting from failure to comply with the terms of this permit, or arising out of the continued existence of the work products which is the subject of this permit.
6. **Miss Dig.** The Permit Holder must comply with the requirements of Act 53 of Public Acts of 1974, as amended. CALL MISS DIG AT (800)482-7171 AT LEAST TWO (2) FULL WORKING DAYS, BUT NOT MORE THAN TWENTY ONE (21) CALENDAR DAYS, BEFORE YOU START WORK. Permit Holder assumes all responsibility for damage to or interruption of underground utilities.
7. **Notification of Start and Completion of Work.** Permit Holder must notify the Commission at least 48 hours before starting work and must notify the Commission when work is completed.
8. **Time Restrictions.** All work shall be performed Mondays through Fridays between 8:00 a.m. and 5:00 p.m. unless written approval is obtained from the Commission, and work shall be performed only during the period set forth in this permit. No work will be allowed between November 15 and March 31.
9. **Safety.** Permit Holder agrees to work under this permit in a safe manner and to keep the area affected by this permit in a safe condition until the work is completed. All work site conditions shall comply with Michigan Manual of Uniform Traffic Control Devices.
10. **Restoration and Repair of Road.** Permit Holder agrees to restore the road and right-of-way to a condition equal to or better than its condition before the work began; and to repair any damage to the road right-of-way which is the result of the facility whenever it occurs or appears.
11. **Limitations of Permit.** This permit does not relieve Permit Holder from meeting other applicable laws and regulations of other agencies. Permit Holder is responsible for obtaining additional permits or releases which may be required in connections with this work from other governmental agencies, public utilities, corporations and individuals, including property owners. Permission may be required from the adjoining property owners.
12. **Revocation of Permit.** The permit may be suspended or revoked at will, and the Permit Holder shall surrender this permit and alter, relocate, or remove its facilities at its expense at the request of the Commission.
13. **Violation of Permit.** This permit shall become immediately null and void if Permit Holder violate the terms of this permit, and the Commission may require immediate removal of Permit Holder's facilities, or the Commission may remove them without notice at Permit Holder's expense.
14. **Assignability.** This permit may not be assigned without the prior approval of the Commission. If approval is granted, the assignor shall remain liable and the assignee shall be bound by all the term of this permit.
15. This permit is subject to supplemental specifications on file with the Road Commission and Act 200 of Public Acts of 1969.



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

December 21st, 2022

Nederveld
c/o Mike Baker
347 Hoover Blvd.
Holland, MI 49423

Re: Lakeshore Woods Drive – Proposed Private Road – Site Plan Review #2 for Prj# 20200220 for
Sheets: C-100, C-300, C-301, C-302, C-303 for drawings dated 2022.10.20, rev. 2022.12.02

Dear Mr. Baker

We are in receipt of the site plan for the Lakeshore Woods Private Road received 12/2/2022. We reviewed the plans using the International Fire Code (IFC) 2015 edition. Please see the result of the fire department review listed **below**.

1. Vehicle impact protection required by this code shall be provided by posts that comply with Section 312.2 or by other approved physical barriers that comply with Section 312.3. (312.1) **Not applicable.**
2. 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) **Approved, turnaround as shown adjacent to existing barn complies with the minimum requirements.**
3. “No Parking Fire Lane” signage shall be installed at the dead end of the turnaround. (IFC 503.3) **Approved, “No Parking Fire Lane” Signage is shown on Sheet C-300 in revised submittals.**
4. No parking shall be allowed within the turnaround. The area must be clear and unobstructed for turnaround at all times. (IFC 503.4)
5. 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 shown as 20 feet.**
6. Minimum clear height shall be 13’6” across the entire 20ft width of driveway. (IFC 503.2.1) **Approved, height clearance is noted as 13’6” in plans provided**
7. Road shall not exceed the 10% maximum grade. (IFC 503.2.7) **Approved, grade is shown as less than 10% in plans provided.**
8. 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 as capable of supporting 80,000lbs on Sheet C-301 of revised submittals.**
9. The road shall be maintained free of snow and ice to provide all weather driving capabilities. (IFC 503.2.3) **Approved, road is noted to be maintained free of snow and ice to provide all weather driving capability.**
10. Fire department access roads shall be constructed and maintained for all construction sites. (IFC 3310.1) **Not applicable to the private road project.**



SAUGATUCK TOWNSHIP FIRE DISTRICT

Proudly serving : Douglas | Saugatuck | Saugatuck Township



Item 5A.

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) **No gate is listed in the plans provided, however if it is installed in the future, a Knox Key switch or Knox padlock is required for emergency access and activation**
11. 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 to the private road project.**
12. Streets and roads shall be identified with *approved* signs. Temporary signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles. Signs shall be of an *approved* size, weather resistant and be maintained until replaced by permanent signs. (IFC 505.2) **Approved, street signage for "Lakeshore Woods Drive" is noted at the intersection of Blue Star Highway / Lakeshore Woods Drive in revised submittals.**
13. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type listed in accordance with UL 1037, and shall contain keys to gain necessary access as required by the fire code official. (IFC 506.1) **Not applicable to the private road project.**
14. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems. (IFC 510.1) **Not applicable to the private road project.**
15. 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 to the private road project.**
16. 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 to the private road project.**
17. 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 to the private road project.**
18. 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 to the private road project.**
19. With respect to hydrants, driveways, buildings and landscaping, fire department connections shall be so located that fire apparatus and hose connected to supply the system will not obstruct access to the buildings for other fire apparatus. The location of fire department connections shall be approved by the fire chief. (IFC 912.2) **Not applicable to the private road project.**
20. 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.



SAUGATUCK TOWNSHIP FIRE DISTRICT

Proudly serving : Douglas | Saugatuck | Saugatuck Township



Item 5A.

21. 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 on the Lakeshore Woods Private Drive project in Saugatuck Township if you are in agreement with the above-mentioned items. Please ensure you receive the appropriate permits from Saugatuck Township, City of Douglas, and other agencies prior to commencement of construction.

Respectfully Yours,

Chris Mantels

Deputy Chief / Fire Inspector

Cc: Greg Janik – Fire Chief (via email)
Lynee Wells – Zoning Administrator - Twp (via email)
Tricia Anderson – Zoning Administrator - Douglas (via email)
Joe Milauckas – Property Owner (via email)
Andrew Milauckas – Property Owner (via email)

From: [Mike Baker](#)
To: [Anderson, Tricia](#); [Bill Sikkel](#); [Lynee Wells](#); [andrew.milauckas.com](#); [Joe Milauckas](#)
Cc: [Township Manager](#); [Dana Burd](#); [Cindy Osman](#); [Chris Mantels](#); [Greg Janik](#); [Craig Atwood](#); [Nick Curcio](#)
Subject: Lake Shore Woods Drive (pvt.)
Date: Tuesday, April 11, 2023 1:01:13 PM
Attachments: [image001.png](#)
[20200220 Lake Shore Woods Drive 2023.04.11.pdf](#)
[LSW Dr. C-303 Exhibit.pdf](#)

Hi Tricia,
Here are the latest plans for Lake Shore Woods Drive (note proposed street name).
These were last revised in December 2022 per the Fire Dept. review as follows:

- “No parking Fire Lane” signage was added on sheet C-300 (at the west end near the turnaround).
- The gravel road surface was revised to support 80,000 lb. imposed load (on sheet C-301)
- Street signage for “Lake Shore Woods Drive” was added at the intersection with Blue Star Highway (see sheet C-303)

The existing 20 foot wide ingress egress easement is identified as before on the parcel directly south of the parcel in Douglas (see sheet C-303).
Today I updated the Liber and Page reference note for the existing easement per the information Bill Sikkel has provided.
I’ve also highlighted the C-303 again to clarify the easement geometry at the east end near Blue Star.

Please let me know if you have any questions or need anything else.
Thank you,

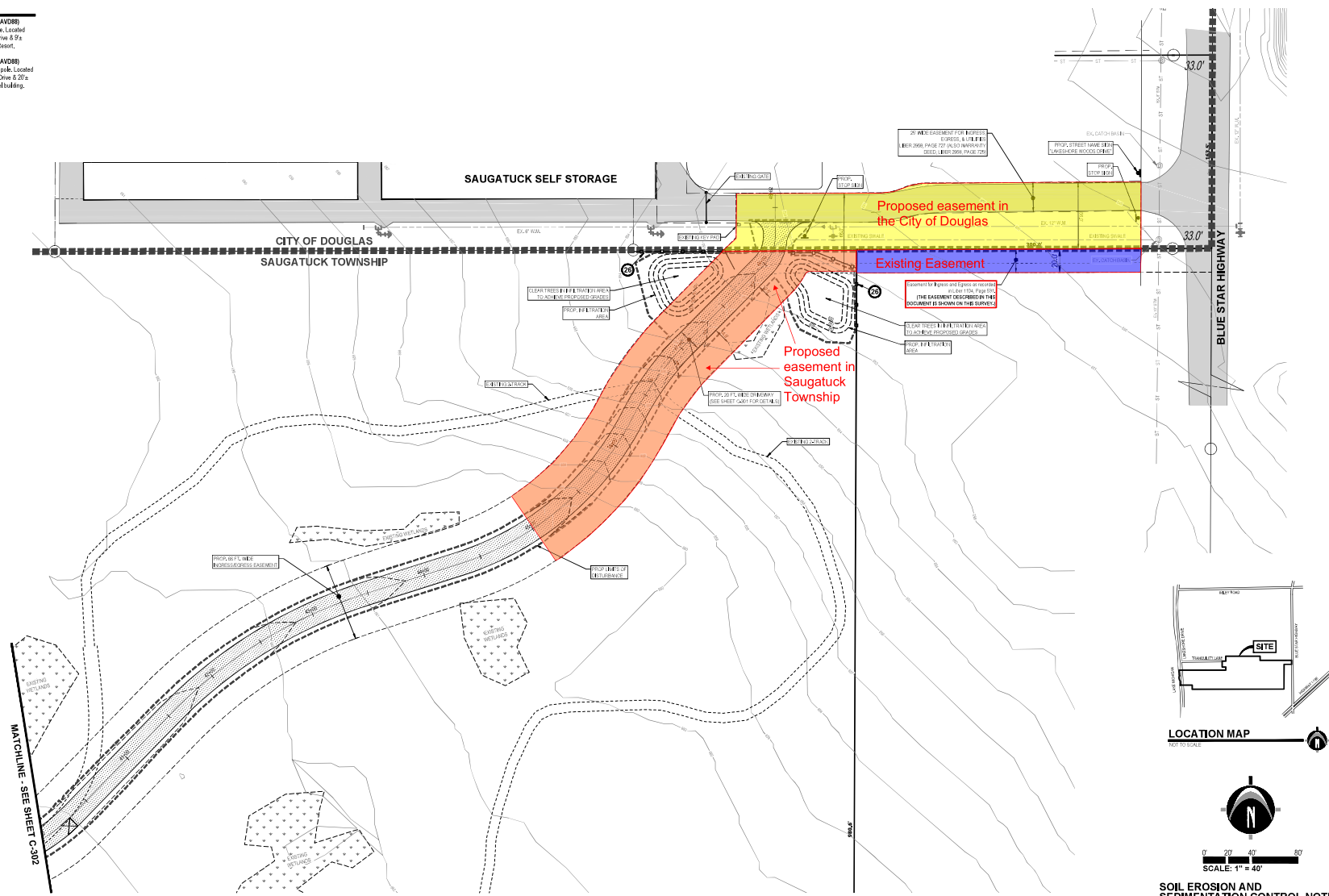
Mike Baker PE

800.222.1868
www.nederveld.com



From: Anderson, Tricia <Anderson@williams-works.com>
Sent: Tuesday, April 11, 2023 9:01 AM

BENCHMARKS
BENCHMARK #6511 ELEV. = 646.20 (NAVD83)
 Set cotton gin spindle in South side 30' tree. Located 271' East of the centerline of Lakeland Drive & 52' South of the drive entrance to Lakeland Resort.
BENCHMARK #6536 ELEV. = 651.05 (NAVD83)
 Set cotton gin spindle in west side of utility pole. Located 402' East of the centerline of Lakeland Drive & 21' South of the South line of North-South hotel building.



NEDERVELD
 www.nederveld.com
 800.222.1868
HOLLAND
 347 Hoover Blvd.,
 Holland, MI 49423
 Phone: 519.202.0249
 ANN ARBOR
 CHICAGO
 COLUMBUS
 GRAND RAPIDS
 INDIANAPOLIS
 ST. LOUIS

PREPARED FOR:
 Lake Shore Resort
 P.O. Box 121
 Saugatuck, MI 49453

REVISIONS:

1.	Revised Per Owner	Checked MJB	Date: 2022/01/20
2.	Revised Per Owner	Checked MJB	Date: 2022/01/20
3.	Revised Per Owner	Checked MJB	Date: 2022/01/20
4.	Revised Per Owner	Checked MJB	Date: 2022/01/20
5.	Revised Per Owner	Checked MJB	Date: 2022/01/20
6.	Revised Per Owner	Checked MJB	Date: 2022/01/20
7.	Revised Per Owner	Checked MJB	Date: 2022/01/20
8.	Revised Per Owner	Checked MJB	Date: 2022/01/20
9.	Revised Per Owner	Checked MJB	Date: 2022/01/20
10.	Revised Per Owner	Checked MJB	Date: 2022/01/20
11.	Revised Per Owner	Checked MJB	Date: 2022/01/20
12.	Revised Per Owner	Checked MJB	Date: 2022/01/20
13.	Revised Per Owner	Checked MJB	Date: 2022/01/20
14.	Revised Per Owner	Checked MJB	Date: 2022/01/20
15.	Revised Per Owner	Checked MJB	Date: 2022/01/20
16.	Revised Per Owner	Checked MJB	Date: 2022/01/20
17.	Revised Per Owner	Checked MJB	Date: 2022/01/20
18.	Revised Per Owner	Checked MJB	Date: 2022/01/20
19.	Revised Per Owner	Checked MJB	Date: 2022/01/20
20.	Revised Per Owner	Checked MJB	Date: 2022/01/20

LAKE SHORE WOODS DRIVE (PVT.)
 Private Access Drive
 2885 Lakeland Drive
 PART OF SECTION 26, T34N, R18W,
 SAUGATUCK TOWNSHIP, ALLEGAN COUNTY, MICHIGAN

STAMP:

PROJECT NO:
20200220

SHEET NO:
C-303

SOIL EROSION AND SEDIMENTATION CONTROL NOTES

- CONTRACTOR SHALL POSSESS THE SOIL EROSION AND SEDIMENTATION CONTROL PLAN PRIOR TO START OF ANY EARTHWORK.
- CONTRACTOR SHALL NOTIFY THE LOCAL AGENCIES AND OBTAIN PERMITS PRIOR TO START OF ANY EARTHWORK. THE CONTROL PLAN SHALL SHOW THE ACCEPTED SOIL CONTROL MEASURES TO BE USED TO PREVENT SOIL EROSION AND SEDIMENTATION FROM THE CONSTRUCTION ACTIVITY. THE OWNER, AND THE ENGINEER.
- SOIL EROSION PREVENTION SHALL BE PROVIDED AT ALL TIMES DURING CONSTRUCTION. ALL BARE EARTH SHALL BE STABILIZED WITH SEEDING.
- REFER TO THE SOIL EROSION AND SEDIMENTATION CONTROL MANUAL, VOLUME 2009 FOR CONSTRUCTION PROCEDURES.
- THE EROSION CONTROL SYSTEM SHALL BE CLEANED AND MAINTAINED THROUGHOUT CONSTRUCTION TO BE REINSTALLED PRIOR TO FINAL PAYMENT TO THE ENGINEER AND COUNTY. SEED ASBEST PRIOR TO FINAL PAYMENT TO THE CONTRACTOR. OBTAIN ACCEPTANCE OF THE CONTRACTOR BY THE ENGINEER.
- THE CONTRACTOR SHALL BE RESPONSIBLE TO NOTIFY THE COUNTY ENGINEER AND MAINTAIN ALL TRAILERS, SEED MEASURES AND LAND AT ALL TIMES THROUGHOUT THE PROJECT.

SOIL EROSION CONTROL SCHEDULE 2022 | 2023

NO.	DESCRIPTION	MONTHS											
		JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
3	CLASS ALL TOPSOIL												
14	STABILIZE TOPSOIL												
26	ROUGH GRADE SITE												
	CONSTRUCT 2" CONCRETE FILTER STRIP AREA												
	CONSTRUCT SLOTTED CURBS												
	INSTALL GRADE LIFE												
	PLANT GRASS												
	CONSTRUCT SLOTTED CURBS												
	SEED SLOTTED CURBS												
	INSTALL SLOTTED CURBS												

811 Know what's below. CALL before you dig.

BEFORE ANY CONSTRUCTION OR EXCAVATION, CONTACT THE LOCAL UTILITY LOCATING SERVICE TO IDENTIFY THE LOCATION OF ALL UTILITIES AND STRUCTURES PRIOR TO ANY CONSTRUCTION.

January 3, 2023

Joe Milauckas
P.O. Box 121
Saugatuck, MI 49453

Re: Private Road Conditional Approval, Lake Woods Drive from Blue Star to Lake Shore Resort
Parcels: 202-033-00, 020-038-00, 0359-020-005-20

Dear Mr. Milauckas,

You have submitted a request for Private Road dated March, 2002 with revised plans dated October 20, 2022. Copies of relevant permits by reviewing agencies are on file including the EGLE wetland permit and driveway permit from the Allegan County Road Commission. The private road is approved with the following conditions:

1. Copies of applicable review letters and permitting issued by the City of the Village of Douglas for the private road shall be provided to the Township prior to road use.
2. Review and approval of easement documents and maintenance agreement by the Township's Attorney prior to C of O for new proposed Lakeshore Motel Lakeview and Forest View units.
3. Any proposed gate shall be reviewed and approved by the Saugatuck Township Fire District.
4. Use of private road for vehicles of hotel guests only in the event Lakeshore Drive is declared impassible. Should other use be desired, such as for the general public or should use expand to time when Lakeshore Drive is passable, the roadway shall be fully paved per construction plans.
5. Any building permits or other land use approval (such as land division or site condo) for the aforementioned parcels shall require review and approval of Lakewoods Private Road by the Planning Commission if required per the Township Zoning Ordinance, as amended. Similarly, should use of roadway change from item #4 above, amendment of the site plan for Lakeshore Motel shall be required per the Zoning Ordinance, as amended.

Should you have questions, please reach out.

Sincerely,

Lynne Wells (via email)

Lynne Wells, AICP
Township Planner

**ARTICLE 18:
ACCESS CONTROL AND PRIVATE ROADS**

Section 18.01 Access Controls

1) Curb Cuts and Driveways: Curb cuts, driveways, and passing lanes for other than one (1) lot single family or two family dwellings shall be located only upon the approval of the City Engineer; provided, however, such approval shall not be given where such curb cuts and driveways shall cause an unreasonable increase in traffic hazards, including but not limited to allowing adequate sight distance for ingress and egress.

- a) All plans for structures to be erected, altered, moved or reconstructed, and the use of premises within the City shall contain a plan for the proposed driveway access to the premises. Said plan shall be approved by the Zoning Administrator prior to the issuance of a building permit. No such plan shall be approved unless such driveway access is onto a public street or an approved private road. Driveways shall, at a minimum, meet the following standards:
1. All driveways shall enter perpendicular to a public street or approved private road and no closer than ten (10) feet from the lot line of an adjoining parcel; except in the C-2 District, where driveways shall be no closer than 60 feet from the lot line of an adjoining parcel.
 2. No portion of the driveway entrance within the right-of-way shall have a grade of greater than seven (7) percent (7 foot vertical rise in one hundred (100) feet of horizontal distance).
 3. The driveway shall meet clear vision standards of Section 16.31.
 4. Residential driveways shall be a minimum of forty (40) feet from the nearest right-of-way line of an intersecting road or street except on platted lots existing as of September 15, 2007.
 5. Non-residential driveways shall be a minimum of sixty (60) feet from the nearest right-of-way line of an intersecting road or street except on platted lots existing on the effective date of this Ordinance.
 6. Driveways on major thoroughfares shall be limited to one driveway per lot, and said driveways shall be designed such that a vehicle is not forced to back out onto the street right-of-way. Said driveways shall permit the entrance and exit movement of vehicles and shall be limited to one ingress lane and one egress lane, except in the C-2 District, where a 3-lane configuration may be permitted by the Planning Commission as part of the site plan review process.
 7. One way double drives (U shape) are permitted provided the distance between the center lines of the two drives is greater

than fifty (50) feet, except in the C-2 District, where this distance shall be at least one hundred fifty (150) feet. These dimensions shall be measured at the right-of-way line. Directional signs or arrows may be required designating the entrance and exit drives, up to a certain square footage as stipulated by the Planning Commission.

8. The maximum driveway approach width for two-way drives is twenty four (24) feet and eighteen (18) feet each for one-way drives.
 9. One driveway is permitted on public streets other than major thoroughfares and private roads. A single driveway shall permit the entrance and exit movement of vehicles. One way double drives (U shape) are permitted provided the distance between the center lines of the two drives is greater than fifty (50) feet. Directional signs or arrows may be required designating the entrance and exit drives, up to a certain square footage as stipulated by the Planning Commission..
 7. No driveway shall serve more than one (1) dwelling except where shared access is otherwise permitted in this Ordinance (e.g., multiple family dwellings).
 8. New driveways shall align with existing or planned driveways, crossovers, turn lanes or other access features. This shall only be required if the resulting alignment provides safe access and if all requirements of this Ordinance and the City Engineer are met.
 9. The location of new driveways shall conform with road improvement plans or corridor plans that have been adopted by the City or County Road Commission or Michigan Department of Transportation, as applicable.
 10. Driveways shall be designed to minimize runoff and erosion.
 11. Culverts shall be installed in line with and on the same grade as the road ditch.
 12. Driveways shall be maintained at a minimum width of twelve (12) feet with a permanent durable and dustless surface and shall be graded to prevent standing water.
- b) The Zoning Administrator or designated Building Inspector shall inspect the driveway as developed for compliance to the above standards prior to issuance of a certificate of occupancy.

2) Nonresidential Access: No access to a nonresidential use of land shall cross residentially-zoned property.

3) Lots to Have Access: All parcels or lots hereinafter created in the City shall have frontage on a public street, or an approved private road or recorded easement, and take their lot access from such frontage so as to provide safe, convenient access for

fire protection, other emergency vehicles, and any required off-street parking. Except that corner lots shall take their access from an approved private road or public street in a platted subdivision or condominium subdivision. Wherever a corner lot exists at the intersection of two (2) major thoroughfares, then access shall be taken from the thoroughfare presenting the least hazard in the opinion of the City Engineer.

Section 18.02 Private Roads

- 1) Private Roads Permitted: Private roads are permitted provided they conform to the requirements of this Section.

- 2) Existing Road Width: Where a private road in existence prior to September 15, 2007 has no recorded easement width, the easement width will be considered to be forty (40) feet for the purposes of establishing setbacks and measured equal distance from the midpoint of the road surface.

- 3) Access required: All private road easements shall include maintenance agreement provisions and shall be approved by the City Attorney before being recorded with the County Register of Deeds.

- 4) Construction Standards.
 - a) A private road that serves three (3) or more parcels in a division of land other than subdivisions as defined by the Land Division Act of 1967, as amended, shall meet or exceed the cross-sectional construction standards established by the Allegan County Road Commission for public roads, except that the paving of a private road is not required unless the private road has two (2) or more connections to a public street, or seven (7) or more lots or dwelling units gain access from the private road.
 - b) For existing private roads with two (2) or more connections to a public street or which provide access for seven (7) or more lots which are not under the jurisdiction of a maintenance agreement specifying paving and/or repaving funding, the City Council may apportion the paving costs via a special assessment to all benefiting property owners or decide that all the costs should be borne by the developer of the private road, whichever under the circumstances, seems fair following a hearing at which each of the affected property owners is notified by mail at least fifteen (15) days before the hearing.

- 5) Right-of-Way and Road Bed Width: All private roads shall have a minimum right-of-way easement width of at least sixty-six (66) feet unless waived by the City Council. Waiver to a narrower width may be considered when seven (7) or less lots are involved, and is discretionary depending on public health, safety, emergency vehicle access, utility line extension and service considerations pertinent to both the property in question and the surrounding area. In no case shall a right-of-way

easement width be less than thirty-three (33) feet in width. Road bed widths for private roads serving seven (7) or less lots shall be at least sixteen (16) feet. Road bed widths for private roads serving more than seven (7), but less than fifteen (15) lots, may not be less than nineteen (19) feet. Road beds for private roads serving fifteen (15) or more lots shall be not less than twenty-four (24) feet.

6) Dedication of Rights-of-Ways or Easements: While not required to be dedicated to the public, no structure or development activity shall be established within approved rights-of-way or easements of a private road.

7) Connection to Public Streets: Construction authorization from the Allegan County Road Commission is required for connection to County roads. When applicable, a permit is also required from the County under the Soil Erosion and Sedimentation Control Act, Act 347. At the discretion of the City Council, a proposed private road may be disapproved unless it connects to another private road or public street when necessary to provide safe traffic flow and/or emergency vehicle access.

8) Cul-de-sacs: Cul-de-sacs shall meet City cross-section specifications and the following requirements:

- a) Any cul-de-sac shall terminate at the property line, except when precluded by a natural barrier or when the cul-de-sac terminates at a lot or parcel within the development that fronts upon the cul-de-sac.
- b) Frontage measurements for cul-de-sac lots shall be from the curve tangent that meets both side lot lines. See Figure 18.3. Frontage on a lot on a cul-de-sac may not be less than eighty (80) percent of the minimum lot width required for the zoning district in which it is located.
- c) Not more than four (4) lots or parcels shall have frontage on a cul-de-sac.
- d) The minimum radius of cul-de-sacs shall meet Allegan County Road Commission standards.

9) Limit on Length: Private roads with only one connection to a public street or another approved private road meeting the requirements of this Ordinance shall not exceed one thousand three hundred and twenty (1,320) feet in length.

10) Maximum Number of Lots Served: A private road in a development with more than twenty-five (25) lots or units shall have at least two (2) points of intersection with another private road and/or public street, so as to protect existing and future residents in case of an emergency or in the event of blockage of an access point and to promote safe traffic flow.

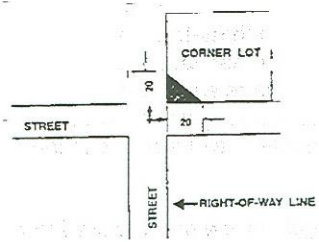


Figure 18-1

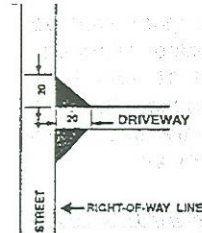


Figure 18-2

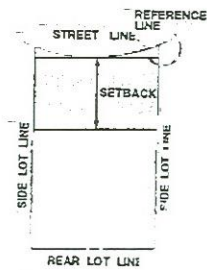


Figure 18-3

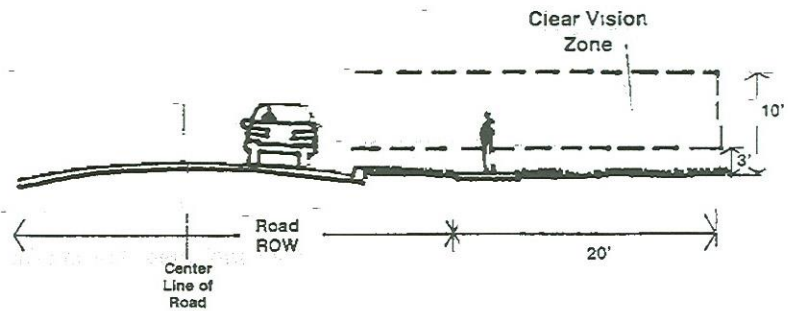


Figure 18 - 4

11) Private Road Construction Application: Application for road construction shall either be made at the same time as for a proposed land division or at least thirty (30) days prior to the meeting date for which the applicant requests consideration. Prior to approval by the City Council, the applicant shall prepare and provide eight (8) sets of a general property development plot plan complying with the requirements of Section 23.03(4)c unless the development requires a site plan pursuant to the requirements of Section 24.02 of this Ordinance. The following additional information shall be submitted:

- a) Road maintenance agreement signed by applicant/owner(s) to be recorded with the City and Allegan County Register of Deeds providing for:
 - 1. A method of initiating and financing of such road in order to keep the road up to properly engineered specifications and free of snow or debris.
 - 2. A workable method of apportioning the costs of maintenance and improvements to current and future uses.
 - 3. A notice that if repairs and maintenance are not made, the City Council may bring the road up to established Allegan County Road Commission standards for public roads and assess owners of parcels on the private road for the improvements, plus an administrative fee in an amount not to exceed twenty-five (25) percent of total costs.
 - 4. A notice that no public funds of the City of the Village of Douglas are to be used to build, repair, or maintain the private road or road sign.
 - 5. Funding of the posting and maintenance of the road sign.
- b) Road easement agreement signed by the applicant/owner(s) to be recorded with the City and Allegan County Register of Deeds providing for:
 - 1. Easements to the public for purposes of emergency and other public vehicles for whatever public services are necessary.
 - 2. A provision that the owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, vendors, tradesman, delivery persons, and others bound to or returning from any of the properties having a need to use the road.

12) Application Review and Approval or Rejection:

- a) The Zoning Administrator shall send the plans for the private road to the City Engineer for review and comment; and the proposed road maintenance agreement and road easement agreement shall be sent to the City Attorney for review and comment.
- b) City Engineer and City Attorney recommendations shall be forwarded to the Planning Commission and City Council.

- c) The private road shall be reviewed by the Planning Commission and a recommendation as to conformance or nonconformance with this Ordinance shall be supplied in writing to the City Council. Said review may be conducted as part of a site plan review process, or at the applicant's discretion, separately if no other development approvals from the City are needed.
- d) If the private road plans are approved by the City Council, construction authorization will be issued by the Zoning Administrator. If the application is rejected, the reasons for the rejection and any requirements for approval shall be given in writing to the applicant.
- e) The Zoning Administrator will arrange for inspections by the City Engineer during construction of, and upon completion of the private road.
- f) The City Engineer's reports shall be forwarded to the City Council.

13) Issuance of Permit for Structures Served by Private Roads: No building or certificate of occupancy shall be issued for a structure or use provided access by a private road until such private road is approved by the City Council.

14) Performance Guarantee: The City Council shall require that a performance guarantee meeting the requirements of Section 23.06 in an amount necessary to cover the cost of any remaining improvements needed at the time the City Council grants approval.

15) Failure to Perform: Failure by the applicant to begin construction of the private road according to approved plans on file with the City within one (1) year from the date of approval shall void the approval and a new plan shall be required by the City subject to any changes made herein or subject to any changes made by the Allegan County Road Commission or the City in its standards and specifications for road construction and development. The private road shall be completed within one and one-half (1 1/2) years of the date of approval of the private road.

16) Posting of Private Roads: All private roads shall be designated as such and shall be clearly posted with a clearly readable name which can be easily seen in an emergency and which conforms with standards used to create City street signs. The sign shall be paid for, posted, and thereafter maintained by the property owner's association or developer. The Zoning Administrator shall check with the County to avoid a duplicate of road names and give approval of same if the Council did not do so.

17) Notice of Easements: All purchasers of property where a private road provides access to the premises shall, prior to closing of the sale, receive from the seller a notice of easement, in same form that it has been recorded with the County Register of Deeds, substantially conforming to the following:

"This parcel of land has private road access across a permanent easement which is a matter of record and a part of the deed.

This notice is to make Purchaser aware that this parcel of land has egress and ingress over this easement only.

Neither the County nor City has any responsibility for maintenance or upkeep of any improvement across this easement. This is the responsibility of the owners of record. The United States mail service and the local school district are not required to traverse this private improvement and may provide service only to the closest public access. (Michigan P.A. 134 of 1972, as amended.)”

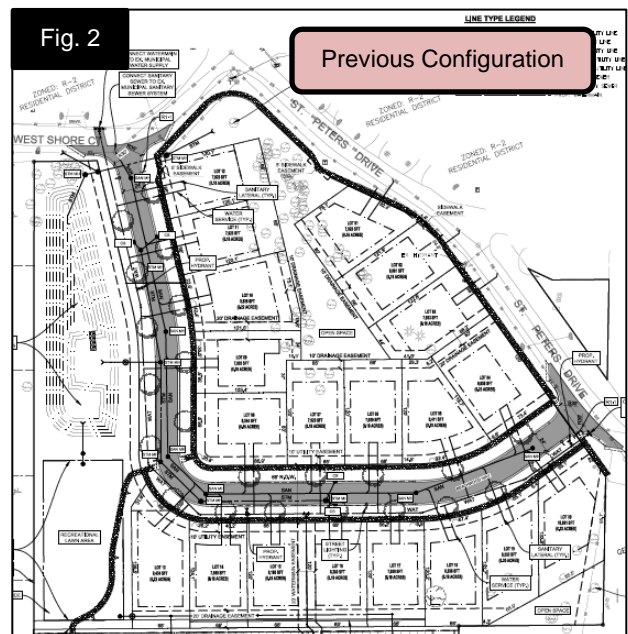
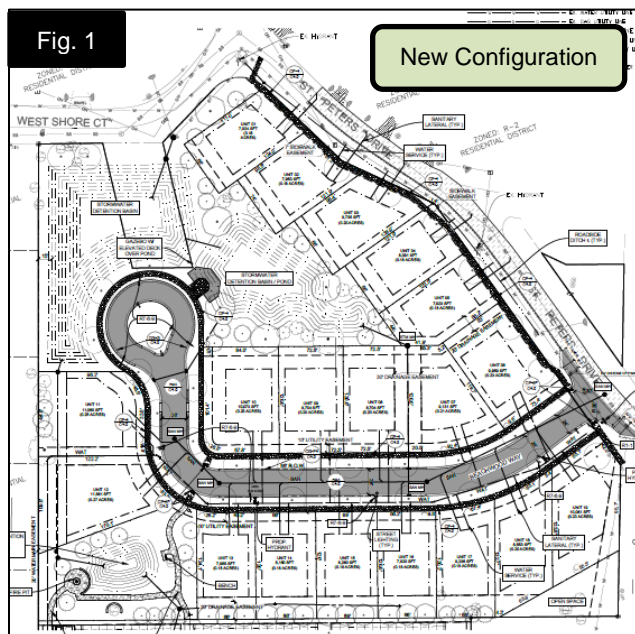
18) Fees: Application fee for review of a proposed private road is to be established by the City Council. Said fee could be separate from or combined with review fees for special uses, planned unit development or site plan review.

MEMORANDUM

To: City of The Village of Douglas Planning Commission
Date: May 3, 2023
From: Tricia Anderson, AICP
 Andy Moore, AICP
RE: **Centre Collective Preliminary Site Condominium Review (New Configuration)**

Mr. Jeff Kerr of Kerr Real Estate has submitted an application for review of the preliminary plan for a 19-unit single-family residential site condominium development on the northern 6.9 acres of 324 West Center Street. The site is generally located on the north side of West Center Street, between the intersections of North Ferry Street/West Center Street, and North Blue Star Highway/West Center Street. The current zoning of the subject site is R-4, Harbor Residential, which allows single-family homes by right.

BACKGROUND. This site was previously zoned R-2 and received rezoning approval for R-4 in May of 2021. At one time, the subject site was planned for a PUD that would include residential on the northern 2/3 of the site and commercial on southern 1/3 of the subject site that has frontage on West Center Street. On December 8, 2022, the Planning Commission conditionally offered a favorable recommendation to the City Council for the preliminary site condominium plan. In March of 2023, the applicant made some changes to the configuration and connectivity of streets, as well as the layout of the lots and location of the stormwater management facilities (see Figures 1 and 2). We met with the applicant and the Site Plan Review Committee on April



12, 2023 to discuss and provide feedback on the initial submittal of the newly configured proposed site condominium development.

The updated plan still proposes the following improvements (added improvements shown in bold):

- **19** single-family units ranging from 7,920 square to 11,681 square feet in area giving a density of 2.71 units per acre (previously 20 units).
- Public street connecting St. Peters Drive **and ending in a cul-de-sac containing a landscaped island.**
- Sidewalks along the frontage of St. Peters, on both sides of internal streets.
- Street trees, **located just outside of the utility easements in the St. Peters right-of-way, on individual units to avoid potential root system conflict with utility infrastructure.**
- Stormwater management facilities and infrastructure **now proposed in the northwest corner of the site, partially within a platted road right of way.**
- Public water and sanitary sewer.
- **1.9 acres of** open space within a common element.
- **Gazebo and elevated deck to overlook ponds.**
- **Gathering space, bench and fire pit area in southwest corner of subject site.**
- **Stone dust path (confirmed to be ADA compliant per applicant) which connects the site condo to the gathering spaces in the southwest corner of the site and the mixed-use development to the south.**

Procedures. The Planning Commission is again tasked with making a recommendation to the City Council on the new configuration of the preliminary site condo development plan based on the plan. If a favorable recommendation is made, the City Council will review the *final site condominium plan* against the standards contained within Section 16.24(7), Standards of Approval.

Review. The revised plans dated 4/26/23 have been reviewed pursuant to the following articles of the City of the Village of Douglas Zoning Ordinance:

- Article 7, Harbor Residential District, Section 7.02.C. Site and Building Placement Standards
- Article 24, Site Plan Review, Section 24.02, Data Required
- Article 16, General Provisions, Section 16.24, Condominiums

□ **Article 24, Site Plan Review.** Section 24.02 of the Zoning Ordinance outlines the information required for site plan review. Areas that are of special consideration, along with our remarks are below:

- ▷ *24.02(3) Written statement regarding the proposed project's impact on existing infrastructure (including traffic capacity of streets, schools, and existing utilities) and on*

the natural environment of the site and adjoining lands. If deemed necessary by the Zoning Administrator or Planning Commission, a phase 1 environmental review may be requested. As appropriate, the Zoning Administrator or Planning Commission may also request a phase 2 environmental review. Also see Section 24(2)21 of this Section.

Remarks: As a refresher, in the original submittal, the applicant provided a Phase 1 Environmental Assessment and wetland delineation which would speak to the impact on the natural environment. The EA revealed no recognizable environmental conditions and the wetland delineation revealed two small pockets of wetlands, however, they are not regulated due to their small size.

The applicant also submitted a traffic study which was updated when the development was broken into two separate developments (site condo to the north and mixed-use to the south). The recommendations from the traffic study are shown below. The applicant acknowledges these required improvements and will need to coordinate any modifications to the signal and to the Center Street right of way with the City's DPW. This is a recommended condition of approval.

10 RECOMMENDATIONS	Fig. 3
<i>The recommendations of this TIS are as follows:</i>	
<ul style="list-style-type: none">• Update the existing signal timing at Blue Star Hwy, & W. Center St. to reflect current clearance intervals and optimize the signal timing with the addition of the proposed development traffic.• Provide a right-turn taper on Center Street at the proposed SE. Site Drive.	

- ▷ 24.02(8) *Proposed streets, driveways, parking spaces and sidewalks, with indication of direction of travel, the inside radii of all curves including driveway curb returns, the width of streets, driveways and sidewalks, the total number of parking spaces, and dimensions of a typical individual parking space and associated aisles. This will also include a free and open general public pedestrian access in a form approved by the City Attorney to adjacent property or development unless waived by the Planning Commission as being unpractical or unreasonable due to topographical, natural barrier or similar type of reason.*

Remarks: Individual driveway locations that serve the single-family lots are subject to change as the project comes to fruition and building permits are issued. The applicant is planning to provide sidewalks along the frontage on St. Peters Drive. **Upon further review of the cost/benefits of providing sidewalk on the Westshore Drive frontage, the applicant has decided to remove them from the plan, due to unfavorable grades and low, wet areas. We would support this decision.** A pedestrian connection is also proposed to the proposed mixed-use development to the south.

- ▷ 24.02(12) *A landscaping plan indicating the locations of planting and screening, fencing, and lighting in compliance with the requirements of Article 21. Also, proposed locations of common open spaces, if applicable.*

Remarks: Section 21.01(5)(c) below requires trees to be planted along public rights of

way. In light of the City Engineer's concern with trees being planted *in* the right-of-way, we have made the interpretation that the ordinance language does not require the trees to be *in* the right-of-way, but *along* the right-of-way. The concern with trees being planted in the right of way is valid, as tree roots have the potential to cause damage to utility infrastructure as the trees age and root systems expand. Our suggestion to the applicant was to place the trees along the ROW line, just inside the back of the sidewalk, as shown in Figure 4.

Section 21.01(5)(c) Landscaping **along public rights of way** shall include a minimum of one (1) tree at least fifteen feet in height or a minimum caliper of three (3) inches (whichever is greater at the time of planting) for each thirty (30) lineal feet, or major portion thereof, of frontage abutting said right of way. Tree species shall be selected from the City of Douglas recommended species list. The remainder of the landscaping within the right of way shall comply with the recommendation of the Blue Star Corridor plan or other streetscape plans on file at the time of application and may include grass, ground cover, shrubs, and/or other natural, living, landscape material.



- ▷ 24.02(13) Location of exterior drains, dry wells, catch basins, retention and/or detention areas, sumps and other facilities designed to collect, store or transport storm water or wastewater. The point of discharge for all drains and pipes shall also be specified on the site plan.

Remarks: The proposed development provides drainage easements in the rear yards of the site condominium lots where an 18" storm main is planned to be buried. Along the rear yards of lots 13-17 the required trees are proposed to serve as a buffer between the commercial and residential. The tree line must be maintained as part of the approval of

the mixed-use development to the south, thus, some language should be added to the site condo's Master Deed indicating that they are to be conserved unless dead or diseased.

- **Article 16, General Provisions, Condominium Review.** Section 16.24(4)(a) and (b) outlines the additional information that must be submitted for review as it pertains specifically to condominium developments:

- ▷ *16.24(4)(b)(iv) The use and occupancy restrictions and maintenance provisions for all general and limited common elements that will be included in the master deed including a copy of the draft master deed and by-laws.*

Remarks: The applicant provided a draft master deed with the original submittal, and it is our understanding that it is still developing. A condition to require the City Attorney's review prior to its recordation is appropriate and is recommended. This step should take place after the City Council's approval of the final site condominium plan.

- ▷ *16.24(4)(b)(v) A storm drainage and a stormwater management plan, including all lines, swales, drains, basins, and other facilities and easements granted to the appropriate municipality for installation, repair, and maintenance of all drainage facilities.*

Remarks: This information has been provided and has been reviewed by the City's Engineer, who has provided a detailed memorandum with his findings.

- ▷ *16.24(4)(b)(vi) A utility plan showing all water and sewer lines and easements to be granted to the appropriate municipality or public utility for installation, repair and maintenance of all utilities.*

Remarks: The preliminary layout of public utilities and storm infrastructure, as well as any proposed easements, has been provided. The appropriate agencies will review this information in detail during the Final Site Condominium stage of review by the City Council.

- **Article 7, R-4 Uses and Dimensional Minimums.** The proposed site condominium development must meet the minimum dimensional standards and permitted uses contained within Article 7, R-4, Harbor Residential.

Remarks: The preliminary site condominium plan appears to comply with the permitted uses, minimum standards for lot area, frontage, and building envelopes outlined in this section.

Recommendation. At the May 11th meeting, the Planning Commission should take into consideration the proposed changes and the comments from ours and the City Engineer's memorandums, as well as any additional information to be provided by the applicant. At this time, it is our recommendation that the Planning Commission forward a favorable recommendation to the City Council for the review of the final site condominium plan, subject to the following conditions:

1. The applicant shall address all conditions required by the City Engineer in the memorandum dated 4/28/2023.
2. The applicant shall work with the Allegan County Drain Commission to satisfy stormwater management design standards and receive approval, prior to the City Council's review of the final condominium plan.
3. The applicant shall work with the City Engineer and DPW as it relates to the implementation of recommended improvements to the signal timing and taper lanes along St. Peters.
4. The applicant shall adhere to and address any and all recommendations made by the Saugatuck-Douglas Fire Department.
5. The applicant shall insert language into the Master Deed and bylaws regarding the trees proposed trees along the rear yards of lots 13-17 that prohibit their removal unless dead or diseased.
6. Upon approval of the final site condominium plan, the applicant shall submit a final draft of the Master Deed to be reviewed by the City Attorney prior to recordation. The Master Deed shall be recorded prior to the issuance of a zoning permit for any of the units.
7. The applicant shall provide a construction timeline satisfactory to the City Engineer's recommendations, pertaining to the sequence of grading, installation of storm and utility infrastructure, sidewalks and pedestrian pathways, and landscaping, prior to the City Council's review of the final condominium plan
8. The applicant shall construct individual homes in accordance with the MBO table shown on the approved grading and soil and sedimentation control plan dated 4/26/23.
9. The applicant shall provide the City with a recorded copy of the stormwater maintenance agreement, prior to the issuance of any zoning permits for the construction of individual units.
10. Upon approval of the final condominium plan by the City Council, the developer shall pay all fees and escrows associated with required permits related to utilities, construction plan review, and inspections.
11. Upon the City Council's approval of the final condominium plan, the developer shall work with the City Engineer to meet the minimum standards for road design, inspection,

approval, and maintenance for all proposed public streets. No construction of road infrastructure is permitted until construction plans are approved by City Engineer.

Please feel free to reach out with any questions or comments.

April 28, 2023
2200274

Ms. Tricia Anderson
Williams&Works
549 Ottawa Ave., NW Ste. 310
Grand Rapids, MI 49503

RE: Centre Collective
Revised Site Condominium and Commercial Plan Review

Dear Tricia:

This letter is responding to the April 26, 2023 submittal that includes drawings dated April 26, 2023 for both the site condominium project and the commercial development project. For simplicity, we are combining the review of the site condominium and commercial development into one. We will only address outstanding items and notes from the previous letters for the site condominium dated March 20, 2023, and the commercial development dated March 21, 2023.

In response to Mr. Bruce Callen's memorandum dated April 26, 2023, we submit the following comments:

- a) Fire, bullet point 1. It is noted that the roadway was expanded to 28 feet for allowing parking on one side of the street. We note that on the site condominium drawings C 1.0 in the General Notes still notes 24 feet. The dimension on the same sheet in the street does show 28 feet and the cross section on C 4.0 shows 28 feet. The general note should be changed.
- b) Engineering. Many of these items are addressing the drainage review comments prepared by our office dated April 13, 2023. Because that is reviewed through the Allegan County Drain Commissioner's office, we will address those comments when that revised submittal is submitted to their office.

In follow up to our review letter for the site condominium dated March 20, 2023, we note the following:

- a) General, item 2. The 6" sidewalk issue in driveways was addressed on C 4.0 with a detail and notes.
- b) General, item 4. We are not aware that the developer has indicated that the first item in the recommendations to "update the existing signal timing at Blue Star Highway & Center Street, to reflect current clearance interval standards and optimize the signal timing during both peak periods" will be addressed.
- c) Sanitary Sewer, item 1. The material for laterals has been addressed on C 3.0.

- d) Water Main, item 1. The material for water services has been addressed on C 3.0.
- e) Drainage & Grading. As previously noted, a review was completed on April 13, 2023 through the ACDC's office. The developer will need to submit additional information through ACDC to complete that review.

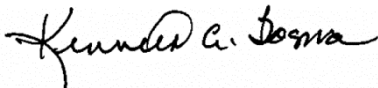
In follow up to our review letter for the commercial development dated March 21, 2023, we note the following:

- a) General, item 4. The information requested was included on C 0.1.
- b) General, item 6. See our note for General, item 4 for the site condominium letter.
- c) Sanitary Sewer, item 1. Potential grease traps were shown on C 3.0. The developer is aware that monitoring manholes could also be required pending the use.
- d) Sanitary Sewer, item 2. This was addressed on C 0.1.
- e) Water Main, item 1. The contractor has been made aware that environmental issues are identified east of this site, and they will need to address if any issues arise during dewatering or construction of this site.
- f) Drainage & Grading. As previously noted, a review was completed on April 13, 2023 through the ACDC's office. The applicant will need to submit additional information through ACDC to complete that review.
- g) Additional comments, item 1. The water main was moved so that trees are outside of the easement area.

If you have any questions or comments regarding the above, please feel free to call me.

Sincerely,

Prein&Newhof



Kenneth A. Bosma, P.E.

KAB/kab

cc: Ms. Jenny Pearson, City of Douglas
Mr. Daryl VanDyk, KLSWA
Mr. Bruce Callen – Callen Engineering
Mr. Jeff Kerr, Developer



SAUGATUCK TOWNSHIP FIRE DISTRICT

Proudly serving : Douglas | Saugatuck | Saugatuck Township



Item 5B.

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

April 11th, 2023

Kerr Real Estate
c/o Jeff Kerr
P.O. Box 574
Douglas, MI 49406

Re: Centre Collective Residential Site Condo —Site Plan Review #5 for Callen Civil Engineers Job No: 021 Kerr – Centre Collective for sheets CS, C0.1, C1.0, C2.0, C2.1, C3.0, C4.0, L1.0 for drawings dated 03-02-23.

Dear Mr. Kerr,

We are in receipt of the revised site plan for the Centre Collective Residential Site Condo received 3/29/2023. 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 approved, a turnaround was added since the last review and does not meet the minimum dimensions. The cul-de-sac design is intended to be a 96' open circle of pavement. Either the center island of the cul-de-sac needs to be removed, or please have the engineers show, utilizing approved Auto Turn CAD software drawings, that the 49' aerial apparatus can navigate the cul-de-sac in a safe and efficient manner, we are happy to reconsider. (Please see apparatus dimension included below as well as sample turnaround options).**
2. "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 cul-de-sac. Suggested locations in returned submittals on sheet C1.0**
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 shown as 24 feet wide, provided no on-street parking will be permitted on Beachwood Way. If parking is permitted, the width needs to be amended to 28 feet to allow for 20 feet minimum adjacent to the parked cars on one side of the street.**
5. Minimum clear height shall be 13'6" across the entire 20 feet width of driveway. (IFC 503.2.1) **Approved, height clearance is noted as 13'6" on sheet C1.0 of revised submittals.**
6. Road shall not exceed the 10% maximum grade. (IFC 503.2.7) **Approved, grade is shown as less than 10% in revised submittals on sheet C2.1.**
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) **Weight capacity is not noted in plans provided. Please include in revised submittals.**
8. The required turning radius of a fire apparatus access road shall be 28.0' as determined by the fire code



SAUGATUCK TOWNSHIP FIRE DISTRICT

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Item 5B.

official. (503.2.4) ***It appears the radius of the entrance drives is R30.0' at St. Peters Dr and should be amended to R28.0'.***

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 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) ***No gate appears to be shown in the plans provided, however if it is installed in the future, a Knox Key switch is required for emergency access and activation.***
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) ***Address signage must be posted prior to commencement of construction. Green reflective address signs are preferred.***
13. Streets and roads shall be identified with *approved* signs. Temporary signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles. Signs shall be of an *approved* size, weather resistant and be maintained until replaced by permanent signs. (IFC 505.2) ***Street signage must be posted prior to commencement of construction identifying "Beachwood Way"***
14. 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) ***Please provide proposed hydrant fire flow calculations in revised submittals.***
15. 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) ***Upon completion of installation of the water main and fire hydrants, flow tests shall be conducted by the developers engineer, witnessed by the fire department, and documentation provided to the fire department.***
16. 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) ***Hydrant locations approved as proposed son sheet C1.0 dated March 02, 2023, as hydrant spacing meets minimum requirements. Hydrants shall have a 5" Storz connection and dual 2.5" NHT connections.***
17. 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) ***Hydrants and access road shall be installed prior to combustible materials being delivered to the site.***
18. 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.
19. Anything omitted in this plan review is subject to field inspection. (IFC 105.4.4)



SAUGATUCK TOWNSHIP FIRE DISTRICT

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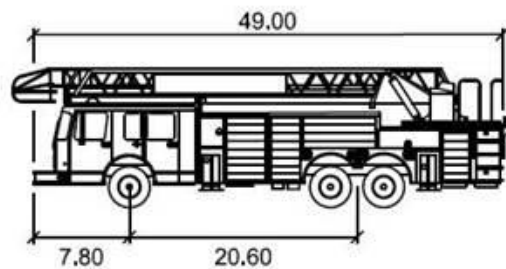
Please revise plans to include all the above information and documentation and submit for review. Once received, plans will be reviewed accordingly. Please let us know if you have any questions.

Respectfully Yours,

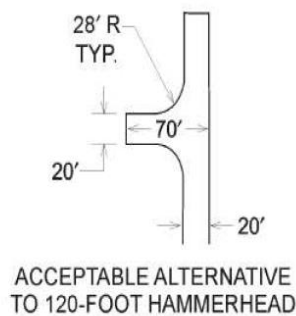
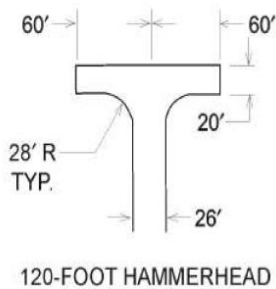
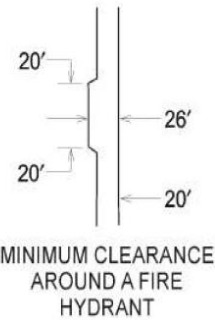
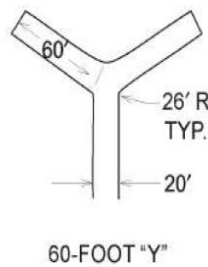
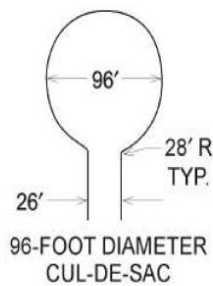
Chris Mantels

Deputy Chief / Fire Inspector

- Cc: Greg Janik – Fire Chief (via email)
- Tricia Anderson – Zoning Administrator (via email)
- Dan Poll – Building Official (via email)
- Bruce Callen – Owner Representative (via email)



Saugatuck 49'		feet
Width	:	8.50
Track	:	7.00
Lock to Lock Time	:	6.0
Steering Angle	:	36.0

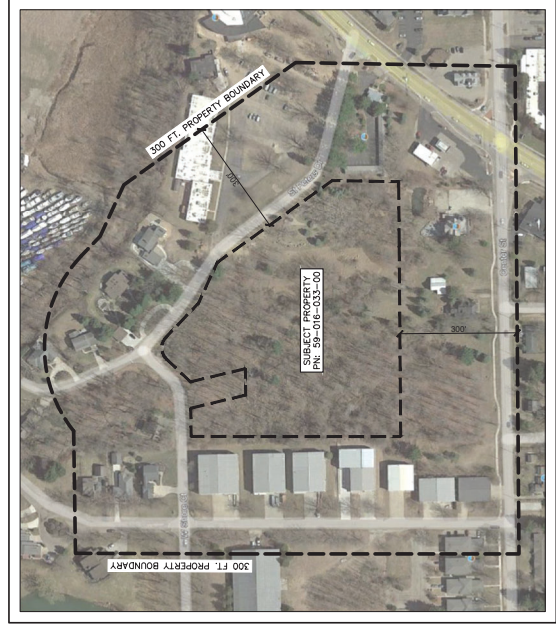


INDEX OF SHEETS

- CS COVER SHEET
- ALTA ALTA SURVEY
- C0.1 EXISTING CONDITIONS & REMOVALS PLAN
- C1.0 SITE CONDOMINIUM PLAN
- C2.0 GRADING, DRAINAGE, AND SESC PLAN
- C2.1 CUL-DE-SAC & INTERSECTION PLAN
- C3.0 BEACHWOOD WAY PLAN & PROFILE
- C4.0 X-SECTIONS, NOTES, AND DETAILS
- L1.0 LANDSCAPE PLAN

CONSTRUCTION SEQUENCE / PHASE OF CONSTRUCTION	CONSTRUCTION SEQUENCE / PHASE OF CONSTRUCTION									
	1	2	3	4	5	6	7	8	9	10
FOUNDATION	X									
CONCRETE & STEEL FRAMEWORK AND BRICKWORK	X	X	X	X	X	X	X	X	X	X
MECHANICAL, ELECTRICAL, AND PLUMBING	X	X	X	X	X	X	X	X	X	X
INTERIOR FINISHES	X	X	X	X	X	X	X	X	X	X
EXTERIOR FINISHES	X	X	X	X	X	X	X	X	X	X
LANDSCAPE	X	X	X	X	X	X	X	X	X	X
FINAL SITE CONDOMINIUM PLAN SUBMITTAL	X	X	X	X	X	X	X	X	X	X
FINAL SITE CONDOMINIUM PLAN REVIEW RESPONSE										
REVISIONS										

CENTRE COLLECTIVE SITE CONDOMINIUM 324 WEST CENTER STREET THE CITY OF THE VILLAGE OF DOUGLAS ALLEGAN COUNTY, MICHIGAN 49406



PRELIMINARY - NOT FOR CONSTRUCTION

ISSUANCES

PRELIMINARY SITE CONDOMINIUM PLANS RESPONSE	04-26-23
PRELIMINARY SITE CONDOMINIUM PLANS RESPONSE	04-26-23
FINAL SITE CONDOMINIUM PLAN SUBMITTAL	04-26-23
FINAL SITE CONDOMINIUM PLAN REVIEW RESPONSE	04-26-23
REVISIONS	

REGISTERED BY:

callen
civil engineers

Callen Engineering, Inc.
108 E. Sandridge St.
Spring Lake, MI 49456
T.616.414.5260
www.callenengineering.com

Drawn by: J.W.C. Check: B.A.C.

Engineer: B.A.C.

Callen Engineering Project No.
021 CENTRE COLLECTIVE

Sheet No.
CS



Plan Prepared By:
Bruce A. Callen, PE
108 E. Sandridge St.
Spring Lake, Michigan 49456
Tel: 616-414-5260
email: bcallen@callenengineering.com

DATE OF PLAN: 04-26-23

OWNER

KRE WEST CENTRE LLC
PO BOX 574
DOUGLAS, MICHIGAN 49406
PHONE: 269-420-5156

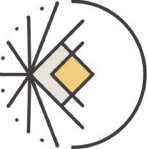
PROJECT LOCATION

SECTION 16, T3N, R16W,
CITY OF DOUGLAS,
ALLEGAN COUNTY, MICHIGAN

811

Know what's below.
Call before you dig.

For protection of underground utilities, the CONTRACTOR shall call 1-800-485-7171 (ONE 811) to determine the location of all utility lines before working days, excluding Saturdays, Sundays and holidays, prior to excavation in the vicinity of utility lines. The CONTRACTOR shall be responsible for obtaining the appropriate permits and shall be responsible for notifying the utility owners who may not be part of the "MISS 811" alert system.



Prepared for:
KRE West Centre LLC
 PO BOX 574
 Douglas, MI 49406
 T.269.420.5156

CENTRE COLLECTIVE

324 West Center Street
 Douglas, Michigan

calen
 civil engineers
Callen Engineering, Inc.
 108 East Savage Street
 Spring Lake, MI 49456
 T.616.443.2160
 www.callenengineering.com

SITE CONDOMINIUM PLAN

JANIS: 001001 - CENTER COLLECTIVE
 DATE: 04/26/23
 DATE: 04/26/23

C1.0

Item 5B.

Know what's below.
 Call before you dig.
 PRELIMINARY - NOT FOR CONSTRUCTION

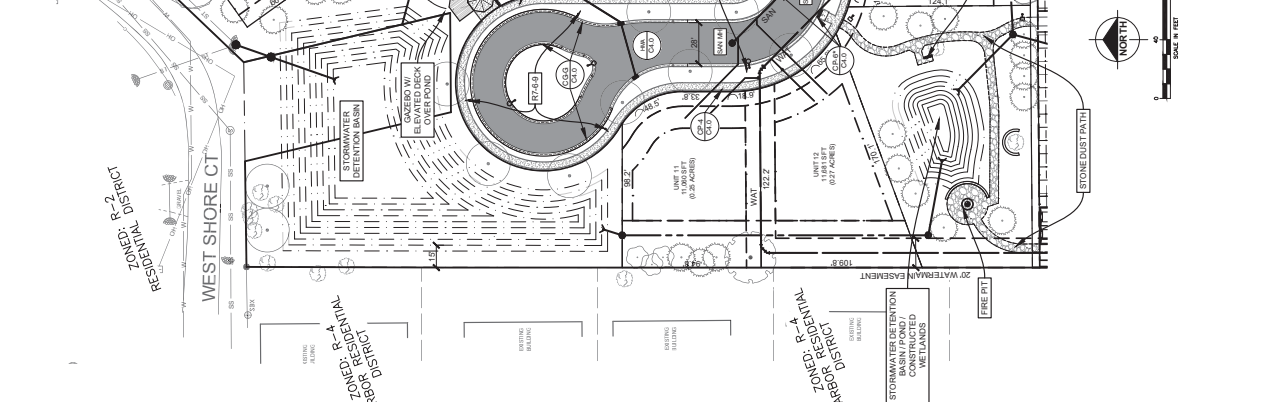
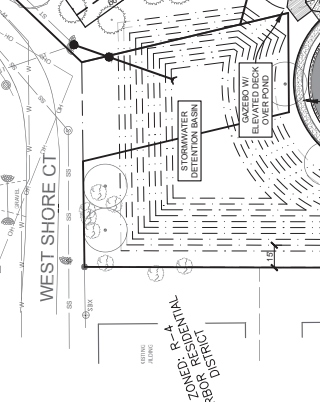
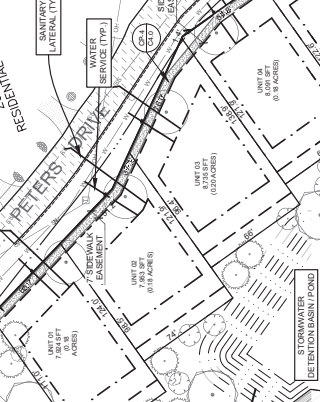
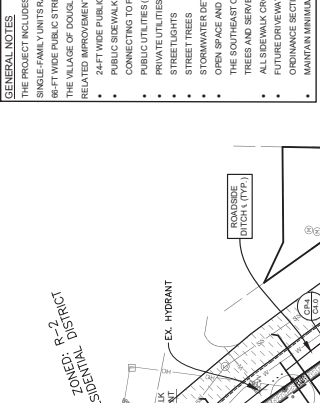
811 is a national program that provides a central point of contact for utility providers. It is a free service that allows you to report a utility problem or to request a utility location. At 811, you can report a utility problem or to request a utility location. This does not relieve the contractor of the responsibility for locating utilities. For more information, visit www.811.org.

- ### LINE TYPE LEGEND
- V - V - WATER UTILITY LINE
 - G - G - GAS UTILITY LINE
 - ST - ST - SANITARY UTILITY LINE
 - SS - SS - SANITARY UTILITY LINE
 - DR - DR - OVERHEAD UTILITY LINE
 - DR - DR - OVERHEAD UTILITY LINE
 - PROP. STORM SEWER
 - PROP. SANITARY SEWER
 - PROP. WATERMAIN

- ### GENERAL NOTES
1. THE PROJECT INCLUDES CONSTRUCTION OF A NEW RESIDENTIAL NEIGHBORHOOD COMPRISED OF NINETEEN (19) SINGLE-FAMILY UNITS BANGING BETWEEN 0.8 AND 0.23 ACRES. FOURTEEN (14) OF THE NEW LOTS WILL FRONT A NEW 88-FT WIDE PUBLIC STREET RIGHT-OF-WAY MEETING THE REQUIREMENTS OF THE RELEVANT SECTIONS OF THE CITY OF THE VILLAGE OF DOUGLAS (CITY) ZONING ORDINANCE. THE REMAINING LOTS SHALL FRONT ST. PETERS DRIVE.
 2. RELATED IMPROVEMENTS INCLUDE:
 - 24-FT WIDE PUBLIC STREET W/ CURB AND GUTTER
 - PUBLIC SIDEWALK FRONTING ALL RESIDENTIAL LOTS, AND EXTENDING ALONG ST. PETERS DRIVE, AND CONNECTING TO FUTURE COMMERCIAL DEVELOPMENT TO THE SOUTH VIA A NATURAL PATHWAY
 - PRIVATE UTILITIES (SANITARY SEWER, WATERMAIN, STORM SEWER)
 - STREET LIGHTS
 - PRIVATE UTILITIES (GAS, ELECTRIC, COMMUNICATIONS)
 - STORMWATER DETENTION, METERS, ACCESS REQUIREMENTS
 - STORMWATER DETENTION BASIN, CONSTRUCTED TO REMAIN OPEN SPACE TO PRESERVE EXISTING TREES AND SERVE AS A NATURAL BUFFER FOR THE DEVELOPMENT
 - ALL SIDEWALK CROSSING RESIDENTIAL DRIVEWAYS SHALL BE 6" MIN. THICK
 - FUTURE DRIVEWAYS SHALL MAINTAIN MINIMUM SEPARATION DISTANCE IN ACCORDANCE WITH ZONING ORDINANCE SECTION 18.05
 - MAINTAIN MINIMUM 130" VERTICAL CLEARANCE AT ALL DRIVEWAYS

LAND USE TABLE

UNIT #	MBO (FT)	MFE (FT)	UNIT DENSITY
1	622.50	622.50	3.88 ACRES
2	622.50	618.00	3.74 ACRES
3	622.50	614.50	3.60 ACRES
4	622.50	611.00	3.46 ACRES
5	622.50	607.50	3.32 ACRES
6	622.50	604.00	3.18 ACRES
7	622.50	600.50	3.04 ACRES
8	622.50	597.00	2.90 ACRES
9	622.50	593.50	2.76 ACRES
10	622.50	590.00	2.62 ACRES
11	622.50	586.50	2.48 ACRES
12	622.50	583.00	2.34 ACRES
13	622.50	579.50	2.20 ACRES
14	622.50	576.00	2.06 ACRES
15	622.50	572.50	1.92 ACRES
16	622.50	569.00	1.78 ACRES
17	622.50	565.50	1.64 ACRES
18	622.50	562.00	1.50 ACRES
19	622.50	558.50	1.36 ACRES





Prepared for:
KRE West Centre LLC
 PO BOX 574
 Douglas, MI 49406
 1.269.420.5156

CENTRE COLLECTIVE

324 West Centre Street
 Douglas, Michigan



Callen Engineering, Inc.
 108 East Sawdage Street
 Spring Lake, MI 49456
 1.616.414.5260
 www.callenengineering.com

GRADING, DRAINAGE, AND SESS PLAN

JOB NO.: 04-KRE-CENTRE COLLECTIVE
 ISSUE: FINAL FOR CONSTRUCTION PERMIT
 ISSUE DATE: APRIL 29, 2024

C2.0

Item 5B.

Plan Prepared By:
Bruce A. Callen, PE
 108 E. Sawdage St.
 Spring Lake, Michigan 49456
 Tel: 616-414-5260
 email: bcallen@callenengineering.com

Know what's below.
 Call before you dig.

KEY	SESS MEASURE	SYMBOL	MARK USED
1	Spotting	(Symbol)	When spot is to be used, it is to be used on the vertical axis of the structure. It is to be used on the horizontal axis of the structure. It is to be used on the vertical axis of the structure. It is to be used on the horizontal axis of the structure.
2	Mach	(Symbol)	When the spot is to be used, it is to be used on the vertical axis of the structure. It is to be used on the horizontal axis of the structure. It is to be used on the vertical axis of the structure. It is to be used on the horizontal axis of the structure.
3	Trees, Shrubs, Vines	(Symbol)	When the spot is to be used, it is to be used on the vertical axis of the structure. It is to be used on the horizontal axis of the structure. It is to be used on the vertical axis of the structure. It is to be used on the horizontal axis of the structure.
4	Ground Cover	(Symbol)	When the spot is to be used, it is to be used on the vertical axis of the structure. It is to be used on the horizontal axis of the structure. It is to be used on the vertical axis of the structure. It is to be used on the horizontal axis of the structure.
5	Measure (2ft Fence, Stone Wall, etc.)	(Symbol)	When the spot is to be used, it is to be used on the vertical axis of the structure. It is to be used on the horizontal axis of the structure. It is to be used on the vertical axis of the structure. It is to be used on the horizontal axis of the structure.
6	Storm Inlet Protection	(Symbol)	When the spot is to be used, it is to be used on the vertical axis of the structure. It is to be used on the horizontal axis of the structure. It is to be used on the vertical axis of the structure. It is to be used on the horizontal axis of the structure.
7	Storm Inlet	(Symbol)	When the spot is to be used, it is to be used on the vertical axis of the structure. It is to be used on the horizontal axis of the structure. It is to be used on the vertical axis of the structure. It is to be used on the horizontal axis of the structure.
8	Stone Construction	(Symbol)	When the spot is to be used, it is to be used on the vertical axis of the structure. It is to be used on the horizontal axis of the structure. It is to be used on the vertical axis of the structure. It is to be used on the horizontal axis of the structure.
9	Asphalt	(Symbol)	When the spot is to be used, it is to be used on the vertical axis of the structure. It is to be used on the horizontal axis of the structure. It is to be used on the vertical axis of the structure. It is to be used on the horizontal axis of the structure.

EROSION CONTROL MEASURES

SESS MEASURES SHALL COMPLY WITH MICHIGAN ASSOCIATION OF COUNTY DRAIN COMMISSIONS BEST PRACTICES MANUAL SPECIFICATIONS.

SESS NOTES

TOTAL DISTURBED AREA 474,193 SFT (10.89 ACRES)

ADDITIONAL EROSION CONTROL MEASURES NOT SHOWN ON THE SITE PLAN MAY BE NECESSARY AS THE WORK PROGRESSES. PERMITTEE IS RESPONSIBLE FOR ALL MEASURES NECESSARY TO PREVENT OFFSITE SEDIMENTATION.

GEOTEXTILE SILT FENCE AND ALL CATCH BASIN PROTECTION MEASURES SHALL BE INSTALLED PRIOR TO ANY DISTURBANCE OF THE EARTH AND SHALL BE MAINTAINED AND INSPECTED FOR PROPER EFFECTIVENESS AS REQUIRED FOR PROPER EFFECTIVENESS.

STABILIZE SITE AS SOON AS POSSIBLE.

CONSTRUCTION IS ANTICIPATED TO BEGIN 2023 WITH SUBSTANTIAL SITEWORK COMPLETION NO LATER THAN 2024.

STORM STRUCTURE SCHEDULE (THIS SHEET)

MH 01 (4 DIA) RM = 622.50 FT
 COVER EAWY 100% SERIES W/ TYPE 02 BEHAVE OR A.E.)
 12" NV (S) = 618.88 FT (HPIPE STM @ 0.22%)
 12" NV (S) = 618.88 FT (HPIPE STM @ 0.22%)

CB 01 (2 DIA) RM = 622.50 FT
 COVER EAWY 100% SERIES W/ TYPE 02 BEHAVE OR A.E.)
 12" NV (S) = 618.88 FT (HPIPE STM @ 0.22%)

CB 02 (4 DIA) RM = 622.50 FT
 COVER EAWY 100% SERIES W/ TYPE 02 BEHAVE OR A.E.)
 12" NV (S) = 618.88 FT (HPIPE STM @ 0.22%)

CB 03 (2 DIA) RM = 622.50 FT
 COVER EAWY 100% SERIES W/ TYPE 02 BEHAVE OR A.E.)
 12" NV (S) = 618.88 FT (HPIPE STM @ 0.22%)

CB 04 (2 DIA) RM = 622.50 FT
 COVER EAWY 100% SERIES W/ TYPE 02 BEHAVE OR A.E.)
 12" NV (S) = 618.88 FT (HPIPE STM @ 0.22%)

CB 05 (2 DIA) RM = 622.50 FT
 COVER EAWY 100% SERIES W/ TYPE 02 BEHAVE OR A.E.)
 12" NV (S) = 618.88 FT (HPIPE STM @ 0.22%)

CB 06 (2 DIA) RM = 622.50 FT
 COVER EAWY 100% SERIES W/ TYPE 02 BEHAVE OR A.E.)
 12" NV (S) = 618.88 FT (HPIPE STM @ 0.22%)

CB 07 (2 DIA) RM = 622.50 FT
 COVER EAWY 100% SERIES W/ TYPE 02 BEHAVE OR A.E.)
 12" NV (S) = 618.88 FT (HPIPE STM @ 0.22%)

CB 08 (2 DIA) RM = 622.50 FT
 COVER EAWY 100% SERIES W/ TYPE 02 BEHAVE OR A.E.)
 12" NV (S) = 618.88 FT (HPIPE STM @ 0.22%)

CB 09 (2 DIA) RM = 622.50 FT
 COVER EAWY 100% SERIES W/ TYPE 02 BEHAVE OR A.E.)
 12" NV (S) = 618.88 FT (HPIPE STM @ 0.22%)

CB 10 (2 DIA) RM = 622.50 FT
 COVER EAWY 100% SERIES W/ TYPE 02 BEHAVE OR A.E.)
 12" NV (S) = 618.88 FT (HPIPE STM @ 0.22%)

CB 11 (2 DIA) RM = 622.50 FT
 COVER EAWY 100% SERIES W/ TYPE 02 BEHAVE OR A.E.)
 12" NV (S) = 618.88 FT (HPIPE STM @ 0.22%)

CB 12 (2 DIA) RM = 622.50 FT
 COVER EAWY 100% SERIES W/ TYPE 02 BEHAVE OR A.E.)
 12" NV (S) = 618.88 FT (HPIPE STM @ 0.22%)

CB 13 (2 DIA) RM = 622.50 FT
 COVER EAWY 100% SERIES W/ TYPE 02 BEHAVE OR A.E.)
 12" NV (S) = 618.88 FT (HPIPE STM @ 0.22%)

CB 14 (2 DIA) RM = 622.50 FT
 COVER EAWY 100% SERIES W/ TYPE 02 BEHAVE OR A.E.)
 12" NV (S) = 618.88 FT (HPIPE STM @ 0.22%)

CB 15 (2 DIA) RM = 622.50 FT
 COVER EAWY 100% SERIES W/ TYPE 02 BEHAVE OR A.E.)
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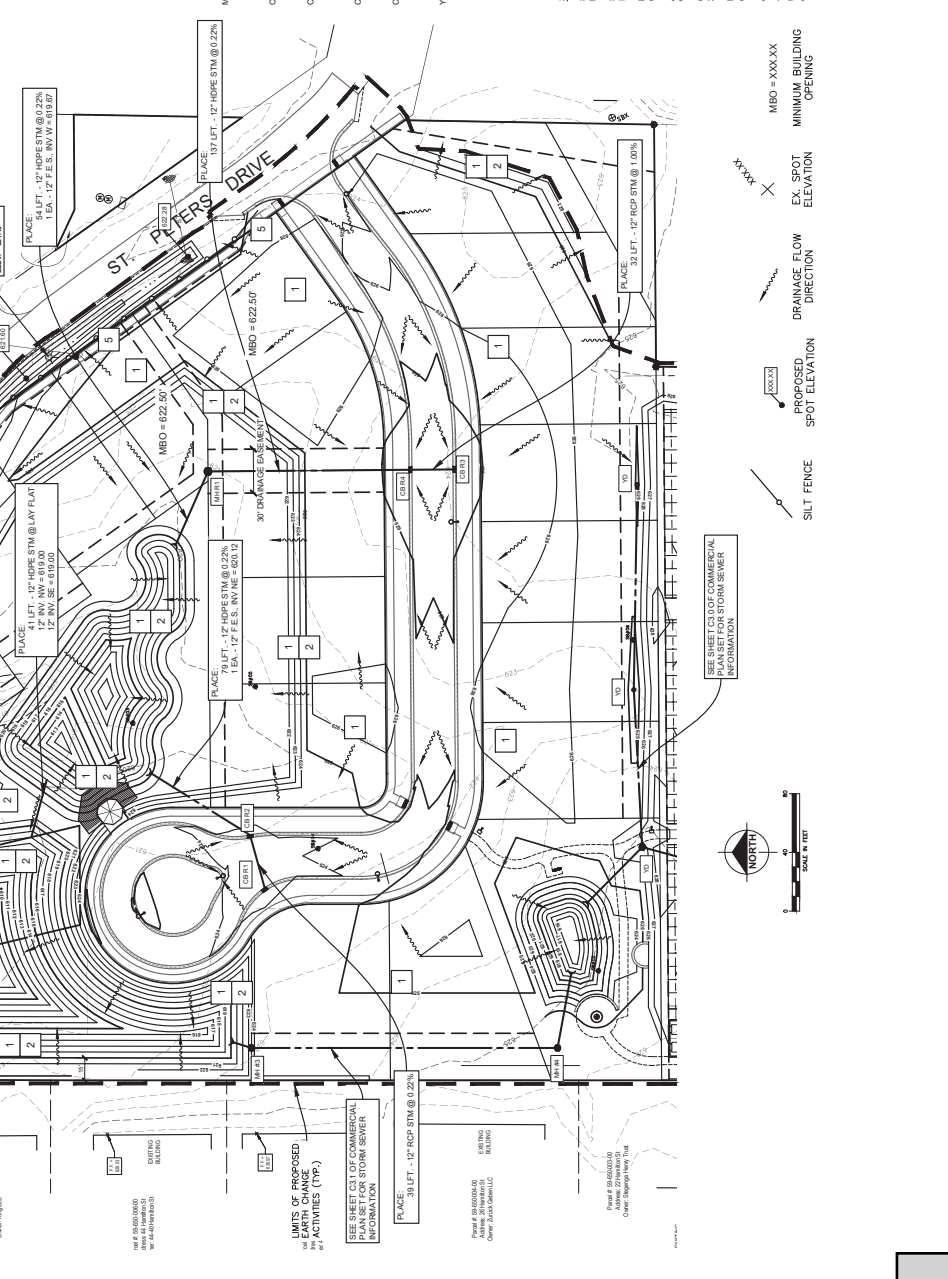
CB 16 (2 DIA) RM = 622.50 FT
 COVER EAWY 100% SERIES W/ TYPE 02 BEHAVE OR A.E.)
 12" NV (S) = 618.88 FT (HPIPE STM @ 0.22%)

CB 17 (2 DIA) RM = 622.50 FT
 COVER EAWY 100% SERIES W/ TYPE 02 BEHAVE OR A.E.)
 12" NV (S) = 618.88 FT (HPIPE STM @ 0.22%)

CB 18 (2 DIA) RM = 622.50 FT
 COVER EAWY 100% SERIES W/ TYPE 02 BEHAVE OR A.E.)
 12" NV (S) = 618.88 FT (HPIPE STM @ 0.22%)

CB 19 (2 DIA) RM = 622.50 FT
 COVER EAWY 100% SERIES W/ TYPE 02 BEHAVE OR A.E.)
 12" NV (S) = 618.88 FT (HPIPE STM @ 0.22%)

CB 20 (2 DIA) RM = 622.50 FT
 COVER EAWY 100% SERIES W/ TYPE 02 BEHAVE OR A.E.)
 12" NV (S) = 618.88 FT (HPIPE STM @ 0.22%)





Know what's below.
Call before you dig.

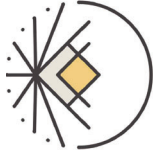
For protection of underground utilities, see CONTRACTOR shall call 1-800-482-7711 OR 811 a minimum of three working days, excluding Saturdays, Sundays and holidays, prior to excavation in the vicinity of utility lines. The user assumes all liability for any damage to or destruction of any utility lines and the responsibility of notifying the utility owners who may not be part of the "MISS, DIG" alert system.



Plan Prepared By:
Bruce A. Callen, PE
108 E. Sandage St.
Spring Lake, Michigan 49456
Tel: 616-414-5260
email: bcallen@callenengineering.com

PRELIMINARY - NOT
FOR CONSTRUCTION

Prepared for:
KRE West Centre LLC
PO BOX 574
Douglas, MI 49406
t.269.420.5156



CENTRE COLLECTIVE

324 West Center Street
Douglas, Michigan



Callen Engineering, Inc.
108 East Sandage Street
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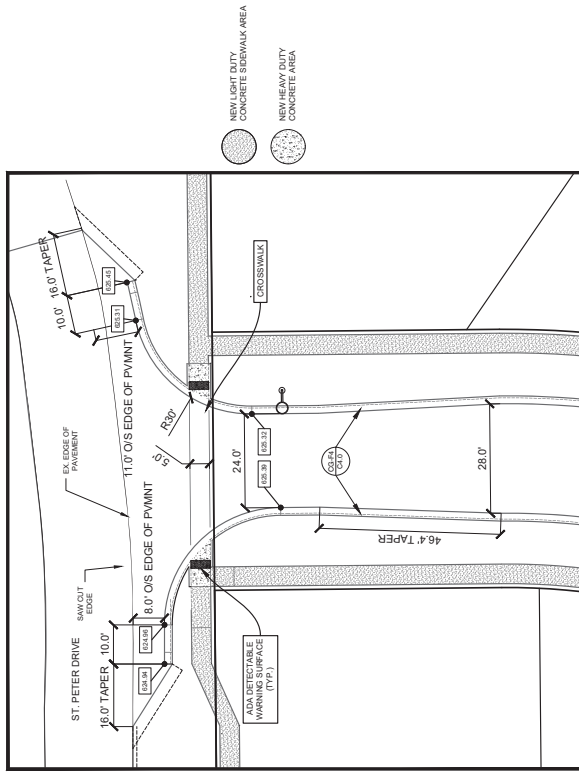
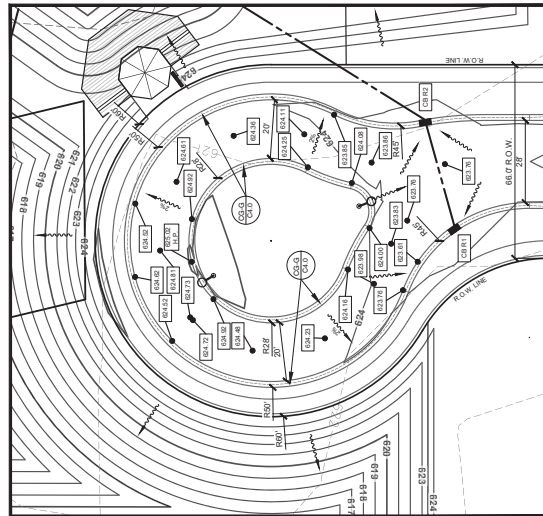
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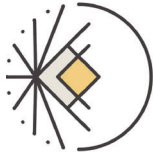
JOB NO.: 001 KRE - CENTRE COLLECTIVE
ISSUE: FINAL FOR CONSTRUCTION PERMIT
DATE: APRIL 26, 2023

C2.1

Item 5B.

DATE OF PLAN: 04-26-23





Prepared for:
KRE West Centre LLC
 PO BOX 574
 Douglas, MI 49406
 t.269.420.5156

CENTRE COLLECTIVE

324 West Center Street
 Douglas, Michigan



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**X-SECTIONS,
 NOTES, AND
 DETAILS**

JOB NO.: 01 KRE - CENTRE COLLECTIVE
 ISSUED: 10/01/2019
 ISSUE DATE: APRIL 26, 2023

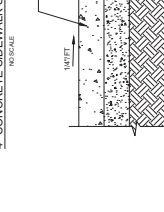
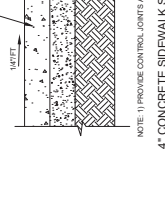
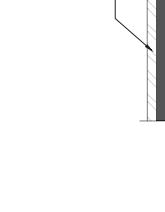
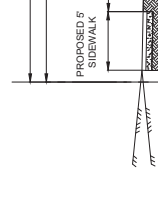
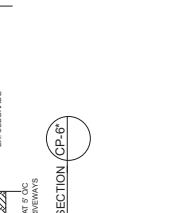
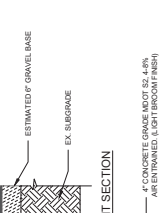
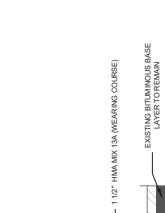
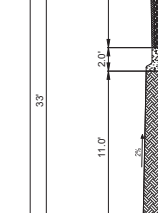
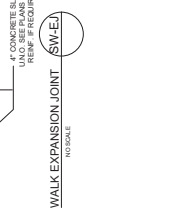
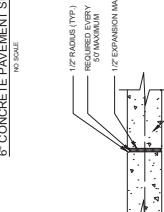
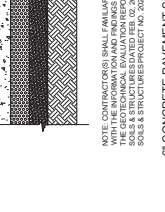
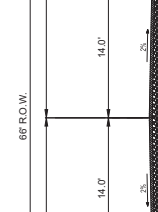
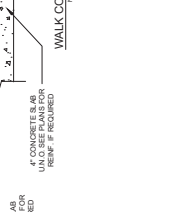
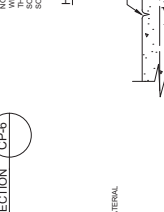
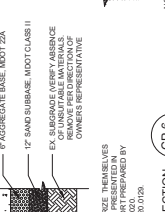
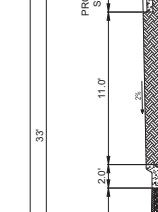
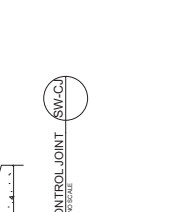
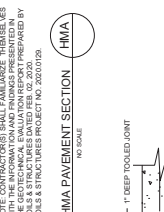
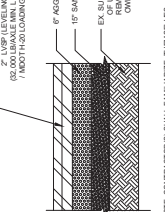
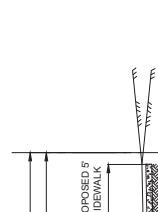
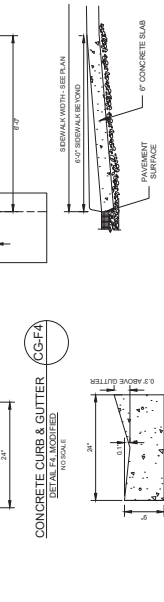
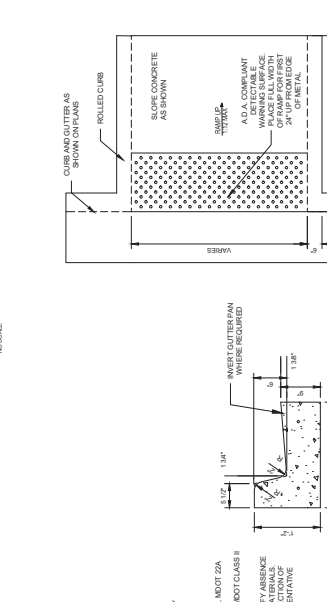
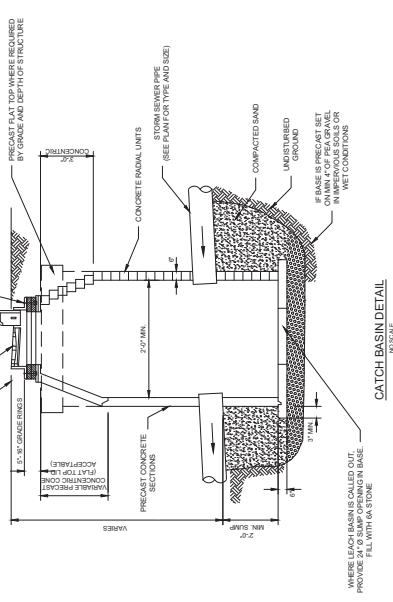
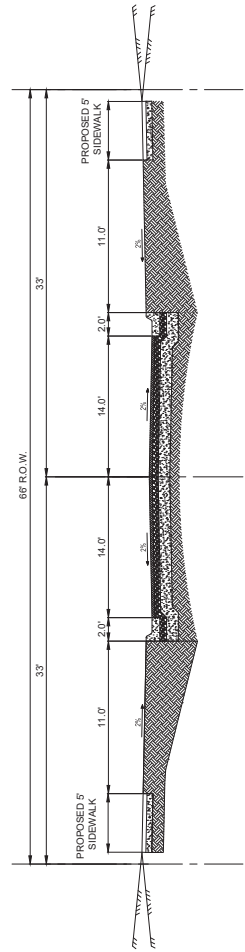
C4.0

Item 5B.

811
 Know what's below.
 Call before you dig.

Plan Prepared By:
Grace A. Coletti, P.E.
 108 E. Savage St.
 Spring Lake, Michigan 49456
 Tel: 616-414-5260
 Email: info@callenengineering.com

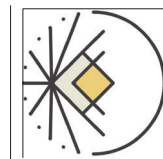
Proprietor of underground utilities, the CONTRACTOR shall call 1-800-482-7171, OR 811, a minimum of three working days, excluding Saturdays, Sundays and holidays, prior to excavation in the vicinity of utility lines. The CONTRACTOR shall be responsible for the safety of all workers and the general public. The CONTRACTOR shall be responsible for notifying the utility owners who may not be part of the "MISS DIG" alert system.





For protection of underground utilities, the CONTRACTOR shall call 1-800-485-5777 OR 811 to determine the location of all utilities before any excavation work is performed. The CONTRACTOR shall be responsible for the location of all utilities. All utility owners participating in this program will have the required notices. This does not relieve the CONTRACTOR of the responsibility of notifying the utility owners who may not be participating in the 811 call system.

Plan Prepared By:
 Bruce A. Callen, PE
 Callen Engineering, Inc.
 108 East Swidge Street
 Spring Lake, Michigan 49456
 Tel: 616-414-5260
 email: bcallen@callenengineering.com



Prepared for:
 KRE West Centre LLC
 PO BOX 574
 Douglas, MI 49406
 t.269.420.5156

CENTRE COLLECTIVE

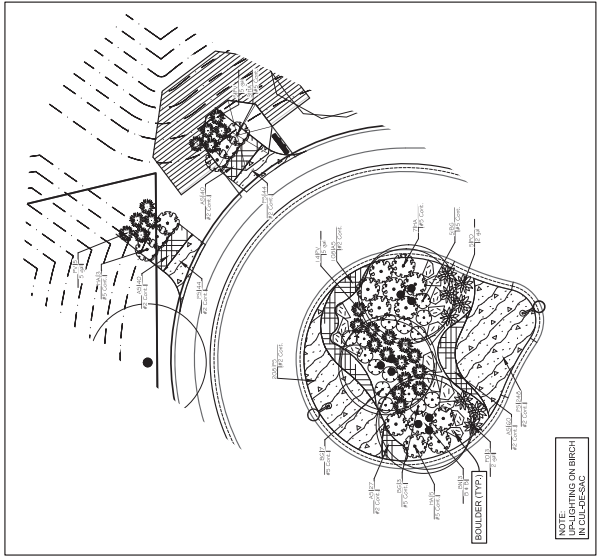
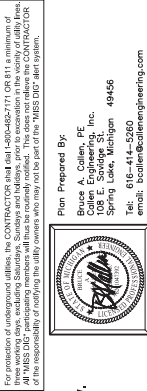
324 West Center Street
 Douglas, Michigan

Callen Engineering, Inc.
 108 East Swidge Street
 Spring Lake, MI 49456
 L616.414.5260
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LANDSCAPE PLAN
 JOB NO.: 04-265-23
 ISSUE DATE: APRIL 20, 2023

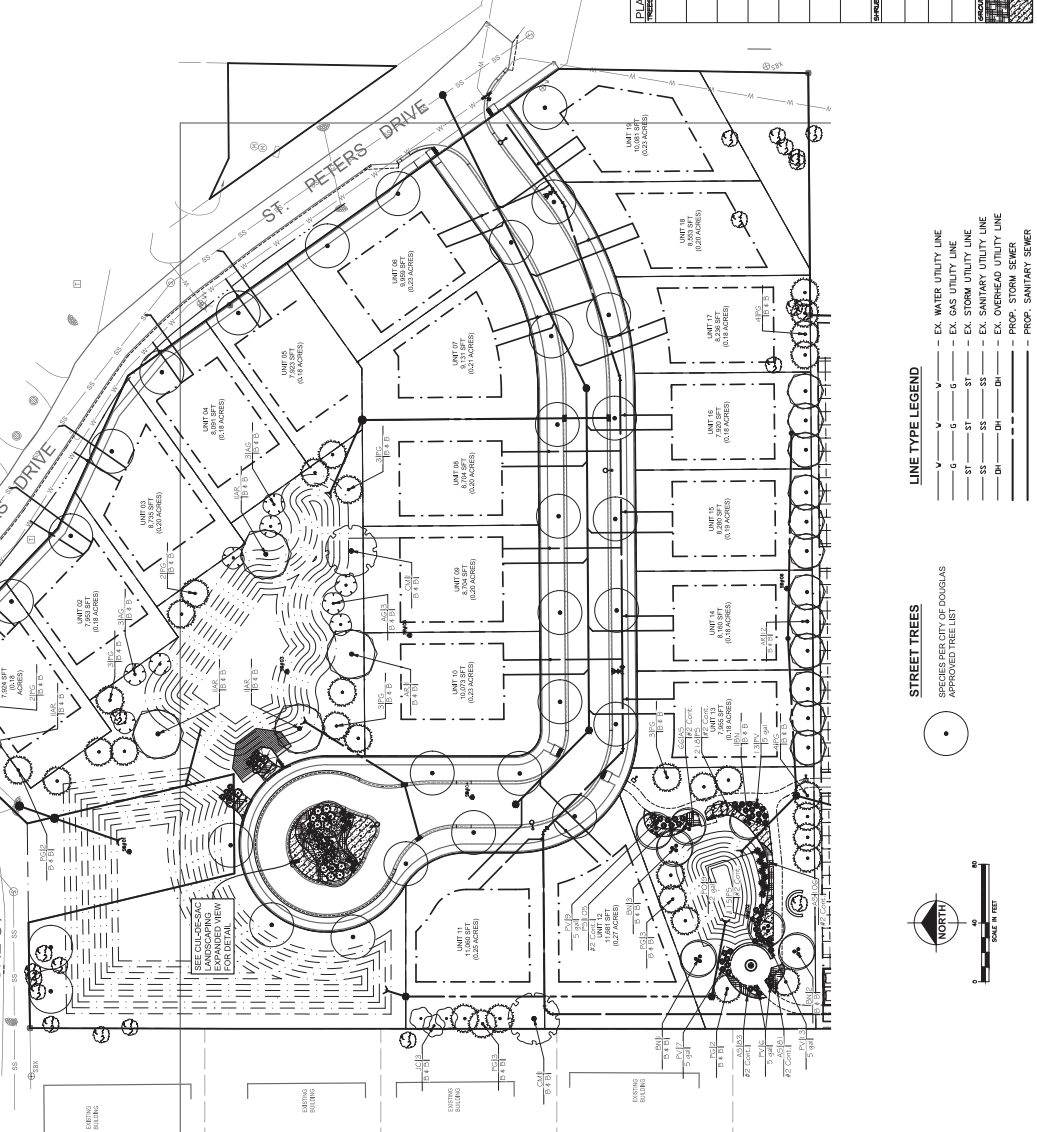
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Item 5B.



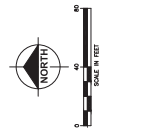
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1A	●	Acorn Bluff / Acorn Bluff / Acorn Bluff Red Maple	10 Gal	10	10"	10'
1B	●	Amelanchier - 4' / Amelanchier - 4' / Amelanchier - 4'	10 Gal	10	10"	10'
1C	●	Black Dog / Black Dog / Black Dog	10 Gal	10	10"	10'
1D	●	Calluna - 4' / Calluna - 4' / Calluna - 4'	10 Gal	10	10"	10'
1E	●	Japanese Quince / Japanese Quince / Japanese Quince	10 Gal	10	10"	10'
1F	●	Red Dog / Red Dog / Red Dog	10 Gal	10	10"	10'
1G	●	Black Dog / Black Dog / Black Dog	10 Gal	10	10"	10'
1H	●	Black Dog / Black Dog / Black Dog	10 Gal	10	10"	10'
1I	●	Black Dog / Black Dog / Black Dog	10 Gal	10	10"	10'
1J	●	Black Dog / Black Dog / Black Dog	10 Gal	10	10"	10'
1K	●	Black Dog / Black Dog / Black Dog	10 Gal	10	10"	10'
1L	●	Black Dog / Black Dog / Black Dog	10 Gal	10	10"	10'
1M	●	Black Dog / Black Dog / Black Dog	10 Gal	10	10"	10'
1N	●	Black Dog / Black Dog / Black Dog	10 Gal	10	10"	10'
1O	●	Black Dog / Black Dog / Black Dog	10 Gal	10	10"	10'
1P	●	Black Dog / Black Dog / Black Dog	10 Gal	10	10"	10'
1Q	●	Black Dog / Black Dog / Black Dog	10 Gal	10	10"	10'
1R	●	Black Dog / Black Dog / Black Dog	10 Gal	10	10"	10'
1S	●	Black Dog / Black Dog / Black Dog	10 Gal	10	10"	10'
1T	●	Black Dog / Black Dog / Black Dog	10 Gal	10	10"	10'
1U	●	Black Dog / Black Dog / Black Dog	10 Gal	10	10"	10'
1V	●	Black Dog / Black Dog / Black Dog	10 Gal	10	10"	10'
1W	●	Black Dog / Black Dog / Black Dog	10 Gal	10	10"	10'
1X	●	Black Dog / Black Dog / Black Dog	10 Gal	10	10"	10'
1Y	●	Black Dog / Black Dog / Black Dog	10 Gal	10	10"	10'
1Z	●	Black Dog / Black Dog / Black Dog	10 Gal	10	10"	10'
2A	●	Black Dog / Black Dog / Black Dog	10 Gal	10	10"	10'
2B	●	Black Dog / Black Dog / Black Dog	10 Gal	10	10"	10'
2C	●	Black Dog / Black Dog / Black Dog	10 Gal	10	10"	10'
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2Y	●	Black Dog / Black Dog / Black Dog	10 Gal	10	10"	10'
2Z	●	Black Dog / Black Dog / Black Dog	10 Gal	10	10"	10'

811 CALL BEFORE YOU DIG



- LINE TYPE LEGEND**
- V — V — V — EX. WATER UTILITY LINE
 - G — G — G — EX. GAS UTILITY LINE
 - S — S — S — EX. STORM UTILITY LINE
 - SS — SS — SS — EX. SANITARY UTILITY LINE
 - D — D — D — EX. OVERHEAD UTILITY LINE
 - — — — — PROP. STORM SEWER
 - — — — — PROP. SANITARY SEWER
 - — — — — PROP. WATERMAIN

- STREET TREES**
- SPECIES PER CITY OF DOUGLAS APPROVED TREE LIST
-



DATE OF PLAN: 04-26-23

MEMORANDUM

DATE: April 26, 2023

TO: CITY OF THE VILLAGE OF DOUGLAS
 ATTN: TRICIA ANDERSON, AICP
 P.O. BOX 757
 86 W. CENTER STREET
 DOUGLAS, MI 49406-0757
Anderson@williams-works.com

FROM: BRUCE A. CALLEN, PE 

SUBJECT : CENTRE COLLECTIVE – COMPILED R-4 AND
 COMMERCIAL SITE PLAN REVIEWS
 RESPONSE TO APRIL 12, 2023, SPRC

In response to the SPRC review comments presented at the April 12, 2023 meeting at City Hall, we offer the following response:

Police:

- No Comment.

Planning:

- The acreage for Unit 17 measures 0.189 acres. We elect to utilize 0.18 acres as the marketable unit size as to not present the unit as larger than it is.
- Per the discussion, the sidewalk shall not extend across the public Beachwood Way roadway.
- Per the discussion, compacted stone dust presents an ADA accessible surface, able to support a wheel chair. The trail is also designed to not exceed 2% cross slope, nor 5% longitudinal slope.
- Fencing is not proposed around the ponds, as we want the ponds to be approachable and amenities to the site.
- The ponds are all detention, not retention, as they are designed to provide flow through with controlled-rate discharge to the public ditch/culvert system in Westshore Court.

Fire:

- Per the discussion and exhibits submitted via email, the We revised Beachwood Way to 28 feet wide measured from edge to edge of pavement, with “No Parking Fire Lane” signs on the hydrant side of the

street. Three "No Parking Fire Lane" signs were added to the cul-de-sac.

- Language was added to the pavement details to note the weight capacity of the city's heaviest fire apparatus, which equates to H-20 loading (32,000#/axle load or 16,000#/wheel load).
- A 30-ft radius provides more turning radius than a 28-ft radius. We elect to retain the 30-ft curb radius to meet the requirements of other reviewing disciplines.
- We acknowledge the access drives will be installed and navigable prior to vertical construction.
- No gates are proposed. We acknowledge the need for a Knox key switch should a temporary gate be installed.
- We acknowledge the requirement for address signs prior to construction activities.
- We acknowledge the requirement for street signage upon construction of the streets.
- Hydrant flow calculations were submitted via email to the SPRC review team.
- We acknowledge hydrants and access roads shall be installed prior to combustible materials onsite.
- We submitted revised plans that illustrate the cul-de-sac geometry meets or accommodates the turning movements of the Saugatuck 49" truck.

KLWSA:

- Fire flow calculations were submitted via email to the SPRC review team.

DPW:

- The castings for the yard drains are Type 02 (Beehive). The structure schedule was revised to better describe the casting.

Engineering:

- The sanitary laterals have been called out as SDR-23.5
- The water services have been called out as 1" copper, Type K
- The lots have been revised to units
- An MBO and MFE table was included in the plan set. Block grading plans are forthcoming.
- An additional detail to delineate a 6-inch sidewalk from a 6-inch pavement was added to the detail sheet, with specific language related to driveway crossings.
- Detectable warning surfaces and crosswalk were more clearly illustrated on the plan set.
- Trees have been removed from utility easements.
- Storm sewer in public streets have been revised to RC pipe.
- A detail of the outlet structure has been added to the plan set.
- The watermains within the commercial development were relocated to avoid required

landscape island trees.

- We acknowledge the requirements of the ACDC, and request conditional approval subject to ACDC review and approval.
- We acknowledge the requirement of creating a Section 433 Agreement for the stormwater system. We intend to create a regional stormwater management facility to serve both the commercial and residential developments.
- Soil boring elevations used in our engineering/design were obtained from point elevations in the topographical survey, and not gleaned from the boring logs. We did not rely on the soil boring logs for ground surface elevations. The soil boring locations are relatively consistent and representative of the overall site.
- Revised drainage calculations reflecting three (3) sub-districts is forthcoming. We acknowledge the reviewer's request, and request conditional ACDC review and approval.
- The plan references the requirement for sump discharge lines with rear yard discharge for each unit.
- The use of the existing right-of-way for use as drainage facilities is under review by the city's attorney.
- Roadside drainage has been provided along St. Peters Drive, resulting in relocated public sidewalk in public easement along the frontage of units 1-5. Culverts will be installed at driveway locations to accommodate roadside drainage to the west.
- We recognize the informational requirements of the Master Deed and Exhibit B drawings, which will be provided in the comprehensive ACDC submittal package.
- We recognize the need for executed easement documents, which will be provided in the comprehensive ACDC submittal package.

On behalf of KRE West Centre LLC, we respectfully request conditional approval subject to ACDC review and approval, as we believe the remaining items pertain exclusively to the stormwater facilities as they relate to ACDC requirements.

MASTER DEED
OF
CENTRE COLLECTIVE CONDOMINIUM

(Act 59, Public Acts of 1978, as amended)

Allegan County Subdivision Plan No. _____

- (1) Master Deed establishing the Centre Collective Condominium, a residential site condominium project.
- (2) Exhibit A to Master Deed: Condominium Bylaws
- (3) Exhibit B to Master Deed: Condominium Subdivision Plan

This document is exempt from real estate transfer tax under MCL 207.505(a) and 207.526(a).

This document prepared by:

MASTER DEED

CENTRE COLLECTIVE CONDOMINIUM

This Master Deed is made and executed on this ____ day of _____, 2021, by KRE WEST CENTRE, LLC, a Michigan limited liability company (hereinafter referred to as “Developer”), whose registered address is P.O. Box 574, Douglas, Michigan 49406, in pursuance of the provisions of the Michigan Condominium Act (being Act 59 of the Public Acts of 1978, as amended), hereinafter referred to as the “Act”.

BACKGROUND

A. Developer is the owner in fee simple of the lands located in the City of the Village of Douglas, Allegan County, Michigan, more particularly described on the attached Exhibit “A”, which are intended to be developed in accordance with the Condominium Subdivision Plan attached hereto as Exhibit “B”.

B. The Condominium is known as Centre Collective Condominium and consists of _____ site condominium units. The Units are shown on the Condominium Subdivision Plan attached hereto as Exhibit “B”.

NOW, THEREFORE, the Developer does, upon the recording hereof, establish CENTRE COLLECTIVE CONDOMINIUM as a Condominium Project under the Act and does declare that CENTRE COLLECTIVE CONDOMINIUM shall, after such establishment, be held, conveyed, hypothecated, encumbered, leased, rented, occupied, improved, or in any other manner utilized, subject to the provisions of the Act, and to the easements, covenants, conditions, restrictions, uses, limitations and affirmative obligations set forth in this Master Deed and Exhibits “A” and “B” hereto, all of which shall be deemed to run with the land and shall be a burden and a benefit to the Developer, its successors and assigns, and any persons acquiring or owning an interest in the Condominium Premises (defined below), and their successors and assigns. In furtherance of the establishment of the Condominium Project, it is provided as follows:

ARTICLE 1

TITLE AND NATURE OF PROJECT

1.1 The Condominium shall be known as CENTRE COLLECTIVE, Allegan County Condominium Subdivision Plan No. _____. The Condominium Project is a _____ Unit site condominium and is established in accordance with the Act. The engineering and architectural plans and specifications for the Project will be filed with the appropriate governmental agencies. The Units contained in the Condominium, including the number, boundaries, dimensions, and area of each, are set forth completely in the Condominium Subdivision Plan attached as Exhibit “B” hereto. As described in Article 9, each Co-owner of a Unit shall be a member of the Association and each Co-owner of a Unit will be subject to both the terms and provisions of this Master Deed.

ARTICLE 2

LEGAL DESCRIPTION

2.1 The land which is submitted to the Condominium Project established by this Master Deed is located in the City of the Village of Douglas, Allegan County, State of Michigan and is described as follows:

[INSERT LEGAL DESCRIPTION]

2.2. The Condominium, and the Units contained therein are subject to and may benefit from the following restrictions, limitations, encumbrances, easements and the easements set forth in Article 6 hereof:

- (a) Local zoning, building, and use ordinances and restrictions.
- (b) Easements, restrictions, and agreements of record.
- (c) Rights or claims of parties in possession not shown by the public records.
- (d) Any encroachment, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete survey of the Condominium Premises.
- (e) Easements or claims of easements not shown by the public records and existing water, mineral, oil and exploration rights.
- (f) Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
- (g) Any and all oil, gas, mineral, mining rights and/or reservations thereof.
- (h) Taxes or special assessments which are not shown as existing liens by the public records.
- (i) Taxes and/or assessments which become a lien or become due and payable subsequent to the date hereof.
- (j) Rights of the public, and of any governmental unit, in any part of the Condominium Premises taken, used, or deeded for street or highway uses.
- (k) Such other easements, restrictions, encumbrances and/or encroachments disclosed by the Condominium Subdivision Plan.

ARTICLE 3

DEFINITIONS

3.1 When used in any of the Condominium Documents (defined below), or in any contract, deed, mortgage, lien, easement or other instrument affecting the Condominium Project or the establishment or transfer of any interest in it, the following terms shall carry the definitions that follow them unless the context clearly indicates to the contrary:

(a) “Act” means the Michigan Condominium Act, being Act 59 of the Public Acts of 1978, as amended.

(b) “Association” means the nonprofit corporation known as Centre Collective Condominium Association which is organized under the laws of the State of Michigan, of which all Co-owners shall be members and which shall administer, operate, manage and

maintain the Condominium Project. Any action required of or permitted to the Association shall be exercisable by its Board of Directors unless expressly reserved to the members by the Condominium Documents or the laws of the State of Michigan, and any reference to the Association shall, where appropriate, also constitute a reference to its Board of Directors.

(c) “Board of Directors” or “Board” means the board of directors of the Association.

(d) “Bylaws” means Exhibit “A” to this Master Deed, which shall constitute (i) the Bylaws for the Condominium Project setting forth the substantive rights and obligations of the Co-owners and required by Section 3(8) of the Act to be recorded as part of the Master Deed; and (ii) the corporate bylaws of the Master Association as provided for under the Michigan Nonprofit Corporation Act.

(e) “City” means the City of the Village of Douglas, which is located in Allegan County, Michigan.

(f) “Common Elements” means those portions of the Condominium Project other than the Units, including the General and Limited Common Elements as described in Article 4 below and shown on the Condominium Subdivision Plan.

(g) “Condominium Documents” means and includes this Master Deed, including Exhibits “A” and “B”, and any other instrument referred to in this Master Deed that affects the rights and obligations of a Co-owner in the Condominium Project, including the Articles of Incorporation and the rules and regulations of the Association.

(h) “Condominium Premises” means the land described in Article 2 below, and all easements, rights and appurtenances belonging to the Condominium Project.

(i) “Condominium Project” or “Condominium” means Centre Collective, which is a site condominium project established under the Act.

(j) “Condominium Subdivision Plan” means Exhibit “B” to this Master Deed, being the site, survey and other drawings depicting the real property and improvements that form a part of this Master Deed.

(k) “Co-owner” or “Owner” means any person, firm, corporation, partnership, limited liability company, trust or other legal entity, or any combination of them, that owns title to a Unit. As described in Article 9, the Developer shall be the initial Co-owner of the Units in the Condominium. At the time a Unit is conveyed, the transferee shall have the rights and obligations of a Co-owner in the Condominium subject to the limitations set forth herein.

(l) “Developer” means KRE WEST CENTRE, LLC, a Michigan limited liability company, which has made and executed this Master Deed, and its successors and assigns. Successors and assigns shall always be deemed to be included whenever, however and wherever the term “Developer” is used in the Condominium Documents. All Condominium rights reserved to the Developer in this Master Deed are assignable in writing; provided, however, that conveyances of Units by the Developer shall not operate to assign the Developer’s Condominium rights unless the deed or other instrument of conveyance expressly provides.

(m) “Development and Sales Period,” for the purposes of the Condominium Documents and the rights reserved to Developer thereunder, means the period commencing with

the recording of the Master Deed and continuing as long as the Developer owns any Unit in the Condominium which it offers for sale, and for so long as the Developer continues or proposes to construct or is entitled to construct land improvements to develop additional Units, or and for so long as the Developer continues to own land within the Condominium, whichever is longer.

(n) “Limited Common Element” means any improvement, facility or service identified as a Limited Common Element in Article 4 below or on the Condominium Subdivision Plan or in any future amendment to this Master Deed. Limited Common Elements include such other elements of the Condominium Project which are not designated as a Limited Common Element, are not enclosed within the boundaries of a Unit, but are either necessary for the existence, upkeep, appearance, utility or safety of a Unit, or are intended for common use of a limited number of the Units.

(o) “Master Deed” means this Master Deed, including Exhibits “A” and “B” each of which are incorporated by reference and made a part of this Master Deed.

(p) “Open Space Areas” means the Open Space Areas identified on attached Exhibit “B”. The Open Space Areas may include paths, trails, parks, water features and/or open space areas within the Condominium. Developer shall have the right, in its sole discretion, to add additional Open Space Areas anywhere within the Condominium (excluding those portions of the Condominium that have been previously conveyed to third parties), and/or to expand, contract, remove, eliminate, convert, change or modify previously designated Open Space Areas throughout the Condominium. Developer may designate or create new Open Space Areas within portions of the Condominium that are added to the Condominium as provided herein.

(q) “Units” means the Units within the Condominium established by this Master Deed.

3.2 Terms not defined in this Master Deed but defined in the Act, shall carry the meanings given them in the Act unless the context clearly indicates to the contrary. Whenever any reference is made to one gender, the same shall include a reference to any and all genders where such a reference would be appropriate. Similarly, whenever a reference is made to the singular, a reference shall also be included to the plural where such a reference would be appropriate, and vice versa.

ARTICLE 4 COMMON ELEMENTS

4.1 The General Common Elements of the Condominium are for the use and enjoyment of all of the Unit of the Condominium. The General Common Elements are as follows:

(a) The land described in Article 2 above, except those portions of such land within the boundaries of any Unit and any portions designated on Exhibit “B” as a Limited Common Element, and the land identified as a General Common Element on Exhibit “B”.

(b) The Open Space Areas

(c) The private roads, drives, parking areas and community entry areas shown on attached Exhibit “B”.

(d) The electrical transmission system located throughout the Condominium Project, up to the point of connection to a Unit.

(e) The telephone transmission system located throughout the Condominium Project, up to the point of connection to a Unit.

(f) The gas distribution system throughout the Condominium Project, up to the point of connection to a Unit.

(g) The water distribution system and waste disposal network throughout the Condominium Project, up to the point of connection to a Unit.

(h) The sanitary sewer system throughout the Condominium Project, up to the point where sewer is stubbed for connection with a Unit.

(i) The telecommunications system throughout the Condominium Project, up to the point of connection to a Unit.

(j) The storm water drainage system, including retention areas, collection points and connections, as shown on attached Exhibit "B" (except to the extent all or portions of such systems are dedicated to the public or a governmental authority).

(k) The Condominium access and entry areas, including all signs and other improvements that may be located therein, as shown on Exhibit "B".

(l) Any beneficial easements granted to and serving any part of the Condominium unless otherwise set forth in such easements or elsewhere in this Master Deed.

(m) All facilities, elements and other matters identified as General Common Elements in the Condominium Subdivision Plan.

(n) All other elements of the Project not herein designated as General or Limited Common Elements which are not enclosed within the boundaries of a Unit, and which are intended for common use or are necessary to the existence, upkeep, appearance, utility or safety of the Project.

Notwithstanding the foregoing, some or all of the utility lines, systems (including mains and service leads), storm water drainage system and equipment and the telecommunications system described above may be owned by the local public authority or by the company that is providing the pertinent service. Accordingly, such utility lines, systems and equipment shall be General Common Elements only to the extent of the Co-owners' interest therein, if any, and Developer makes no warranty whatever with respect to the nature or extent of such interest, if any.

4.2 The Limited Common Elements shall be subject to the exclusive use and enjoyment of a particular Unit, or Units, to which the Limited Common Elements are appurtenant. The Limited Common Elements are as follows:

(a) Convertible Area. The Developer has reserved the right in Article 8 of this Master Deed to designate Limited Common Elements within the Convertible Area which may, at the Developer's discretion, be assigned as appurtenant to an individual Unit.

(b) Subsurface. The area more than twenty feet below the surface of the land of a Unit is a Limited Common Element appurtenant to such Unit.

(c) Other. Any other improvement, facility or service identified as a Limited

Common Element on the Condominium Subdivision Plan or in any future amendment to the Master Deed as a Limited Common Element and such other elements of the Project which are not designated as a Limited Common Element, are not enclosed within the boundaries of a Unit, but are either necessary for the existence, upkeep, appearance, utility or safety of a Unit (or Units), or are intended for common use of a limited number of Units, are a Limited Common Element appurtenant to such Unit(s).

In the event that no specific assignment of one or more of the Limited Common Elements described in this Section has been made in the Condominium Subdivision Plan, the Developer (during the Development and Sales Period) and the Association (after the Development and Sales Period has expired) reserve the right to designate each such space or improvement as a Limited Common Element appurtenant to a particular Unit by subsequent amendment or amendments to this Master Deed.

4.3 The respective responsibilities for the maintenance, decoration, repair and replacement of the Common Elements and Units are as follows:

(a) The Association shall be responsible for the cost of maintenance, repair, replacement and insurance of all General Common Elements, except to the extent of any repair or replacement necessitated by the act or neglect of a Co-owner or their agent, employee, contractor, invitee, family member or pet, which shall be the responsibility of, and paid by, the Co-owner on demand.

(b) The owner of a Unit shall be responsible for the maintenance, repair and replacement of the Unit.

4.4 By acceptance of a deed, mortgage, land contract or other instrument of conveyance to a Unit, all Co-owners, mortgagees and other interested parties are deemed to have appointed the Association as their agent and attorney to act in connection with all matters concerning the Common Elements and their respective interests in the Common Elements. Without limiting the generality of this appointment, the Association will have full power and authority to grant easements over, to sever or lease mineral interests and/or to convey title to the land or improvements constituting the General Common Elements or any part of them, to amend the Condominium Documents for the purpose of assigning or reassigning the Limited Common Elements and in general to execute all documents and to do all things necessary or convenient to the exercise of such powers.

ARTICLE 5 DESCRIPTION AND PERCENTAGE OF VALUE

5.1 A complete description of each Unit in the Condominium Project, with elevations therein referenced to an official benchmark of the United States Geological Survey, is set forth in the Condominium Subdivision Plan, as surveyed by _____. Each Unit shall include the space located within Unit boundaries from a depth of twenty (20) feet below grade and upward fifty (50) feet above grade as delineated with heavy outlines on the Condominium Subdivision Plan. The development plan has been filed with the City.

5.2 The percentage of value assigned to each Unit is determinative of each Unit's respective share of the proceeds and expenses of administration and the value of such Unit's vote at meetings of the Association when a vote is based on percentage of value rather than number. After review of the comparative characteristics of the Units, it was determined that the percentage of value assigned to the each Unit shall be as follows:

Unit	Percentage of Value

5.3 The percentages of value were computed based on the relative size of the respective Units and the relative impact the respective Units are anticipated to have on the Common Elements.

5.4 If the Condominium Subdivision Plan is amended, and the revisions would alter the percentage of value per Unit when applied to the criteria used to derive the percentage of value, then the percentage of value shall be altered to reflect the revisions.

**ARTICLE 6
EASEMENTS**

6.1 If any portion of a Unit or Common Element encroaches on another Unit or Common Element due to the shifting, settling or moving of a building, or due to survey errors or construction deviations, reciprocal easements shall exist for the maintenance of such encroachment for so long as such encroachment exists, and for the maintenance thereof after rebuilding in the event of destruction. This shall not be construed to allow or permit any encroachment on, or an easement for an encroachment on a Unit without the consent of the Co-owner of the Unit to be burdened by the encroachment or easement. There shall also be permanent easements in favor of the Association, and the Developer during the Development and Sales Period, to, through and over those portions of the Condominium Premises (including the Units) as may be reasonable for (a) the maintenance and repair of Common Elements for which the Association (or Developer) may from time to time be responsible or that the Association (or Developer) may elect to assume; (b) the installation, maintenance and repair of all utility services furnished to the Condominium Project; and (c) access to Units for purposes of decoration, maintenance, repair or replacement. Public utilities shall have access to the Common Elements and to the Units at such times as may be reasonable for the installation, repair or maintenance of such services, and any costs to install, repair or maintain such services shall be an expense of administration assessed against all Co-owners in accordance with the Bylaws.

6.2 The easements shown on the Condominium Subdivision Plan are hereby established for the benefit of the Co-owners, subject to the purposes shown on the Condominium Subdivision Plan and to the terms and conditions of any recorded instrument documenting such easements. In addition, no improvements shall be made to any such easement without the written approval of the Developer during the Development and Sales Period, or the Association thereafter.

6.3 The Association, both before and after the transitional control date, shall be empowered and obligated to grant easements under and across the Condominium Premises for utilities, access and such other lawful purposes that it determines to be reasonable and necessary, subject to the written approval of the Developer during the Development and Sales Period.

6.4 Developer reserves for itself and its agents, employees, representatives, guests, invitees, independent contractors, successors and assigns, the right, at any time prior to the expiration of the Development and Sales Period to reserve, dedicate and/or grant public or private easements over, under and across the Condominium for the construction, installation, repair, maintenance and replacement of rights-of-way, walkways, pedestrian crossings and bicycle paths, nature trails, water mains, sanitary sewers, storm drains, retention basins, water wells, electric lines, telephone lines, gas mains, cable television and other telecommunication lines and other public and private utilities, including all equipment, facilities and appurtenances relating thereto as identified in the approved final Condominium Subdivision Plan, and all plans and specifications approved by the City, as well as any amendments thereto. Developer reserves the right to assign any such easements to governmental units or public utilities, and to enter into maintenance agreements with respect thereto and to assign obligations thereunder to the Association. Any of the foregoing easements or transfers of title may be conveyed by Developer without the consent of the Association, any Co-owner, mortgagee or other person who now or hereafter shall have any interest in the Condominium. All of the Co-owners and mortgagees of Units and other persons now or hereafter interested in the Condominium Project from time to time shall be deemed to have unanimously consented to such grants of easements or dedications and any amendments of this Master Deed to reflect the foregoing easements or transfers of title. All such interested persons irrevocably appoint Developer as agent and attorney to execute such amendments to the Master Deed and all other documents necessary to effectuate the foregoing.

6.5 The Association shall assume and perform all of Developer's obligations under any easement pertaining to the Condominium Project or General Common Elements.

6.6 Developer reserves, declares and establishes an easement on, over and across the Condominium for the following purposes:

- (a) To use the Common Elements for sales purposes;
- (b) To use any of the unsold Units for leasing and/or sales (including model units and sales offices), administrative or management purposes;
- (c) To place signs on the Common Elements and unsold Units for sales and promotional purposes; and
- (d) To park, locate or establish construction trailers, vehicles, equipment, structures, improvements, materials or facilities within Units or on the Common Elements.

6.7 The Condominium is subject to various recorded easements, agreements and restrictions. These recorded documents both benefit and burden the Condominium. Each Co-owner should fully review the recorded documents to fully understand the rights and obligations of the Condominium and the Co-owners. The following is a summary of several of the more pertinent recorded documents:

[DESCRIBE EASEMENTS]

ARTICLE 7

SUBDIVISION, CONSOLIDATION AND OTHER MODIFICATIONS OF UNITS

7.1 Notwithstanding any other provision of this Master Deed or the Bylaws to the contrary, Units in the Condominium may be subdivided, consolidated and modified, and the boundaries relocated, in accordance with Sections 48 and 49 of the Act and this Article 7, and subject to any and all

ordinances and approval rights of the City. Any such changes in an affected Unit shall be reflected in a duly recorded amendment to this Master Deed.

7.2 During the Development and Sales Period, Developer reserves the sole right, without the consent of any other Co-owner or mortgagee of any Unit, to undertake any of the following:

- (a) To subdivide any Unit.
- (b) To consolidate under single ownership two (2) or more adjoining Units separated only by Unit boundaries.
- (c) To relocate any boundaries between two (2) or more adjoining Units, separated only by Unit boundaries.

Any exercise of the rights reserved to the Developer above shall be effected by an amendment to this Master Deed, prepared by and at the sole discretion of the Developer, and recorded in the manner provided by law. In any such amendment, each portion of the Units resulting from any subdivision, consolidation or relocation of boundaries shall be separately identified by the number and percentages of value for such Units. Any such amendment shall also contain such further definitions of Common Elements as may be necessary to adequately describe the buildings and Units in the Condominium Project as so modified. All of the Co-owners and mortgagees of Units, and any other persons interested or to become interested in the Condominium Project from time to time, shall be deemed to irrevocably and unanimously consent to any such amendment and to any adjustment of percentages of value of Units that the Developer determines necessary in conjunction with such amendment. All such interested persons irrevocably appoint Developer as agent and attorney for the purpose of execution of such amendment and all other documents necessary to effectuate the foregoing. Such amendments may be effected without re-recording this Master Deed or any Exhibit to this Master Deed.

ARTICLE 8 CONVERTIBLE AREAS

8.1 The General Common Elements, Limited Common Elements and the Units have been designated as Convertible Areas within which the Units and Common Elements may be modified as provided herein.

8.2 The Developer reserves the right, in its sole discretion and subject to prior approval of the appropriate governmental agencies, during a period ending no later than six (6) years from the date of recording this Master Deed, to enlarge, modify, merge or extend Units and/or General or Limited Common Elements and to create Limited Common Elements appurtenant or geographically proximate to such Units within the Convertible Areas above designated. Such amendment may be effected without the necessity of recording an entire Master Deed or the Exhibits hereto and may incorporate by reference all or any pertinent portions of this Master Deed and the Exhibits hereto.

8.3 All of the Co-owners and mortgagees of the Units and other persons interested in the Project from time to time shall be deemed to have irrevocably and unanimously consented to such amendments to this Master Deed as may be made pursuant to this Article 8. All such interested persons irrevocably appoint Developer as agent and attorney for the purpose of execution of such amendment to the Master Deed and all other documents necessary to effectuate the foregoing. Such amendment may be effected without the necessity of recording an entire Master Deed or the Exhibits hereto and may incorporate by reference all or any pertinent portions of this Master Deed and the Exhibits hereto.

8.4 All improvements constructed within the Convertible Areas described above shall be reasonably compatible with other improvements made by the Developer in the Condominium Project, as determined by Developer in its discretion.

**ARTICLE 9
RESERVED**

**ARTICLE 10
AMENDMENT AND TERMINATION**

10.1 The Master Deed, Bylaws, Condominium Subdivision Plan and any other document referred to in the Master Deed or Bylaws which affects the rights and obligations of a Co-owner in the Project may be amended without the consent of Co-owners or mortgagees, if the amendment does not materially alter or change the rights of a Co-owner or mortgagee. An amendment that does not materially change the rights of a Co-owner or mortgagee includes, but is not limited to, a modification of the types and sizes of unsold Units and their appurtenant limited common elements.

10.2 Except as provided in this Article 10, the Master Deed, Bylaws and Condominium Subdivision Plan may be amended, even if the amendment will materially alter or change the rights of the Co-owners or mortgagees, with the consent of not less than 2/3 of the votes of the Units and mortgagees of Units. Notwithstanding the foregoing, unless otherwise provided in the Act, no such amendment which materially alters, restricts, limits or changes the rights of a Unit shall be approved and take effect unless the affected Co-owner of the Unit votes in favor of the amendment.

10.3 In addition to the rights of amendment provided to Developer in the various Articles of this Master Deed, Developer may, prior to the expiration of the Development and Sales Period, and without the consent of any Co-owner, mortgagee or any other person, amend this Master Deed and the Condominium Subdivision plan attached as Exhibit B in order to correct survey or other errors made in such documents and to make such other amendments to such instruments and to the Bylaws attached hereto as Exhibit A that do not materially affect the rights of any Co-owners or mortgagees in the Project, including, but not limited to, amendments required by governmental authorities, or for the purpose of facilitating conventional mortgage loan financing for existing or prospective Co-owners and to enable the purchase or insurance of such mortgage loans by the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, the Government National Mortgage Association, the Veterans Administration or the Department of Housing and Urban Veterans Administration or the Department of Housing and Urban Development, or by any other public or private mortgage insurer or any institutional participant in the secondary mortgage market.

10.4 The value of the vote of any Unit and the corresponding proportion of common expenses assessed against such Unit shall not be modified without the written consent of the Co-owner of such Unit, nor shall the percentage of value assigned to any Unit be modified without such consent, except for a modification made in connection with the consolidation or modification of Units as provided in this Master Deed.

10.5 A person causing or requesting an amendment to the Master Deed, Bylaws, Condominium Subdivision Plan and any other document referred to in the Master Deed or Bylaws shall be responsible for costs and expenses of the amendment.

10.6 Pursuant to Section 90(2) of the Act, Developer hereby reserves the right, on behalf of itself and on behalf of the Association of Co-Owners, to amend this Master Deed and the Condominium Documents without the approval of any mortgagee of a Unit, unless the amendment would materially alter or change the rights of a mortgagee of a Unit, in which event the approval of two-thirds

(2/3) of the votes of mortgagees of Units shall be required for such amendment. Each mortgagee shall have one (1) vote for each Unit subject to a mortgage. Notwithstanding any provision of this Master Deed or the Bylaws to the contrary, mortgagees are entitled to vote on amendments to the condominium documents only under the following circumstances:

- (a) The termination of the Condominium Project.
- (b) A change in the method of formula used to determine the percentage of value assigned to a Unit subject to the mortgagee's mortgage.
- (c) A reallocation of responsibility for maintenance, repair, replacement, or decoration for a Unit, its appurtenant Limited Common Elements, or the General Common Elements from the Association to the Unit subject to the mortgagee's mortgage.
- (d) The elimination of a requirement for the Association to maintain insurance on the Project as a whole or a Unit subject to the mortgagee's mortgage or reallocation of responsibility for obtaining or maintaining, or both, insurance from the Association to the Unit subject to the mortgagee's mortgage.
- (e) The modification or elimination of an easement benefiting the Unit subject to the mortgagee's mortgage.
- (f) The partial or complete modification, imposition, or removal of leasing restrictions for Units in the condominium project.

10.7 During the Development and Sales Period, this Master Deed and Exhibits "A" and "B" hereto shall not be amended nor shall the provisions thereof be modified in any way without the written consent of the Developer.

ARTICLE 12 ASSIGNMENT

Any or all of the rights and powers granted or reserved to the Developer in the Condominium Documents or by law, including the power to approve or disapprove any act, use or proposed action or any other matter or thing, may be assigned by it to any other person or entity or to the Association. Any such assignment or transfer shall be made by appropriate instrument in writing duly recorded in the office of the Allegan County Register of Deeds.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, this Master Deed is made and executed on the date set forth above.

KRE WEST CENTRE, LLC,
a Michigan limited liability company

By: _____
Jeffrey A. Kerr
Its: Manager

STATE OF MICHIGAN)
)
ALLEGAN COUNTY)

The foregoing instrument was acknowledged before me in Allegan County, Michigan, on _____, 2022, by Jeffrey A. Kerr, as Manager of KRE WEST CENTRE, LLC, a Michigan limited liability company, on behalf of the company.

State of Michigan
County of _____
My Commission Expires _____

Master Deed drafted by and
when recorded return to:

MEMO

VIA EMAIL jeff@kerr-realestate.com

To: Mr. Jeffrey Kerr
Kerr Real Estate

From: Jacob Swanson, PE
Mary Ollis, EIT
Fleis & VandenBrink

Date: December 1, 2022

Re: Centre Collective Development
Douglas, Michigan
Traffic Impact Study

1 INTRODUCTION

This memorandum presents the results of the Traffic Impact Study (TIS) for the proposed development in the City of the Village of Douglas, Michigan. The project site is located in the northwest quadrant of the Blue Star Highway & Center Street intersection, as shown on the attached **Figure 1**.

F&V previously completed a TIS for this project site in 2021 that combined the two sites into a mixed-use Planned Unit Development (PUD). The site plans have since been updated to include proposed developments that are currently permitted on the property within the by-right zoning.

- The northern property includes single-family residential, with site access provided via one (1) full access driveway on St. Peters Drive and one (1) full access driveway on W. Shore Court.
- The southern property includes a mixed-use residential and commercial development, with site access provided via two (2) full access driveways on Center Street.

The proposed site plans are connected internally with pedestrian connections; however, there is no vehicular access between the two properties. The study roadways are under the jurisdiction of the City of the Village of Douglas, which has required a TIS for this project as part of the site plan approval process.

This study provides an update to the previous analysis, in order to reflect the revised site plan; therefore, no new data collection or revisions to the existing 2021 baseline traffic volume adjustments were included in the revised study. However, minor adjustments were made to the Synchro Model configuration in order to more accurately reflect the existing roadway geometry; therefore, this analysis will have minor revisions, as compared to the previous TIS, for the existing and background intersection delay and LOS. Additionally, the analysis included herein provides an update of the future conditions analysis associated with the updated site plans, as requested by the City's engineering consultant.

The scope of the study was developed based on Fleis & VandenBrink's (F&V) understanding of the development program, accepted traffic engineering practice, MDOT requirements as outlined in Geometric Design Guidance Section 1.2.4, and professional experience. The study analyses were completed using Synchro/SimTraffic (Version 11). Sources of data for this study include F&V subconsultant Gewalt Hamilton Associates, INC. (GHA), information published by the Institute of Transportation Engineers (ITE), the City of the Village of Douglas, and MDOT.

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2 BACKGROUND

2.1 EXISTING ROAD NETWORK

The lane uses and traffic control at the study intersections are shown on the attached **Figure 2** and the study roadways are further described below. For the purposes of this study, site driveways and residential streets were assumed to have an operating speed of 25 miles per hour (mph) unless otherwise noted.

Blue Star Highway runs generally northeast and southwest directions, adjacent to the east side of the project sites. The study section of roadway is under the jurisdiction of the City of the Village of Douglas, is classified as a *Minor Arterial*, and has an Average Annual Daily Traffic (AADT) volume of approximately 8,200 vehicles per day (MDOT 2016). Blue Star Highway, adjacent to the project site, has a posted speed limit of 30 mph and provides a typical two-lane cross section, with one (1) lane in each direction. Additionally, at the signalized intersection with Center Street, Blue Star Highway widens to provide exclusive left-turn lanes in both directions and an additional shared through/right lane in the southbound direction.

Center Street runs east and west directions, adjacent to the south side of the project sites. Center Street is under the jurisdiction of the City of the Village of Douglas, is classified as a *Local Road*, and has a posted speed limit of 25 mph. Center Street provides a typical two-lane cross section, with one (1) lane in each direction. Additionally, at the signalized intersection with Blue Star Highway, Center Street widens to provide three-lane approaches (exclusive left-turn lane, through lane, and right-turn lane) in both directions.

St. Peters Drive generally runs in the southeast and northwest directions, adjacent to the north side of the project sites. St. Peters Drive provides a typical two-lane cross-section, with one (1) lane in each direction. The roadway is classified as a *Local Road*, ending approximately 1,200 feet west of Blue Star Highway.

2.2 EXISTING TRAFFIC VOLUMES

F&V subconsultant Gewalt Hamilton Associates, INC. (GHA) collected existing Turning Movement Count (TMC) data on Tuesday April 27th, 2021, at the following study intersections:

- Blue Star Highway & Center Street
- Blue Star Highway & St. Peters Drive

During collection of the turning movement counts, Peak Hour Factors (PHFs) and commercial truck percentages were recorded and used in the traffic analysis. The peak hour traffic volumes for each intersection were utilized for this study and the volumes were balanced upward through the study network and balanced through the proposed site driveways. Therefore, the raw traffic volumes shown in the data collection may not match the traffic volumes used in the analysis and on the attached traffic volume figures.

The weekday AM and PM peak hours for the adjacent roadway network were observed to generally occur between 7:30 AM to 8:30 AM and 4:30 PM to 5:30 PM, respectively. F&V collected an inventory of existing lane use and traffic controls, as shown on the attached **Figure 2**.

The 2021 traffic volumes data collected were compared with historic 2015 traffic volumes to calculate a COVID adjustment factor at the study intersection. The results indicated that the collected 2021 traffic volumes, when compared to the expected 2021 traffic volumes, resulted in a **+6%** adjustment factor; this factor was applied to the 2021 traffic volumes collected for the analyses within this study. The signal timing at Blue Star Highway & Center Street was obtained through video gathered during turning movement count data collection. The existing adjusted 2021 peak hour traffic volumes used in the analysis are shown on the attached **Figure 3**. All applicable background data referenced in this memorandum is attached.

3 EXISTING CONDITIONS (2021)

Existing peak hour vehicle delays and Levels of Service (LOS) were calculated at the study intersections using Synchro/SimTraffic (Version 11) traffic analysis software. The study analyses were based on the existing lane use and traffic control shown on the attached **Figure 2**, the existing peak hour traffic volumes shown on the attached **Figure 3**, and the methodologies presented in the *Highway Capacity Manual, 6th Edition* (HCM6).

Descriptions of LOS "A" through "F" as defined in the HCM6, are attached. Typically, LOS D is considered acceptable, with LOS A representing minimal delay, and LOS F indicating failing conditions. Additionally, SimTraffic network simulations were reviewed to evaluate network operations and vehicle queues. The existing conditions results are attached and summarized in **Table 1**.

Table 1: Existing Intersection Operations

Intersection	Control	Approach	Existing Conditions			
			AM Peak		PM Peak	
			Delay (s/veh)	LOS	Delay (s/veh)	LOS
1 Blue Star Highway & Center Street	Signalized	EBL	19.4	B	23.6	C
		EBT	16.8	B	17.0	B
		EBR	17.1	B	18.5	B
		WBL	17.3	B	18.7	B
		WBT	17.2	B	17.7	B
		WBR	17.9	B	18.3	B
		NBL	16.2	B	15.5	B
		NBTR	15.6	B	17.8	B
		SBL	19.3	B	23.4	C
		SBTR	12.8	B	11.8	B
		Overall	14.6	B	16.2	B
2 Blue Star Highway & St. Peters Drive	Stop (Minor)	EB	55.3	F	50.7	F
		NBL	10.2	B	9.2	A
		SB	Free			

The result of the existing conditions analysis indicates that all approaches and movements at the study intersections are currently operating acceptably, at LOS D or better, during both the AM and PM peak periods with the exception of the following:

Blue Star Highway & St. Peters Drive

- During both the AM and PM peak hours: The eastbound approach currently operates at LOS F.

Although the intersection LOS analysis indicates poor operations associated with the eastbound left-turn movement, a review of SimTraffic microsimulations indicates acceptable operations during both peak periods. SimTraffic network simulations indicate that vehicles on the eastbound left-turn movement were observed to find adequate gaps within the through traffic along Blue Star Highway, without experiencing significant delays or excessive vehicle queueing. The 95th percentile vehicle queue length reported for the eastbound left-turn movement was approximately 60 feet (2-3 vehicles) or less during both peak periods, which is not significant.

A review of SimTraffic network simulations for the remaining study network indicates acceptable operations during both peak periods; the majority of vehicle queues at the signalized intersection were observed to be serviced within each cycle length.

4 BACKGROUND (2026) CONDITIONS

The proposed development is planned to be constructed over the next five (5) years. Therefore, a conservative background growth rate of **1.0%** per year was applied to the existing baseline 2021 traffic volumes to forecast the background 2026 traffic volume conditions, **without the proposed development**. Additionally, it is important to account for developments within the study network, which will be constructed prior to the site buildout year; however, no planned background developments were identified within the study network.

Future peak hour vehicle delays and LOS **without the proposed development** were calculated based on the existing lane use and traffic control shown on the attached **Figure 2**, the background traffic volumes shown on the attached **Figure 4**, and the methodologies presented in the HCM6. The results of the analysis of background conditions are attached and summarized in **Table 2**.

The results of the background conditions analysis indicate that all approaches at the study intersection will continue to operate in a manner similar to existing conditions, with minor increases in delays. Additionally, review of SimTraffic microsimulations indicates acceptable operations during both peak periods, within minimal vehicle queueing observed throughout the study roadway network.

Table 2: Background Intersection Operations

Intersection	Control	Approach	Existing Conditions				Background Conditions				Difference				
			AM Peak		PM Peak		AM Peak		PM Peak		AM Peak		PM Peak		
			Delay (s/veh)	LOS	Delay (s/veh)	LOS	Delay (s/veh)	LOS	Delay (s/veh)	LOS	Delay (s/veh)	LOS	Delay (s/veh)	LOS	
1	Blue Star Hwy & Center Street	Signal	EBL	19.4	B	23.6	C	19.6	B	24.3	C	0.2	-	0.7	-
			EBT	16.8	B	17.0	B	16.8	B	17.0	B	0.0	-	0.0	-
			EBR	17.1	B	18.5	B	17.1	B	18.6	B	0.0	-	0.1	-
			WBL	17.3	B	18.7	B	17.3	B	18.8	B	0.0	-	0.1	-
			WBT	17.2	B	17.7	B	17.2	B	17.7	B	0.0	-	0.0	-
			WBR	17.9	B	18.3	B	18.0	B	18.3	B	0.1	-	0.0	-
			NBL	16.2	B	15.5	B	17.0	B	16.2	B	0.8	-	0.7	-
			NBTR	15.6	B	17.8	B	16.5	B	19.1	B	0.9	-	1.3	-
			SBL	19.3	B	23.4	C	20.4	C	25.2	C	1.1	B→C	1.8	-
			SBTR	12.8	B	11.8	B	13.1	B	12.1	B	0.3	-	0.3	-
		Overall	14.6	B	16.2	B	15.1	B	16.9	B	0.5	-	0.7	-	
2	Blue Star Hwy & St. Peters Drive	Stop (Minor)	EB	55.3	F	50.7	F	67.2	F	62.2	F	11.9	-	11.5	-
			NBL	10.2	B	9.2	A	10.5	B	9.3	A	0.3	-	0.1	-
			SB	Free				Free				N/A			

5 SITE TRIP GENERATION

The number of weekday peak hour (AM and PM) and daily vehicle trips that would be generated by the previously proposed PUD and the currently proposed development were forecast based on data published by ITE in the *Trip Generation Manual, 11th Edition*. The trip generation projections are summarized in **Table 3**.

Table 3: Trip Generation Summary

	Land Use	ITE Code	Amount	Units	Average Daily Traffic (vpd)	AM Peak Hour (vph)			PM Peak Hour (vph)			
						In	Out	Total	In	Out	Total	
Previously Proposed PUD	Single-Family Detached	210	24	DU	280	6	16	22	16	10	26	
	Multi-Family Housing (Low-Rise)	220	17	DU	88	2	7	9	8	4	12	
	Multi-Family (Mid-Rise)	221	42	DU	227	4	11	15	12	7	19	
	Shopping Center-Small	820	13,300	SF	1,525	8	5	13	59	63	122	
	Quality Restaurant	931	10,800	SF	905	4	4	8	56	28	84	
	Health / Fitness Club	492	5,020	SF	153	4	3	7	10	7	17	
	Variety Store	814	4,500	SF	286	8	6	14	16	15	31	
	Total Trips					3,464	36	52	88	177	134	311
	<i>Pass-By Trips AM: 34% PM: 34%</i>						5	4	9	27	25	52
	<i>Restaurant Pass-By Trips PM: 44%</i>						0	0	0	19	18	37
Total New Trips					2,396	31	48	79	131	91	222	
Proposed Development	Single-Family Detached	210	20	DU	230	4	13	17	14	8	22	
	Multi-Family Housing (Low-Rise)	220	59	DU	454	10	31	41	29	17	46	
	Strip Retail (<40k)	822	16,770	SF	937	24	16	40	56	55	111	
	Total Trips					1,621	38	60	98	99	80	179
	<i>Retail Pass-By PM 40%</i>						0	0	0	22	22	44
Total New Trips					1,621	38	60	98	77	58	135	
Difference in Total Trips					-1,843	2	8	10	-78	-54	-132	

The trips generation comparison, between the previously proposed PUD site plan and the currently proposed developments site plans, indicate that the trips generated by the proposed development are overall almost 50% less than the daily trip generated by the previously proposed PUD.

As is typical of commercial developments, a portion of the trips generated by the proposed development are from vehicles that are already on the adjacent roadway network and will pass the site on their way from an origin to their ultimate destination. This percentage of the trips generated by the development are considered “pass-by” and “diverted link” trips, which are already present on the adjacent roadway network. Diverted link trips are pass-by trips for vehicles not passing by the development frontage directly on Center Street; therefore, these vehicles will have to make an additional turning movement, in order to enter and exit the site. For the purpose of this analysis, the diverted link trips associated with the proposed development are vehicles along Blue Star Highway, which will have to make a new turning movement onto Center Street to access the proposed development. These trips are therefore reduced from the total external trips generated by a study site. The percentage of pass-by trips used in this analysis was determined based on the rates published by ITE in the *Trip Generation Manual, 11th Edition*.

6 SITE TRIP DISTRIBUTION

The vehicular trips that would be generated by the proposed development were assigned to the study roadway network based on the proposed site access plan and driveway configurations, the existing peak hour traffic patterns in the adjacent roadway network shown on the attached **Figure 3**, and the methodologies published by ITE. The ITE trip distribution methodology assumes that new residential trips will leave the proposed development and exit the roadway network in the morning, then re-enter the roadway network in the evening and return to the proposed development. New commercial trips were assume to enter the network and access the development, then leave the development and return to their direction of origin. Pass-by trips will enter and exit the development in their original direction of travel. The site trip distributions utilized in this analysis are summarized in **Table 4**.

Table 4: Site Trip Distribution

New Residential Trips		New Commercial Trips					Pass-By Trips
AM	PM	AM	PM	To/From	Via	Direction	PM
44%	37%	49%	37%	North	Blue Star Highway	Northbound	38%
43%	40%	39%	40%	South	Blue Star Highway	Southbound	32%
3%	9%	5%	9%	East	Center Street	Eastbound	16%
10%	14%	7%	14%	West	Center Street	Westbound	14%
100%	100%	100%	100%	Total			100%

The vehicular traffic volumes shown in **Table 3** were distributed to the roadway network according to the distribution shown in **Table 4**. The site-generated trips shown on the attached **Figure 5**, were added to the background peak hour traffic volumes shown on the attached **Figure 4**, in order to calculate the future peak hour traffic volumes, as shown on the attached **Figure 6**.

7 FUTURE CONDITIONS

The future peak hour vehicle delays and LOS, **with the addition of the site-generated trips from the proposed development**, were calculated at the study intersections using Synchro/SimTraffic (Version 11) traffic analysis software. This analysis was based on the proposed lane use and traffic control shown on the attached **Figure 2**, the proposed site access plan, the future peak hour traffic volumes shown on the attached **Figure 6**, and the methodologies presented in the HCM6. The results of the future conditions analysis are attached and summarized in **Table 5**.

The results of the future conditions analysis indicates that all study intersection approaches and movements will continue to operate in a manner similar to the background conditions analysis during both peak periods, with minor increases in delays. Additionally, all of the proposed site driveways are expected to operate acceptably, at LOS D or better during both peak periods. Review of SimTraffic network simulations also indicates acceptable operations throughout the study roadway network, with minimal vehicle queuing observed; additionally, the majority of vehicle queues at the signalized intersection of Blue Star Highway & Center Street were observed to be serviced within each cycle length.

Table 5: Future Intersection Operations

Intersection	Control	Approach	Background Conditions				Future Conditions				Difference			
			AM Peak		PM Peak		AM Peak		PM Peak		AM Peak		PM Peak	
			Delay (s/veh)	LOS	Delay (s/veh)	LOS	Delay (s/veh)	LOS	Delay (s/veh)	LOS	Delay (s/veh)	LOS	Delay (s/veh)	LOS
1 Blue Star Hwy & Center Street	Signal	EBL	19.6	B	24.3	C	20.5	C	26.4	C	0.9	B→C	2.1	-
		EBT	16.8	B	17.0	B	16.8	B	17.1	B	0.0	-	0.1	-
		EBR	17.1	B	18.6	B	17.5	B	19.4	B	0.4	-	0.8	-
		WBL	17.3	B	18.8	B	17.4	B	19.0	B	0.1	-	0.2	-
		WBT	17.2	B	17.7	B	17.3	B	17.9	B	0.1	-	0.2	-
		WBR	18.0	B	18.3	B	18.0	B	18.4	B	0.0	-	0.1	-
		NBL	17.0	B	16.2	B	18.4	B	18.7	B	1.4	-	2.5	-
		NBTR	16.5	B	19.1	B	16.5	B	19.0	B	0.0	-	-0.1	-
		SBL	20.4	C	25.2	C	20.5	C	25.1	C	0.1	-	-0.1	-
		SBTR	13.1	B	12.1	B	13.4	B	12.4	B	0.3	-	0.3	-
		Overall	15.1	B	16.9	B	15.4	B	17.4	B	0.3	-	0.5	-
2 Blue Star Hwy & St. Peters Dr.	Stop (Minor)	EB	67.2	F	62.2	F	86.1	F	78.0	F	18.9	-	15.8	-
		NBL	10.5	B	9.3	A	10.6	B	9.5	A	0.1	-	0.2	-
		SB	Free				Free				N/A			
3 Center Street & SW Site Dr.	Stop (Minor)	EBL	N/A				7.6	A	7.9	A	N/A			
		WB	N/A				Free				N/A			
		SB	N/A				10.1	B	12.9	B	N/A			
4 Center Street & SE Site Dr.	Stop (Minor)	EBL	N/A				7.6	A	8.0	A	N/A			
		WB	N/A				Free				N/A			
		SB	N/A				10.6	B	14.1	B	N/A			
5 St Peters Dr. & W. Shore Court	Stop (Minor)	EB	N/A				Free				N/A			
		WBL	N/A				0.0*	A	0.0*	A	N/A			
		NB	N/A				0.0*	A	0.0*	A	N/A			
6 St. Peters Dr. & NE Site Dr.	Stop (Minor)	EB	N/A				Free				N/A			
		WBL	N/A				7.3	A	7.3	A	N/A			
		NB	N/A				8.6	A	8.6	A	N/A			

* Indicates no vehicle volume present

7.1 FUTURE CONDITIONS WITH IMPROVEMENTS

Blue Star Highway & Center Street

- Review of the existing signal timing at the intersection of Blue Star Highway & Center Street indicated that it does not meet current minimum standards. Therefore, the signal timing was updated to reflect the correct clearance times (recommended yellow, all-red, and pedestrian times). Additionally, the existing signal timing was optimized, during both peak periods, in order to better accommodate the existing and projected future traffic volumes at this intersection, with the implementation of the revised clearance intervals. The impact to the intersection operations and LOS are summarized in **Table 7**.

The results of the future conditions with improvements analysis indicates that all approaches and movements will operate acceptably, at LOS D or better during both peak periods; additionally, several movements and the overall intersection will experience reduced delays associated with the optimizations. Review of SimTraffic network simulations also indicates acceptable operations during both peak periods, with the majority of vehicle queues observed to be processed through the intersection within each cycle length.

Table 6: Future Intersection Operations with Improvements

Intersection	Control	Approach	Future Conditions				Future IMP Conditions				Difference				
			AM Peak		PM Peak		AM Peak		PM Peak		AM Peak		PM Peak		
			Delay (s/veh)	LOS	Delay (s/veh)	LOS	Delay (s/veh)	LOS	Delay (s/veh)	LOS	Delay (s/veh)	LOS	Delay (s/veh)	LOS	
1	Blue Star Highway & Center Street	Signal	EBL	20.5	C	26.4	C	27.2	C	31.9	C	6.7	-	5.5	-
			EBT	16.8	B	17.1	B	20.2	C	18.1	B	3.4	B→C	1.0	-
			EBR	17.5	B	19.4	B	22.5	C	21.8	C	5.0	B→C	2.4	B→C
			WBL	17.4	B	19.0	B	21.1	C	20.3	C	3.7	B→C	1.3	B→C
			WBT	17.3	B	17.9	B	21.6	C	19.2	B	4.3	B→C	1.3	-
			WBR	18.0	B	18.4	B	24.1	C	20.1	C	6.1	B→C	1.7	B→C
			NBL	18.4	B	18.7	B	9.3	A	14.3	B	-9.1	B→A	-4.4	-
			NBTR	16.5	B	19.0	B	8.7	A	15.3	B	-7.8	B→A	-3.7	-
			SBL	20.5	C	25.1	C	10.3	B	19.1	B	-10.2	C→B	-6.0	C→B
			SBTR	13.4	B	12.4	B	7.1	A	9.7	A	-6.3	B→A	-2.7	B→A
		Overall	15.4	B	17.4	B	10.4	B	15.8	B	-5.0	-	-1.6	-	

8 AUXILIARY LANES

The MDOT auxiliary turn lane treatment warrants were evaluated at the proposed site driveways on Center Street and St. Peters Drive. This analysis was based on the future peak hour traffic volumes shown on the attached Figure 6. The results of the analysis are shown on the attached MDOT warranting charts and are summarized in Table 7.

Table 7: Auxiliary Turn Lane Summary

Site Driveway Intersection	Right-Turn Treatment	Left-Turn Treatment
Center Street & SW Site Drive	Not Recommended	Not Recommended
Center Street & SE Site Drive	Right-Turn Taper	Not Recommended
St. Peters Drive & NE Site Drive	Not Recommended	Not Recommended
St. Peters Drive & NW Site Drive	Not Recommended	Not Recommended

The results of the MDOT auxiliary turn lane evaluation indicates that a right-turn deceleration taper is warranted on westbound Center Street at the proposed SE Site Drive. No other auxiliary turn lane treatments are warranted or recommended.

9 CONCLUSIONS

The conclusions of this TIS are as follows:

1. Existing Conditions

- All approaches and movements at the study intersections are currently operating acceptably, at LOS D or better during both the AM and PM peak hours, with the following exception:
 - Blue Star Highway & Center Street: The EB approach is currently operating at LOS F during both peak periods. Although the Synchro LOS analysis indicates poor operations, review of SimTraffic microsimulations indicates a 95th percentile vehicle queue length of approximately 60 feet (2-3 vehicles) or less during both peak periods, which is not significant

2. Background Conditions

- All approaches and movements at the study intersections are expected to continue operating in a manner similar to existing conditions analysis, with minor increases in delay.

3. Site Generated Traffic

- The trips generation comparison, between the previously proposed PUD and the currently proposed development plans, indicate that the trips generated by the proposed development are overall almost 50% less than the daily trip generated by the previously proposed PUD.

4. Future Conditions

- With the addition of the site-generated traffic, all approaches and movements at the study intersections are expected to continue operating similar to background conditions analysis, with minor increases in delays. Additionally, the proposed site driveways are expected to operate acceptably, at LOS D or better during both peak periods. Review of SimTraffic network simulations for the remaining study roadway network also indicates acceptable operations during both peak periods.

5. Future Conditions with Improvements

- Blue Star Highway & Center Street: Review of the existing signal timing indicated that it does not meet current minimum standards. Therefore, the signal timing was updated to reflect the correct clearance times (recommended yellow, all-red, and pedestrian times). Additionally, the existing signal timing was optimized, during both peak periods, in order to better accommodate the existing and projected future traffic volumes at this intersection, with the implementation of the revised clearance intervals.

6. Auxiliary Lanes

- The MDOT auxiliary turn lane warranting thresholds were evaluated at the proposed site driveways, based on the future traffic volumes. The results indicate that a right-turn deceleration taper is warranted on westbound Center Street at the proposed SE Site Drive.

10 RECOMMENDATIONS

The recommendations of this TIS are as follows:

- Update the existing signal timing at Blue Star Highway & Center Street, to reflect current clearance interval standards and optimize the signal timing during both peak periods.
- Provide a right-turn deceleration taper on westbound Center Street at the proposed SE Site Drive.

Any questions related to this memorandum, study, analysis, and results should be addressed to Fleis & VandenBrink.



I hereby certify that this engineering document was prepared by me or under my direct personal supervision and that I am a duly licensed Professional Engineer under the laws of the State of Michigan.

Jacob Swanson

Digitally signed
by Jacob Swanson
Date: 2022.12.01
18:02:03 -05'00'

Attached: Figures 1-6
Proposed Site/Concept Plan
Traffic Volume Data
Signal Timing Permit
Synchro / SimTraffic Results
MDOT Auxiliary Lane Charts



**REPORT OF
GEOTECHNICAL INVESTIGATION
FOR
324 WEST CENTER**

**DOUGLAS
ALLEGAN COUNTY
MICHIGAN**

MARCH 27, 2020

David W. Hohmeyer, P.E.
Michigan No. 32629
March 27, 2020

*Kerr Real Estate
PO Box 574
Douglas, Michigan 49406*

Project No. 2020.0129



March 27, 2020

Kerr Real Estate
PO Box 574
Douglas, Michigan 49406

Attention: Mr. Jeff Kerr

Regarding: 324 West Center
Douglas, Allegan County, Michigan
Project No. 2020.0129

Dear Mr. Kerr:

Soils & Structures is pleased to present this geotechnical investigation report for the 324 West Center project in Douglas, Allegan County, Michigan.

The investigation included ten (10) test borings to depths of 20.0 feet. The test borings were conducted in accordance with ASTM D 1586 procedures.

The report, test boring location plan, and test boring logs are enclosed. The report provides recommendations for site preparation, foundations, fill, floors and pavement.

We appreciate the opportunity to provide you engineering services. If you have any questions regarding this report, please contact our office.

Sincerely,
Soils & Structures, Inc.

Malcolm P. Thompson, E.I.T.
MPT/mt

Reviewed by:

David W. Hohmeyer, P.E.



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Appendix

- Test Boring Location Plan
- General Soil Profile
- Test Boring Logs
- Laboratory Tests
- General Soil Information



SOILS & STRUCTURES

Location of Soil Investigation

The soil investigation was located at 324 West Center Street in Douglas, Allegan County, Michigan. The parcel number is 59-016-033-00.

Purpose of Investigation

The purpose of this investigation is to provide geotechnical engineering recommendations for the proposed residential and commercial buildings.

Design Information

The proposed development includes single family residences, townhomes and mixed use buildings. The project includes pavement.

The single family residences and townhomes will be one to two story wood framed structures with slab on grade floors. The floor elevation of the single family residences and townhomes will vary across the site depending on the existing grade and underlying soil conditions. The design load on foundations is anticipated to be approximately 2500 pounds per linear foot. Column loads are anticipated to be 10,000 pounds or less. The design live load for the floor is anticipated to be 40 pounds per square foot.

The mixed use buildings will be two to three story wood or steel framed structures with slab on grade floors. The floor elevation of the mixed use buildings will be approximately 625.0 feet. The design load on foundations is anticipated to be approximately 4000 pounds per linear foot. Column loads are anticipated to be 200,000 pounds or less.

Allowable post construction settlements of 0.6 inches for total settlement and 0.4 inches for differential settlement are assumed. If the actual loads are significantly greater than the anticipated loads listed in this report, then Soils & Structures should be contacted so that the recommendations included in this report may be reviewed and revised if necessary.

The maximum thickness of fill will be approximately 7.0 feet. Fill will be required to reach grade and to replace soft soil below foundations, floors and pavement. Fill for this project will also include backfill over foundations and utilities. Most of the soil required for fill is expected to be obtained offsite.

The maximum excavation depth will be approximately 7.0 feet. Over excavation will be required to remove soft or loose soils below foundations, floors and pavement. Excavations will also be required for the construction of foundations and utilities.




SOILS & STRUCTURES

Pavement is assumed to be subjected to both automobile and truck traffic. A service life of twenty years was assumed for the pavement subgrade recommendations. The subgrade is assumed to be prepared as recommended in this report.

Tests Performed

The investigation included ten test borings drilled to depths of 20.0 feet. The test borings are designated as Test Boring One through Test Boring Ten. The test borings were conducted in accordance with ASTM D 1586 procedures. The locations were determined by Nederveld, Inc. The locations were adjusted for accessibility by Soils and Structures, Inc. An automatic hammer was used to obtain the soil samples. The ASTM D 1586 standard describes the procedure for sampling and testing soil using the Standard Penetration Test.

The surface elevations at the test boring locations and additional points of reference were obtained with a Global Navigation Satellite System (GNSS) Receiver. The receiver was connected to the local MDOT CORS base station. Through this system, vertical measurements are obtained and referenced to the North American Vertical Datum (NAVD88). Horizontal measurements are also obtained at the test boring locations which are referenced to the Michigan State Plane Coordinate System. Both the vertical and horizontal measurements typically have an accuracy of approximately 0.5 inches. The measured test boring locations and surface elevations are represented in Table 1.

Table 1: Measured Test Boring and Points of Reference Locations and Surface Elevations

Test Boring / Location	Elevation (feet)	Northing (feet)	Easting (feet)	Surface Cover
Test Boring One*	624.1	422897.0	12627697.8	Topsoil
Test Boring Two*	626.7	422465.8	12627611.1	Topsoil
Test Boring Three*	608.1	422729.1	12627812.3	Topsoil
Test Boring Four*	628.1	422560.2	12627694.9	Topsoil
Test Boring Five*	635.7	422615.3	12627817.5	Topsoil
Test Boring Six	623.2	422431.9	12627847.5	Topsoil

*Potential Error: Signal interference due to tree cover



Table 1 Continued: Measured Test Boring and Points of Reference Locations and Surface Elevations

Test Boring / Location	Elevation (feet)	Northing (feet)	Easting (feet)	Surface Cover
Test Boring Seven*	634.7	422257.7	12627597.6	Topsoil
Test Boring Eight*	631.8	422258.2	12627681.3	Topsoil
Test Boring Nine	624.8	422250.2	12627789.1	Topsoil
Test Boring Ten	625.4	422257.0	12627972.6	Topsoil
Base Setup VRS1	617.3	422230.7	12627654.2	-

* Potential Error: Signal interference due to tree cover

Soil samples were classified according to the Unified Soil Classification System. This method is a standardized system for classifying soil according to its engineering properties. Please refer to the appendix of this report for the Unified Classification System Chart. The classification is shown in the “Material Description” column of the test boring logs.

The soil strength and the allowable soil bearing value were evaluated using the “N” value. The “N” value is the number of blows required to drive a soil sampler one foot with a standard 140 pound drop hammer. The sampler is driven a distance of 18.0 inches. The number of blows for each 6.0 inch increment is recorded. The sum of the second and third intervals is the “N” value. The number of blows for each 6.0 inch interval is shown on the test boring logs under the column labeled “Penetration.” The “N” value for each sample is shown in the adjacent column.

Laboratory testing consisted of natural moisture content, particle size analysis, Atterberg limits and unconfined compressive strength testing. The tests were performed on representative soil samples. The tests were performed in accordance with applicable ASTM standards. The water content documents the presence of groundwater in the soil. The sieve test determines the particle distribution which is used to classify the soil and estimate its properties. The Atterberg limit tests aid in determining the properties of cohesive soils. Unconfined compression testing determines the strength properties of cohesive soil.

The U.S. Geological Survey Topographic map and the Quaternary Geology map of Southern Michigan were reviewed. These maps provide general geological information about the region.



SOILS & STRUCTURES

Description of Soil

The soil profile consists of clay with frequent pockets of sand and silt. Topsoil is present at the surface.

The clay layer is part of a glacial moraine that is present in Saugatuck Township. Less prominent features of glacial moraines include sand and gravel outwash that are typically present as pockets and veins within the clay and small alluvial fans at the surface which have low volumes of sand.

The topsoil consists of a dark brown clayey sand. The thickness ranges from 3.0 to 6.0 inches.

The natural clay layer consists of brown and gray low plasticity clay with various amounts of sand and silt. The sand and silt particles are present dispersed throughout the clay, and also appear concentrated in horizontal lenses. The clay layer is more prominent in the upper 20.0 feet of the soil profile on the south portion of the site. In the area of Test Boring Two and Test Borings Four through Ten the clay layer is present at depths between 0.25 and 7.0 feet. In the area of Test Boring One and Test Boring Three, the north portion of the site, the clay layer is present at depths of 7.0 and 19.0 feet.

The “N” values of the clay layer range from 4 to 17, indicating the clay is soft to stiff. The majority of the clay layer is stiff. The stiff clay is indicated by “N” values greater than 7. The shear strength of the stiff clay is in the range of 1800 to 3500 pounds per square foot which also indicates the clay is stiff.

The upper 8.0 feet of the clay layer in the area of Test Borings Five, Six and Ten consists of gray silty low plasticity clay. The “N” values of the clay range from 4 to 7, indicating the clay is soft to firm. The shear strength of the clay is in the range of 800 to 1800 pounds per square foot which also indicates the clay is soft to firm. The clay layer will support foundations, floors and pavement following the removal of any soft clay.

Pockets of sand are present in the upper 7.0 feet of the clay layer in the area of Test Borings Two, Three, Five, Seven, Eight and Nine. The pockets consist of brown fine silty and clayey sand. The “N” values of the pockets range from 3 to 15, indicating the sand is in a loose to compact state. The loose sand is indicated by “N” values equal to or less than 7. The pockets of sand will support foundations, floors and pavement following the compaction or removal of any loose sand.



SOILS & STRUCTURES

Pockets of silt are present in the upper 9.5 feet of the clay layer in the area of Test Borings One, Two, Four, Eight and Nine. The thickness of the silt pockets range from 1.5 to 7.5 feet. The “N” values of the silt range from 6 to 13, indicating the silt is firm to stiff. The silt pockets will support foundations, floors and pavement following site preparations.

Pockets of sand and silt are present in the lower portion of the clay layer throughout the site. The pockets of silt are stiff and the pockets of sand are in a compact state. The pockets of sand and silt in the lower portion of the clay layer should not adversely effect foundations, floors or pavement under the anticipated loading conditions.

Description of Groundwater Conditions

Perched groundwater is present at depths ranging from 2.0 to 8.0 feet. The elevation of Kalamazoo Lake is 581.0 feet. Kalamazoo Lake is near the north portion of the site. Ditches, sumps and pumps are anticipated to be sufficient to control perched water and precipitation during construction.

Description of Site

The site is located at 324 West Center Street in Douglas, Allegan County, Michigan. The site is a wooded lot. A private residence is present on the southeast portion of the site. The north side of the site is bordered by West Shore Court and St. Peters Drive. The east and west sides of the site are bordered by commercial buildings. The south side of the site is bordered by West Center Street. Photographs #1 and #2 show the site at the time of the investigation.



Item 5B.



Photograph #1: View of the south portion of the site. The view is to the northwest. (Project No. 2020.0129, 324 West Center, Douglas, Allegan County, Michigan, February, 2020)



Photograph #2: View of the center of the site. (Project No. 2020.0129, 324 West Center, Douglas, Allegan County, Michigan, February, 2020)

Settlement

The maximum settlement of the building is anticipated to be less than 0.5 inches provided the recommendations in this report are observed including subgrade preparation. Differential settlement will be approximately one half to three quarters of the maximum value. These levels of settlement are within the recommended acceptable limits of 0.6 inches of total settlement and 0.4 inches of differential settlement.



SOILS & STRUCTURES

Recommendations

Construction Considerations

Construction considerations will include the use of the on-site soil for fill, temporary roads for construction traffic and temporary storage areas. Other potential considerations include the control of groundwater and surface water.

The soil available on site may be used for fill in areas where drainage is not a consideration. Most of the soil will be clay with a water content of 19.2 to 26.9 percent. The optimum water content is 13.0 to 18.0 percent so most of the soil used for fill will need to be dried. The most effective equipment for compaction will be sheepfoot rollers and fully loaded scrapers.

The future roads will be used initially as construction roads. Due to the possibility of the road spanning across both sand and clay soils, the recommended option for maintaining the integrity of the road subgrade is an aggregate drive.

The recommended cross section for an aggregate access road is a 10.0 to 12.0 inch thick aggregate layer over a geogrid reinforcing. The recommended aggregate is crushed material with a nominal diameter of 1.0 inches or greater. The aggregate may be comprised of natural aggregate, concrete, asphalt or slag. The recommended geogrid is TerraGrid SX3030. The aggregate and geogrid may be incorporated into the final pavement.

During construction elevating the road surface a minimum of 6.0 inches above the surrounding area is recommended.

Control of surface water will be necessary due to the duration of construction and impermeable soil. Temporary ditches are recommended to remove surface water from the construction area. Lime treatment is recommended in areas where surface water softens the clay to re-establish a useable surface. Cement stabilization is recommended in areas where clay is not the primary soil.

Site & Subgrade Preparation

Existing foundations, trees and vegetation in the area of the buildings and pavement should be cleared and removed as part of subgrade preparation. The topsoil should be removed to the extent that all soil with an organic content of 3.0 percent or greater is removed. Soil containing roots should be removed to the extent that the root content by volume is 5.0 percent or less. All roots over 0.5 inches in diameter should be removed. The anticipated thickness of topsoil to be removed is 1.0 feet or less.



SOILS & STRUCTURES

Proof compaction of the site is not recommended. Excessive loading of the clay with heavy construction equipment will soften the clay resulting in unnecessary removal and replacement of the existing soil.

The area of the townhomes and single family residences should be excavated initially to the subgrade level. The subgrade should be inspected and tested to determine if soft soil is present below foundations and floors. Any soft soil should be removed. The over excavation should extend a minimum of 3.0 feet beyond the sides of the foundation. If foundations are to be constructed on a pocket of sand, the sand should be compacted to 95.0 percent of the sand's maximum density to a depth of 3.0 feet below the foundations. The fill used to replace the soft clay or loose sand should be sand meeting MDOT Class II specifications. The sand should be compacted to 95.0 percent of the sand's maximum density.

The area of the mixed use buildings should be excavated initially to the required grade. The subgrade should be inspected and tested to determine if soft soil is present below foundations or floors. Any soft soil should be removed. Based on Test Borings Eight and Ten, soft soil is expected below the floor and foundation elevation. The depth of soft soil is anticipated to be less than 7.0 feet. The over excavation should extend a minimum of 3.0 feet beyond the sides of the foundation. The fill used to replace the soft soil should be sand meeting MDOT Class II specifications. The sand should be compacted to 95.0 percent of the sand's maximum density.

When the site is graded, the existing clay may be used for fill. The water content of most of the clay will be 5.0 percent or higher than the clay's optimum water content. The optimum method of placement will be to maintain lifts of 6.0 inches or less in thickness and compact each lift with three to five passes with a sheepsfoot roller and loader. Drying the clay will be necessary to achieve compaction.

Soil that is brought to the site for fill should be clean sand meeting MDOT Class II specifications or an approved alternative. The soil should be compacted to 95.0 percent of its maximum density, as determined by the modified proctor method per the ASTM D 1557 standard. Compaction tests are recommended to verify the compaction of the fill. Full time testing is recommended while the earthwork phase of the project because of the significant thickness of the fill.



SOILS & STRUCTURES

Fill should be placed in accordance with the “Fill” section of this report. The fill should be compacted to 95.0 percent of its maximum density. If the total height of fill will be greater than 4.0 feet, the lower 4.0 feet should be compacted to 97.0 percent of its maximum density. The soil which will be used for fill should be kept free of topsoil and other organic materials. Compaction tests are recommended to check the compaction of the new fill.

Foundations

Spread foundations are recommended to support the proposed buildings provided the subgrade is prepared as discussed in this section as well as the “Site & Subgrade Preparation” and “Fill” sections of this report. The foundations are anticipated to be supported on fill or the in-situ soil following site preparation.

Fill below foundations should be compacted to a density of 95.0 percent of the soil's maximum density to its full depth. In-situ sand below foundations should be compacted to a density of 95.0 percent of the sand's maximum density to a minimum depth of 3.0 feet. Compaction tests should be performed in the foundation subgrade to verify these levels of compaction. Soils not meeting or exceeding the minimum density should be recompacted.

If foundations are constructed on clay, the clay should be dry and level to ensure proper contact between the subgrade and concrete. Prior to pouring the foundations, the clay should be tested with a pocket penetrometer or torvane to ensure adequate strength to support the foundations. If the clay exhibits unconfined compressive strength of less than 1,500 pounds per square foot, it should be excavated and replaced with MDOT Class II fill.

Silt below foundations should not be compacted due to liquefaction. The silt should be dry and level to ensure proper contact between the subgrade and concrete. If the silt is not dry, the silt should be over excavated 8.0 to 12.0 inches below the foundation level and replaced with MDOT Class II fill or pea stone to establish a usable surface.

The recommended minimum cover over exterior foundations is 42 inches for protection against frost heave.

Foundations should not be constructed on frozen soil. During cold weather construction, the foundation subgrade and foundations should be protected from freezing with insulated blankets until backfill is placed over both sides of the foundation. Foundations that are damaged by frost heave should be replaced.



SOILS & STRUCTURES

The site classification for seismic design is “D” based on the Michigan Building Code provided the recommendations in this report are observed. The site has a peak ground acceleration of 0.096g with a 2.0 percent probability of exceedance in 50 years. The mapped spectral accelerations are 0.091 for the short-term response (S_s) and 0.050 for the one second response (S_1). The corresponding numeric seismic design values for the spectral response acceleration parameters above are 0.097g (S_{DS}) and 0.081g (S_{D1}) respectively.

Foundations may be designed using an allowable soil bearing value of 3000 pounds per square foot for isolated column foundations and 2500 pounds per square foot for wall foundations provided the recommendations in this report are observed. A minimum width of 16.0 inches is recommended for new foundations. The allowable bearing values may be increased 25.0 percent when considering transient loads such as earthquakes and wind.

Floors

A slab on grade is recommended for the floors.

A base of 8.0 inches of clean sand is recommended under the floors. The sand should meet MDOT Class II specifications. Fill under floors should be compacted as specified in the “Fill” section of this report. The in-situ soil does not meet these specifications.

A vapor barrier is recommended at the bottom of the concrete slab.

A modulus of subgrade reaction of 100 pounds per cubic inch is recommended for the design of slabs on grade.

Lateral Earth Pressure

Foundation walls with different soil levels on either side should be designed as retaining walls. Sand should be used as backfill behind retaining and foundation walls. The sand should meet MDOT Class II specifications. The cantilevered walls should be designed using a soil density of 120 pounds per cubic foot and a coefficient of active earth pressure of 0.30 for level sand backfill. Braced excavations and foundation walls that will be braced against lateral movement at the top of the wall should be designed using a soil density of 120 pounds per cubic foot and a coefficient of at rest earth pressure of 0.45 for level sand backfill. The effects of any surcharge or sloping backfill should also be included in the design. The passive resistance of the existing sand should be calculated using an earth pressure coefficient of 4.0.



SOILS & STRUCTURES

Excavations

The existing clay is OSHA type “B” soils. Excavations should be based on OSHA requirements for a type “B” soil. Based on OSHA requirements a maximum allowable side slope of 45 degrees (1H:1V) is recommended for excavations 4.0 to 20.0 feet deep. For excavations adjacent to property lines, structures such as buildings and roads or excavations over 20.0 feet deep retaining systems are recommended. Excavations less than 4.0 feet deep may have vertical side slopes.

The in situ sand and fill are an OSHA type “C” soil. Excavations that will be entered by personnel should be based on OSHA requirements for a type “C” soil. Based on OSHA requirements, a maximum allowable side slope of 34 degrees (1.5H:1V) is recommended for excavations 4.0 to 20.0 feet deep. Excavations less than 4.0 feet deep may have vertical side slopes.

Fill

The subgrade should be prepared as discussed in this section as well as the “Site & Subgrade Preparation” section of this report. Topsoil should be removed. The subgrade should be inspected and tested for loose and soft soil before the placement of fill. Any soft soil should be removed. Any loose or slightly compact sand should be compacted or removed. Due to the high amounts of fill expected for this project, large settlements will occur if fill is placed on compressible soil.

Fill, including the aggregate layers under pavement, should be compacted to a density of 95.0 percent of its maximum density. The maximum density should be determined in accordance with the ASTM D 1557 standard. A maximum thickness per layer of 6.0 inches is recommended. The lift thickness may be increased to 12.0 inches if a vibratory roller or loader is used for compaction.

If fill will be placed to a depth greater than 4.0 feet, the lower 4.0 feet should be compacted to 97.0 percent of its maximum density. This should reduce the total settlement of overlying structures.

Compaction tests are recommended to confirm that the fill is compacted to the required density and may be used as fill.



SOILS & STRUCTURES

Soil brought to the site for structural fill should be sand meeting MDOT Class II requirements or ASTM requirements for a SP or SW which are the designations for clean sand. The in-situ soil does not meet these requirements.

Fill should not be placed over frozen ground, snow or ice. Soil which contains frozen material should not be used as fill. During winter construction, removal of frozen ground may be necessary prior to placing fill.

Groundwater Management

Groundwater is present in isolated pockets at depths of 2.0 to 8.0 feet. The quantity of groundwater flowing into excavations from the pockets is anticipated to be moderate. If excavations encounter groundwater, the excavation bottom may be stabilized by placing a 6.0 to 8.0 inch layer of porous stone over the bottom of the excavation. The stone will stabilize the bottom of the excavation.

A vapor barrier is recommended under the floor in areas that will be enclosed and heated. The vapor barrier should consist of a 10 mil polyethylene sheet and should be located immediately below the floor slab. The vapor barrier may be omitted in portions of the building that will not be heated.

Infiltration rates for the in-situ soils will be low and unsuitable for internal drainage of the site. MDOT Class II sand is recommended in any areas where drainage is required.

Drains around the foundations and under the pavement are recommended. The drains should consist of a 4.0 inch diameter slotted plastic pipe wrapped in filter fabric. Pea gravel should be used for backfill within a 6.0 inch circumference of the drain. Under pavement, the recommended spacing is 50.0 feet. The drain invert should be at a minimum depth of 30.0 inches below the pavement surface. The drains should be connected to a storm sewer or have an outlet a minimum of 3.0 feet below the lowest floor.



Hot Mix Asphalt (HMA) Pavement

The recommended preliminary HMA pavement sections listed in Table 2 were developed based on the discussions and assumptions included in this report and the design procedures outlined in the “AASHTO Guide for Design of Pavement Structures.” The subgrade should be prepared as described in the “Site & Subgrade Preparation” and “Fill” sections of this report. The final pavement section should be designed based on actual traffic volumes and the owner specific performance requirements. The recommended pavement section materials listed in Table 2 refer to and should comply with the standard material designations included in applicable MDOT specifications and guidelines including the 2012 MDOT “Standard Specifications for Construction.”

Table 2: Recommended Pavement Section

Pavement Cross Section Materials	Standard Duty		Heavy Duty	
	Material	Thickness (in)	Material	Thickness (in)
HMA Wearing Coarse	36A, 5E1	1.5	36A, 5E1	2.0
HMA Base Coarse	13A, 4E1	2.0	13A, 4E1	2.0
Aggregate Base	22A, 21AA	8.0	22A, 21AA	10.0
Sand Subbase	Class II	12.0	Class II	12.0

The recommended asphaltic binder is PG 58-28. The paving contractor should submit the proposed mix design to the owner for review and approval prior to placement. The HMA pavement should be placed in at least two lifts. The pavement section should be constructed in accordance with MDOT guidelines and specifications as well as applicable state and local requirements.

The subgrade, sand subbase and aggregate base should be constructed and prepared in accordance with the “Site & Subgrade Preparation” and “Fill” sections of this report and applicable MDOT guidelines and specifications.



Driveways

The subgrade should be prepared in accordance with the “Site Preparation” and “Fill” sections of this report.

A base of 12.0 inches of clean sand is recommended under the driveway. The sand should meet MDOT Class II specifications.

A minimum slab thickness 5.5 inches is recommended. Fibermesh is recommended for the reinforcing.

In the areas of loading docks, dumpster pads and truck parking the minimum thickness should be increased to 12.0 inches and the pavement should be reinforced. The reinforcing should be designed by a structural engineer. The paving contractor should submit the proposed mix design to the owner for review and approval prior to concrete placement.

Quality Control Testing

Compaction tests (ASTM D 6938) are recommended to confirm that fill in the building area is compacted to the specified density. While fill is being placed, compaction tests should be performed at the rate of one test per 400 cubic yards of fill and throughout the depth of the fill with a minimum of five tests at each 1.0 foot elevation interval. Compaction tests should be performed under foundations at the rate of one test per 50 linear feet for wall foundations and one test per column foundation. The recommended testing frequency in the floor and pavement subgrade is one test per 5000 square feet. Tests should also be performed in the backfill over foundations and utilities. The maximum density should be determined in accordance with ASTM D 1557 or ASTM D 4253 procedures.

The shear strength of clay should be checked with a hand penetrometer or torvane. The tests should be performed at the same frequency as compaction tests.

A smooth 0.5 to 0.75 inch diameter rod should be used in conjunction with compaction tests to probe for loose areas under foundations, in fill and under floors.

A dynamic cone should not be substituted for compaction tests for evaluating fill.

Testing should be performed by technicians supervised by a registered geotechnical engineer.



General Conditions & Reliance

The report was prepared in accordance with generally accepted practices of the geotechnical engineering profession. The scope of work consisted of performing ten test borings and providing soil related recommendations for the design and construction of the proposed building and pavement. The scope of work did not include an environmental study or wetland determination.

The report and the associated test borings were prepared specifically for the previously described project and site. Soils & Structures should be consulted if a significant change in the scope of the project is made.

The test borings represent point information and may not have encountered all of the soil types and materials present on this site. This report does not constitute a guarantee of the soil or groundwater conditions or that the test boring is an exact representation of the soil or groundwater conditions at all points on this site.

The descriptions and recommendations contained in this report are based on an interpretation of the test borings and laboratory tests. The test borings should not be used independently of the report. If soil conditions are encountered which are significantly different from the test borings, Soils & Structures should be consulted for additional recommendations.

The report and test borings may be relied upon by Kerr Real Estate for the design, construction, permitting and financing associated with the construction of the 324 West Center project in Douglas, Allegan County, Michigan. The use of the report and test borings by third parties not associated with this project or for other sites has not been agreed upon by Soils & Structures. Soils & Structures does not recommend or consent to third party use or reliance of the report or test borings unless allowed to review the proposed use of these materials. Unless obtained in writing, consent to third party use should not be assumed. Third parties using the report or test boring logs do so at their own risk and are offered no guarantee or promise of indemnity.

**SIERRA ENVIRONMENTAL CONSULTANTS, LLC
PO #136, KENT CITY, MICHIGAN 49330**

**PHASE I ENVIRONMENTAL SITE ASSESSMENT:
324 Center Street
Douglas, Michigan**



**PREPARED FOR:
Mr. Bill Underdown**

September 25, 2017

EXECUTIVE SUMMARY

Sierra Environmental Consultants, LLC has completed this *Phase I Environmental Site Assessment (ESA)* for 324 Center Street, Douglas, Allegan County, Michigan (the *property*). This *ESA* has been completed in conformance with the scope and limitations of ASTM International E 1527-13 Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process (the *standard practice*). Any exceptions to or deletions from the *standard practice* are described in Section 1.4 of this report.

This *ESA* has not revealed evidence of recognized environmental conditions (RECs) associated with the property.

1.0 INTRODUCTION

Sierra Environmental Consultants, LLC has completed this *Phase I Environmental Site Assessment (ESA)* for a parcel of *commercial real estate* known as 324 Center Street, Douglas, Allegan County, Michigan (the *property*). This *ESA* has been completed in conformance with the scope and limitations of ASTM International E 1527-13 Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process (the *standard practice*). Any exceptions to or deletions from the *standard practice* are described in Section 1.4 of this report. All italicized items refer to definitions set forth in the *standard practice*.

1.1 Recognized Environmental Conditions

The term *recognized environmental condition* (REC) means the presence or likely presence of any hazardous substances or petroleum products in, on or at a property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of future release to the environment." The term includes *hazardous substances* or *petroleum products* even under conditions in compliance with laws. Any identified REC's are indicated in Section 8.0 - "Findings and Opinions".

1.2 Historical Recognized Environmental Conditions

The term "Historical Recognized Environmental Condition" (HREC) applies to the Property for contamination that has been verified to be remediated to an unrestricted cleanup standard. Any identified HREC's are indicated in Section 8.0 - "Findings and Opinions".

1.3 Controlled Recognized Environmental Conditions

The term "Controlled Recognized Environmental Condition" (CREC) applies to the Property if a cleanup utilized engineering or institutional controls such as deed use restrictions or prohibiting use of groundwater. Any identified CREC's are indicated in Section 8.0 - "Findings and Opinions".

1.4 "De Minimis" Conditions

The term *de minimis conditions* applies to minor or insignificant releases that generally do not present a threat to human health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. Conditions determined to be *de minimis* are not *recognized environmental conditions*, and may or may not be considered significant enough to specify, based solely upon the discretion of the environmental professional.

1.6 Scope of Services

This *ESA* has been performed in accordance with good commercial and customary practice in the fields of environmental engineering and science. *Sierra Environmental Consultants, LLC*' scope of services and report format are intended to meet and exceed the requirements of the *standard practice*. The specific scope of services is as follows:

1. *Standard environmental record sources* were utilized to identify listings of known or suspected environmental conditions indicative of releases or threatened releases of hazardous substances in the vicinity of the *property*. *Sierra Environmental Consultants, LLC* contracts with a third party to search the various agency listings for different approximate minimum search distances from the *property*, based upon the relative potential threat represented by each listing as established in the *standard practice*. The following databases (and their respective search distances) were searched for this *ESA*, and each one meets or exceeds its respective ASTM minimum search distance (Shown in miles)
 - › Federal NPL site list - 1.0 mile radius
 - › Federal CERCLIS list - 0.5 mile radius
 - › Federal CERCLIS NFRAP site list - property and adjoining properties -
 - › Federal RCRA CORRACTS facilities list - 1.0 mile radius
 - › Federal RCRA non-CORRACTS TSD facilities list - 0.5 mile radius
 - › Federal RCRA generators list - property and adjoining properties
 - › Federal ERNS list - property only
 - › State-equivalent NPL list - 1.0 mile radius
 - › State-equivalent CERCLIS list - 0.5 mile radius
 - › State landfill and/or solid waste disposal site lists - 0.5 mile radius
 - › State leaking UST list - 0.5 mile radius
 - › State registered UST list - property and adjoining properties

2. The following *additional environmental record sources* may have been reviewed, at the discretion of the environmental professional, to enhance and supplement the *standard environmental record sources*:
 - Michigan Department of Environmental Quality;
 - County Health Department;
 - Local Fire Department; and
 - Local Building Department.

Written information requests may have been made instead of oral interviews with local governmental officials. These agencies typically require a written request prior to processing requests for information.

3. A USGS 7.5 Minute Topographic Map was used to identify the physical setting of the *property* and immediate surrounding areas.
4. A USGS soils map and database was used to assess soils and aquifer vulnerability. Other information sources may also be utilized to determine the soil and/or groundwater conditions in the vicinity of the *property*, at the discretion of the environmental professional.
5. Readily available geotechnical reports, environmental reports, or other relevant documents pertaining to environmental conditions at the *property* and adjoining properties may also have been viewed at the discretion of the environmental professional.
6. Reasonably available and practically reviewable standard historical sources are utilized to determine the historical use of the *property*. This task requires reviewing only as many of the standard historical sources as are necessary and both reasonably ascertainable and likely to be useful, at the discretion of the environmental professional. The *standard practice* includes, but is not limited to the following sources as standard historical sources:
 - Aerial photographs;
 - Fire insurance maps;
 - Property tax files;
 - Recorded land title documents;
 - USGS topographic maps;
 - Local street directories;
 - Building department records;
 - Zoning/land use records; and
 - Other historical sources.
7. A *site reconnaissance* of the *property* and *adjoining properties* (as feasible) was conducted. The *site reconnaissance* consisted of:
 - The periphery of the *property* was observed;

- The periphery of any structures on the *property* was observed;
 - The *property* was observed from all adjacent public thoroughfares;
 - Any roads or paths with no apparent outlet were observed;
 - Accessible common areas, maintenance and repair areas, and a representative sample of occupant spaces of any structures at the *property* were observed; and
 - *Adjoining properties* were observed as feasible.
8. One or more, as appropriate, of the following individuals was interviewed with regard to past and present uses of the *property* and its vicinity:
- The current owner;
 - The key site manager of the *property*;
 - Past owners of the site as feasible;
 - Current and past occupants as feasible; and
 - Others with knowledge of the *property*, such as public agencies, nearby property occupants as appropriate (i.e. for abandoned properties) and feasible, local publications or “commonly known” sources as readily available.
9. A limited screening for suspected asbestos-containing materials (SACM) was conducted using visual observations of readily assessable areas of the *property*. No sampling was performed.
10. The results of the foregoing are described in Section 8.0 of this report entitled “Findings and Opinions”, including:
- Any known or suspected *recognized environmental conditions, historical environmental conditions, controlled recognized environmental conditions, and de minimis conditions*.
 - Opinions on the impact of these conditions and recommendations regarding additional appropriate investigation are provided. The significance of any identified *data gaps* is provided.

Section 4.5.2 of the *standard practice* states that *all appropriate inquiry* does not mean an exhaustive assessment of a clean *property*. There is a point at which the cost of information obtained or the time required to gather it outweighs the usefulness of the information and, in fact, may be a material detriment to the orderly completion of transactions. One of the purposes of this practice is to identify a balance between the competing goals of limiting the costs and time demands inherent in performing an

environmental site assessment and the reduction of uncertainty about unknown conditions resulting from additional information.

Section 4.5.3 of the *standard practice* states that not every *property* will warrant the same level of assessment. Consistent with good commercial or customary practice, the appropriate level of environmental site assessment will be guided by the type of *property* subject to assessment, the expertise and risk tolerance of the user, and the information developed in the course of the inquiry.

1.7 Significant Assumptions

Sierra Environmental Consultants, LLC assumes that the information provided by the user, regulatory databases, regulatory agencies, and interviews is accurate and that no pertinent information was withheld.

A generalized estimation of groundwater flow direction has been determined based on topography in the vicinity of the *property*, i.e. the assumption that shallow groundwater flow will follow topography, or on other available resources. No site-specific field measurements of groundwater flow direction, e.g. installation of groundwater monitoring wells, have been performed for this *ESA*. The interpretation of groundwater flow direction as well as proximity and other contaminant fate and transport characteristics are the basis for determining the potential risk for known contamination to impact the *property*. Since all of these factors cannot be definitively known within the scope of work defined by the Standard Practice, professional judgment is intrinsic to the process. Additionally, *Sierra Environmental Consultants, LLC* may also rely upon certain verbal information, representations and upon provided documents, both public and private in nature.

We may not attempt to independently verify the accuracy of this information, unless we detect any inconsistency or omission of a nature that might call into question the validity of any of this information. To the extent that the conclusions in the report are based in whole or in part on such information, they are contingent on its validity.

1.8 Limitations and Exceptions

Environmental site assessments are inherently limited in the sense that conclusions are drawn and recommendations developed from information obtained from limited research and evaluation. During the course of a site evaluation, information prepared by others is often necessary. *Sierra Environmental Consultants, LLC* is not responsible for the accuracy of such information.

Sierra Environmental Consultants, LLC cannot warrant the accuracy, completeness, currency, merchantability, or fitness of any information related to records review provided in this *ESA*. Such information is not the product of an independent review conducted by *Sierra Environmental Consultants, LLC*, but is only publicly available information maintained by government agencies, and aggregated by an independent third party supplier. Neither can *Sierra Environmental Consultants, LLC* warrant against the consequences of any *data gap* resulting from a lack of, or an inability to obtain, information required by current standards and practices, despite good faith efforts by the environmental professional or the prospective landowner or grant recipient to gather such information.

The environmental characteristics of the *property* and surrounding properties might change over time. This report does not warrant against future operations or conditions, nor does it warrant operations or conditions present of a type or at a location not investigated, or from information that may have changed but was not updated or was misrepresented in the obtained files.

Sierra Environmental Consultants, LLC will analyze the information obtained in this limited investigation in keeping with existing standards and practices. Other than indicated, this scope of work is not intended to address compliance with any federal, state or local statutes, regulations ordinances or codes.

This report is not legal advice and should not be construed or relied upon by anyone as such. *Sierra Environmental Consultants, LLC* recommends that you consult with an attorney specializing in environmental or real estate issues for guidance on all legalities related to the project and interpretation of environmental law.

In addition to the foregoing, the following limitations and exceptions to the *standard practice* apply to this report:

- The tribal reservation search only identifies Indian-administered lands that are equal to or greater than 640 acres.
- *Data gaps* identified during this *ESA* are discussed in the appropriate section of this report for the type of *data gap* identified. For instance, a *data gap* in the historical use of the *property* would be discussed in Section 5.1 (Summary of Historical Use of the Property) of this report while a *data gap* related to access the structures at the *property* would be discussed in Section 6.0 (Site Reconnaissance) of this report. Significant data gaps are summarized in Section 8.0 (Findings and Opinions) of this report.

Deviations and additions to the *standard practice* are discussed in Section 10.0 (Deviations) of this report.

1.9 Special Terms and Conditions

There were no special terms or conditions for this report.

1.91 User Reliance

Sierra Environmental Consultants, LLC conducted this ESA for the use of Mr. Bill Underdown (the user). This report is the property of Sierra Environmental Consultants, LLC. It is intended for the sole use of the user, and may not be used or relied upon by any third party without the written consent of Sierra Environmental Consultants, LLC. Any re-use of, or reliance on this report, in full or in part, is strictly prohibited unless authorized by the express written permission of Sierra Environmental Consultants, LLC or its assignees.

2.0 SITE DESCRIPTION

The location and legal description of the *property*, general characteristics of the site and vicinity, the current use of the *property*, a description of structures, roads, and other improvements on the *property*, and the current uses of the adjoining properties are presented below.

2.1 Location and Legal Description

Address	324 Center Street, Douglas, MI
County	Allegan
General Description	Residential
Legal Description	Appendicized
Vicinity Map	Appendicized

2.2 Site and Vicinity General Characteristics

Area	About 7.5 acres m/l
Surface Cover	Residential structures and mixed vegetation
Land Use in Vicinity	mixed
Site plan	Appendicized

2.3 Current Use of the Property

Current Use	Residential
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Current Owner	William Renkema
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2.4 Description of Structures, Roads, Other Improvements on Site

Structures	Residential home and outbuilding
Access	Access is provided via Center Street
Parking	Parking is available
Water Supply	Municipal
Sewage Disposal	Municipal
Utilities	Natural gas, electricity, and telephone available

2.5 Current Uses of the Adjoining Properties

North	Residential
South	Residential
East	Residential
West	Residential

3.0 USER PROVIDED INFORMATION

This section describes information provided by the user to help identify possible *recognized environmental conditions* in connection with the *property*.

3.1 Title Records

A title commitment was provided by the user (appendicized) which did not indicate increased environmental risk to the property.

3.2 Environmental Liens, Activity Use Limitations (AUL), Institutional Controls

The Standard Practice does not require that the Environmental Professional perform searches for Environmental Liens, Activity Use Limitations (AUL), or Institutional Controls, since the user(s) are responsible for providing this information to the environmental consultant. The Standard Practice requires that these searches must be performed not only in land title records but also in judicial records for those jurisdictions where that information is maintained. It is the user' responsibility to ensure that judicial records are searched in those jurisdictions when ordering title searches.

-) A title commitment was provided by the user (appendicized) which did not indicate Environmental Liens, Activity Use Limitations (AUL), or Institutional Controls at the property.

3.3 Specialized Knowledge

No specialized knowledge was reported.

3.4 Commonly Known or Reasonably Ascertainable Information

No commonly known or reasonably ascertainable information was reported.

3.5 Valuation Reduction for Environmental Issues

No value reductions were reported.

3.6 Owner, Property Manager, and Occupant Information

William Renkema was identified as the owner of the *property*.

3.7 Reason for Performing Phase I

The purpose for performing this *ESA* is for due diligence purposes in anticipation of a commercial real estate transaction.

3.8 Other

NA

4.0 RECORDS REVIEW

As required by the *standard practice*, sites with known releases of hazardous substances, physical settings, and historical information sources are analyzed. In accordance with Section 3.2.65 and 3.2.73 of the *standard practice*, *Sierra Environmental Consultants, LLC* only reviewed records that were both reasonably ascertainable and practically reviewable.

4.1 Standard Environmental Record Sources

A search of state environmental agency and federal listings was performed (the database search report is included in Appendix V). The purpose of this search is to identify potential, suspected, or known sources of contamination on, or in the area of, the *property*. The database searched the various agency listings for different approximate minimum search distances from the *property*, based upon the relative potential threat represented by each listing as established in the *standard practice*.

Sierra Environmental Consultants, LLC evaluated sites identified within the search radii to determine if they are likely to have adversely affected the *property*. The criteria used to evaluate the potential for adverse effect include:

- Proximity to the *property*;
- Expected depth and direction of ground water and surface water flow;
- Hydrogeologic characteristic of the soil in the vicinity of the *property*;
- Expected storm water flow direction; and
- The presence/absence of documented contaminant releases at nearby sites and at the Subject Property.

4.11 State and Federal Record Searches

The following databases (and their respective search distances) were searched for this ESA, and each one meets or exceeds its respective ASTM minimum search distance (Shown in miles)

- › Federal NPL site list - 1.0 mile radius
- › Federal CERCLIS list - 0.5 - mile radius
- › Federal CERCLIS NFRAP site list - property and adjoining properties -
- › Federal RCRA CORRACTS facilities list - 1.0 mile radius
- › Federal RCRA non-CORRACTS TSD facilities list - 0.5 mile radius
- › Federal RCRA generators list - property and adjoining properties
- › Federal ERNS list - property only
- › State-equivalent NPL list - 1.0 mile radius
- › State-equivalent CERCLIS list - 0.5 mile radius
- › State landfill and/or solid waste disposal site lists - 0.5 mile radius
- › State leaking UST list - 0.5 mile radius
- › State registered UST list - property and adjoining properties

4.12 Tribal Record Sources

Based on the site reconnaissance and records review, no Indian Reservations were identified within the vicinity of the *property*.

4.13 Discussion of Records Review

The E1527-13 Standard Practice requires review of agency files when the property or adjacent properties are identified on one of the standard databases that are required to be searched to determine if a REC, CREC, HREC or de minimis condition exists at the property. A file review is not required if supported by a sound rationale as to why the review is unnecessary. Alternatively, the consultant can rely on records provided from other sources (e.g., user-provided records or interviews with regulatory officials) to determine if there is sufficient information for identifying RECs.

- › The Subject Property is not a listed site of known or suspected contamination.
- › The remaining listed sites exhibit a low potential for material threat the Subject Property for one or more of the following reasons:
 - Contaminant transport characteristics for contaminants known to exist at nearby listed sites exhibit a low potential for material threat to the Subject Property when considered along with the combination of:
 - inferred groundwater migration direction
 - topography
 - relative proximity to the Subject Property
 - Any nearby registered UST sites, RCRA Generator sites (CESQG, SQG, LQG), and TSD Facilities may or may not be confirmed “release” locations and thus may exhibit a low potential for material threat to the Subject Property unless they are also on one of the other lists.
 - Brownfields (ACRES sites) can include presence or potential presence of a hazardous substance, pollutant, or contaminant, or they may simply be “blighted”, a term which is not reliant on any of those conditions. By evaluating the readily ascertainable and practically reviewable information about these, a determination can be made as to the potential for material threat to the Subject Property.
 - The regulatory status of a particular listed site on any list (e.g. closed) indicate a low potential for material threat to the Subject Property.
 - By evaluating the readily ascertainable and practically reviewable information about notes, maps, or other information which may be online or otherwise obtained, a determination can be made as to the potential for material threat to the Subject Property.
 - *Sierra Environmental Consultants, LLC* may have file information on hand from other projects from which a determination can be made as to the potential for material threat to the Subject Property.
 - *Sierra Environmental Consultants, LLC* may have interviewed state, federal, or local regulatory personnel who may have knowledge from which a determination can be made as to the potential for material threat to the Subject Property.
 - A site on any list may be in error, based on other information known about that site.
- › Any off-site source which impacts the Subject Property, is subject to Michigan's Part 201 of PA 451, Part 20126 (4)(c), which states: “*The owner or operator of property onto which contamination has migrated unless that person is responsible for an activity causing the release that is the source of the contamination.* “

4.2 Soil Gas/Vapor Migration Pathway

The E1527-13 Standard Practice only requires an opinion on a soil gas/vapor risk if there is a soil gas condition that qualifies as REC and it has been determined that the pathway poses an actual risk to human health. In many cases, the mere presence of contaminated vapors in soil gas may simply be a de minimis condition. Sub-slab or indoor air sampling to confirm if the vapor pathway is completed (exposures are occurring) or to determine the indoor air contaminant concentrations is outside the scope of E1527-13.

If the source of the contaminated vapors is an on-site source, that condition will be flagged as a REC. Thus, from a practical standpoint, identifying the vapor pathway as a REC will only be an issue when contaminated vapors are migrating onto the property from an off-site source. The factors used in evaluating this potential are outlined in Section 4.13.

- › This assessment did not identify any likely nearby off-site sources with a strong potential to create a soil gas/vapor pathway migrating to the Property.
- › Based on the foregoing, the potential for vapor intrusion risk is minimal.

4.3 Additional Environmental Record Sources

Additional environmental record sources are sometimes reviewed to supplement the standard environmental record sources. Only reasonably ascertainable and sufficiently useful, accurate, and complete records are used when and as necessary. Standard historical sources reviewed as part of a prior environmental site assessment do not need to be searched or reviewed again except to identify uses of the *property* since the prior environmental site assessment.

- › NA

4.4 Physical Settings Sources

The objectives of reviewing physical setting sources are to locate the *property* relative to known sites of environmental contamination, to infer groundwater depth and migration direction, and to help identify potential contaminant migratory pathways. Monitor wells were not installed on-site as part of this *ESA*; therefore, the depth to and direction of groundwater at the *property* is uncertain. Frequently, near-surface unconfined groundwater gradients mimic topographic gradients. Many factors can affect the groundwater flow direction and velocity; including, but not limited to: spatial variations in the geologic materials present in the subsurface; man-made influences and structures; subsurface man-made conduits relative to the utilities servicing the area; and regional groundwater flow gradient may be altered proximal to the intermittent creeks and the groundwater flow direction may change seasonally in these areas.

4.41 USGS 7.5 topographical quadrangle

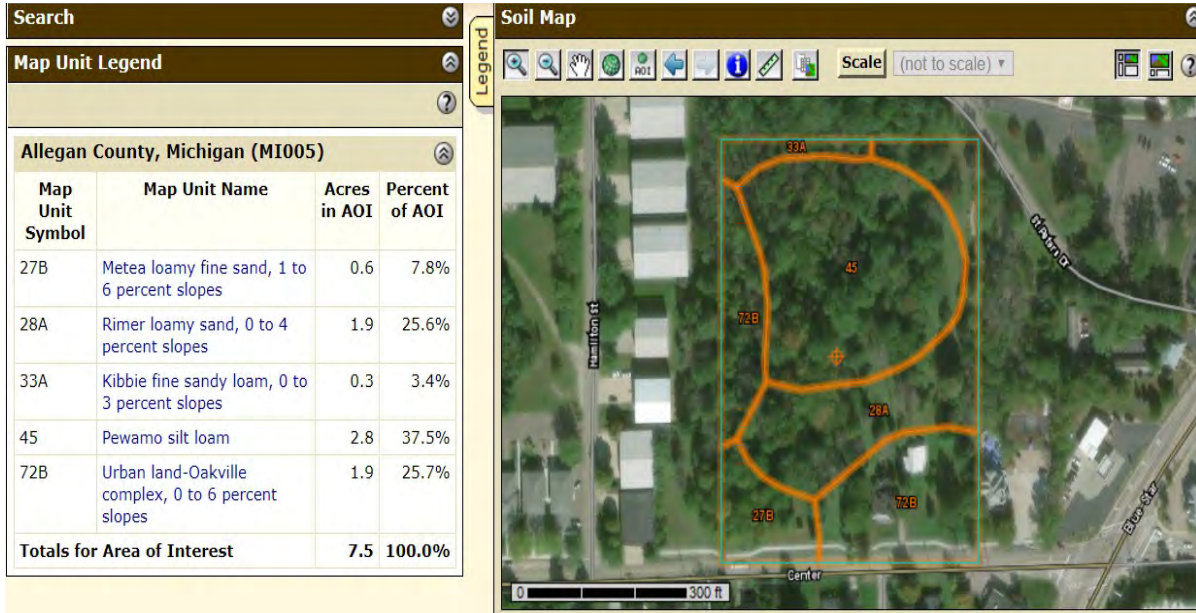
The objectives of reviewing this map are to locate the Subject Property relative to known sites of environmental contamination, to infer groundwater depth and migration direction, and to help identify potential contaminant migratory pathways. *Sierra Environmental Consultants, LLC* viewed a USGS 7.5 topographical quadrangle covering the *property*.



Elevation	Approximately 625 - 640 feet above sea level
Topographic Gradient (<i>property</i>)	Northeast
Topographic Gradient (vicinity)	Northeast
Nearest Surface Water	Kalamazoo Lake is located less than 1 mile northeast of the <i>property</i> .
Groundwater Flow Direction	Based on the topography of the vicinity of the <i>property</i> and the nearby surface water, groundwater flow at the Property is likely to primarily move north-northeast towards Kalamazoo Lake.
Depth to Groundwater	The depth to groundwater at the <i>property</i> is likely less than 20 feet.

Note: Monitor wells were not installed on-site as part of this Phase I EA; therefore, the depth to and direction of groundwater at the Subject Property is uncertain. It is important to note that many factors exist which can affect the groundwater flow direction and velocity, and which can only be determined with certainty by performance of a site-specific hydrogeological evaluation.

4.42 USDA Soils Map



The objectives of reviewing the soil and geology in the vicinity of the *property* are to utilize known soil characteristics to infer soil contaminant adsorption potential and potential contaminant mobility. If a release of a regulated contaminant were to occur at the *property* ground surface or subsurface, the potential for near-surface groundwater impact would be moderate. No such release at the property was identified.

5.0 HISTORICAL USE INFORMATION

According to the *standard practice*, all obvious uses of the *property* shall be identified from the present, back to the *property's* first developed use (including agricultural uses and placement of fill dirt), or back to 1940, whichever is earlier.

5.1 Historical Use Summary of the Property

A summary of the historical usage of the *property* based on the information collected from the sources outlined above is presented below. Data gaps of more than 5 years are identified and *Sierra Environmental Consultants, LLC* opinion on the significance of the data gap is provided.

- › The Property was first developed in the about 1901 as a residential parcel. A barn was added later. The house and barn remain presently. Aside from the footprint of the house and barn, it appears that most of the property is wooded and undeveloped, and has been so for many years.

5.2 Historical Use Information Sources

This task requires reviewing only as many of the standard historical sources (list in Section 1.2 as are necessary and both reasonably ascertainable and likely to be useful. Review of standard historical sources at less than five-year intervals is not required by the *standard practice*.

Standard historical sources reviewed as part of a prior environmental site assessment do not need to be searched or reviewed again except to identify uses of the *property* since the prior environmental site assessment.

Aerial Photographs

Historical aerial photography is often useful in identifying past usages of a *property* or surrounding area, building locations, and discernible notable features, which may indicate potential environmental concerns with regard to the *property* and/or surrounding area. The quality and scale of the aerial photographs often limit *Sierra Environmental Consultants, LLC* ability to make detailed observations and conclusions regarding the historical uses of the *property* and adjoining properties.

- *Sierra Environmental Consultants, LLC* reviewed the full series of aerial photos available at Historical Aerials dot com. The photographs do not provide additional information regarding the site history relative to that obtained through other sources.

Fire Insurance Maps

Sanborn Fire Insurance Maps are historical map records of fire prevention hazards for specific urban areas. These maps often provide data that sometimes can be used to determine the presence of underground and aboveground storage tanks (USTs/ASTs), type of building materials, location of flammable material storage, and types of businesses that occupied a particular site. Sanborn Fire Insurance Maps typically are dated from the late 1800's to the 1950's, and include updates for selected areas as recently as 1990.

- Sanborn Map Coverage not available for this area.

Property Tax Files

Property tax files are maintained for *property* tax purposes by the local jurisdiction and may include records of past ownership, appraisals, maps, sketches, photographs, or other information pertaining to a *property*.

Online property tax records were reviewed from Allegan County's website (appendicized). No recent splits were registered, and no delinquent taxes were shown.

Recorded Land Title Records

Land title records include records of fee ownership, leases, land contracts, easements, liens, and other encumbrances on or of the site, recorded in the place where land title records are, by law or custom, and recorded for the local jurisdiction in which a *property* is located. Typically, the municipal or county recorder or clerk maintains these records.

- A title commitment was provided by the user (appendicized) which did not indicate increased environmental risk to the property.

USGS Topographic Maps

Historical topographic maps may indicate the presence of structures, roads, standing water, orchards, and other significant features. Elevation data is also present, which may be used with more current data to determine if filling, or cutting of soil has occurred at the *property*. Sierra Environmental Consultants, LLC performed a review of readily available historical topographic maps for the *property*.

Year	Summary
1918, 1951, 1969, 1973, 1985, 1989	No environmental issues identified

Local Street Directories

Local street directories are published by public and private sources and show occupancy and/or use of properties by reference to street address.

- NA

Building Department Records

The local government maintains Building Department records. These records indicate permission of the local government to construct, alter, or demolish improvements on a specified *property*. Frequently, information regarding the dates of installation and/or removal of USTs, municipal sewer, and water connections, and natural gas or electrical service installation is contained in these records.

- The property is connected to municipal water and sewer per code since 1977.

Zoning/Land Use Records

Zoning ordinances, enacted by the local government, indicate the uses permitted by the local government in particular zones within the limits of its jurisdiction. Various local government offices such as the Planning Department or Commission maintain zoning/land use records.

- NA

Other Historical Sources: Previous Environmental Evaluations

The term “other historical sources” refers to any source or sources other than standard historical sources that are credible to a reasonable person, and that identify past uses of the *property*. This category includes miscellaneous maps, newspaper archives, and records or personal knowledge of the *property* owner or occupants. Historical use information from the *property* owner(s) and/or occupants is presented in Section 7.0 (Interviews) of this report. Standard historical sources reviewed as part of a prior environmental site assessment do not need to be searched or reviewed again except to identify uses of the *property* since the prior environmental site assessment.

- NA

5.3 Historical Use Information on the Adjoining Properties

The historical sources used in Section 5.2 to determine the historical use of the *property* were also used to determine the general historical use of the adjoining properties.

North adjoining	Residential/wooded
South adjoining	Residential/wooded
East adjoining	Residential/wooded
West adjoining	Residential/wooded

No *recognized environmental conditions* were identified at the *property* as a result of historical uses of the adjoining properties.

6.0 SITE RECONNAISSANCE

The purpose of the *property* reconnaissance is to obtain visual information to help identify potential *recognized environmental conditions* in connection with the *property*.

6.1 Methodology and Limiting Conditions

The *standard practice* requires that the periphery of the *property* shall be visually and/or physically observed as well as the periphery of all structures on the *property*, and the *property* shall be viewed from all adjacent public thoroughfares. On the interior of structures on the *property*, accessible common areas

expected to be used by occupants or the public (such as lobbies, hallways, utility rooms, recreation areas, etc.) maintenance and repair areas, including boiler rooms, and a representative sample of occupant spaces, should be visually and/or physically observed. Looking under floors, above ceilings, or behind walls is not necessary. Also in accordance with the *standard practice*, *Sierra Environmental Consultants, LLC* did not attempt to gain access into exterior areas not readily accessible to an occupant or visitor to the *property* such as beneath ground cover or water filled areas.

Date of Site Reconnaissance	09/19/17
Site Reconnaissance Conducted By	David G. VerSluis, REPA
Methodology	See the Section 1.2 of this report.
Limiting Conditions	None
Photographs	Appendicized

6.2 General Site Settings

The general site settings of the *property* are discussed below. Identified conditions may be discussed following the table.

Current Uses of the <i>property</i>	Residential/wooded
Past Uses of the <i>property</i>	Residential/wooded
Current Uses of the Adjoining Properties	See Section 2.5 of this report.
Past Uses of the Adjoining Properties	See Section 5.3 of this report.
Current or Past Uses in the Surrounding Area	See Section 2.5 and Section 5.3 of this report
Geologic, Hydrogeologic, Hydrologic, and Topographic	See Section 4.3 of this report.
General Description of Structures	See Section 2.4 of this report.
Roads	See Section 2.4 of this report.
Potable Water Supply	municipal
Sewage Disposal System	municipal

6.3 Exterior Observations

Exterior observations of the *property* are discussed below. Identified conditions may be discussed following the table.

Current Use(s) of the <i>property</i>	Residential/wooded
Past Use(s) of the <i>property</i>	Residential/wooded
Hazardous Substance Use (Identified <i>property</i> uses)	None observed
Evidence of Storage Tanks	None observed.
Strong, pungent, or noxious odors	None observed
Pools of Liquids	None observed
Drums	None observed
Hazardous Substance Containers (non-identified <i>property</i> uses)	None observed
Unidentified Substance Containers	None observed
Equipment likely to contain PCBs	None observed
Pits, Ponds, or Lagoons	None observed
Stained Soil or Pavement	None observed.
Stressed Vegetation	None observed
Solid Waste Disposal	None observed.
Waste Water Discharges	None observed
Wells (monitor, water, dry, etc.)	None observed
Septic System or Cesspools	None observed
Wetlands	None observed

6.4 Interior Observations

Interior observations of the *property* are discussed below. Identified conditions may be discussed following the table.

Current Use(s) of the <i>property</i>	Residential
Past Use(s) of the <i>property</i>	Residential
Hazardous Substance Use (Identified <i>property</i> uses)	None observed
Evidence of Storage Tanks	None observed
Strong, pungent, or noxious odors	None observed
Pools of Liquids	None observed
Drums	None observed
Hazardous Substance Containers Non-identified <i>property</i> uses	None observed

Unidentified Substance Containers	None observed
Equipment likely to contain PCBs	None observed.
Heating and Cooling Sources	None observed.
Stains or Corrosion	None observed
Drains and Sumps	None observed.

7.0 INTERVIEWS

These sections detail *Sierra Environmental Consultants, LLC* attempts to interview relevant personal related to the *property*.

7.1 Interview with Owners Representative

Owner/landlord William Renkema could not be reached for comment as of report publication.

This represents a data gap that would not rise to the level of significance necessary to affect the outcome of the report, given the weight of the other evidence evaluated.

7.2 Interview with Site Manager

Residential tenant not home at time of site visit.

This represents a data gap that would not rise to the level of significance necessary to affect the outcome of the report, given the weight of the other evidence evaluated.

7.3 Interview with Occupants

See 7.1 above

7.4 Interview with Local Government Officials

NA

7.5 Interview with Others

NA

8.0 FINDINGS AND OPINIONS

As required by the *standard practice*, this section identifies known or suspect *recognized environmental conditions*, *historical recognized environmental conditions*, and *de minimis conditions* in connection to the *property*. Significant *data gaps* are also discussed in this section.

1. Significant data gaps
 - No significant gaps identified.
2. Property listed as a site of known or suspected contamination.
 - None identified
3. Underground storage tanks on site
 - None identified
4. Environmental Questionnaire response from User
 - No issues identified
5. *Recognized Environmental Conditions* at the Property
 - None identified
6. *Historical Environmental Conditions* at the Property:
 - None identified
7. *Controlled Recognized Environmental Conditions* at the Property:
 - None identified
8. *De minimis Conditions* at the Property:
 - None identified
9. Other issues identified at the Property:
 - None identified

9.0 CONCLUSIONS

The *standard practice* requires that all *recognized environmental conditions* in connection with the *property* be summarized in the conclusion section of the report.

Sierra Environmental Consultants, LLC has completed this *Phase I Environmental Site Assessment (ESA)* for 324 Center Street, Douglas, Allegan County, Michigan (the *property*). This *ESA* has been completed in conformance with the scope and limitations of ASTM International E 1527-13 Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process (the *standard practice*). Any exceptions to or deletions from the *standard practice* are described in Section 1.4 of this report.

This *ESA* has not revealed evidence of recognized environmental conditions (RECs) associated with the *property*.

10.0 DEVIATIONS

Refer to Section 1.4 (Limitations and Exceptions) of this report for any limitations and exceptions to the *standard practice*. Deletions, deviations, and additions to the *standard practice* are described below.

Deletions

No deletions to the *standard practice* were made for this ESA.

Deviations

This *ESA* included the following deviations to the *standard practice*:

1. This report generally follows the recommended report format in the *standard practice*. Additional subsections have been added throughout the report to assist with the readability of the report. Specific changes include:
 - A new section (Historical Use Information) was created to include the Historical Use Information on the Property and Historical Use Information on the Adjoining Properties subsections. These subsections were removed from the Records Review section of this report.
 - Subsections 5. (Summary of the Historical Use of the Property), 5. (Historical Use Information Sources), and Historical Use Information on the Adjoining Properties were added to the Historical Use Information section of this report. Subsection 6.3 (Interior and Exterior Observations) was added to the Site Reconnaissance section of this report.
 - The Findings section and Opinions section were combined to form the Findings and Opinions section of this report.
2. Written information requests may have been made instead of oral interviews with local governmental officials. Local agencies typically require a written request prior to processing requests for information. Responses from these agencies may not be received within the time allotted for this *ESA*.

Additions

This *ESA* included the following additions to the *standard practice*:

1. Significant *data gaps* that may affect the conclusions of this report are discussed in the Findings and Opinions section of this report.
2. The Remediation and Redevelopment Division of the MDEQ maintains two lists of leaking underground storage tank (LUST) sites. The “closed” list contains sites that have been remediated to the satisfaction of the MDEQ. These sites are not likely to present a material threat to human health or the environment. Therefore, “closed” LUST sites are only discussed if they are located on or adjoining the *property*.

11.0 ADDITIONAL SERVICES

Sierra Environmental Consultants, LLC did not perform any services outside the *standard practice* for this *ESA*.

12.0 SIGNATURES OF ENVIRONMENTAL PROFESSIONALS

As required by 40 CFR 312.21(d) and the *standard practice*:

I declare that, to the best of my professional knowledge and belief, I meet the definition of Environmental professional as defined in §312.10 of 40 CFR 312. I have the specific qualifications based on education, training, and experience to assess a *property* of the nature, history, and setting of the subject *property*. I have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312.




David G. VerSluis, REPA
Managing Member

13.0 QUALIFICATIONS OF ENVIRONMENTAL PROFESSIONAL

Sierra Environmental Consultants, LLC' Mission Statement, as an organization of environmental professionals, is to provide knowledgeable decisions relating to the planning and management of environmental activities in which industry, government, and the general public may place their complete confidence. This includes responding to changing legislation and client needs with practical, innovative, and cost-effective environmental solutions. In addition, *Sierra Environmental Consultants, LLC* adheres to the Code of Professional Practice prepared by the National Registry of Environmental Professionals (NREP). *Sierra Environmental Consultants, LLC* personnel directly involved in the technical performance of this Phase I *ESA* included:

David G. VerSluis, Jr., R.E.P.A., holds a B.S. in Industrial and Environmental Health Management from Ferris State University in Big Rapids, Michigan. After graduation, Mr. VerSluis gained experience with a series of environmental engineering and consulting firms, and he developed expertise in the assessment, investigation, and remediation of contaminated soil and groundwater from a multitude of sources. In 1993, Mr. VerSluis founded *Sierra Environmental Consultants, LLC*, and the company has become a recognized leader in the field of environmental consulting. As a result of Mr. VerSluis' consulting experience, the company has diversified to include other services and products dedicated to pollution prevention.

Mr. VerSluis has served as a member of the Michigan Economic Developers Association (MEDA), the SBA's Economic Development Foundation, Certified (EDFC), the Michigan Rural Water Association (MWRA), the Michigan Water Environment Association (MWEA), past member of the "Ethics and Standards" committee of the Michigan Environmental Consultants and Contractors Association (MECCA), and has been a Selected, Honored member of the National Directory of "Who's Who" for Executive Professionals since 1995. Mr. VerSluis has taught the environmental seminar for the Small Business Administration's annual "Lender's Conference" in Lansing, Michigan since its inception in 2001.

Mr. VerSluis has been a Registered Environmental Property Assessor (REPA) certified by the National Registry of Environmental Professionals (NREPA) since 1992, and is the Managing Member of *Sierra Environmental Consultants, LLC*. Mr. VerSluis has provided environmental expertise to several thousand successful Real Estate Transactions.

14.0 REFERENCES

The *standard practice* requires that supporting documentation shall be included in the report or adequately referenced to facilitate reconstruction of the *ESA* by an environmental professional other than the environmental professional who conducted it. The following sources are commonly used by *Sierra Environmental Consultants, LLC* during a Phase I *ESA*:

Information	Source
Standard practice	ASTM International. 2005. Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process, E 1527-05. West Conshohocken, PA.
Prior Assessments	See page 19 of this report.
User Provided Information	
Title Records	<i>User</i> provided title records.
User	The <i>user</i> is identified in Section 1.6 (User Reliance) of this report.
Records Review	
Federal, State, and Tribal	Environmental Discovery Inc. <i>RadiusSearch Report</i> ®, Batavia, IL, or Nationwide Environmental Title Research, LLC
Regulatory Agency	Local district office of the Michigan Department of Environmental Quality
Health Department	Local Health Department
Fire Department	Local Fire Department
Building Department	Local Building Department
Physical Settings Sources	
Topographic Map	U.S. Department of Interior, Geological Survey, Reston, VA.
Historical Sources	
Aerial Photographs (one or more)	County Equalization, Geographic Information Systems (GIS), or Property Description and Mapping departments, msrcmaps, Google Earth, USDA, USGS, TerraFly, Landvoyage, Nationwide Environmental Title Research, LLC
Soils maps	USDA Natural Resources Conservation Service (NRCS)
Fire Insurance Map, Atlases (one or more)	Public Library, Library of Congress, ProQuest
Property Tax Files	Local Assessor and/or County Equalization Department, County GIS system, or user
Recorded Land Title Records	Title records if provided by the <i>user</i>
Topo Maps (one or more)	Public Library, topoquest.com , Topozone , digital-topo-maps.com , trails.com
City Directories	Public Library
Building Department	Local Building Department
Zoning/Land Use	County or local zoning Dept
Interviews	Interviews
Owner	
Key Site Manager	See page 24 of this report.
Occupants	See page 24 of this report.
Local Government Officials	See page 16 of this report.
Others	See page 24 of this report.

Appendix I – Site Plan

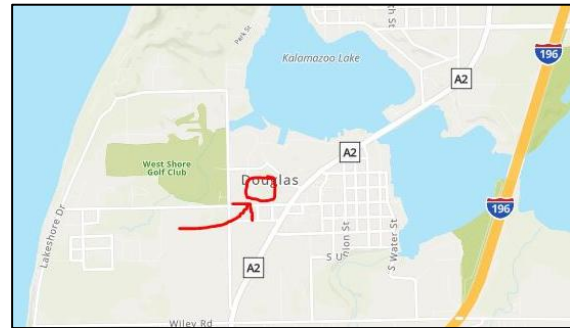


WETLAND AND THREATENED SPECIES REVIEW AND SITE ASSESSMENT Centre Collective, Village of Douglas, Allegan County, Michigan

BACKGROUND

Plans are underway for the development of a new residential community in the Village of Douglas, on the western edge of Allegan County, in southwest Michigan. Client requested that Aamazon Natural Resources Consulting, LLC (ANRC) conduct a review regarding the potential for the occurrence of wetlands on the proposed tower site property, and the potential for occurrences of State-protected or federally protected plant or animal species on or near the project area.

The site is located on the north side of Center Street, just west of Highway A2, in the Village of Douglas, Saugatuck Township (Section 16, T3N, R16W). See location map, right.



SUMMARY OF FINDINGS

Wetlands: This site has a small area of wetland but it doesn't meet the criteria to be regulated. No Michigan Department of Environment, Great Lakes, and Energy (EGLE – formerly Dept. of Environmental Quality) wetland or stream permit should be required for the project as proposed.

Protected species: No impacts to any protected plant or animal species are anticipated for the project as proposed. No effects are anticipated for any federally listed species.

This regulatory opinion is subject to review and concurrence by EGLE, the Michigan Dept. of Natural Resources, and the U.S. Fish & Wildlife Service, who are the regulatory authorities in such matters.

Right: Aerial view of project area and approximate project limits



WETLANDS

Existing Wetland Maps

The National Wetlands Inventory (NWI) map for this area (right), from the U.S. Fish & Wildlife website, shows an area of forested wetland (PFO1C) mapped within the proposed project area.



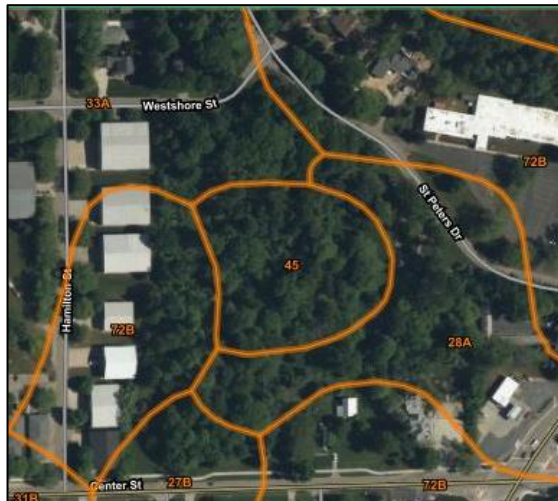
The Wetlands Map for this area (below right) from the MDEGLE website shows an area of wetland and an area of potentially hydric soil mapped within the proposed project area. Shaded areas indicate potential for hydric soils (yellow) and wetland (green).



MDEGLE offers this disclaimer: “This map is not intended to be used to determine the specific locations and jurisdictional boundaries of wetland areas subject to regulation under Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.”

Note: NWI and Wetland Inventory maps are not definitive, are generally inaccurate at a site-specific scale, are not field-verified, and are intended only as a general indicator of the possible presence of wetland and/or hydric soils.

Map Unit Symbol	Map Unit Name
27B	Metea loamy fine sand, 1 to 6 percent slopes
28A	Rimer loamy sand, 0 to 4 percent slopes
31B	Tekenink loamy fine sand, 2 to 6 percent slopes
33A	Kibbie fine sandy loam, 0 to 3 percent slopes
45	Pewamo silt loam
72B	Urban land-Oakville complex, 0 to 6 percent slopes



Soils

There is an indication of hydric soils in the project area (code 45, Pewamo silt loam). However, most soils within the proposed project area on this site are mapped by the USDA Soil Survey (left) as primarily sand, loamy sand, and sandy loam, all non-hydric. See soils descriptions following.

27B, Metea loamy fine sand, 1 to 6 percent slopes: is classified as well drained, has a water table estimated at greater than 80 inches, and typically has no flooding or ponding. Hydrologic group is B, and this soil type is not rated as hydric.

28A, Rimer loamy sand, 0 to 4 percent slopes: classified as somewhat poorly drained, has a water table estimated at about 12 to 30 inches, and typically has no flooding or ponding. Hydrologic group is C/D, and this soil type is not rated as hydric.

33A, Kibbie fine sandy loam, 0 to 3 percent slopes: classified as somewhat poorly drained, has a water table estimated at about 12 to 24 inches, and typically has no flooding or ponding. Hydrologic group is B/D, and this soil type is not rated as hydric.

45, Pewamo silt loam: classified as poorly drained, has a water table estimated at or near the surface, typically has no flooding, but may pond frequently. Hydrologic group is C/D, and this soil type is rated as hydric.

72B, Urban land – Oakville complex, 0 to 6 percent slopes: classified as well drained, has a water table estimated at more than 80 inches, and typically has no flooding or ponding. Hydrologic group is A, and this soil type is not rated as hydric.

Hydrologic Soil Groups
If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas, and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes. In Group D, soils have a very slow infiltration rate (high runoff potential) when thoroughly wet. These include: clays with a high shrink-swell potential, soils with a high water table, soils with a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

Please note: USDA soil data is generated primarily by remote interpretation, and the information in soils survey data is not confirmed by field-truthing. It is generally inaccurate at a site-specific scale.

Floodplain

The site is not in a FEMA-designated floodplain. See FEMA map panel excerpt, right.



Site Description

This property is a mostly level wooded site, with a mature forest in the center and mowed lawn areas along Center Street. Soils are primarily sandy loam or loamy sand. In some parts of the site, the sandy loam sits over a thin clay lens at a depth of about 18 to 22 inches.

A USGS historic aerial photo from 1997 (left) shows much of the site cleared, with a patch of woods in the northwest part.



An aerial photo from early spring 2011 (left) shows a slightly darker patch of soils in the west center of the site. There is a shallow topographic depression in this area, and it is likely that there was annual ponding in that location.

A large percentage of the remaining vegetation on the site consists of non-native species, though there are also many mature and robust oak, maples, and pines.

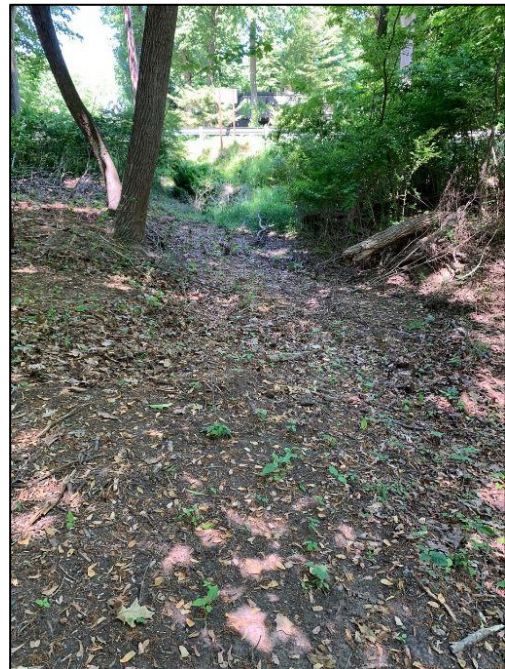
There is a man-made dry swale in the north end

that conveys surface runoff to the northwest into a culvert going under West Shore Street. This swale does not meet the statutory definition of a stream. To be a stream it requires a) definite banks, b) a bed, and c) visible evidence of continued flow. This has gently sloped banks, but not naturally occurring banks. The lower part of the swale is not scoured and shows no apparent channel, and no evidence of continuing or intermittent flow. (See photo, right.) Vegetation in the swale is very sparse due to it being heavily shaded and full of leaves, and it does not contain wetland species, with the exception of a few feet in a depression at the very west end around the culvert under West Shore Street.

At the time of the second site visit, much of the understory on the site had been cleared, and the ground layer was very heavily disturbed. (See photo below.)



Dry swale east end (above), west end (below)



On-site Survey Summary

We visited the site on May 20 and June 14, 2021. Temperatures were typical for those dates, and no recent extraordinary rain events had occurred. On-site investigation included a survey of dominant plant species in order to characterize habitat types and to document a dominance of upland or wetland indicator plant species, to identify areas meeting the criteria for the State of Michigan definition of wetlands. This survey is not to be construed as a complete inventory of all species which may be present throughout the growing season, but is intended to present representative dominant species for purposes of generally documenting and assessing habitat type. Please see Appendix 2 for a complete plant list.

Area	Predominant Vegetation	Soils	Hydrology
Mowed upland	Canada bluegrass, Kentucky bluegrass, common dandelion, plantain spp.	Disturbed and amended with variable depth topsoil over loamy sand, 10YR 4/3 to 4/4	No hydrologic indicators
Unmowed upland meadow and scrub	Autumn olive, hybrid honeysuckle, Japanese honeysuckle, multiflora rose, alternate-leaved dogwood, privet spp., Japanese barberry, Asian yew, red-cedar, sassafras, oak spp. seedlings, common mullein, Orchard grass, sweet vernal grass, Hungarian brome grass, miscanthus grass, timothy grass, Canada bluegrass, Kentucky bluegrass, white clover, hairy vetch, European ivy, white-top aster, ox-eye daisy, common dandelion, ground ivy, self-heal, motherwort, graceful sedge, stellate sedge, Swan's sedge, common milkweed, periwinkle, garlic mustard, hoary alyssum, dame's rocket, path rush, common chickweed, field garlic, plantain spp., cleavers	Disturbed – may have been farmed at one time Generally: Loamy sand, 10YR 3/2 to 5/4 No saturation or groundwater encountered to a depth of at least 22"	No hydrologic indicators
Upland woods and scrub	White pine, black cherry, red-cedar, Scots pine, white ash, catalpa, white mulberry, sugar maple, red maple, red oak, white oak, black oak, basswood, Asian yew, sassafras, honeysuckle spp., alternate-leaf dogwood, poison ivy, Oriental bittersweet, barberry, autumn olive, Jack-in-the-pulpit, lady fern, sand sedge, garlic mustard, dame's rocket, self-heal, ground ivy	0-13" loamy sand, 10YR 4/3-4/4 13-16" clay, 10YR 6/2 w/~10% mottles 7.5YR 5/6 16-20" sand, 10YR 6/2 20-26" sand, 10YR 5/3 26"+ sand, 10YR 4/4 Sand at about 24" damp but not saturated	No hydrologic indicators
Wet woods	Silver maple, red maple, box-elder, sour-gum, aspen, cottonwood, spicebush, stinging nettle, poison ivy, Virginia creeper, spinulose woodfern, ostrich fern, sensitive fern, yellow-fruited sedge, deer-tongue grass, fowl manna grass, reed canary grass, common reed, jewelweed, white avens	0-15" clay loam, 10YR 3/2 15-18" loamy clay, 10YR 4/3 18-23" clay, 10YR 5/4 w/~10% mottles 7.5YR 4/4 23-27" sandy clay, 10YR 5/3 w/~20% mottles 7.5 YR 4/3 27"+ clayey sand, 10YR 5/4 w/no saturation or groundwater to at least 30"	Topographic depression, buttressed tree roots, stained leaves

In Michigan, a wetland is defined as a community that supports a predominance of plants that are found 50% or more of the time in wetland habitats (each plant species is assigned an indicator status that gives a probability of its occurrence in wetland). Plants with an indicator status of UPL are upland plants. Plants with an indicator status of FAC to FACW to OBL are indicators of wetland conditions.

In making this delineation, we used techniques outlined in the U.S. Army Corps of Engineers Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region (Version 2.0). Methodology included investigation and analysis of vegetation, soils, and hydrology, to the extent possible, given the highly disturbed nature of the site.



Above: Approximate extent of site wetlands
(less than an acre)

State Regulation

The wetland on this site is less than five acres, is not contiguous to a water body, has no surface flow connection to a water body, and contains no plant or animal species of concern. It would not be regulated under Michigan law.

Michigan is one of two states that have assumed Section 404 (Clean Water Act) administration from the federal government. Michigan wetlands are regulated under Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act (NREPA), 1994 PA 451, as amended. In Michigan, a wetland is defined as a community that supports a predominance of plants that are found 50% or more of the time in wetland habitats (each plant species is assigned an indicator status that gives a probability of its occurrence in wetland).



Looking north toward Center St. - Trees marked to save

Not all wetlands are regulated. In accordance with Part 303, wetlands are regulated if they are any of the following:

- Connected to one of the Great Lakes or Lake St. Clair.
- Located within 1,000 feet of one of the Great Lakes or Lake St. Clair.
- Connected to an inland lake, river, or stream.
- Located within 500 feet of an inland lake, pond, river or stream.
- Not connected to one of the Great Lakes or Lake St. Clair, or an inland lake, pond, stream, or river, but are more than 5 acres in size.
- Not connected to one of the Great Lakes or Lake St. Clair, or an inland lake, pond, stream, or river, and less than 5 acres in size, but the DEQ has determined that these wetlands are essential to the preservation of the state's natural resources and has notified the property owner.

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Under Part 303, a person may not do any of the following to a regulated wetland without a permit:

- Deposit or permit the placing of fill material.
- Dredge, remove, or permit the removal of soil or minerals.
- Construct, operate, or maintain any use or development.
- Drain surface water.

To obtain a permit to impact regulated wetlands, the applicant must demonstrate that there are no feasible or prudent alternatives to accomplish the basic project purpose, and that the impacts have been minimized to the greatest extent practicable.



Looking toward northeast part of property

Federal Regulation - Waters of the United States (WOTUS)

In December 2018, the Michigan Legislature amended numerous sections of Public Act 451 of 1994 (Natural Resources and Environmental Protection) including sections pertinent to wetland and water resources protection.

The State definition of “inland lake or stream” was previously as follows:

A natural or artificial lake, pond, or impoundment; a river, stream, or creek which may or may not be serving as a drain as defined by the drain code of 1956, 1956 PA 40, MCL 280.1 to 280.630; or any other body of water that has definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water, including the St. Marys, St. Clair, and Detroit Rivers. Inland lake or stream does not include the Great Lakes, Lake St. Clair, or a lake or pond that has a surface area of less than 5 acres.

The definition was expanded to include any “water of the United States” as defined by The Federal Water Pollution Control Act (commonly known as the “Clean Water Act”). The existing regulatory definition of “waters of the United States” is:

1. All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
2. All interstate waters including interstate wetlands;
3. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce including any such waters:
 - a. Which are or could be used by interstate or foreign travelers for recreational or other purposes; or
 - b. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - c. Which are used or could be used for industrial purposes by industries in interstate commerce;
4. All impoundments of waters otherwise defined as waters of the United States under this definition;
5. Tributaries of waters identified in paragraphs (1) through (4) of this section;
6. The territorial sea;
7. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (s)(1) through (6) of this section; waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR 423.11(m) which also meet the criteria of this definition) are not waters of the United States.

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Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.

So technically, they could arbitrarily regulate any waters of any size under 3(a), use “by interstate or foreign travelers for recreational or other purposes.”

The State definition of “wetland” was also significantly amended:

A land or water feature, commonly referred to as a bog, swamp, or marsh, inundated or saturated by water at a frequency and duration sufficient to support, and that under normal circumstances does support, hydric soils and a predominance of wetland vegetation or aquatic life. A land or water feature is not a wetland unless it meets any of the following:

- *Is a water of the United States as that term is used in Section 502(7) of the Clean Water Act;*
- *Is contiguous to the Great Lakes, Lake St. Clair, an inland lake or pond, or a stream. “Pond” does not include a farm or stock pond constructed consistent with the exemption under Sec. 30305(2)(G).*
- *Is more than 5 acres in size.*
- *Has the documented presence of an Endangered or Threatened species.*
- *Is a rare and imperiled [type of] wetland. Starting in 2019, the DNR may recommend changes to this list every five years.*



Soil pit – looking toward east side of property

Conclusions

Based on the site visits, and a review of known data, including NWI maps, aerial photos, soils data, and FEMA maps, there are no indications that the site contains regulated wetland. There is a small non-contiguous area of wetland in the center of the property, containing wetland vegetation, wetland soils, and wetland hydrology.

The project as proposed should not require any EGLE permit for wetlands or streams under Part 301 (Inland Lakes & Streams) or Part 303 (Wetland Protection) of PA 451 of 1994, the Natural Resources and Environmental Protection Act.

This report summarizes findings in a format intended to provide easily understood information. We can provide a more detailed technical basis for our conclusions if needed. Soils and water table information in this report relate to State and federal wetland determination methodology. Due to the dynamic nature of wetlands, this wetland review is valid for three years. In the event that conditions on this site or adjacent sites should change, the site should be reviewed again prior to construction. This regulatory opinion is subject to review and concurrence by the Mich. Dept. of Environment, Great Lakes, and Energy, who is the regulatory authority in such matters.

THREATENED AND ENDANGERED SPECIES

A review of Michigan Natural Features Inventory (MNFI) records for State-listed and federally listed species of concern within Allegan County identified historic occurrence records for 157 protected species and species of concern. See complete listing in Appendix 1.

Habitat for each identified protected species was reviewed. The species on this list are not likely to occur within the proposed project area due to the absence of appropriate habitat.

There are MNFI occurrence records for several federally listed species for Allegan County:

- Rusty-patched bumble bee (LE): Three records for this county, most recent 1964. Foraging habitat includes dunes, marshes, forests, farmland, and urban areas. A habitat generalist, it is unlikely to be impacted by this project.
- Pitcher's thistle (LT): Three records for this county, most recent 2013. Found in near-shore open sand dunes with sparse vegetation. Habitat not present here.
- Karner blue butterfly (LE): 27 records for this county, most recent 2017. Uses open sandy areas with lupine, not present on this site.
- Northern long-eared bat (LT): One record for this county from 2000. Lives in deciduous or mixed hardwood-coniferous forests with loose-barked trees, tree hollows, or caves and crevices. There are no known hibernacula or roost trees in Allegan County. USFWS has declined to define Critical Habitat for this species, and states: "*Northern long-eared bats use a wide variety of forested areas in summer to find food and raise their young and are highly flexible in how they meet these needs. As such, there are no specific physical habitat features essential to its conservation. In addition, the bat's summer habitat is not limited or in short supply, habitat loss is not a predominant threat, and there are no areas that meet the definition of critical habitat.*"
- Eastern massasauga rattlesnake (LT): 20 records for this county, most recent 2020. This species was upgraded to Threatened status as of Oct. 31, 2016 for its federal listing status and will be upgraded for State-Threatened next time the State list is updated. Impacts to this species can be avoided or minimized by conducting activities during the snakes' inactive season (November through early March). However, habitat for that species is not present within the project area. From the MNFI website:

"Eastern Massasaugas have been found in a variety of wetland habitats. Populations in southern Michigan are typically associated with open wetlands, particularly prairie fens, while those in northern Michigan are known from open wetlands and lowland coniferous forests, such as cedar swamps... Massasauga habitats generally appear to be characterized by the following: (1) open, sunny areas intermixed with shaded areas, presumably for thermoregulation; (2) presence of the water table near the surface for hibernation; and (3) variable elevations between adjoining lowland and upland habitats."

The site assessment is not to be construed as a complete inventory of all species which may be present throughout the growing season, but is intended to present representative dominant species for purposes of generally documenting and assessing habitat type.



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Right: northwest edge of property

S7 Consultation:
“No Effect” Determination

From the site visits, and a review of known site data, historic species records, habitat requirements for identified species, and aerial photos, there is no indication that the potential exists for any of the identified species of concern to occur within the project area.



Based on these factors, we recommend a “No Effect” determination because the project will not remove suitable habitat for any listed species, and/or no habitat disturbance is anticipated. No listed species or designated critical habitat is anticipated to be directly or indirectly affected by this proposed project.

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APPENDIX 1 – MNFI HISTORIC OCCURRENCE RECORDS FOR THREATENED AND ENDANGERED SPECIES IN ALLEGAN COUNTY

Species identified as “E” and “T” (Endangered and Threatened) are protected under State law. Species identified as “SC” are classified as “Special Concern,” which indicates that there is concern for the species, but does not afford legal protection (except Special Concern reptiles and amphibians, which are protected under a separate DNR Director’s Order, No. FO-224.13). Species identified as “X” (Extirpated) are believed to no longer occur in this state.

Scientific Name	Common Name	Federal Status	State Status	Global Rank	State Rank	Occurrences in County	Last Observed in County
<i>Acipenser fulvescens</i>	Lake sturgeon		T	G3G4	S2	2	2016
<i>Acris blanchardi</i>	Blanchard's cricket frog		T	G5	S2S3	4	2002
<i>Adlumia fungosa</i>	Climbing fumitory		SC	G4	S3	1	1889
<i>Alasmidonta marginata</i>	Elktoe		SC	G4	S3?	4	2016
<i>Alasmidonta viridis</i>	Slippershell		T	G4G5	S2S3	2	2013
<i>Ambystoma opacum</i>	Marbled salamander		E	G5	S1	2	1989
<i>Ammodramus henslowii</i>	Henslow's sparrow		E	G4	S3	1	1994
<i>Ammodramus savannarum</i>	Grasshopper sparrow		SC	G5	S4	2	2007
<i>Aristida longespica</i>	Three-awned grass		T	G5	S2	1	2010
<i>Asclepias purpurascens</i>	Purple milkweed		T	G5?	S2	1	2018
<i>Baptisia lactea</i>	White or prairie false indigo		SC	G4Q	S3	1	1981
<i>Bartonia paniculata</i>	Panicled screwstem		T	G5	S2	3	1999
<i>Berula erecta</i>	Cut-leaved water parsnip		T	G4G5	S2	6	2020
<i>Boechera missouriensis</i>	Missouri rock-cress		SC	G5	S2	4	2018
<i>Bombus affinis</i>	Rusty-patched bumble bee	LE	SC	G2	SH	3	1964
<i>Bombus auricomus</i>	Black and gold bumble bee		SC	G5	S2	1	1964
<i>Bombus borealis</i>	Northern amber bumble bee		SC	G4G5	S3	1	1936
<i>Bombus pensylvanicus</i>	American bumble bee		SC	G3G4	S1	3	1963
<i>Brickellia eupatorioides</i>	False boneset		SC	G5	S2	1	2009
<i>Buteo lineatus</i>	Red-shouldered hawk		T	G5	S4	9	2013
<i>Callophrys irus</i>	Frosted elfin		T	G2G3	S2S3	15	2020
<i>Carex albolutescens</i>	Sedge		T	G5	S2	1	1989
<i>Carex festucacea</i>	Fescue sedge		SC	G5	S1	1	1989
<i>Carex seorsa</i>	Sedge		T	G5	S2	3	2020
<i>Chlidonias niger</i>	Black tern		SC	G4G5	S2	1	1997
<i>Cincinnatia cincinnatiensis</i>	Campeloma spire snail		SC	G5	S3	1	
<i>Cirsium pitcheri</i>	Pitcher's thistle	LT	T	G3	S3	3	2013
<i>Cistothorus palustris</i>	Marsh wren		SC	G5	S3	1	2005
<i>Clemmys guttata</i>	Spotted turtle		T	G5	S2	12	2020
<i>Clonophis kirtlandii</i>	Kirtland's snake		E	G2	S1	1	1985
<i>Collinsia verna</i>	Blue-eyed Mary		SC	G5	SNR	1	1940
<i>Conioselinum chinense</i>	Hemlock-parsley		SC	G5	SNR	2	2020
<i>Coregonus artedii</i>	Lake herring or Cisco		T	GNR	S3	4	2017
<i>Coregonus kiyi</i>	Kiyi		SC	G3G4	S2S3	1	1983
<i>Coregonus zenithicus</i>	Shortjaw cisco		T	G3	S2	2	2001
<i>Cottus ricei</i>	Spoonhead sculpin		SC	G5	S1S2	1	1990
<i>Cryptotis parva</i>	Least shrew		T	G5	S1S2	1	1938
<i>Cyclonaias tuberculata</i>	Purple wartyback		T	G5	S2	3	2000
<i>Cypripedium candidum</i>	White lady slipper		T	G4	S2	1	2005
<i>Diarrhena obovata</i>	Beak grass		T	G4G5	S2	1	2018
<i>Dryobius sexnotatus</i>	Six-banded longhorn beetle		T	GNR	S1	1	2011
<i>Echinodorus tenellus</i>	Dwarf burhead		E	G5?	S1	2	2013
<i>Eleocharis atropurpurea</i>	Purple spike rush		E	G4G5	S1	1	2010
<i>Eleocharis engelmannii</i>	Engelmann's spike rush		SC	G4G5	S2S3	1	1989
<i>Eleocharis melanocarpa</i>	Black-fruited spike-rush		SC	G4	S3	5	2016
<i>Eleocharis microcarpa</i>	Small-fruited spike-rush		E	G5	S1	1	1988
<i>Eleocharis tricostata</i>	Three-ribbed spike rush		T	G4	S2	4	2016
<i>Emydoidea blandingii</i>	Blanding's turtle		SC	G4	S2S3	7	2020
<i>Erimyzon claviformis</i>	Creek chubsucker		E	G5	S1	1	1982
<i>Erynnis persius persius</i>	Persius dusky wing		T	G5T1T3	S3	3	1980
<i>Euonymus atropurpureus</i>	Wahoo		SC	G5	S3	1	2007

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Scientific Name	Common Name	Federal Status	State Status	Global Rank	State Rank	Occurrences in County	Last Observed in County
<i>Euphorbia commutata</i>	Tinted spurge		T	G5	S1	1	1931
<i>Eutrochium fistulosum</i>	Hollow-stemmed Joe-pye weed		T	G5?	S1	2	2009
<i>Fontigens nickliniana</i>	Watercress snail		SC	G5	S2S3	1	1990
<i>Fraxinus profunda</i>	Pumpkin ash		T	G4	S2	1	2014
<i>Fuirena pumila</i>	Umbrella-grass		T	G4	S2	1	1975
<i>Galearis spectabilis</i>	Showy orchis		T	G5	S2	2	2014
<i>Gallinula galeata</i>	Common gallinule		T	G5	S3	2	2019
<i>Gavia immer</i>	Common loon		T	G5	S3	1	1988
<i>Gentiana puberulenta</i>	Downy gentian		E	G4G5	S1	1	1990
<i>Geum triflorum</i>	Prairie smoke		T	G5	S2S3	1	1932
<i>Glyptemys insculpta</i>	Wood turtle		SC	G3	S2	1	1975
<i>Haliaeetus leucocephalus</i>	Bald eagle		SC	G5	S4	7	2017
<i>Helianthus hirsutus</i>	Whiskered sunflower		SC	G5	S3	2	2014
<i>Hesperia metea</i>	Cobweb skipper		SC	G4	S4	1	2002
<i>Hesperia ottoe</i>	Ottoe skipper		T	G3	S1	8	2011
<i>Hieracium paniculatum</i>	Panicked hawkweed		T	G5	S2	2	2015
<i>Hiodon tergisus</i>	Mooneye		T	G5	S1	1	1941
<i>Hydrastis canadensis</i>	Goldenseal		T	G3G4	S2	1	1976
<i>Hypericum gentianoides</i>	Gentian-leaved St. John's-wort		SC	G5	S3	1	2018
<i>Isoetes engelmannii</i>	Engelmann's quillwort		E	G4	S1	1	1989
<i>Juncus antheratus</i>	Large path rush		SC	GNR	SNR	2	2020
<i>Juncus brachycarpus</i>	Short-fruited rush		T	G4G5	S1S2	1	1989
<i>Juncus dichotomus</i>	Forked rush		SC	G5	SNR	1	2017
<i>Juncus scirpoides</i>	Scirpus-like rush		T	G5	S2	3	2014
<i>Juncus vaseyi</i>	Vasey's rush		T	G5	S1S2	1	1989
<i>Lanius ludovicianus migrans</i>	Migrant loggerhead shrike		E	G4T3Q	S1	2	1991
<i>Lasmigona compressa</i>	Creek heelsplitter		SC	G5	S3	5	2018
<i>Lasmigona costata</i>	Flutedshell		SC	G5	SNR	5	2018
<i>Lechea minor</i>	Least pinweed		X	G5	S1	1	2000
<i>Lechea pulchella</i>	Leggett's pinweed		T	G5	S1S2	2	2018
<i>Lepisosteus oculatus</i>	Spotted gar		SC	G5	S2S3	10	2015
<i>Ligumia recta</i>	Black sandshell		E	G4G5	S1?	1	
<i>Linum sulcatum</i>	Furrowed flax		SC	G5	S2S3	2	2005
<i>Linum virginianum</i>	Virginia flax		T	G4G5	S2	2	2015
<i>Lipocarpa micrantha</i>	Dwarf-bulrush		SC	G5	S3	2	2016
<i>Lithobates palustris</i>	Pickerel frog		SC	G5	S3S4	4	2003
<i>Ludwigia sphaerocarpa</i>	Globe-fruited seedbox		T	G5	S1	2	2018
<i>Lycaeides melissa samuelis</i>	Karner blue	LE	T	G1G2	S2	27	2017
<i>Lycopodiella subappressa</i>	Northern appressed clubmoss		SC	G2	S2	2	1970
<i>Melanerpes erythrocephalus</i>	Red-headed woodpecker		SC	G5	S3	1	
<i>Mesomphix cupreus</i>	Copper button		SC	G5	S1	2	
<i>Microtus pinetorum</i>	Woodland vole		SC	G5	S3S4	2	1939
<i>Myotis septentrionalis</i>	Northern long-eared bat	LT	SC	G1G2	S1	1	2000
<i>Necturus maculosus</i>	Mudpuppy		SC	G5	S3S4	1	1958
<i>Notropis dorsalis</i>	Bigmouth shiner		SC	G5	S2	14	1960
<i>Notropis texanus</i>	Weed shiner		X	G5	S1	4	1947
<i>Nycticorax nycticorax</i>	Black-crowned night-heron		SC	G5	S3	2	1997
<i>Obliquaria reflexa</i>	Threehorn wartyback		E	G5	S1	1	1936
<i>Oecanthus laricis</i>	Tamarack tree cricket		SC	G3?	S3	1	2000
<i>Panax quinquefolius</i>	Ginseng		T	G3G4	S2S3	10	2017
<i>Pandion haliaetus</i>	Osprey		SC	G5	S4	1	2017
<i>Panicum longifolium</i>	Panic grass		T	G4	S2	4	2015
<i>Panicum verrucosum</i>	Warty panic grass		T	G4	S1	1	1999
<i>Pantherophis spiloides</i>	Gray ratsnake		SC	G4G5	S2S3	4	2017
<i>Papaipema beeriana</i>	Blazing star borer		SC	G2G3	S2	1	1997
<i>Papaipema maritima</i>	Maritime sunflower borer		SC	G3	S2	1	1997
<i>Papaipema sciata</i>	Culvers root borer		SC	G3	S3	2	1996
<i>Papaipema speciosissima</i>	Regal fern borer		SC	G4	S2S3	1	1995
<i>Parquesia motacilla</i>	Louisiana waterthrush		T	G5	S2	2	1999
<i>Persicaria careyi</i>	Carey's smartweed		T	G4	S1S2	1	1999
<i>Platanthera ciliaris</i>	Orange- or yellow-fringed orchid		E	G5	S1S2	2	2015

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Scientific Name	Common Name	Federal Status	State Status	Global Rank	State Rank	Occurrences in County	Last Observed in County
<i>Pleurobema sintoxia</i>	Round pigtoe		SC	G4G5	S3	1	2000
<i>Poa paludigena</i>	Bog bluegrass		T	G3G4	S2	1	2016
<i>Polygala cruciata</i>	Cross-leaved milkwort		SC	G5	S3	3	2013
<i>Potamilus alatus</i>	Pink heelsplitter		SC	G5	SNR	1	
<i>Potamogeton bicupulatus</i>	Waterthread pondweed		T	G4	S2	4	2017
<i>Protonotaria citrea</i>	Prothonotary warbler		SC	G5	S3	3	2006
<i>Pycnanthemum verticillatum</i>	Whorled mountain mint		SC	G5	S2	4	2014
<i>Pygarctia spraguei</i>	Sprague's pygarctia		SC	G5	S2S3	2	1993
<i>Rallus elegans</i>	King rail		E	G4	S2	2	1949
<i>Rhexia mariana</i>	Maryland meadow beauty		T	G5T5	S1S2	2	2015
<i>Rhexia virginica</i>	Meadow beauty		SC	G5	S3	6	2016
<i>Rhynchospora macrostachya</i>	Tall beakrush		SC	G4	S3S4	7	2016
<i>Rhynchospora nitens</i>	Short-beak beak-rush		E	G4?	S1	1	2016
<i>Rhynchospora recognita</i>	Globe beak-rush		E	G5?	S1	1	1995
<i>Rhynchospora scirpoides</i>	Bald-rush		T	G4	S2	4	2016
<i>Schoenoplectiella hallii</i>	Hall's bulrush		T	G3	S2	2	2011
<i>Schoenoplectus torreyi</i>	Torrey's bulrush		SC	G5?	S2S3	1	1983
<i>Scleria pauciflora</i>	Few-flowered nut rush		E	G5	S1	1	1995
<i>Scleria reticularis</i>	Netted nut rush		T	G4	S2	3	2016
<i>Scleria triglomerata</i>	Tall nut rush		SC	G5	S3	2	2015
<i>Setophaga cerulea</i>	Cerulean warbler		T	G4	S3	3	2015
<i>Setophaga citrina</i>	Hooded warbler		SC	G5	S3	4	2010
<i>Setophaga discolor</i>	Prairie warbler		E	G5	S3	5	2003
<i>Setophaga dominica</i>	Yellow-throated warbler		T	G5	S3	1	1999
<i>Sistrurus catenatus</i>	Eastern massasauga	LT	SC	G3	S3	20	2020
<i>Sisyrinchium atlanticum</i>	Atlantic blue-eyed-grass		T	G5	S2	3	2017
<i>Spiranthes ovalis</i>	Lesser ladies'-tresses		T	G5?	S1	1	2009
<i>Spiza americana</i>	Dickcissel		SC	G5	S3	2	2007
<i>Sporobolus clandestinus</i>	Dropseed		E	G5	S1	2	2017
<i>Sporobolus heterolepis</i>	Prairie dropseed		SC	G5	S3	2	2013
<i>Strophostyles helvula</i>	Trailing wild bean		SC	G5	S3	1	2002
<i>Symphotrichum sericeum</i>	Western silvery aster		T	G5	S2	1	2014
<i>Terrapene carolina carolina</i>	Eastern box turtle		SC	G5T5	S2S3	27	2020
<i>Tradescantia bracteata</i>	Long-bracted spiderwort		X	G5	SX	1	1938
<i>Trichostema dichotomum</i>	Bastard pennyroyal		T	G5	S2	1	1986
<i>Triphora trianthophora</i>	Nodding pogonia or three birds orchid		T	G4?	S1	1	1880
<i>Truncilla donaciformis</i>	Fawnsfoot		T	G5	S1	2	2000
<i>Truncilla truncata</i>	Deertoe		SC	G5	S2S3	2	2000
<i>Utricularia subulata</i>	Bladderwort		T	G5	S1	1	2010
<i>Utterbackia imbecillis</i>	Paper pondshell		SC	G5	S2S3	2	2018
<i>Valerianella chenopodiifolia</i>	Goosefoot corn salad		T	G4	S1	2	2020
<i>Venustaconcha ellipsiformis</i>	Ellipse		SC	G4	S3	1	2016
<i>Villosa iris</i>	Rainbow		SC	G5	S3	1	
<i>Wolffia brasiliensis</i>	Watermeal		T	G5	S1	4	2018
<i>Zizania aquatica</i>	Wild rice		T	G5	S2S3	1	1910

APPENDIX 2 – PLANT INVENTORY

Centre Collective, Douglas, MI

Compiler: William Martinus

Site Visit: 6/14/21

Notes

Nomenclature follows Voss & Reznicek, *Field Manual of Michigan Flora, 2012* & *Michigan Flora Online*

* Asterisk indicates non-native species

Coefficient of Conservatism number (0 – 10, 10 being most highly specialized habitat)

Wetland Indicator Status (UPL, FACU, FAC, FACW, OBL)

Vascular Plants

Pteridophytes

Lycophytes

Ferns

Athyriaceae, Lady Fern Family

Athyrium filix-femina, Lady Fern 4; FAC

Dryopteridaceae, Wood Fern Family

Dryopteris carthusiana, Spinulose Woodfern 5; FACW

Onocleaceae, Sensitive Fern Family

Matteuccia struthiopteris, Ostrich Fern 3; FAC

Onoclea sensibilis, Sensitive Fern 2; FACW

Gymnosperms

Cupressaceae, Cypress Family

Juniperus virginiana, Red-cedar 3; FACU

Pinaceae, Pine Family

Pinus strobus, White Pine 3; FACU

Pinus sylvestris, Scots Pine* 0; UPL

Taxaceae, Yew Family

Taxus cuspidata, Asian Yew* 0; UPL

Angiosperms

Monocots

Alliaceae, Onion Family

Allium vineale, Field Garlic* 0; FACU

Araceae, Arum Family

Arisaema triphyllum, Jack-in-the-pulpit 5; FAC

Cyperaceae, Sedge Family

Carex annectens var. *xanthocarpa*, Yellow-fruited Sedge 1; FACW

Carex gracillima, Graceful Sedge 4; FACU

Carex leptonevia, Two-edged Sedge 3; FAC

Carex muehlenbergii, Sand Sedge 7; UPL

Carex rosea, Stellate Sedge 2; UPL

Carex swanii, Swan's Sedge 4; FACU

Juncaceae, Rush Family

Juncus tenuis, Path Rush 1; FAC

Poaceae, Grass Family

Anthoxanthum odoratum, Sweet Vernal Grass* 0; FACU

Bromus inermis, Hungarian Brome* 0; UPL

Dactylis glomerata, Orchard Grass* 0; FACU

Dichanthelium clandestinum, Deer-tongue Grass 3; FACW

Glyceria striata, Fowl Manna Grass 4; OBL

Holcus lanatus, Velvet Grass* 0; FACU

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Miscanthus sinensis, Eulalia* 0; UPL
Phalaris arundinacea, Reed Canary Grass* 0; FACW+
Phleum pratense, Timothy* 0; FACU
Phragmites australis spp. *australis*, Common Reed* 0; FACW+
Poa compressa, Canada Bluegrass* 0; FACU
Poa nemoralis, Wood Bluegrass* 0; FACU
Poa pratensis, Kentucky Bluegrass* 0; FAC-

Dicots

Anacardiaceae, Cashew Family

Toxicodendron radicans, Poison Ivy 2; FAC+

Apocynaceae, Dogbane Family

Asclepias syriaca, Common Milkweed 1; UPL

Vinca minor, Periwinkle* 0; UPL

Araliaceae, Ginseng Family

Hedera helix, European Ivy* 0; FACU

Asteraceae, Aster Family

Erigeron annuus, White-top 0; FACU

Eurybia macrophylla, Large-leaved Aster 4; UPL

Hypochoeris radicata, Cat's-ear* 0; UPL

Leucanthemum vulgare, Ox-eye Daisy* 0; UPL

Taraxacum officinale, Common Dandelion* 0; FACU

Balsaminaceae, Touch-me-not Family

Impatiens capensis, Spotted Touch-me-not 2; FACW

Berberidaceae, Barberry Family

Berberis thunbergii, Japanese Barberry* 0; FACU-

Bignoniaceae, Trumpet Creeper Family

Catalpa speciosa, Northern Catalpa* 0; FACU

Brassicaceae, Mustard Family

Alliaria petiolata, Garlic Mustard* 0; FAC

Berteroa incana, Hoary Alyssum* 0; UPL

Hesperis matronalis, Dame's Rocket* 0; FACU

Caprifoliaceae, Honeysuckle Family

Lonicera ×bella, Hybrid Honeysuckle* 0; FACU

Lonicera japonica, Japanese Honeysuckle* 0; FACU

Caryophyllaceae, Pink Family

Stellaria media, Common Chickweed* 0; FACU

Celastraceae, Bittersweet Family

Celastrus orbiculatus, Oriental Bittersweet* 0; UPL

Cornaceae, Dogwood Family

Cornus alternifolia, Alternate-leaved Dogwood 5; FACU

Elaeagnaceae, Oleaster Family

Elaeagnus umbellata, Autumn Olive* 0; FACU

Fabaceae, Pea Family

Medicago lupulina, Black Medick* 0; FAC-

Trifolium repens, White Clover* 0; FACU+

Vicia villosa, Hairy Vetch* 0; UPL

Fagaceae, Beech Family

Quercus alba, White Oak 5; FACU

Quercus rubra, Red Oak 5; FACU

Quercus velutina, Black Oak 6; UPL

Lamiaceae, Mint Family

Glechoma hederacea, Ground Ivy* 0; FACU

Leonurus cardiaca, Motherwort* 0; UPL

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Prunella vulgaris, Self-heal 0; FAC

Lauraceae, Laurel Family

Lindera benzoin, Spicebush 7; FACW-

Sassafras albidum, Sassafras 5; FACU

Magnoliaeae, Magnolia Family

Liriodendron tulipifera, Tulip Tree 9; FACU

Malvaceae, Mallow Family

Tilia americana, Basswood 5; FACU

Moraceae, Mulberry Family

Morus alba, White Mulberry* 0; FAC

Nyssaceae, Tupelo Family

Nyssa sylvatica, Sour-gum 9; FACW+

Oleaceae, Olive Family

Fraxinus americana, White Ash 5; FACU

Ligustrum obtusifolium, Border Privet* 0; FACU

Ligustrum vulgare, Common Privet* 0; FACU

Onagraceae, Evening-primrose Family

Circaea canadensis subsp. *canadensis*, Enchanter's-nightshade 2; FACU

Oxalidaceae, Wood-sorrel Family

Oxalis dillenii, Common Yellow Wood-sorrel 0; FACU

Phytolaccaceae, Pokeweed Family

Phytolacca americana, Pokeweed 2; FAC-

Plantaginaceae, Plantain Family

Plantago major, Common Plantain* 0; FAC+

Plantago rugelii, Red-stalked Plantain 0; FAC

Polygonaceae, Smartweed Family

Persicaria virginiana, Jumpseed 4; FAC

Rumex obtusifolius, Bitter Dock* 0; FACW

Rosaceae, Rose Family

Geum canadense, White Avens 1; FAC

Prunus serotina, Wild Black Cherry 2; FACU

Rosa multiflora, Multiflora Rose* 0; FACU

Rubus flagellaris, Northern Dewberry 1; FACU

Rubiaceae, Madder Family

Galium aparine, Cleavers 0; FACU

Salicaceae, Willow Family

Populus deltoides, Eastern Cottonwood 1; FAC+

Populus tremuloides, Quaking Aspen 1; FAC

Sapindaceae, Soapberry Family

Acer negundo, Box-elder 0; FACW-

Acer rubrum, Red Maple 1; FAC

Acer saccharinum, Silver Maple 2; FACW

Acer saccharum, Sugar Maple 5; FACU

Scrophulariaceae, Figwort Family

Verbascum thapsus, Common Mullein* 0; UPL

Urticaceae, Nettle Family

Urtica dioica, Stinging Nettle 1; FAC+

Vitaceae, Grape Family

Parthenocissus quinquefolia, Virginia Creeper 5; FAC-

Vitis riparia, River-bank Grape 3; FACW-

REFERENCES/RESOURCES

E-Bird; Online global avian database maintained by Cornell Ornithological Laboratories

Federal Emergency Management Agency (FEMA) Flood Map Service Center

Field Manual of Michigan Flora. Voss, Reznicek, 2012

Google Earth – Historic and current aerial photos

Illustrated Companion to Gleason & Cronquist's Manual. N. Holmgren, 1998, New York Botanical Garden

Manual of Vascular Plants of Northeastern United States and Adjacent Canada, Second Edition. Gleason and Cronquist, 1991, New York Botanical Garden

Michigan Breeding Bird Atlas I and II; Online data of avian records for Michigan

Michigan Dept. of Environmental Quality, Wetlands Map Viewer; Online database

Michigan Dept. of Environmental Quality, State and Federal Wetland Regulations

Michigan Flora Online; University of Michigan

Michigan Natural Features Inventory; Michigan State University Extension database

Munsell Soil Color Charts; Macbeth Division of Kollmorgen Instruments Corp., Newburgh, New York, 1992 Edition

Newcomb's Wildflower Guide. Newcomb, L., 1977

Plants of the Chicago Region, 4th Edition. Swink & Wilhelm, 1994, Indiana Academy of Science

The National Wetland Plant List: 2014 Update of Wetland Ratings; Lichvar, Butterwick, Melvin, & Kirchner

U.S. Army Corps of Engineers. 2010. *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region (Version 2.0)*

U.S. Army Corps of Engineers. 1987. *Wetland Delineation Manual: Northcentral and Northeast Region*

U.S. Army Corps of Engineers. *Field Indicators for Hydric Soils*

U.S. Dept. of Agriculture – Natural Resources Conservation District. Web Soil Survey

U.S. Fish and Wildlife Service - National Wetlands Inventory

U.S. Geological Survey – Historic aerial photos

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ARTICLE 22:
SIGNS

Section 22.01 Applicability

This article applies to all persons, firms, partnerships, associations, and corporations owning, occupying, or having control or management of any premises located within the City of the Village of Douglas.

Section 22.02 Intent

The intent of this article is to provide regulatory parameters for the location and ~~manner~~ method of display of signs in the City in a manner consistent with the following purposes:

- A. To protect and further the health, safety, and welfare of the City's residents, property owners, and visitors.
- B. To prevent traffic hazards and pedestrian accidents caused by signs that obstruct vision, distract or confuse drivers, or are improperly secured or constructed.
- C. To conserve and enhance community character.
- D. To promote uniformity in the size, number, or placement of signs within districts.
- E. To promote the economic viability of commercial areas by minimizing visual clutter and allowing for proper placement of signs to safely direct motorists to their destination.
- F. To balance the public's right to be informed and its desire to avoid visual pollution and hazardous conditions with the rights of businesses and other non-business uses to communicate.
- G. To allow for the reasonable continuance of the use of nonconforming signs.
- H. It is further recognized that special circumstances or events may create a need for portable signage for a limited and reasonable period of time.
- I. The purpose of this article does not include the regulation of the content or any information included on the sign.
- J. The regulations and standards of this chapter are considered the minimum amount of regulation necessary to achieve a substantial government interest for public safety, aesthetics, and protection of property values.

Section 22.03 Definitions

For purposes of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning. ~~These definitions are also referenced in Article 2, Definitions.~~

1. **Abandoned sign.** A sign for which no legal owner can be found; or a sign that is dilapidated, has fallen into disrepair or otherwise exhibits characteristics of abandonment in the opinion of the Zoning Administrator.
2. **Architectural Feature.** An integral element of a building that does not contain any discernable commercial message.

Commented [RM1]: Why are these numbers? Shouldn't these be A, B, C.... to be consistent with the first section?

Commented [AT2R1]: I'm open to any improvement in the numbering/lettering! I mostly just used the format the Nick ordinance

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~~2-3.~~ **Ancillary Sign.** A sign separate from and subordinate in area to the principal sign, identifying generic services, goods, menus, hours of operation, but not including the identification of brand names

~~3-4.~~ **Artwork.** Any decorative element that is not integral to a building and does not contain an immediately discernable commercial message or representation.

~~4-5.~~ **Awning.** A retractable or fixed shelter constructed of non-rigid materials on a supporting framework that projects from the exterior wall of a building. An awning is the same as a canopy.

~~5-6.~~ **Awning sign.** A sign painted on, printed on, or attached flat against the surface of an awning or canopy.

~~6-7.~~ **Balloon Sign.** See *inflatable sign*.

~~8.~~ **Banner Sign.** A sign made from fabric, plastic, vinyl, or other non-rigid material. A banner sign will be defined as one of the following:

~~7-~~

~~a.~~ **Banner Sign, Temporary.** A temporary sign ~~of~~ made from fabric, plastic, vinyl, or other non-rigid material without an enclosing structural framework attached to or hung from a pole, rope or to a building or structure.

~~a-~~

~~b.~~ **Banner Sign, Permanent.** Wall signs made exclusively from plastic, vinyl, or other non-rigid materials that are permanently affixed to the wall of a building with fasteners. Permanent banner signs may or may not have a frame surrounding the sign area. ~~All permanent banner signs must be maintained in an orderly manner and replaced as necessary.~~

~~8-9.~~ **Billboard.** ~~See "Oversized Off-Premise Sign".~~ A sign separate from an on-premise sign erected for the purpose of displaying messages or images, located on private property which abuts an interstate right-of-way and contains over 200 square feet of sign copy area.

~~9-10.~~ **Building Frontage.** The area in square feet of a building façade facing a street as viewed from the exterior. In the case of a multi-tenant building, the building frontage shall consist of the area of ~~the frontage~~ the frontage of the exterior space occupied by the tenant/occupant.

~~10-11.~~ **Digital Sign.** An internally lit sign that contains changing digital images or messages.

~~11-12.~~ **Electronic Message Center.** The use of changing lights or video screen(s) to form a sign message or messages in text display form wherein the messages and the rate of change can be modified by an electronic process.

Commented [RM3]: I did a little research and some building codes actually have separate definitions for "Awning", "Canopy", and "Marquee". I couldn't find the MI building code references but copied a few definitions I found into a word doc in the below folder if you want to check them out. I guess this probably doesn't matter too much b/c it looks like placement/measurements for awning and marquee signs are treated the same.
[\\www\reference folders\reference\PLANNING\ZO Standards](http://www.referencefolders/reference/PLANNING/ZO Standards)

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- ~~42-13.~~ **Essential Service.** Uses that are deemed essential such as public schools, public utility companies, and government agencies.
- ~~43-14.~~ **Exempt sign.** A sign that is exempt from either a sign permit or from the provisions of this entire article, as described in Section 22.03.B
- ~~44-15.~~ **External Illumination.** Lights designed to illuminate a sign that are not located within the sign itself.
- ~~45-16.~~ **Feather Sign.** A portable lightweight piece of cloth, fabric, or other similar material in the shape of a feather that is supported by a slender rod or pole driven into the ground.
- ~~46-17.~~ **Festoons.** A string of ribbons, tinsel, flags, pennants, or pinwheels that contains messages or sign copy.
- ~~47-18.~~ **Flag.** A lightweight piece of cloth, fabric, or other similar material that is attached either to a ground-mounted pole used exclusively for the purpose of flag display or attached to a permanent building using a flag pole bracket.
- ~~48-19.~~ **Flashing sign.** A sign that contains a rapidly intermittent or changing light source.
- ~~49-20.~~ **Footcandles.** A unit of illumination on a surface equal to one lumen per square foot, which is used to measure the brightness of a sign containing internal or external illumination or digital signs displayed on a screen.
- ~~20-21.~~ **Freestanding sign.** A sign not attached to a building or wall that is supported by one or more poles or braces, or that rests on the ground or on a foundation resting on the ground.
- ~~21-22.~~ **Government sign.** A sign that is erected or required to be erected by the City of the Village of Douglas, Allegan County, or the state or federal government, ~~including.~~
- ~~22-23.~~ **Human sign.** A sign that is held by a person and displayed on or off-site to attract the attention of passing pedestrians and vehicular traffic.
- ~~23-24.~~ **Illegal sign.** A sign that does not meet the requirements of this chapter and that has not received legal nonconforming status.
- ~~24-25.~~ **Inflatable sign.** Any three-dimensional object, including a tethered balloon, capable of being filled with air or gas depicting a character, figure, product, or product trademark, whether or not such object contains a message or lettering, that may or may not have some form of movement.
- ~~25-26.~~ **Integral signs.** Any sign that is integral to site circulation and wayfinding, such as above entrances.

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~~26-27.~~ **Internal Illumination.** Lights designed to illuminate a sign from the interior of the sign itself.

~~27-28.~~ **Mansard Roof.** A sloped roof or roof-like façade that is architecturally comparable to a building wall.

~~28.~~ **Mansard sign.** ~~A sign that is mounted, painted on, or attached to a mansard roof.~~

29. **Marquee.** A permanent structure constructed of rigid materials that project from the exterior wall of a building.

~~29.~~

30. **Marquee sign.** A sign affixed to the surface of a marquee.

31. **Monument sign.** A freestanding sign supported by a base that rests directly on the ground, or by other supports which elevate the sign, where the width of the supporting mechanism-base is at least 50 percent of the width of the sign copy area.

32. **Non-conforming sign.** Any permanent sign that has been erected prior to the adoption of this Article that does not comply with the provisions of this Article with regard to form, size, quantity, location, illumination, etc. as contained herein.

33. **Painted wall sign.** A sign that is applied with paint or a similar substance on the face of a wall or the roof of a building.

34. **Pole sign.** A free-standing sign that is supported by a single structure, pole, or brace that is less than 50 percent of the width of the sign.

35. **Pennant.** A flag or cloth that tapers to a point.

36. **Projecting sign.** A ~~double faced~~ sign attached to a building or wall that extends perpendicularly more than 12 inches but not more than 48 inches from the face of the building or wall.

37. **Reader board sign.** One of the following:

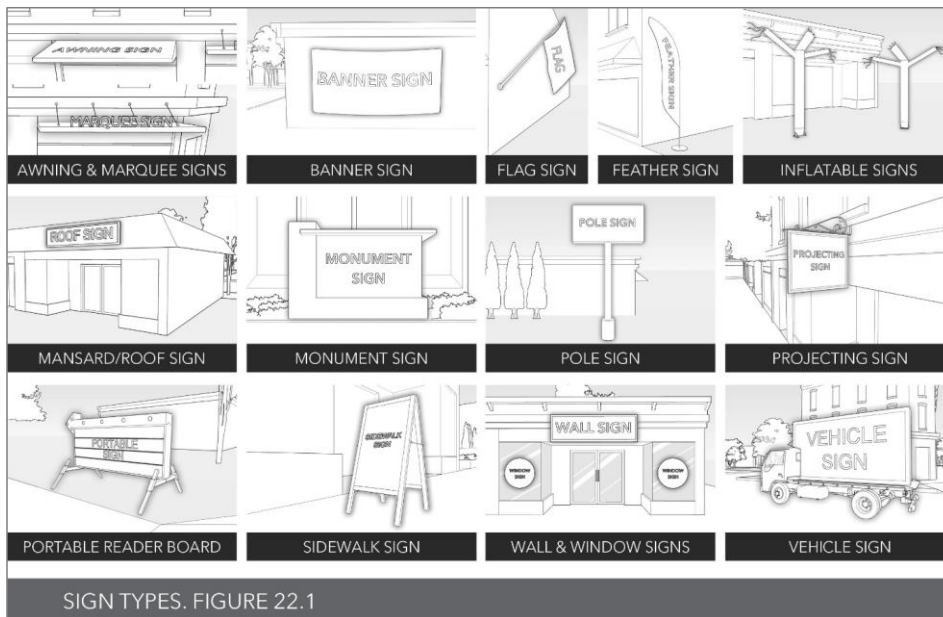
- a. **Manual reader board.** A sign on which the letters or pictorials are changed manually or;
- b. **Electronic reader board.** A sign with a fixed or changing display or message composed of a series of internal lights or digital images and text that may be changed through electronic means.
- c. **Portable reader board.** A sign where, by its nature may be or is intended to be easily moved from one location to another, typically a sign supported on a metal chassis and may include copy that can be changed manually through the use of attachable characters, but not including sidewalk signs, banners, etc.

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38. **Multi-vision sign.** Any sign composed in whole or in part of a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different image or images.
39. **Roofline.** The top of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.
40. **Roof sign.** A sign that is attached to or is placed on the roof of a building.
41. **Rotating sign.** A sign in which the sign itself or any portion of the sign moves in a revolving or similar manner. Such motion does not refer to methods of the changeable copy.
42. **Sidewalk sign.** An A-frame sign that is portable and designed to be placed on the sidewalk in front of the use it advertises. Also commonly called a “**sandwich board sign.**”
43. **Sign.** A device, structure, fixture, figure, or placard that may or may not use graphics, symbols, emblems, numbers, lights and/or written copy to communicate information of any kind to the public. House numbers, addresses, and name plates not exceeding two square feet shall not be considered signs.
44. **Permanent sign.** A sign installed on a support structure, not intended to be moved or removed, but to remain for an indefinite period of time.
45. **Temporary sign.** A sign installed for a limited period of time; intended to be removed within a time period as specified herein. Examples of temporary signs include, but are not limited to, wire-framed signs, banners, feather flags, balloon signs/air dancers and signs with wooden or metal supports that are placed into the ground, without a permanent foundation. Temporary signs are not designed to withstand wind and snow loads as prescribed ~~by~~ in the Michigan Building Code.
46. **Snipe sign.** A sign that is attached to a utility pole, tree, fence, or to any object located or situated on public property, or private property without permission.
47. **Streamers.** A long, narrow strip of material used as a decoration or symbol.
48. **Wall sign.** A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than 12 inches from the exterior face of a wall to which it is attached.
49. **Window sign.** A sign installed on or inside a window and intended to be viewed from the outside.

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50. **Vehicle sign.** A sign painted on, incorporated in, or attached directly to any mode of transportation, including but not limited to automobiles, trucks, buses, boats, trailers, semi-trailers or airplanes.
51. **Wireframe sign.** A temporary sign made of corrugated plastic, vinyl, cardboard, poster board or similar material that is supported by or attached to a metal frame.



Section 22.04 Sign Permit Procedures

- A. Permit Required.** Prior to the commencement of the erection, alteration or structural change to a sign or other advertising structure, with the exception of the signs listed in Section 22.04.B and identified as “exempt”, a zoning permit must be obtained in accordance with the process set forth in Section 23.03, Permit Procedures and Regulations.
- B. Exempt Signs.** The following signs shall not require a permit but shall be subject to all other applicable regulations of this article.
1. Government signs, including wayfinding, identification, traffic control and light pole banner signs.
 2. Signs with an area of less than ~~two~~ **two** square foot.
 3. Traffic control signs approved and established by state, county or local units of government.

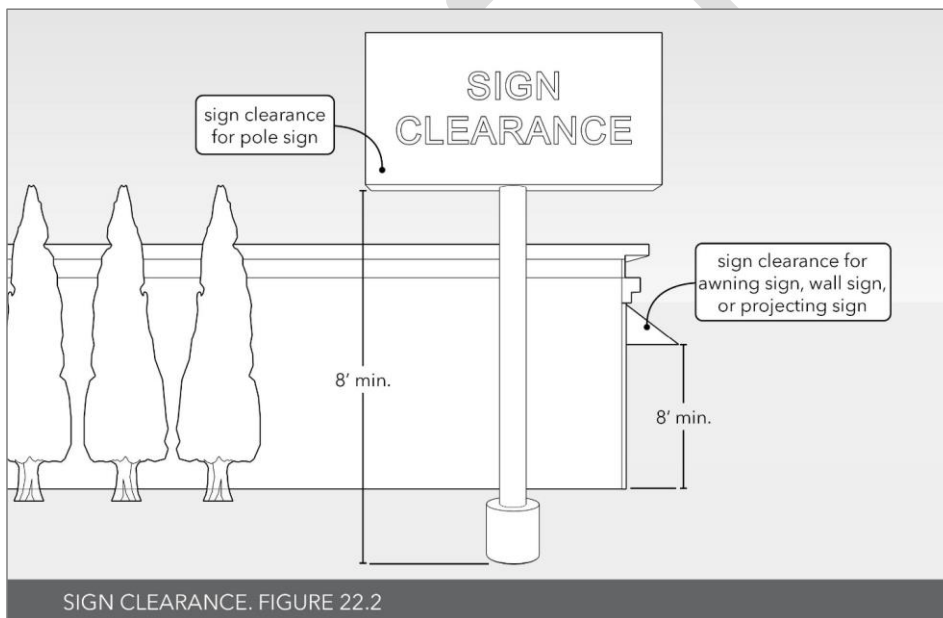
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4. Internal site traffic circulation and wayfinding signs on private property.
5. Window signs, provided no flashing lights are used in conjunction with the window sign.
6. Flags and flagpoles, provided no more than 3 flag poles are erected at a height not to exceed 35'.
7. ~~Wire framed~~ Temporary signs as regulated in 22.05.15.
- 7.

Section 22.05 General Provisions for Signs in All Districts

The following regulations are applicable to signs in all zoning districts:

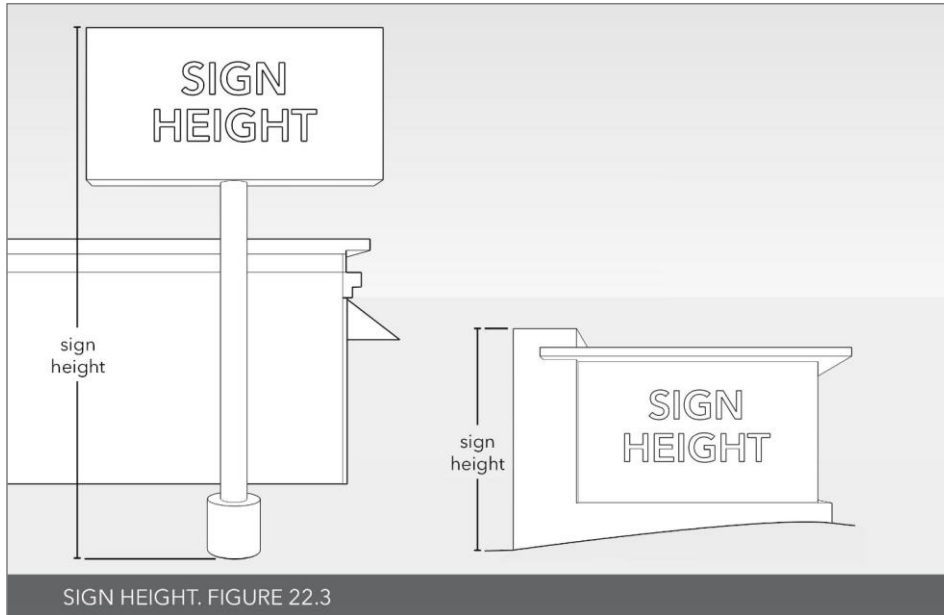
1. **Vertical Clearance.** Any pole sign, awning sign, marquee sign, and projecting sign shall maintain a minimum vertical clearance of eight feet from the bottom of the sign to the ground directly beneath the sign.



2. **Vehicle Signs.** Vehicles that bear signs (see Figure 22.1) may be parked on-site provided they are located in such a manner that they do not function as signs as prohibited by Section 22.06 of this Article.
3. **Sign Measurement.** Except where otherwise expressly provided for in this article, sign copy area and heights of signs shall be measured in accordance with the requirements below, and per the illustration shown in Figure 22.3:

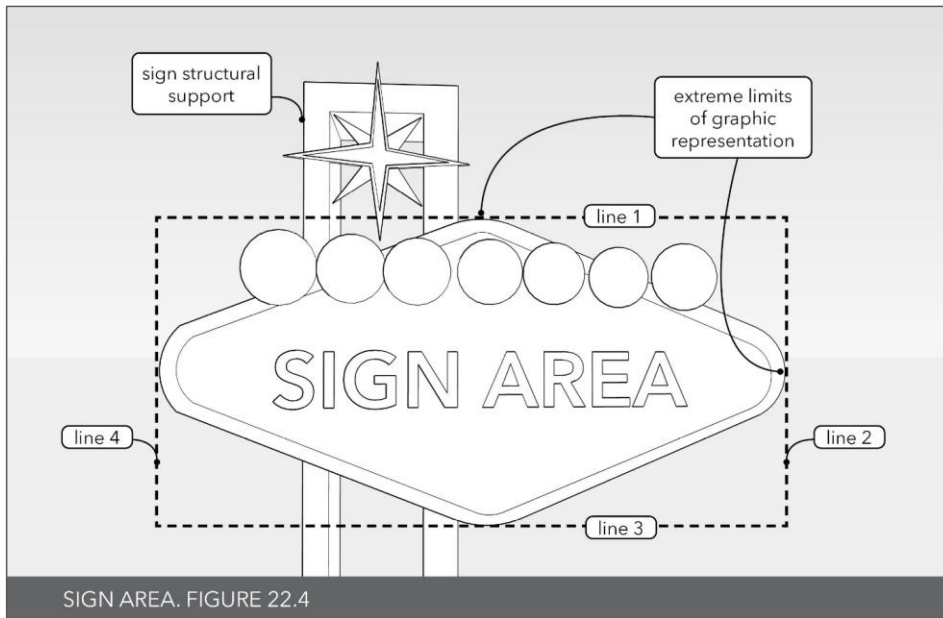
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- a. The height of a freestanding sign shall be measured as the vertical distance from the highest point on the sign to the grade of the surface on which the sign is erected. The height measurement for a ground-mounted monument sign includes the height of the base or support structure on which it is fixed.



- b. The **sign copy area of a sign** shall be measured as the area within a single, continuous perimeter composed of four straight lines which enclose the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame, architectural feature or other material or color-forming part of the display or used to differentiate the sign from the background against which it is placed. See Figure 22.4.
- c. The area of a freestanding sign that has two or more faces shall be measured by including the area of all sign faces. However, if two such faces are placed back-to-back and are no more than two feet apart at any point, the area of the two back-to-back faces shall be counted as one face with the larger of the two sign faces to be counted as the relevant sign face for sign area measurement purposes.

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4. **Removal or Repair of Signs; Notice.** Any sign and appurtenant structure shall be removed or repaired by the owner within ~~thirty seven~~ (30) days of receipt of notice from the Zoning Administrator or their designee, stating that the sign is unsafe, not properly maintained, or otherwise does not comply with the requirements of this chapter (excluding properly maintained signs that lawfully retain associated nonconforming rights).
5. **Structural Requirements.** Signs shall be constructed to withstand all wind and vibration forces that normally can be expected to occur in the vicinity, per the applicable building codes.
6. **Sign Illumination.** Signs may be internally or externally illuminated where permitted. The following provisions apply to illuminated signage in the City of Douglas.
 - a. **Glare and Distractions.** All illuminated signs shall not create glare or light trespass onto adjacent properties. Any sign illumination that may cause or otherwise create traffic hazards is prohibited.
 - b. **Electrical Wiring.** All electrical wiring shall be located underground and any associated electrical conduit or piping shall not be exposed to view above ground.
 - c. **External Illumination.** For externally illuminated signs, the lighting fixture shall be mounted above the sign only and the light fixture shielded such that light is directed downward and directly at the sign face only (below the horizontal [plane](#)).

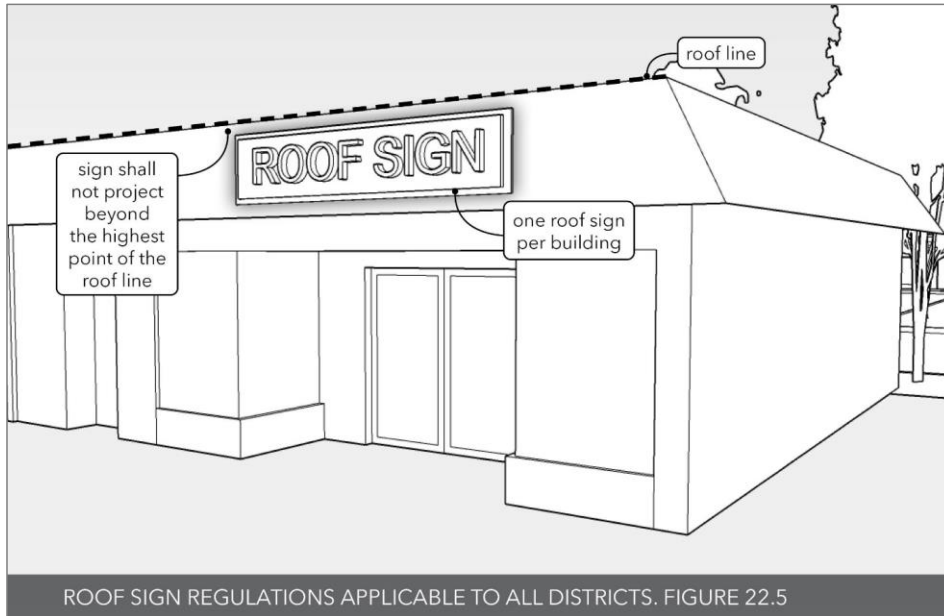
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Externally illuminated signs shall not be directly aimed at adjacent streets, roads, or other properties, [and shall meet all other applicable standards of this zoning ordinance.](#)

- d. **Internal Illumination.** Internally illuminated signs shall adhere to the following parameters:
- i. The sign shall not be illuminated after 11:00 PM or no more than 30 minutes after the close of business, whichever is later.
 - ii. No sign shall be illuminated prior to 6:00 AM or 30 minutes before the opening of business, whichever is earlier.
 - iii. No internally illuminated sign shall bear a digital image or messages unless it is a sign used by an essential service or public entity.
7. **Projection.** A sign and its supporting mechanism shall not extend beyond any lot lines of the property on which it is located except that in the C-1, Village Center district, projecting signs may project over the public sidewalk.
8. **Roof Signs.**
- a. A roof sign shall not project or extend beyond or above the highest point of the roof line.
 - b. Only one roof sign shall be permitted per building.
 - c. The size of a roof sign shall not exceed ten percent of the building frontage [area or the area occupied by an individual business within a multi-tenant building.](#)
 - d. Lighting for roof signs shall comply with Section 22.04.6.
 - e. A roof sign may consist of painting on the surface of a roof or a sign that is composed of roofing materials or other materials affixed parallel to the roof surface.

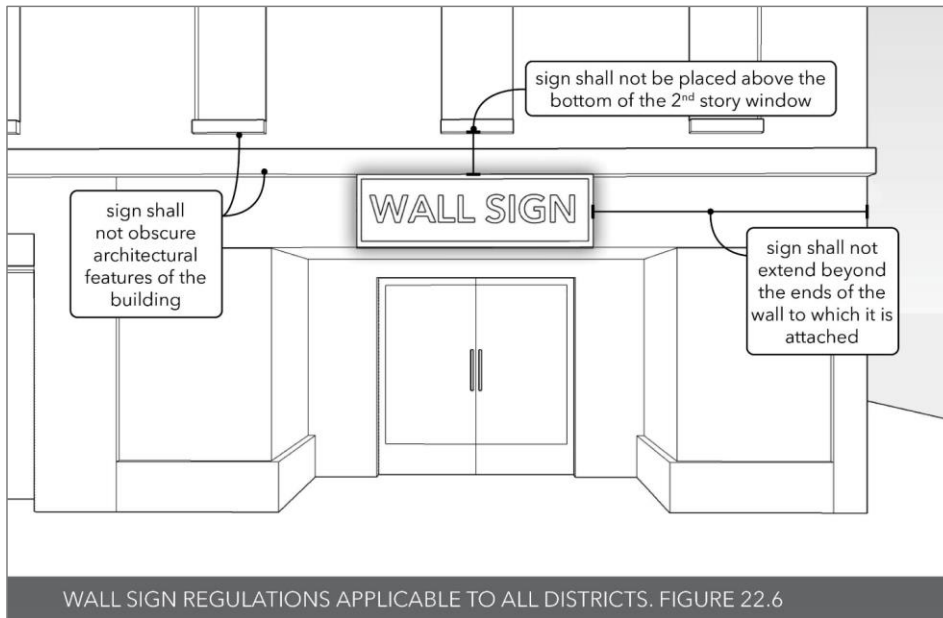
Commented [AT4]: Are there any business open 24 hours?

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9. **Reader Boards.** Wall and freestanding signs may include manual reader boards subject to the following regulations:
- The reader board portion of the sign shall not consist of more than 50% of the total permitted sign copy area.
 - Electronic or digital reader boards are prohibited in all districts and in all sign forms, with the exception of allowances for essential services and public entities.
 - Temporary manual reader boards are permitted in accordance with Section 22.15.e. and are permitted subject to the issuance of a zoning compliance permit.
10. **Wall Signs:**
- Wall signs shall not obscure architectural features of the building including, but not limited to windows, arches, sills, moldings, cornices, and transoms.
 - Wall signs shall not extend above the lowest point of the roof, nor beyond the ends of the wall to which it is attached.
 - A wall sign shall not be placed above nor shall any part of the sign extend above the bottom of the ~~second~~-second-story window of a multi-story building.

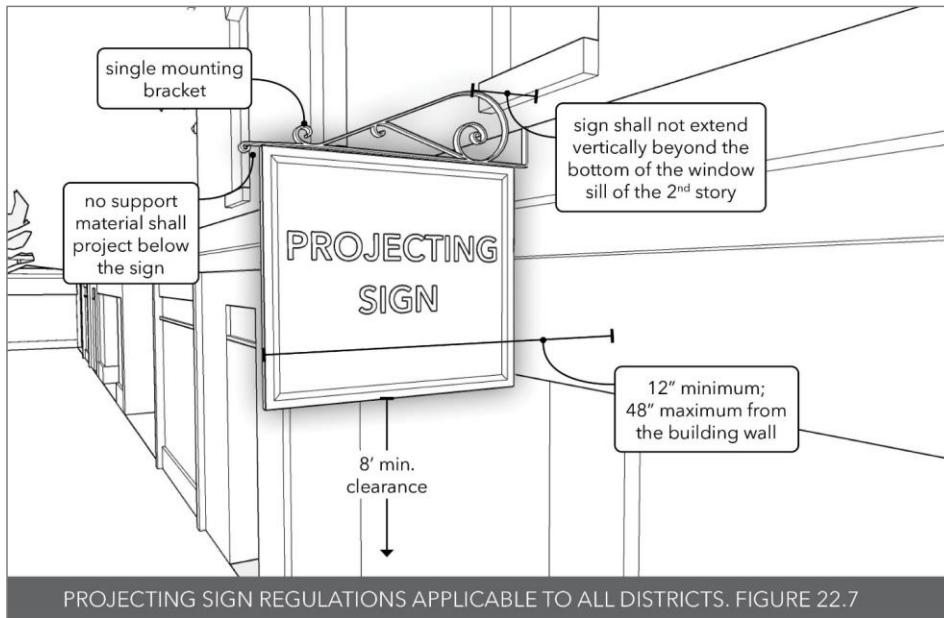
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11. Projecting Signs:

- b. Projecting signs shall not extend vertically beyond the bottom of the window sill of the second story.
- c. The sign shall maintain a minimum clearance from the ground of eight (8) feet.
- d. The sign shall be mounted to the building by a single mounting bracket (support chains shall be prohibited) and no support material shall project below the sign.
- e. Projecting signs shall not be internally lit. - External illumination~~lighting~~ is permitted but the source of illumination shall not cause a-glare, and shall comply with Section 22.05.6.

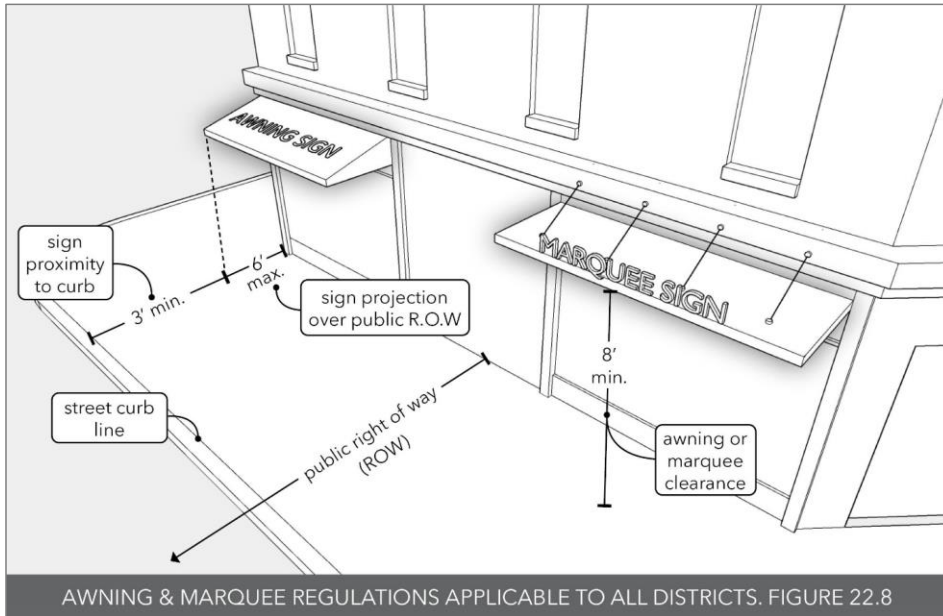
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12. **Awning and Marquee Signs:**

- a. Such signs shall not project more than six (6) feet into the public right-of-way, nor be closer than three (3) feet to any street curb line.
- b. The awning or marquee to which the sign is attached shall maintain a minimum clearance from the ground of eight (8) feet.

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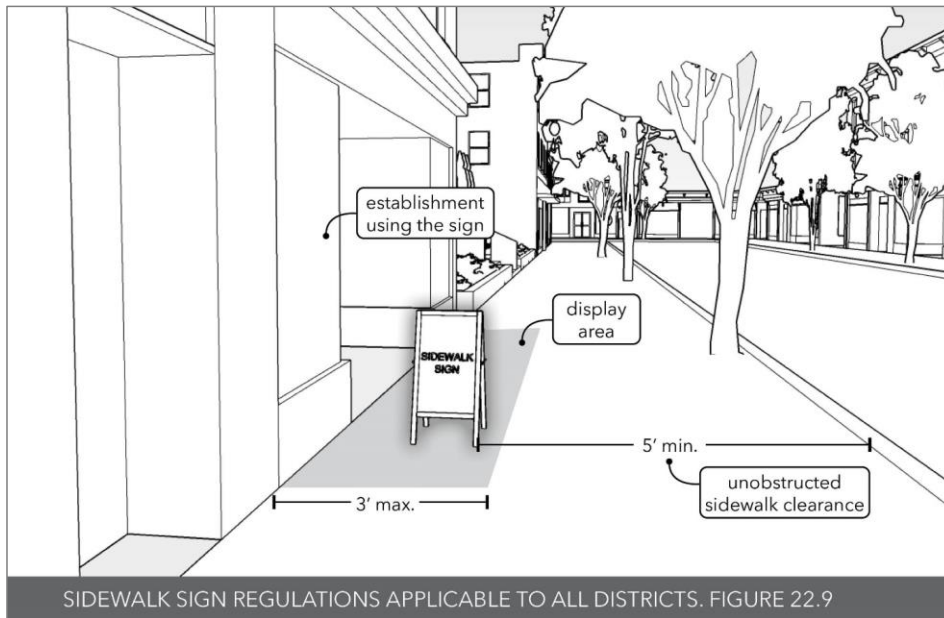


13. Sidewalk Signs:

- a. Sidewalk signs shall only be permitted on property zoned C-1, Village Center or PUD, Planned Unit Development if the PUD-zoned property is located within the boundaries of the DDA.
- b. The sign shall be placed in front of the establishment that is using the sign.
- c. A minimum of five feet of unobstructed sidewalk clearance must remain on the sidewalk at all times.
- d. A display area adjacent to and not extending further than 36 inches from the front wall of the building may contain a sidewalk sign. However, five (5) feet of unobstructed sidewalk clearance must be maintained between the sign and the edge of the street or roadway.
- e. The sign shall not be placed in a way that obstructs pedestrian circulation, interferes with the opening of doors of parked vehicles, or snow removal operations.
- f. Such signs shall be properly maintained and not allowed to become unsightly.
- g. Such signs shall only be in place during hours of operation of the establishment.

Commented [AT5]: These are used by establishments along Blue Star. Do you want to allow them there as well?

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14. Pole Signs.

- a. Pole signs are permitted exclusively on lots that have frontage on Blue Star Highway.
- b. For developments containing multi-tenant buildings or business parks, one pole sign representing individual businesses with Blue Star Highway frontage may be increased by 25% of the area permitted in that zoning district.
- c. The height of a pole sign shall not exceed 25 feet in height in any district, measured in accordance with Figure 22.3.

Commented [AT6]: Previously 50%. This makes for a very large sign.

15. Temporary Signs. Temporary signs as defined in Section 22.03 are permitted in all zoning districts, subject to the following restrictions:

- a. Sidewalk signs shall not be deemed temporary signs
- b. All temporary signs shall be subject to the prohibitions outlined in Section 22.06.
- c. Up to four (4) wire framed signs are permitted per parcel, and shall not be subject to the requirements of Section 23.03, Permit Procedures and Regulations.
- d. Up to two (2) feather signs are permitted on non-residential parcels and parcels within the C-2 and L-I zoning districts, and are not subject to the requirements of Section 23.03, Permit Procedures and Regulations.
- e. The following regulations shall apply to temporary manual reader boards and temporary banner signs:

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- i. Temporary banners and manual reader boards are not permitted in residential districts.
- ii. One (1) temporary banner sign shall be permitted on non-residential parcels within the C-1, C-2 and L-I, and PUD zoning districts.
- iii. One (1) temporary manual reader board shall be permitted on non-residential parcels within the C-2, PUD, and L-I zoning districts.
- iv. A parcel located in the C-2, PUD, or L-I zoning districts shall not have both a temporary banner sign and a temporary manual reader board during the same period of time.
- v. A temporary sign permit is required for any proposed temporary banner sign or temporary manual reader board signs. —An application for a temporary sign permit shall be submitted to the Zoning Administrator that contains, at minimum, the following information, and is subject to the following procedures:
 1. A site plan that contains the proposed location of the temporary manual reader board or temporary banner.
 2. A stated period of time that the temporary manual reader board or temporary banner sign is proposed to be erected, not to exceed 14 days total.
 3. The applicant shall submit a deposit in the amount of \$50, to be reimbursed after the temporary manual reader board is removed in accordance with the dates indicated on the application.
 4. The \$50 deposit shall be forfeited if the sign has not been removed by the 15th day.

Section 22.06 Prohibitions

The following forms, conditions, and actions are prohibited as it pertains to signs in the City of Douglas.

1. **Inflatable Signs.** Inflatable or balloon signs (“air dancers”) are not permitted in any district at any time.
2. **Unsafe Signs.** Any sign which is structurally or electrically unsafe, consistent with the City’s adopted codes. —The procedure outlined in section 22.05.4 shall be followed in notifying a property owner of their responsibility to repair or remove an unsafe sign.
3. **Consent Required.** Any sign erected on any property, public or private, without the consent of the property owner, shall be prohibited.
4. **Human Signs.** Signs held by a person shall not be permitted at any time in any district, except as part of a protest, parade, or other types of events.
5. **Motion.** A sign shall not contain parts or display images that flash or blink, nor shall any sign contain moving parts.

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6. **Prohibition in Right of Way.** Signs shall not be placed in, upon or over any public right-of-way, private road easement, alley, or other place, except as may be otherwise permitted by this ordinance.
7. **Prohibition on Utility Poles.** A utility pole, light pole or other similar supporting member shall not be used for the placement of any sign unless specifically designed and approved for such use.
8. **Obstructions Prohibited.** A sign shall not be erected in any place where it may, by reason of its position, shape, color, or other characteristics, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or constitute a nuisance per se. ~~Additionally, no sign shall obstruct the 20' clear vision zone at intersections as illustrated in Sections 18.1 through 18.4.~~
9. **Sparks and Flames.** No sign shall incorporate any type of spark or flame.
10. **Blighted Signs Prohibited.** Any sign which, in the opinion of the Zoning Administrator, has deteriorated due to structural damage, unshielded lights, exposed electrical wiring, cracked or broken ~~sign illumination~~ cabinet, significant rust or other deterioration of materials, and peeling or flaking paint. ~~The procedure outlined in section 22.05.4 shall be followed in notifying a property owner of their responsibility to repair or remove an unsafe sign.~~
11. **Vehicle Signs.** Stationery ~~or moving~~ vehicle signs ~~as depicted in Figure 22.8,~~ which contain a fixed display that is either digital or static, ~~when stationery used~~ for the purpose of on or off-premise display of messages, shall be prohibited in all zoning districts.

Section 22.07 Signs in Residential Districts:

In addition to other regulations provided herein, signs associated with residential and non-residential uses in residential zoning districts, and residential uses in non-residential districts are subject to the following:

A. Signs Permitted in Residential Districts, R-1, R-2, R-3, R-4, R-5, R-6, or other districts that contain a residential or mixed-use (with the exception of PUD districts):						
Form		Maximum Number	Maximum Area (per sign)	Maximum Height (per sign)	Illumination Permitted	Minimum Setback
Monument	Residential Development/ Subdivision	1	48 sq. ft.	6'	Yes (external only)	15' from any property line
	Short-Term Rental	1	6 sq. ft.	4'	no	5' from any property line

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	Non-Residential Uses	1	48 sq. ft.	6'	Yes	15' from any property line
Wall	Home Occupations	1	2 sq. ft.	N/A	No	N/A
	Short-term Rental Use	1	4 sq. ft.	N/A	No	N/A
	Non-Residential Use	1 per street frontage	Not to exceed 10% of the wall face to which it is affixed	N/A	Yes (external only)	N/A
Temporary Signs		Permitted in accordance with Section 22.05.15				
Electronic Reader Boards (monument signs only)		Permitted for essential services and public entities	Not more than 50% of sign copy area	6	Yes	15' from any property line
Projecting Signs	Short-term Rental Use	1	4 sq. ft.	N/A	No	N/A
	Non-Residential Use	1	8 sq. ft.	N/A	No	N/A
	Home Occupations	1	2 sq. ft.	N/A	No	N/A

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- B. Additional requirements for monument signs in Residential Districts:
1. Monument signs shall be constructed primarily with carved wood, brick, stone, wrought iron, terra cotta, glazed tile, or similar decorative material in order to reflect and enhance the character of the area.
 2. Temporary banner and reader board signs as outlined in Section 22.05.15.e shall be permitted only on lots containing a non-residential use in a residential zoning district. For the purposes of this ordinance, the following uses shall be considered residential:
 - i. A short-term rental shall be considered a residential use.
 - ii. A family day care home as defined in Article 2, Definitions, shall be considered a residential use.
 - iii. Home occupations, major and minor, as defined in Article 2, Definitions, shall be considered a residential use.
 3. Short-term rentals and home occupations shall be allowed one wall sign OR one projecting sign.

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Section 22.08 Signs in the C-1 Village Center District:

In addition to other regulations provided herein, the following shall apply to signs associated with non-residential uses within the C-1, Village Center district:

A. Signs Permitted in the C-1, Village Center District					
Form Permitted	Maximum Number	Illumination Permitted	Minimum Setback	Maximum Area	Maximum Height
Monument	1 per parcel	Yes	None	48 sq. ft.	6'
Temporary Signs	Permitted in accordance with Section 22.05.15				
Projecting	1 per commercial establishment	Yes	N/A	10 sq. ft.	N/A
Sidewalk	1 per commercial establishment	No	Must maintain 5' of clearance on sidewalk	8 sq. ft.	6'
Awning, Marquee, Roof, OR Wall	1 per commercial establishment, and each street frontage	Yes	N/A	Not to exceed 10% of wall face of building or tenant space	N/A
Electronic Message Center	1 per essential service or public entity	Yes	None	Not to exceed 50% of total sign copy area within a monument sign only	6'

B. Additional requirements for signs in the C-1, Village Center District:

1. Pole signs are not permitted in the C-1, Village Center District.
2. Way-finding signage and integral signage shall not require a permit, provided [way-way-finding](#) signs are not located in the right of way.

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Section 22.09 Signs in the C-2, General Commercial & L-1, Light Industrial Districts:

In addition to other regulations provided herein, the following shall apply to signs in the C-2 and L-1 zoning districts:

A. Signs Permitted in the C-2, General Commercial and L-1, Light Industrial Districts.					
Form Permitted	Maximum Number	Illumination Permitted	Minimum Setback	Maximum Area	Maximum Height
Monument Sign	1 per parcel	Yes	15' from any property line	48 sq. ft.	6'
Temporary Signs	Permitted in accordance with Section 22.05.15				
Projecting	1 per establishment	No	N/A	10 sq. ft.	N/A
Awning, Marquee, roof, OR Wall Sign	1 per commercial establishment and each street frontage	Yes	N/A	Not to exceed 10% of wall face of building or tenant space	N/A
Pole Sign	1 per parcel with frontage on Blue Star Highway	Yes	45' to the center line of Blue Star Highway. 5' from any other property line	48 sq. ft. for single establishment 60 sq. ft. for lots with more than one establishment	25'
Billboards Off-Premise Billboard Sign	Permitted in accordance with Section 22.10				

B. Additional requirements for signs in the C-2 and Industrial districts:

- Way-finding signage and integral signage shall not require a permit, provided way-finding signs are not located in the right of way.
- Sidewalk signs are not permitted in the C-2 and L-1 districts.

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Section 22.10 Billboards.

~~New billboards shall not be erected within the City limits after the effective date of this ordinance. Any existing billboards shall be permitted to continue for the life of the billboard. Billboards may be permitted only by the Planning Commission following review according to the Special Use Permit process in Article 26 of the City of the Village of Douglas Zoning Ordinance. Billboards shall comply with the following requirements and restrictions:~~

- ~~a. Billboards shall be prohibited, except on those parcels zoned for C-2 or L-1 that lie directly adjacent to the I-196 Expressway.~~
- ~~b. Billboards shall not block any permitted on-premises sign.~~
- ~~c. Size and spacing requirements:

 - ~~i. There shall be not more than one (1) billboard per linear mile of I-196, regardless of the fact that such off-premise sign may be located on different sides of the subject highway or outside of the City limits.~~
 - ~~ii. The sign copy area of an billboard panel shall not exceed 14 feet in height and 48 feet in width.~~
 - ~~iii. The height of an billboard shall not exceed 35' as measured from the preexisting grade at the base of the sign to the top of the sign panel.~~
 - ~~iv. The setback from any billboard shall not exceed 20' from the interstate right of way, as measured from the closest point or edge of the sign copy area.~~~~
- ~~d. V type structures shall be considered two (2) billboard and a double faced (back to back) structure shall be considered one (1) billboard sign.~~
- ~~e. Billboard shall be adequately maintained. Such maintenance shall include proper alignment of structure, continued readability of structure, and preservation of structure with paint or other surface finishing material. Notice shall be issued to owners of billboard in disrepair in accordance with Section 22.05.5.~~
- ~~f. The off-premise sign must be constructed in accordance with applicable building codes.~~
- ~~g. Illumination of billboard shall be in accordance with Section 22.05.6.a, b, and c, and shall not be permitted to be internally lit, digital, or contain electronic messaging of any form.~~

Section 22.11 Nonconforming Signs:

It is the intent of this Section to permit the continuance of the lawful use of any sign that does not conform with the provisions of this ordinance with regard to size, number, height, form, illumination or location. All lawful nonconforming signs shall be subject to the following regulations:

- 1. Nonconforming Status:** All signs which have been lawfully erected or are lawfully in place on the effective date of this Article, but which do not comply with the provisions of this Article shall be deemed nonconforming.

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- 2. Structural Changes:** Structural supports, framing mechanisms, or other parts of any nonconforming sign shall not be changed, altered, substituted, or enlarged unless the result of the structural change conforms with the provisions of this article. Removal of the structural support mechanisms will result in loss of nonconforming rights associated with the sign.
- 3. Repairs and Refacing:** Nonconforming signs may undergo repairs and alterations resulting in the change of the sign copy areas that do not alter the sign by way of structural changes as described in part 1 of this section. Repairs may include, but are not limited to:

 - a. Refacing that is typically associated with rebranding, change in ownership or replacement of sign copy area due to damage.
 - b. Painting.
 - c. Resurfacing.
 - d. Upgrading of electrical wiring or illuminating mechanisms.
 - e. Addition of an electronic message center, not exceeding 50% of the sign copy area, as permitted for essential services and public entity uses only.
 - f. Routine maintenance.
 - g. Any other repair or upgrade determined by the Zoning Administrator not to be a structural change.
- 4. Replacement.** If a nonconforming sign is damaged to the point of needing structural repairs, it may not be reconstructed, or replaced except with a sign that conforms to with all the provisions of this Article.
- 5. Revocable Sign License Agreements.** Existing nonconforming signs which are lawfully located within the right of way (within the area measuring 33' from the center of Blue Star Highway toward the subject property), shall enter into a revocable sign license agreement with the City and pay associated annual fee.

**CITY OF THE VILLAGE OF DOUGLAS
ALLEGAN COUNTY, MICHIGAN
ORDINANCE NO. _____**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE
CITY OF THE VILLAGE OF DOUGLAS, ALLEGAN COUNTY, MICHIGAN**

An ordinance to amend the City of the Village of Douglas Zoning Ordinance, Ordinance No. 02-2009, as amended; to create Article 22: Sign Regulations; to repeal and replace Ordinance No. 111-D, and to repeal all ordinances or parts of ordinances in conflict therewith.

THE CITY OF THE VILLAGE OF DOUGLAS HEREBY ORDAINS:

SECTION 1. Amendment to the Table of Contents. Table of Contents (pages i-vi) of Ordinance No. 02-2009 is hereby amended to add the title of Article 22, Sign Regulations, which shall read as follows:

- Article 22: Sign Regulations
 - Section 22.01 – Applicability
 - Section 22.02 – Intent
 - Section 22.03 – Definitions
 - Section 22.04 – Sign Permit Procedures
 - Section 22.05 – General Provisions for Signs in All Districts
 - Section 22.06 – Prohibitions
 - Section 22.07 – Signs in Residential Districts
 - Section 22.08 – Signs in C-1, Village Center District
 - Section 22.09 – Signs in C-2, General Commercial and L-1, Light Industrial Districts
 - Section 22.10 – Oversized Off-Premise Signs
 - Section 22.11 – Nonconforming Signs

Page numbers to the remainder of the document shall continue in sequence following the last page of Article 22.

SECTION 2. Amendment to Article 22 [Reserved for Future Use]. Article 22 of Ordinance No. 02-2009 is hereby amended to add the title of the Article and Sections 22.01-22.11 of Article 22, Sign Regulations, which shall read as follows:

**ARTICLE 22
SIGN REGULATIONS**

Section 22.01 Applicability

This article applies to all persons, firms, partnerships, associations, and corporations owning, occupying, or having control or management of any premises located within the City of the Village of Douglas.

Section 22.02 Intent

The intent of this article is to provide regulatory parameters for the location and method of display of signs in the City in a manner consistent with the following purposes:

- A. To protect and further the health, safety, and welfare of the City's residents, property owners,

- and visitors.
- B. To prevent traffic hazards and pedestrian accidents caused by signs that obstruct vision, distract or confuse drivers, or are improperly secured or constructed.
 - C. To conserve and enhance community character.
 - D. To promote uniformity in the size, number, or placement of signs within districts.
 - E. To promote the economic viability of commercial areas by minimizing visual clutter and allowing for proper placement of signs to safely direct motorists to their destination.
 - F. To balance the public's right to be informed and its desire to avoid visual pollution and hazardous conditions with the rights of businesses and other non-business uses to communicate.
 - G. To allow for the reasonable continuance of the use of nonconforming signs.
 - H. It is further recognized that special circumstances or events may create a need for portable signage for a limited and reasonable period of time.
 - I. The purpose of this article does not include the regulation of the content or any information included on the sign.
 - J. The regulations and standards of this chapter are considered the minimum amount of regulation necessary to achieve a substantial government interest for public safety, aesthetics, and protection of property values.

Section 22.03 Definitions

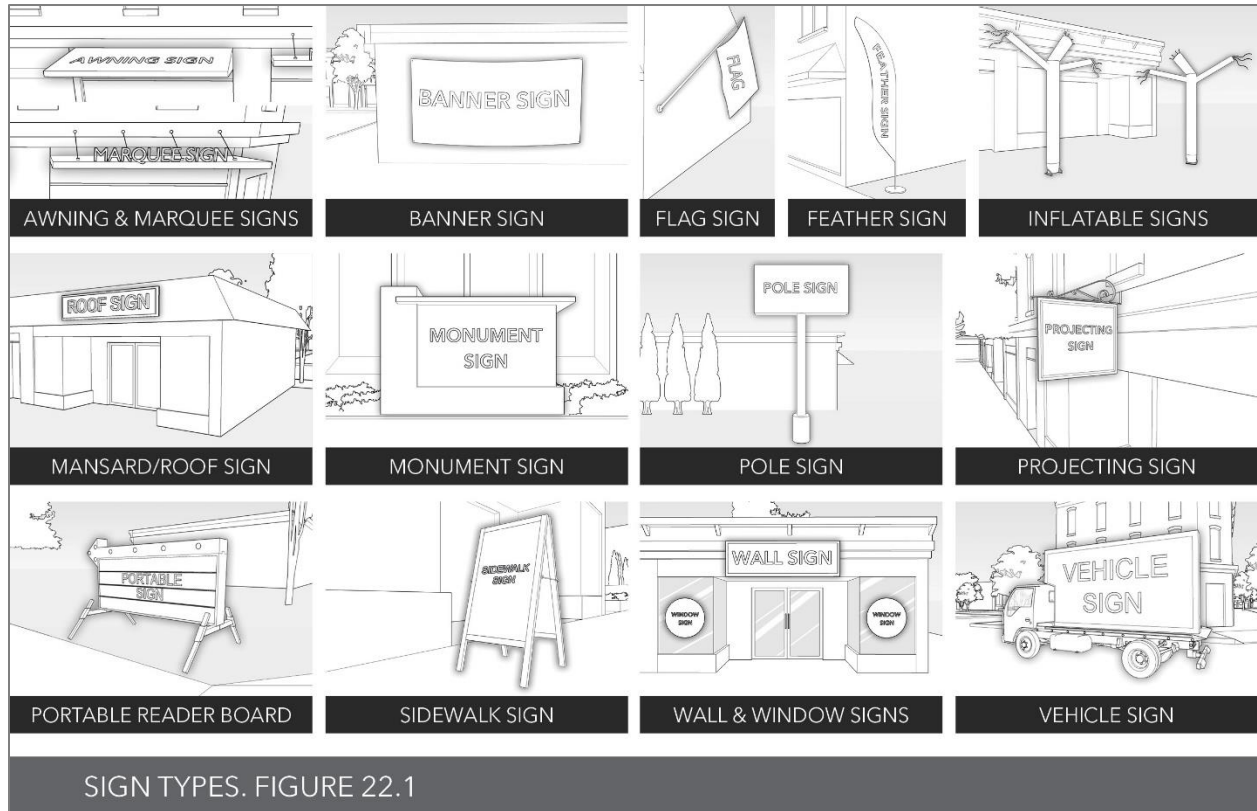
For purposes of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1. **Abandoned sign.** A sign for which no legal owner can be found; or a sign that is dilapidated, has fallen into disrepair or otherwise exhibits characteristics of abandonment in the opinion of the Zoning Administrator.
2. **Architectural Feature.** An integral element of a building that does not contain any discernable commercial message.
3. **Ancillary Sign.** A sign separate from and subordinate in area to the principal sign, identifying generic services, goods, menus, hours of operation, but not including the identification of brand names
4. **Artwork.** Any decorative element that is not integral to a building and does not contain an immediately discernable commercial message or representation.
5. **Awning.** A retractable or fixed shelter constructed of non-rigid materials on a supporting framework that projects from the exterior wall of a building. An awning is the same as a canopy.
6. **Awning sign.** A sign painted on, printed on, or attached flat against the surface of an awning or canopy.
7. **Balloon Sign.** See *inflatable sign*.
8. **Banner Sign.** A sign made from fabric, plastic, vinyl, or other non-rigid material. A banner sign will be defined as one of the following:
 - a. **Banner Sign, Temporary.** A temporary sign made from fabric, plastic, vinyl, or other non-rigid material without an enclosing structural framework attached to or hung from a pole, rope or to a building or structure.

- b. **Banner Sign, Permanent.** Wall signs made exclusively from plastic, vinyl, or other non-rigid materials that are permanently affixed to the wall of a building with fasteners. Permanent banner signs may or may not have a frame surrounding the sign area..
9. **Billboard.** *Billboard* A sign separate from an on-premise sign erected for the purpose of displaying commercial speech, located on private property which abuts an interstate right-of-way and contains over 200 square feet of sign copy area.
10. **Building Frontage.** The area in square feet of a building façade facing a street as viewed from the exterior. In the case of a multi-tenant building, the building frontage shall consist of the area of the frontage of the exterior space occupied by the tenant/occupant.
11. **Digital Sign.** An internally lit sign that contains changing digital images or messages.
12. **Electronic Message Center.** The use of changing lights or video screen(s) to form a sign message or messages in text display form wherein the messages and the rate of change can be modified by an electronic process.
13. **Essential Service.** Uses that are deemed essential such as public schools, public utility companies, and government agencies.
14. **Exempt sign.** A sign that is exempt from either a sign permit or from the provisions of this entire article, as described in Section 22.03.B
15. **External Illumination.** Lights designed to illuminate a sign that are not located within the sign itself.
16. **Feather Sign.** A portable lightweight piece of cloth, fabric, or other similar material in the shape of a feather that is supported by a slender rod or pole driven into the ground.
17. **Festoons.** A string of ribbons, tinsel, flags, pennants, or pinwheels that contains messages or sign copy.
18. **Flag.** A lightweight piece of cloth, fabric, or other similar material that is attached either to a ground-mounted pole used exclusively for the purpose of flag display or attached to a permanent building using a flag pole bracket.
19. **Flashing sign.** A sign that contains a rapidly intermittent or changing light source.
20. **Footcandles.** A unit of illumination on a surface equal to one lumen per square foot, which is used to measure the brightness of a sign containing internal or external illumination or digital signs displayed on a screen.
21. **Freestanding sign.** A sign not attached to a building or wall that is supported by one or more poles or braces, or that rests on the ground or on a foundation resting on the ground.
22. **Government sign.** A sign that is erected or required to be erected by the City of the Village of Douglas, Allegan County, or the state or federal government.
23. **Human sign.** A sign that is held by a person and displayed on or off-site to attract the attention of passing pedestrians and vehicular traffic.

24. **Illegal sign.** A sign that does not meet the requirements of this chapter and that has not received legal nonconforming status.
25. **Inflatable sign.** Any three-dimensional object, including a tethered balloon, capable of being filled with air or gas depicting a character, figure, product, or product trademark, whether or not such object contains a message or lettering, that may or may not have some form of movement.
26. **Integral signs.** Any sign that is integral to site circulation and wayfinding, such as above entrances.
27. **Internal Illumination.** Lights designed to illuminate a sign from the interior of the sign itself.
28. **Mansard Roof.** A sloped roof or roof-like façade that is architecturally comparable to a building wall.
29. **Marquee.** A permanent structure constructed of rigid materials that project from the exterior wall of a building.
30. **Marquee sign.** A sign affixed to the surface of a marquee.
31. **Monument sign.** A freestanding sign supported by a base that rests directly on the ground, or by other supports which elevate the sign, where the width of the supporting mechanism is at least 50 percent of the width of the sign copy area.
32. **Non-conforming sign.** Any permanent sign that has been erected prior to the adoption of this Article that does not comply with the provisions of this Article with regard to form, size, quantity, location, illumination, etc. as contained herein.
33. **Painted wall sign.** A sign that is applied with paint or a similar substance on the face of a wall or the roof of a building.
34. **Pole sign.** A free-standing sign that is supported by a single structure, pole, or brace that is less than 50 percent of the width of the sign.
35. **Pennant.** A flag or cloth that tapers to a point.
36. **Projecting sign.** A sign attached to a building or wall that extends perpendicularly more than 12 inches but not more than 48 inches from the face of the building or wall.
37. **Reader board sign.** One of the following:
 - a. **Manual reader board.** A sign on which the letters or pictorials are changed manually or;
 - b. **Electronic reader board.** A sign with a fixed or changing display or message composed of a series of internal lights or digital images and text that may be changed through electronic means.
 - c. **Portable reader board.** A sign where, by its nature may be or is intended to be easily moved from one location to another, typically a sign supported on a metal chassis and may include copy that can be changed manually through the use of attachable characters, but not including sidewalk signs, banners, etc.

38. **Multi-vision sign.** Any sign composed in whole or in part of a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different image or images.
39. **Roofline.** The top of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.
40. **Roof sign.** A sign that is attached to or is placed on the roof of a building.
41. **Rotating sign.** A sign in which the sign itself or any portion of the sign moves in a revolving or similar manner. Such motion does not refer to methods of the changeable copy.
42. **Sidewalk sign.** An A-frame sign that is portable and designed to be placed on the sidewalk in front of the use it advertises. Also commonly called a “*sandwich board sign*.”
43. **Sign.** A device, structure, fixture, figure, or placard that may or may not use graphics, symbols, emblems, numbers, lights and/or written copy to communicate information of any kind to the public. House numbers, addresses, and name plates not exceeding two square feet shall not be considered signs.
44. **Permanent sign.** A sign installed on a support structure, not intended to be moved or removed, but to remain for an indefinite period of time.
45. **Temporary sign.** A sign installed for a limited period of time intended to be removed within a time period as specified herein. Examples of temporary signs include, but are not limited to, wire-framed signs, banners, feather flags, balloon signs/air dancers and signs with wooden or metal supports that are placed into the ground, without a permanent foundation. Temporary signs are not designed to withstand wind and snow loads as prescribed by the Michigan Building Code.
46. **Snipe sign.** A sign that is attached to a utility pole, tree, fence, or to any object located or situated on public property, or private property without permission.
47. **Streamers.** A long, narrow strip of material used as a decoration or symbol.
48. **Wall sign.** A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than 12 inches from the exterior face of a wall to which it is attached.
49. **Window sign.** A sign installed on or inside a window and intended to be viewed from the outside.
50. **Vehicle sign.** A sign painted on, incorporated in, or attached directly to any mode of transportation, including but not limited to automobiles, trucks, buses, boats, trailers, semi-trailers or airplanes.
51. **Wireframe sign.** A temporary sign made of corrugated plastic, vinyl, cardboard, poster board or similar material that is supported by or attached to a metal frame.



Section 22.04 Sign Permit Procedures

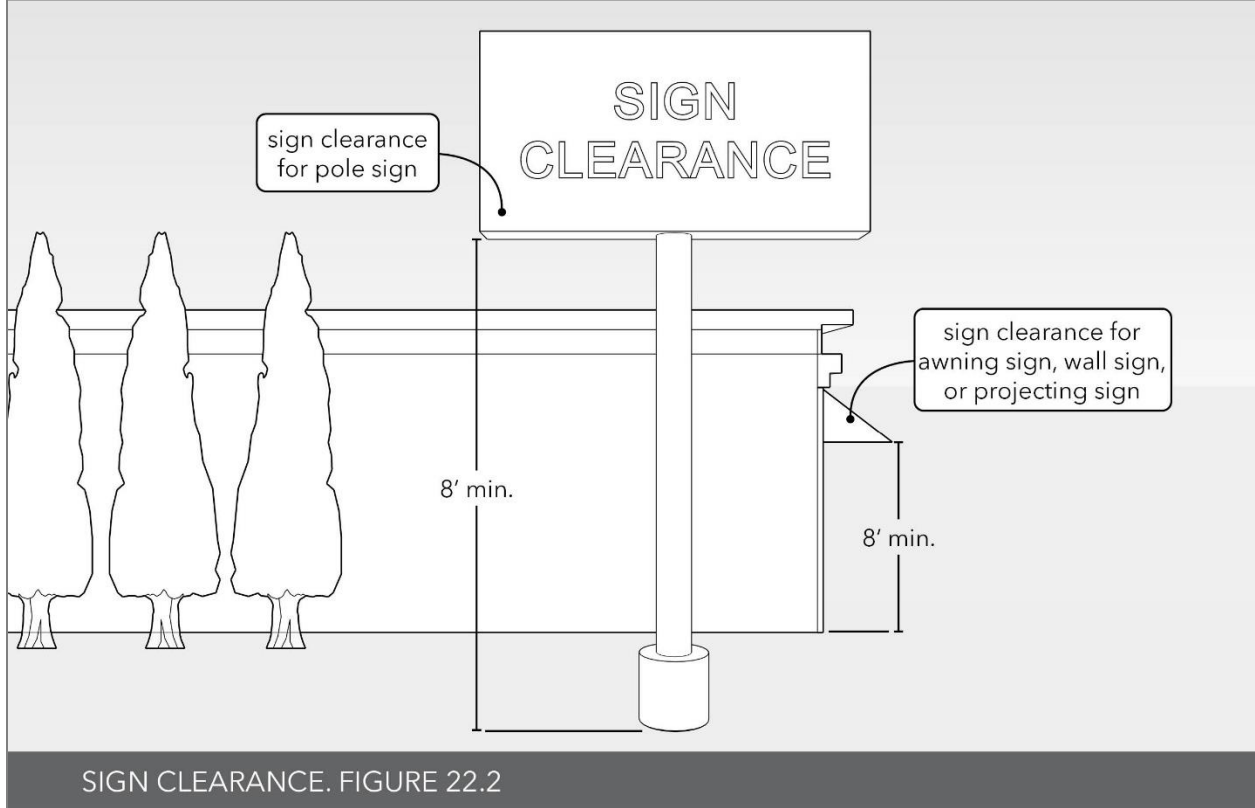
- A. Permit Required.** Prior to the commencement of the erection, alteration or structural change to a sign or other advertising structure, with the exception of the signs listed in Section 22.04.B and identified as “exempt”, a zoning permit must be obtained in accordance with the process set forth in Section 23.03, Permit Procedures and Regulations.
- B. Exempt Signs.** The following signs shall not require a permit but shall be subject to all other applicable regulations of this article.
1. Government signs, including wayfinding, identification, traffic control and light pole banner signs.
 2. Signs with an area of less than two square foot.
 3. Traffic control signs approved and established by state, county or local units of government.
 4. Internal site traffic circulation and wayfinding signs on private property.
 5. Window signs, provided no flashing lights are used in conjunction with the window sign.
 6. Flags and flagpoles, provided no more than 3 flag poles are erected at a height not to exceed 35’.
 7. Temporary signs as regulated in 22.05.15.

Section 22.05 General Provisions for Signs in All Districts

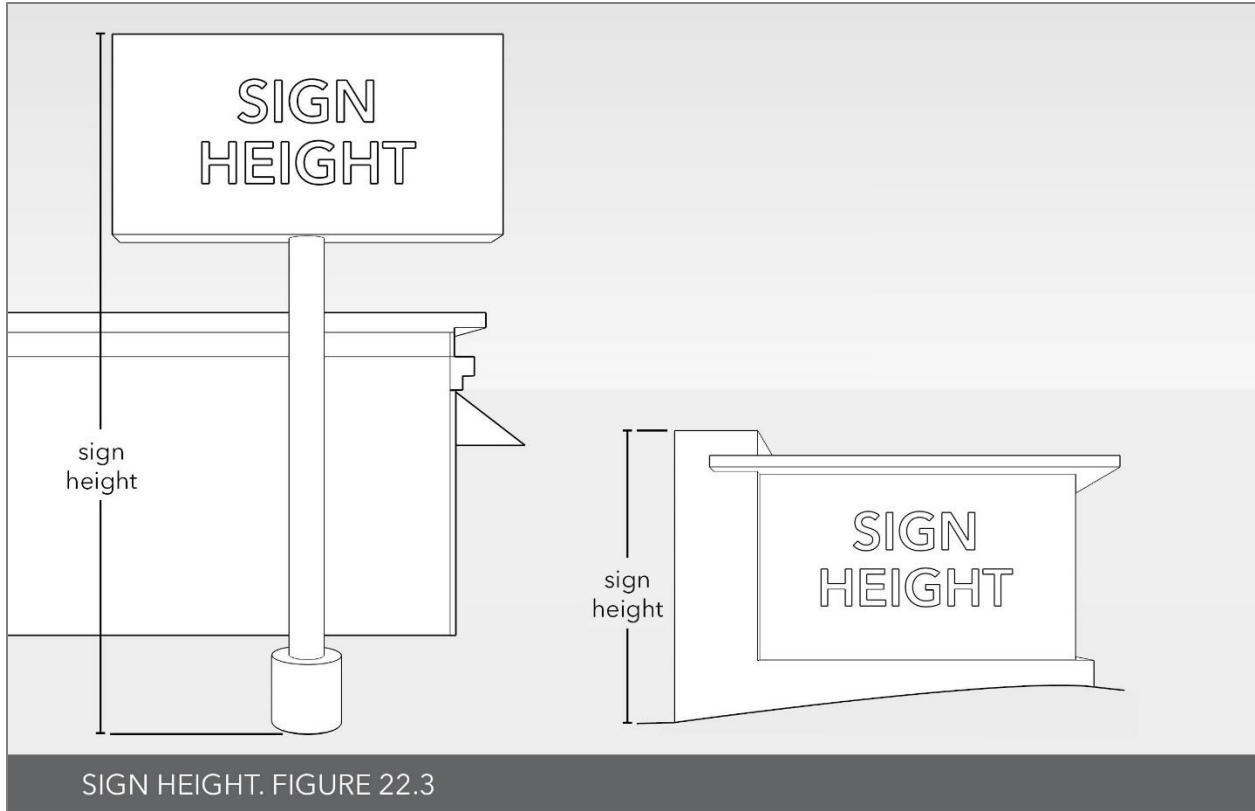
The following regulations are applicable to signs in all zoning districts:

1. **Vertical Clearance.** Any pole sign, awning sign, marquee sign, and projecting sign shall

maintain a minimum vertical clearance of eight feet from the bottom of the sign to the ground directly beneath the sign.

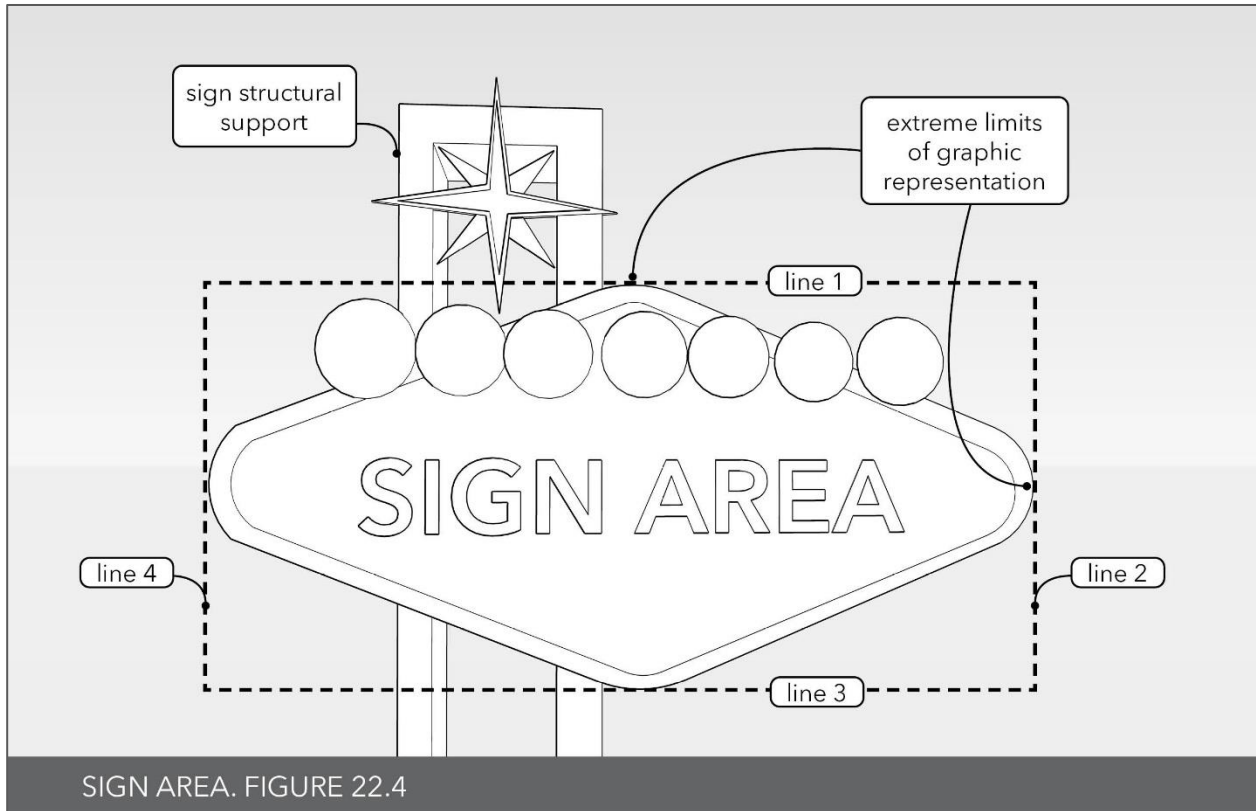


2. **Vehicle Signs.** Vehicles that bear signs (see Figure 22.1) may be parked on-site provided they are located in such a manner that they do not function as signs as prohibited by Section 22.06 of this Article.
3. **Sign Measurement.** Except where otherwise expressly provided for in this article, sign copy area and heights of signs shall be measured in accordance with the requirements below, and per the illustration shown in Figure 22.3:
 - a. The height of a freestanding sign shall be measured as the vertical distance from the highest point on the sign to the grade of the surface on which the sign is erected. The height measurement for a ground-mounted monument sign includes the height of the base or support structure on which it is fixed.



SIGN HEIGHT. FIGURE 22.3

- b. The sign copy area shall be measured as the area within a single, continuous perimeter composed of four straight lines which enclose the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame, architectural feature or other material or color-forming part of the display or used to differentiate the sign from the background against which it is placed. See Figure 22.4.
- c. The area of a freestanding sign that has two or more faces shall be measured by including the area of all sign faces. However, if two such faces are placed back-to-back and are no more than two feet apart at any point, the area of the two back-to-back faces shall be counted as one face with the larger of the two sign faces to be counted as the relevant sign face for sign area measurement purposes.



4. **Removal or Repair of Signs; Notice.** Any sign and appurtenant structure shall be removed or repaired by the owner within thirty (30) days of receipt of notice from the Zoning Administrator or their designee, stating that the sign is unsafe, not properly maintained, or otherwise does not comply with the requirements of this chapter (excluding properly maintained signs that lawfully retain associated nonconforming rights).
5. **Structural Requirements.** Signs shall be constructed to withstand all wind and vibration forces that normally can be expected to occur in the vicinity, per the applicable building codes.
6. **Sign Illumination.** Signs may be internally or externally illuminated where permitted. The following provisions apply to illuminated signage in the City of Douglas.
 - a. **Glare and Distractions.** All illuminated signs shall not create glare or light trespass onto adjacent properties. Any sign illumination that may cause or otherwise create traffic hazards is prohibited.
 - b. **Electrical Wiring.** All electrical wiring shall be located underground and any associated electrical conduit or piping shall not be exposed to view above ground.
 - c. **External Illumination.** For externally illuminated signs, the lighting fixture shall be mounted above the sign only and the light fixture shielded such that light is directed downward and directly at the sign face only (below the horizontal plane). Externally illuminated signs shall not be directly aimed at adjacent streets, roads, or other properties, and shall meet all other applicable standards of this zoning ordinance.
 - d. **Internal Illumination.** Internally illuminated signs shall adhere to the following parameters:
 - i. The sign shall not be illuminated after 11:00 PM or no more than 30 minutes after the close of business, whichever is later.
 - ii. No sign shall be illuminated prior to 6:00 AM or 30 minutes before the opening

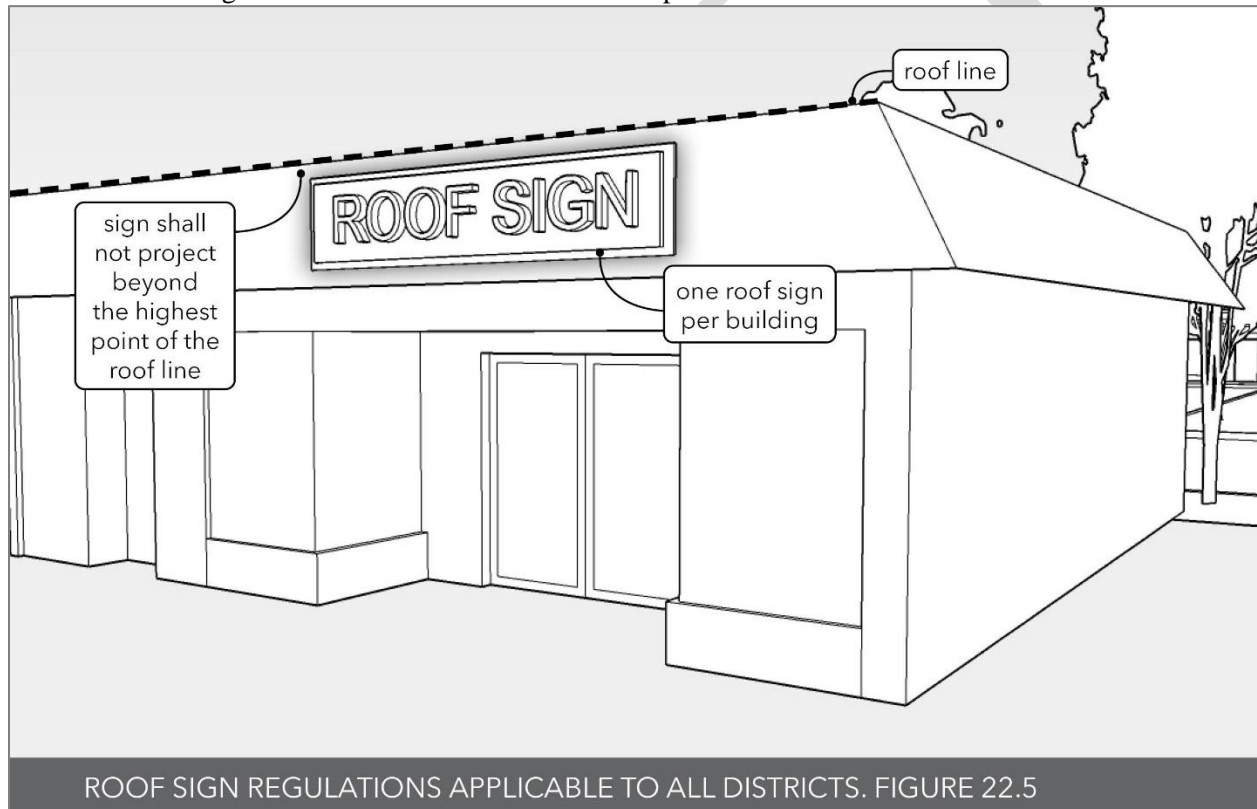
of business, whichever is earlier.

- iii. No internally illuminated sign shall bear a digital image or message unless it is a sign used by an essential service or public entity.

7. **Projection.** A sign and its supporting mechanism shall not extend beyond any lot lines of the property on which it is located except that in the C-1, Village Center district, projecting signs may project over the public sidewalk.

8. **Roof Signs.**

- a. A roof sign shall not project or extend beyond or above the highest point of the roof line.
- b. Only one roof sign shall be permitted per building.
- c. The size of a roof sign shall not exceed ten percent of the building frontage area or the area occupied by an individual business within a multi-tenant building.
- d. Lighting for roof signs shall comply with Section 22.04.6.
- e. A roof sign may consist of painting on the surface of a roof or a sign that is composed of roofing materials or other materials affixed parallel to the roof surface.

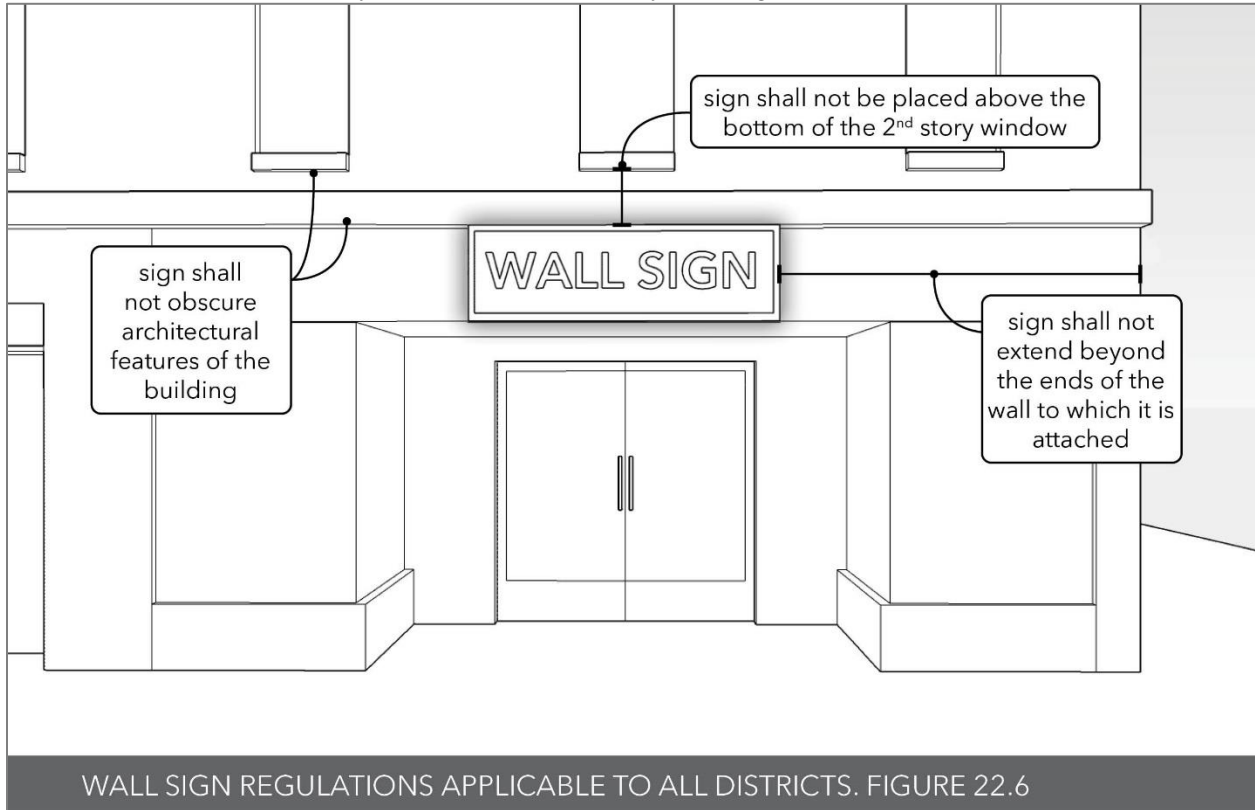


9. **Reader Boards.** Wall and freestanding signs may include manual reader boards subject to the following regulations:

- a. The reader board portion of the sign shall not consist of more than 50% of the total permitted sign copy area.
- b. Electronic or digital reader boards are prohibited in all districts and in all sign forms, with the exception of allowances for essential services and public entities.
- c. Temporary manual reader boards are permitted in accordance with Section 22.15.e. and are permitted subject to the issuance of a zoning compliance permit.

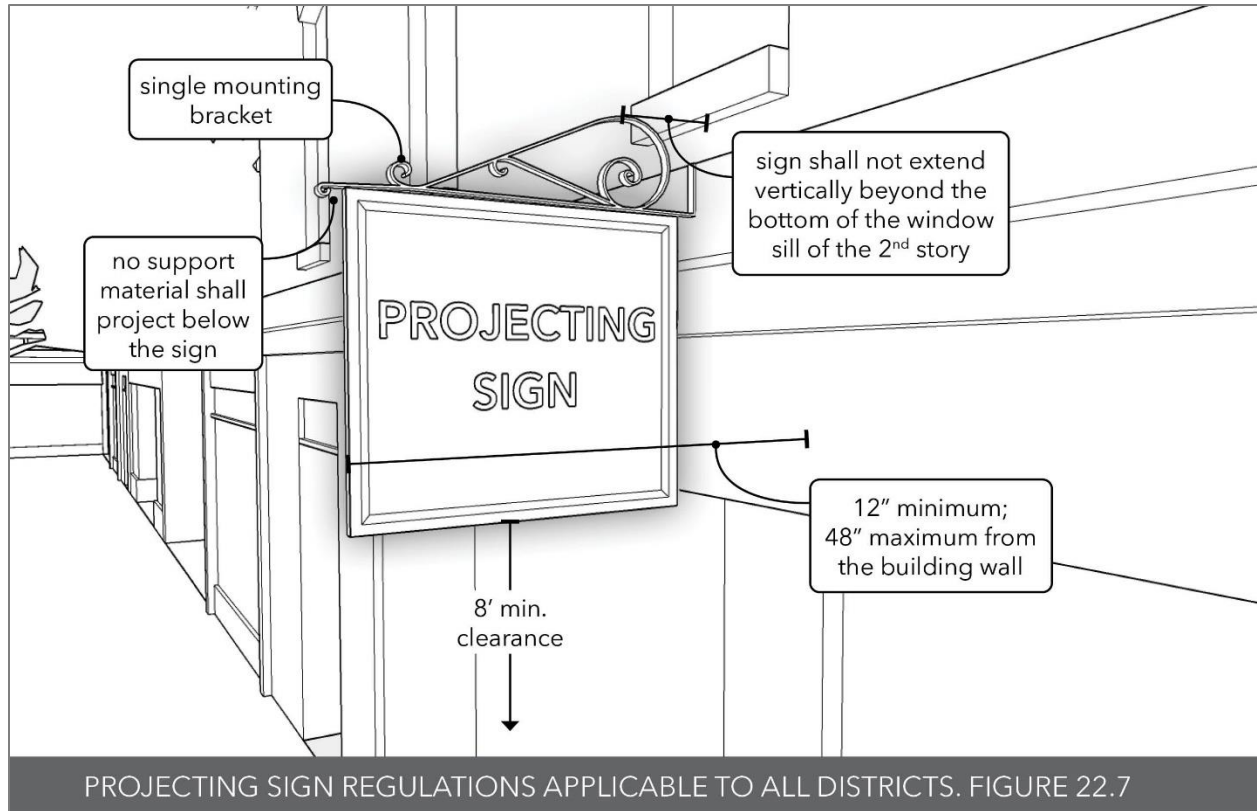
10. Wall Signs:

- a. Wall signs shall not obscure architectural features of the building including, but
- b. not limited to windows, arches, sills, moldings, cornices, and transoms.
- c. Wall signs shall not extend above the lowest point of the roof, nor beyond the ends of the wall to which it is attached.
- d. A wall sign shall not be placed above nor shall any part of the sign extend above the bottom of the second-story window of a multi-story building.



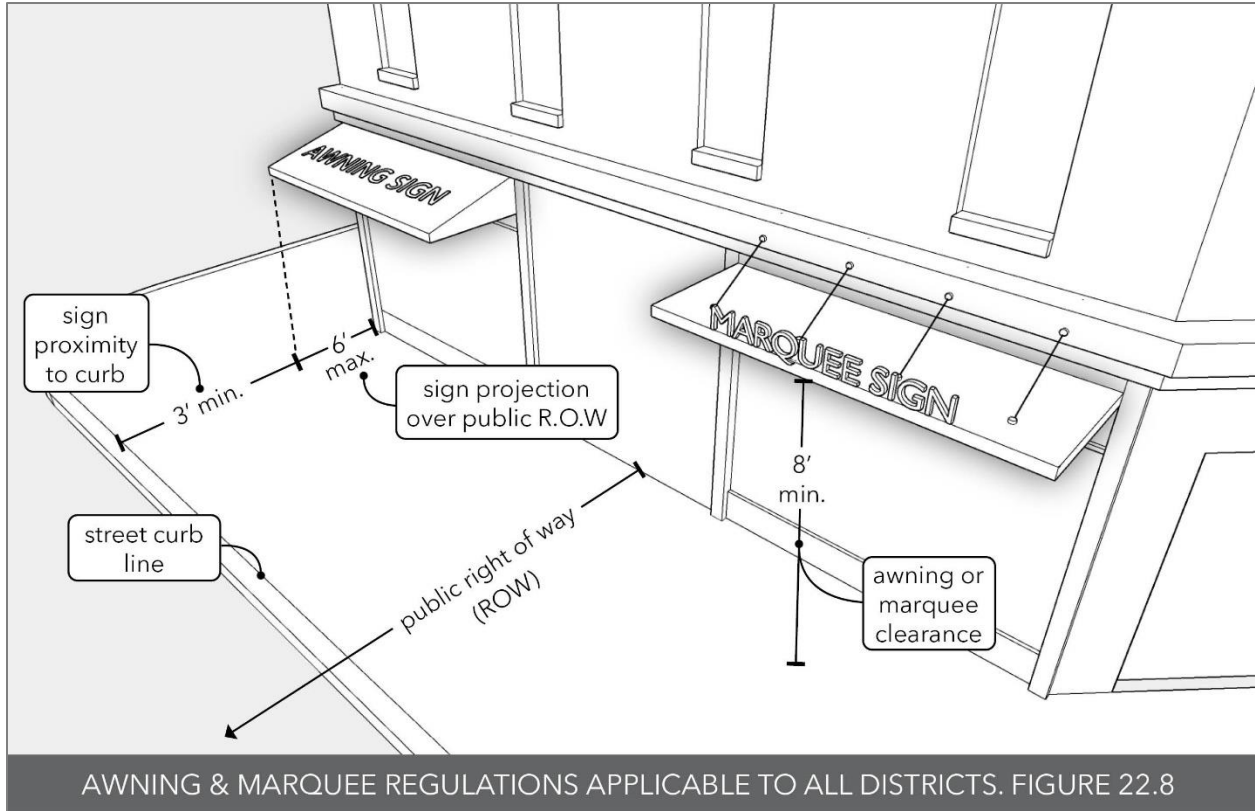
11. Projecting Signs:

- b. Projecting signs shall not extend vertically beyond the bottom of the window sill of the second story.
- c. The sign shall maintain a minimum clearance from the ground of eight (8) feet.
- d. The sign shall be mounted to the building by a single mounting bracket (support chains shall be prohibited) and no support material shall project below the sign.
- e. Projecting signs shall not be internally lit. External illumination is permitted but the source of illumination shall not cause glare and shall comply with Section 22.05.6.



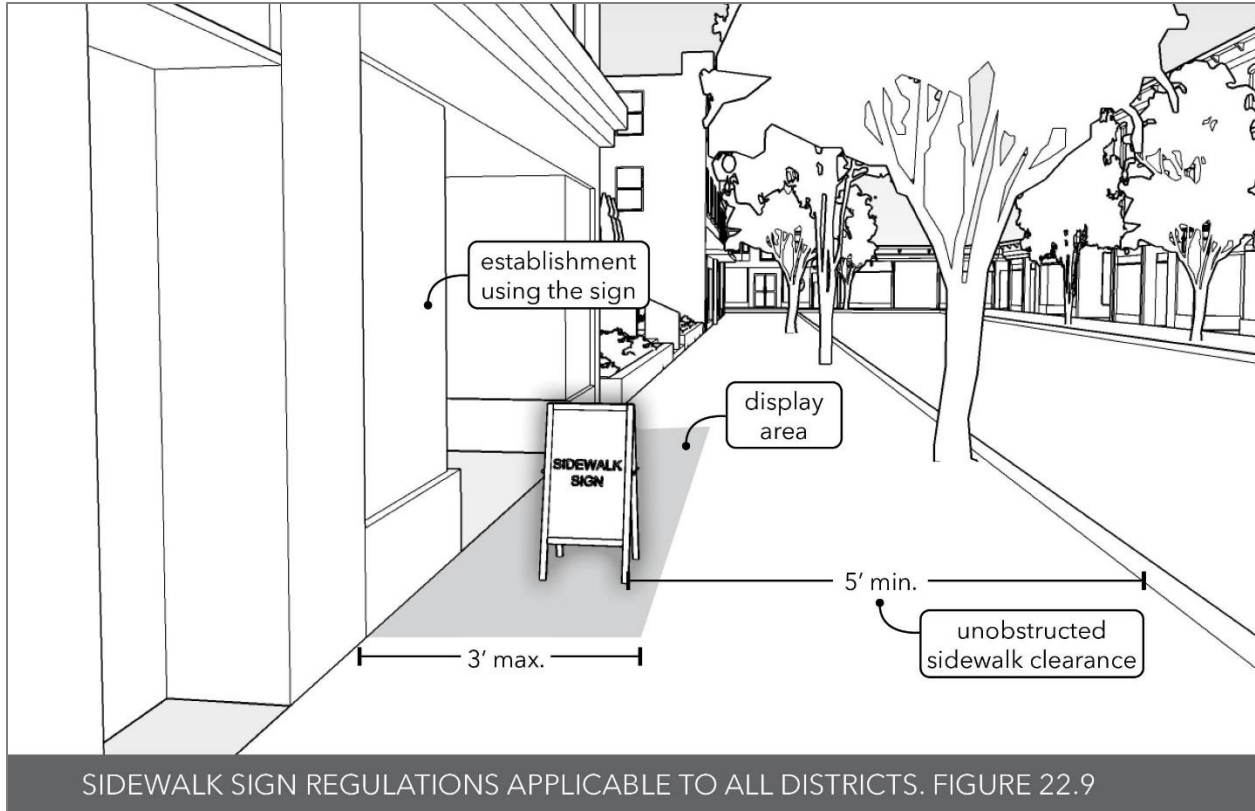
12. Awning and Marquee Signs:

- a. Such signs shall not project more than six (6) feet into the public right-of-way, nor be closer than three (3) feet to any street curb line.
- b. The awning or marquee to which the sign is attached shall maintain a minimum clearance from the ground of eight (8) feet.



13. Sidewalk Signs:

- a. Sidewalk signs shall only be permitted on property zoned C-1, Village Center or PUD, Planned Unit Development if the PUD-zoned property is located within the boundaries of the DDA.
- b. The sign shall be placed in front of the establishment that is using the sign.
- c. A minimum of five feet of unobstructed sidewalk clearance must remain on the sidewalk at all times.
- d. A display area adjacent to and not extending further than 36 inches from the front wall of the building may contain a sidewalk sign. However, five (5) feet of unobstructed sidewalk clearance must be maintained between the sign and the edge of the street or roadway.
- e. The sign shall not be placed in a way that obstructs pedestrian circulation, interferes with the opening of doors of parked vehicles, or snow removal operations.
- f. Such signs shall be properly maintained and not allowed to become unsightly.
- g. Such signs shall only be in place during hours of operation of the establishment.



14. Pole Signs.

- a. Pole signs are permitted exclusively on lots that have frontage on Blue Star Highway.
- b. For developments containing multi-tenant buildings or business parks, one pole sign representing individual businesses with Blue Star Highway frontage may be increased by 25% of the area permitted in that zoning district.
- c. The height of a pole sign shall not exceed 25 feet in height in any district, measured in accordance with Figure 22.3.

15. Temporary Signs.

Temporary signs as defined in Section 22.03 are permitted in all zoning districts, subject to the following restrictions:

- a. Sidewalk signs shall not be deemed temporary signs
- b. All temporary signs shall be subject to the prohibitions outlined in Section 22.06.
- c. Up to four (4) wire framed signs are permitted per parcel, and shall not be subject to the requirements of Section 23.03, Permit Procedures and Regulations.
- d. Up to two (2) feather signs are permitted on non-residential parcels and parcels within the C-2 and L-I zoning districts, and are not subject to the requirements of Section 23.03, Permit Procedures and Regulations.
- e. The following regulations shall apply to temporary manual reader boards and temporary banner signs:
 - i. Temporary banners and manual reader boards are not permitted in residential districts.
 - ii. One (1) temporary banner sign shall be permitted on non-residential parcels within the C-1, C-2 and L-I, and PUD zoning districts.
 - iii. One (1) temporary manual reader board shall be permitted on non-residential parcels within the C-2, PUD, and L-I zoning districts.

- iv. A parcel located in the C-2, PUD, or L-I zoning districts shall not have both a temporary banner sign and a temporary manual reader board during the same period of time.
- v. A temporary sign permit is required for any proposed temporary banner sign or temporary manual reader board signs. An application for a temporary sign permit shall be submitted to the Zoning Administrator that contains, at minimum, the following information, and is subject to the following procedures:
 1. A site plan that contains the proposed location of the temporary manual reader board or temporary banner.
 2. A stated period of time that the temporary manual reader board or temporary banner sign is proposed to be erected, not to exceed 14 days total.
 3. The applicant shall submit a deposit in the amount of \$50, to be reimbursed after the temporary manual reader board is removed in accordance with the dates indicated on the application.
 4. The \$50 deposit shall be forfeited if the sign has not been removed by the 15th day.

Section 22.06 Prohibitions

The following forms, conditions, and actions are prohibited as it pertains to signs in the City of Douglas.

1. **Inflatable Signs.** Inflatable or balloon signs (“air dancers”) are not permitted in any district at any time.
2. **Unsafe Signs.** Any sign which is structurally or electrically unsafe, consistent with the City’s adopted codes. The procedure outlined in section 22.05.4 shall be followed in notifying a property owner of their responsibility to repair or remove an unsafe sign.
3. **Consent Required.** Any sign erected on any property, public or private, without the consent of the property owner, shall be prohibited.
4. **Human Signs.** Signs held by a person shall not be permitted at any time in any district, except as part of a protest, parade, or other types of events.
5. **Motion.** A sign shall not contain parts or display images that flash or blink, nor shall any sign contain moving parts.
6. **Prohibition in Right of Way.** Signs shall not be placed in, upon or over any public right-of-way, private road easement, alley, or other place, except as may be otherwise permitted by this ordinance.
7. **Prohibition on Utility Poles.** A utility pole, light pole or other similar supporting member shall not be used for the placement of any sign unless specifically designed and approved for such use.
8. **Obstructions Prohibited.** A sign shall not be erected in any place where it may, by reason of its position, shape, color, or other characteristics, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or constitute a nuisance per se. Additionally, no sign shall obstruct the 20’ clear vision zone at intersections as illustrated in Sections 18.1 through 18.4.
9. **Sparks and Flames.** No sign shall incorporate any type of spark or flame.

10. **Blighted Signs Prohibited.** Any sign which, in the opinion of the Zoning Administrator, has deteriorated due to structural damage, unshielded lights, exposed electrical wiring, cracked or broken sign cabinet, significant rust or other deterioration of materials, and peeling or flaking paint. The procedure outlined in section 22.05.4 shall be followed in notifying a property owner of their responsibility to repair or remove an unsafe sign.

11. **Vehicle Signs.** Stationery or moving vehicle signs, which contain a fixed display that is either digital or static, used for the purpose of on or off-premise display of messages, shall be prohibited in all zoning districts.

Section 22.07 Signs in Residential Districts:

In addition to other regulations provided herein, signs associated with residential and non-residential uses in residential zoning districts, and residential uses in non-residential districts are subject to the following:

A. Signs Permitted in Residential Districts, R-1, R-2, R-3, R-4, R-5, R-6, or other districts that contain a residential or mixed-use (with the exception of PUD districts):						
Form		Maximum Number	Maximum Area (per sign)	Maximum Height (per sign)	Illumination Permitted	Minimum Setback
Monument	Residential Development / Subdivision	1	48 sq. ft.	6'	Yes (external only)	15' from any property line
	Short-Term Rental	1	6 sq. ft.	4'	no	5' from any property line
	Non-Residential Uses	1	48 sq. ft.	6'	Yes	15' from any property line
Wall	Home Occupations	1	2 sq. ft.	N/A	No	N/A
	Short-term Rental Use	1	4 sq. ft.	N/A	No	N/A
	Non-Residential Use	1 per street frontage	Not to exceed 10% of the wall face to which it is affixed	N/A	Yes (external only)	N/A
Temporary Signs		Permitted in accordance with Section 22.05.15				

Electronic Reader Boards (monument signs only)		Permitted for essential services and public entities	Not more than 50% of sign copy area	6	Yes	15' from any property line
Projecting Signs	Short-term Rental Use	1	4 sq. ft.	N/A	No	N/A
	Non-Residential Use	1	8 sq. ft.	N/A	No	N/A
	Home Occupations	1	2 sq. ft.	N/A	No	N/A

- B. Additional requirements for monument signs in Residential Districts:
1. Monument signs shall be constructed primarily with carved wood, brick, stone, wrought iron, terra cotta, glazed tile, or similar decorative material in order to reflect and enhance the character of the area.
 2. Temporary banner and reader board signs as outlined in Section 22.05.15.e shall be permitted only on lots containing a non-residential use in a residential zoning district. For the purposes of this ordinance, the following uses shall be considered residential:
 - i. A short-term rental shall be considered a residential use.
 - ii. A family day care home as defined in Article 2, Definitions, shall be considered a residential use.
 - iii. Home occupations, major and minor, as defined in Article 2, Definitions, shall be considered a residential use.
 3. Short-term rentals and home occupations shall be allowed one wall sign OR one projecting sign.

Section 22.08 Signs in the C-1 Village Center District:

In addition to other regulations provided herein, the following shall apply to signs associated with non-residential uses within the C-1, Village Center district:

A. Signs Permitted in the C-1, Village Center District					
Form Permitted	Maximum Number	Illumination Permitted	Minimum Setback	Maximum Area	Maximum Height
Monument	1 per parcel	Yes	None	48 sq. ft.	6'
Temporary Signs	Permitted in accordance with Section 22.05.15				

Projecting	1 per commercial establishment	Yes	N/A	10 sq. ft.	N/A
Sidewalk	1 per commercial establishment	No	Must maintain 5' of clearance on sidewalk	8 sq. ft.	6'
Awning, Marquee, Roof, OR Wall	1 per commercial establishment, and each street frontage	Yes	N/A	Not to exceed 10% of wall face of building or tenant space	N/A
Electronic Message Center	1 per essential service or public entity	Yes	None	Not to exceed 50% of total sign copy area within a monument sign only	6'

B. Additional requirements for signs in the C-1, Village Center District:

1. Pole signs are not permitted in the C-1, Village Center District.
2. Way-finding signage and integral signage shall not require a permit, provided way-finding signs are not located in the right of way.

Section 22.09 Signs in the C-2, General Commercial & L-1, Light Industrial Districts:

In addition to other regulations provided herein, the following shall apply to signs in the C-2 and L-1 zoning districts:

A. Signs Permitted in the C-2, General Commercial and L-1, Light Industrial Districts.					
Form Permitted	Maximum Number	Illumination Permitted	Minimum Setback	Maximum Area	Maximum Height
Monument Sign	1 per parcel	Yes	15' from any property line	48 sq. ft.	6'
Temporary Signs	Permitted in accordance with Section 22.05.15				
Projecting	1 per establishment	No	N/A	10 sq. ft.	N/A
Awning, Marquee, roof, OR Wall Sign	1 per commercial establishment and each street frontage	Yes	N/A	Not to exceed 10% of wall face of building or tenant space	N/A
Pole Sign	1 per parcel with frontage on Blue Star Highway	Yes	45' to the center line of Blue Star Highway. 5' from any other property line	48 sq. ft. for single establishment 60 sq. ft. for lots with more than one establishment	25'
Billboards	Permitted in accordance with Section 22.10				

B. Additional requirements for signs in the C-2 and Industrial districts:

1. Way-finding signage and integral signage shall not require a permit, provided way-finding signs are not located in the right of way.
2. Sidewalk signs are not permitted in the C-2 and L-1 districts.

Section 22.10 Billboards.

New billboards shall not be erected within the City limits after the effective date of this ordinance. Any existing billboards shall be permitted to continue for the life of the billboard.

Section 22.11 Nonconforming Signs:

It is the intent of this Section to permit the continuance of the lawful use of any sign that does not conform with the provisions of this ordinance with regard to size, number, height, form, illumination or location. All lawful nonconforming signs shall be subject to the following regulations:

1. **Nonconforming Status:** All signs which have been lawfully erected or are lawfully in place on the effective date of this Article, but which do not comply with the provisions of this Article shall be deemed nonconforming.
2. **Structural Changes:** Structural supports, framing mechanisms, or other parts of any nonconforming sign shall not be changed, altered, substituted, or enlarged unless the result of the structural change conforms with the provisions of this article. Removal of the structural support mechanisms will result in loss of nonconforming rights associated with the sign.
3. **Repairs and Refacing:** Nonconforming signs may undergo repairs and alterations resulting in the change of the sign copy areas that do not alter the sign by way of structural changes as described in part 1 of this section. Repairs may include, but are not limited to:
 - a. Refacing that is typically associated with rebranding, change in ownership or replacement of sign copy area due to damage.
 - b. Painting.
 - c. Resurfacing.
 - d. Upgrading of electrical wiring or illuminating mechanisms.
 - e. Addition of an electronic message center, not exceeding 50% of the sign copy area, as permitted for essential services and public entity uses only.
 - f. Routine maintenance.
 - g. Any other repair or upgrade determined by the Zoning Administrator not to be a structural change.
4. **Replacement.** If a nonconforming sign is damaged to the point of needing structural repairs, it may not be reconstructed, or replaced except with a sign that conforms to with all the provisions of this Article.
5. **Revocable Sign License Agreements.** Existing nonconforming signs which are lawfully located within the right of way (within the area measuring 33' from the center of Blue Star Highway toward the subject property), shall enter into a revocable sign license agreement with the City and pay associated annual fee.

Ordinance Offered by: _____

Ordinance Supported by: _____

Ayes:

Nays:

Abstain:

Absent:

ORDINANCE DECLARED ADOPTED THIS _____ DAY OF _____ 2023

Jerome Donovan, Mayor

Pamela Aalderink, CMC, City Clerk

Ordinance Adoption Date: _____ (to be published within 15 days of adoption)

Ordinance Effective Date: _____ (7 days after publication)

CERTIFICATION

I, Pamela Aalderink, the duly appointed Clerk of the City of the Village of Douglas, do hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Douglas City Council at a regular meeting held on Monday, _____ in compliance with the Open Meetings Act, Act No. 267 of the Public Acts of Michigan, 1976, as amended, the minutes of the meeting were kept and will be or have been made available as requires by this Act.

CITY OF THE VILLAGE OF DOUGLAS

By: _____
Pamela Aalderink, City Clerk

williams&works

engineers | surveyors | planners

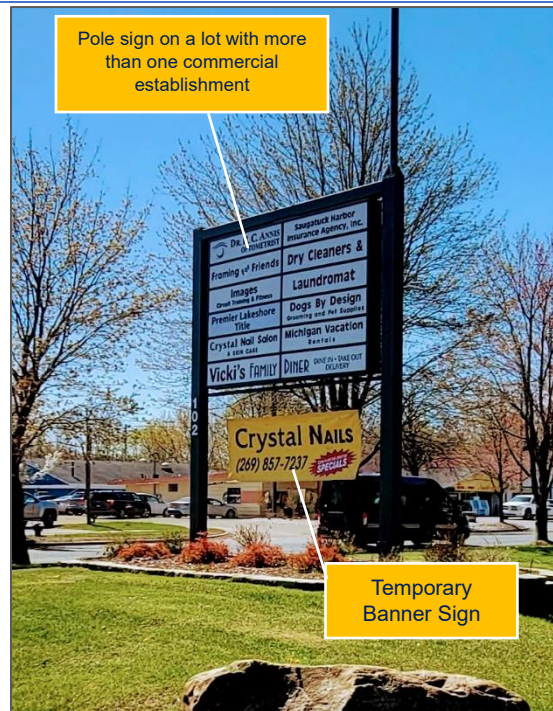
MEMORANDUM

To: City of The Village of Douglas Planning Commission
Date: May 2, 2023
From: Tricia Anderson, AICP
Andy Moore, AICP
RE: Existing Signage in Douglas

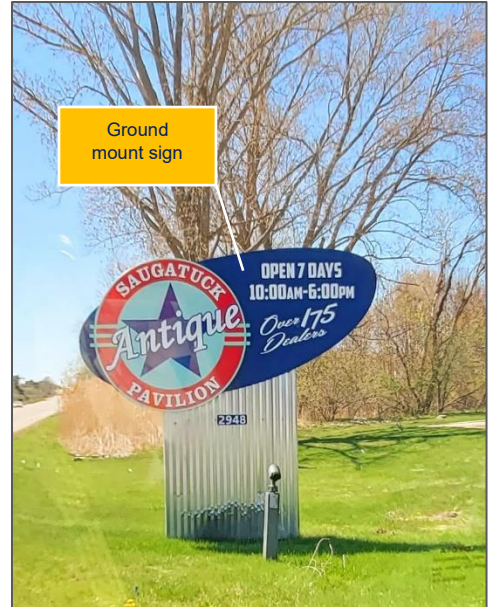
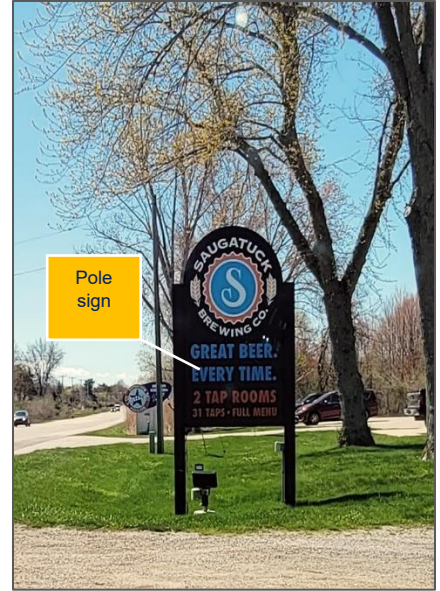
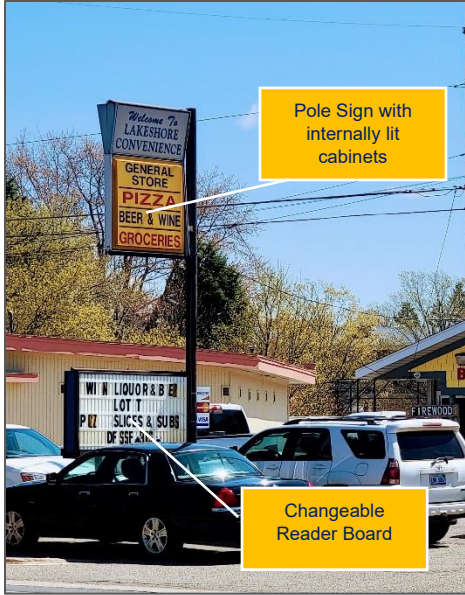
At the April 20, 2023 meeting, the Planning Commission indicated that it would be helpful in their development of the sign ordinance draft, to have an inventory of the existing signage in Douglas. The Planning Commission expressed the desire for the nonconforming section of the sign ordinance draft to be carefully worded to protect the longevity of some of the City's existing signs that they feel generate some of the City's character. In developing the dimensional regulations, the Planning Commission felt strongly about not wanting to *create* nonconformities as a result of any changes to the dimensional regulations.

A partial inventory of some of the more pronounced signs in the City (on Blue Star Highway and Center Street) is shown below, along with tags that indicate the sign form. The Planning Commission is encouraged to take the existing signage into consideration as they provide additional feedback on the draft at the May 11th meeting.

Blue Star Highway Signs



Blue Star Highway Signs (continued)



Center Street Signs



Ancillary Sign



Pole sign



Pole sign



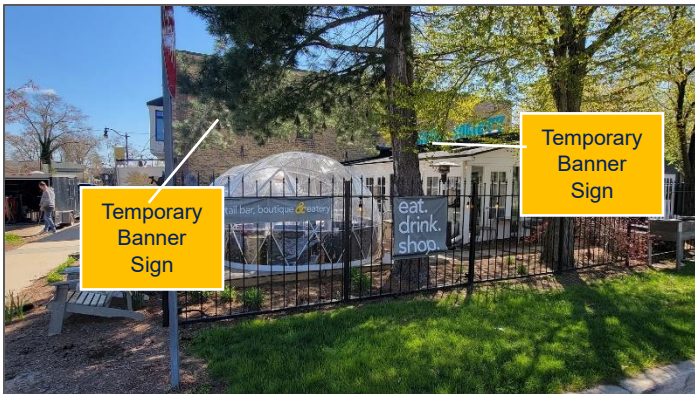
Ground mount sign

Ground mount sign



Roof Sign

Temporary Banner Sign



Temporary Banner Sign

Temporary Banner Sign

Center Street Signs (continued)



**CITY OF THE VILLAGE OF DOUGLAS
PLANNING COMMISSION**

BYLAWS

As Amended:

August 6, 1984; June 10, 1984; August 20, 1986; October 16, 1995; April 14, 2021; ~~May 18, 2022;~~
~~May 11, 2023;~~

ARTICLE 1 NAME OF COMMISSION

The name of this organization shall be the Douglas Planning Commission.

ARTICLE 2 AUTHORIZATION

The Authorization for the establishment of this Planning Commission is set forth under Section 2 of Public Act 285 of 1931, the Municipal Planning Commission, and includes all duties and responsibilities incurred under Article II of Public Act 33 of 2008, the Michigan Planning Enabling Act, as amended; and shall also assume all duties of the Zoning Commission as prescribed according to Public Act 110 of 2006, the Michigan Zoning Enabling Act, as amended.

Power and duties for planning and zoning of City of the Village of Douglas are delegated to the Douglas Planning Commission by the Douglas Village Council by Ordinance No. 79 of May 3, 1982 in accordance with the aforementioned enabling laws.

ARTICLE 3 PURPOSE

The following policies and procedures have been prepared to assist the City Council, Planning Commission, City Clerk, and other affected City officers in the administration of the City of the Village of Douglas Zoning Ordinance. These policies and procedures are intended as a quick reference and guide for the Village in implementing various procedures to follow regarding planned unit developments, special uses, variances, and rezoning requests. The procedure and requirements in processing applications in these areas are set forth in detail in the Zoning Ordinance, and in many cases it will be necessary for Council, the Planning Commission or others to review the Zoning Ordinance to make sure it's various provisions are complied with.

ARTICLE 4 MEMBERSHIP

Membership shall consist of seven or nine qualified electors of the City of the Village of Douglas, of whom up to three but no more than one-third of the members may be the Mayor, one or more member of City Council, and City Manager. All members shall be appointed by the Mayor, subject to approval by a majority vote of the members of City Council. Member's compensation shall be determined

from time to time by the City Council. Members shall be reimbursed for reasonable and necessary expenses incurred in the exercise of their duties.

The terms of the Mayor and City Council member(s) shall correspond to their official tenure, and the term of the City Manager shall correspond with the tenure of the Mayor. Annually, there shall be appointed two (2) members to the Commission, who shall serve for a term of three (3) years. Members shall hold their appointed office until their successors are appointed, except that the terms of the Mayor, City Council member(s), and City Manager shall in no case extend beyond their tenure as outlined above.

ARTICLE 5 DUTIES AND RESPONSIBILITIES

The Planning Commission shall meet at least once a month on a date and time set by the Commission and shall conduct all business related to the Zoning Ordinance involving the Planning Commission at such meeting. Officers of the Planning Commission shall be elected by its members annually. Officers will be the Chair, Vice Chair and Secretary. The Secretary is responsible for assisting with minutes of the meetings and providing the City Clerk with the original record of the minutes.

ARTICLE 6 OFFICERS

- Section 1 The officers of the Planning Commission shall consist of a Chair, Vice Chair and Secretary.
- Section 2 The Chair shall preside at all meetings and hearing of the Planning Commission and shall have duties normally conferred by parliamentary usage on such officers.
- Section 3 The Vice Chair shall act for the Chair in their absence. In the absence of both the Chair and Vice Chair, if a quorum is present, the members shall caucus and appoint a temporary Chair, who shall then preside for that meeting only.
- Section 4 The Secretary shall assist with findings of fact, written recommendations, minutes, and records of the Commission. Meeting minutes from the last regular meeting shall be presented to the commission at the following meeting.

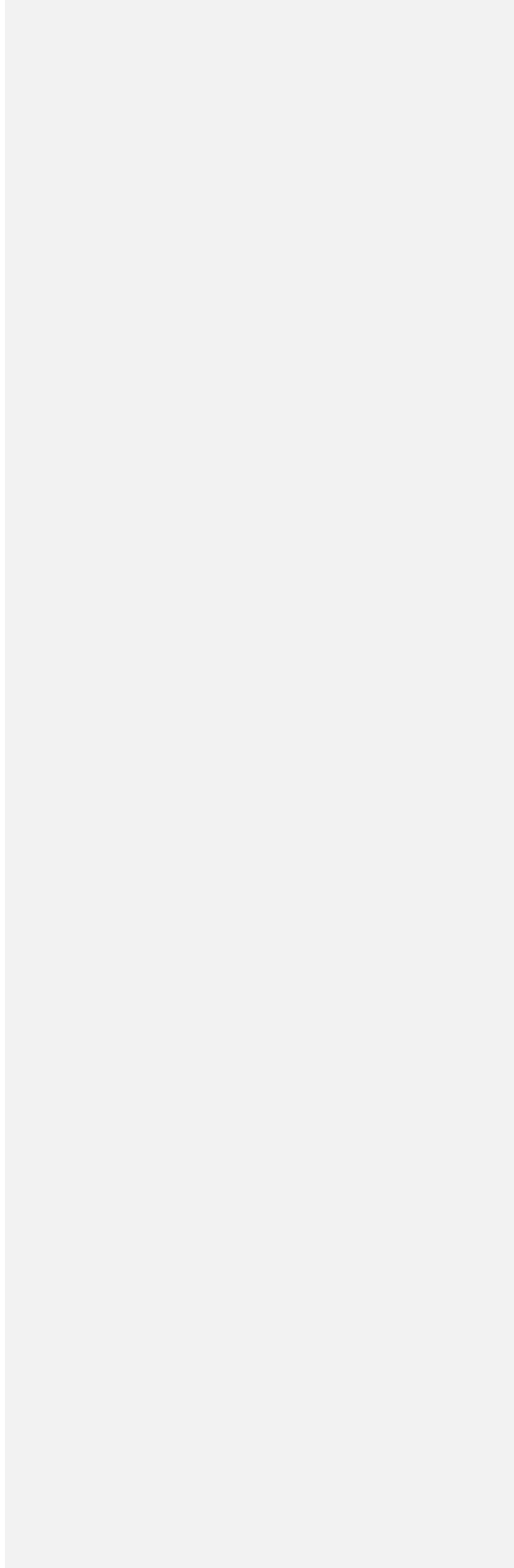
ARTICLE 7 ELECTION OF OFFICERS

- Section 1 An annual organization meeting shall be held each year at the regularly scheduled May meeting of the Commission.
- Section 2 Nominations shall be made from the floor at the annual

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organizational meeting and election of the officers specified Article 6 shall follow immediately thereafter, as set forth in Section 12.34 of Act 285.

Section 3 A candidate receiving a majority vote of the entire membership of the Planning Commission shall be declared elected and shall serve for one (1) year or until their successor shall take office.

Section 4 Vacancies in office shall be filled immediately by regular election

ARTICLE 8 STAFF

Section 1 The Planning and Zoning Administrator shall be appointed by the City Council and shall be charged with the carry out the responsibilities of the Planning and Zoning Administrator as set forth in the Zoning Ordinance.

Section 2 The City Clerk shall be the primary record keeper for the administration of the Zoning Ordinance and shall receive applications and collect fees submitted pursuant to the Zoning Ordinance. The City Clerk shall further coordinate with the Mayor and/or the Planning Commission Chairperson, the scheduling of Public Hearings, arrange for newspaper publications, and generally coordinate the flow of information between the public, the Council, and Commission members, the Building Inspector, the Planning and Zoning Administrator, the City Attorney, and the City Engineer.

Section 3 The City Attorney shall assist the City Council and Planning Commission on such legal matters as may be required concerning the implementation, interpretation, and administration of the Zoning Ordinance. The City Attorney shall attend meetings and/or public hearings of the City Council and/or Planning Commission, when requested to do so by the Council, its Mayor, the Planning Commission, or its Chair.

Section 4 The City Engineer shall assist the City Council and/or the Planning Commission in the review of site plans, planned unit development proposals, rezoning requests, and such other matters which may arise from time to time within the Zoning Ordinance. The City Engineer shall attend meetings and/or public hearings of City Council and Planning Commission when so requested by Council, the Mayor, the Commission, or its Chair.

Section 5 The Building Inspector shall be responsible for all on-site

inspections during the various phases of construction once commenced following the issuance of a Building Permit. The Building Inspector shall ensure that all construction is in compliance with the approved site plans and shall report any violations to the Planning and Zoning Administrator. The Building Inspector shall, when necessary, consult with the City Engineer and/or City Attorney to assure full compliance with the state and local construction code, as well as the Zoning Ordinance.

ARTICLE 9 MEETINGS

Section 1 Regular meetings shall be held monthly as scheduled by the Commission at the annual organization meeting, said schedule to be posted at City Hall. In the event of conflict with holidays or other events, a majority at any meeting may change the date of said meeting.

Section 2 A quorum shall consist of five (5) members. The number of votes necessary to transact business shall be five (5), except as provided in Act 285, Section 8, all votes shall be decided by a majority. Voting shall be by voice vote except when a member of the Commission requests a roll call vote.

All members present shall vote on every question unless they disqualify themselves or are excused from voting by a majority of the members present. No member of the Commission shall participate in the hearing or decision of such Commission upon any zoning matter other than the preparation and enactment of an overall or Comprehensive Plan, in which they are directly or indirectly interested in a financial sense. In the event of such disqualification such fact shall be entered on the records of the Commission.

Section 3 Special meetings may be called by the Chair or a majority of the Commission members, as deemed necessary.

Section 4 All meetings, or portions of meetings, shall be open to the public. All meetings will be conducted in accordance with Public Act 267 of 1976, known as the "Open Meeting Act".

Section 5 Unless otherwise specified, Robert's Rule of Order shall govern the proceedings at the meetings of this Commission.

Section 6 ~~Members of the Planning Commission, as individuals, a quorum, or as a group of less than a quorum, shall only discuss submitted or potential development applications in the public meeting setting. An exception is the Chair of the Planning Commission, along with staff or consultants present, may meet with an applicant to discuss a scheduled agenda item or a potential agenda item.~~

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ARTICLE 10 ORDER OF BUSINESS

The recommended order of business at regular meetings shall include;

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- a. Call of order
- b. RollCall
- c. Public Comment (limit 5 minutes please)
- d. Communications
- e. New Business
- f. Old Business
- g. Reports of Officers, Members, Committees
- h. Public Comment (limit 5 minutes please)
- i. Adjournment

Section 1 Specific requests or applications received by the Commission prior to the meeting shall be listed under the appropriate heading.

Section 2 A motion from the floor must be made and passed to dispense with any item on the agenda or change the order of the agenda.

ARTICLE 11 PUBLIC HEARINGS

Section 1 In addition to those required by law, the Commission may hold public hearings when it is decided that such hearings will be in the public interest.

Section 2 Subject to the provisions of any applicable State Act and/or County Ordinance, public hearings shall be held on; the adoption or amendment of a Master Plan, the adoption, amendment or consideration of a Special Use permit as authorized by a Zoning Ordinance, or the preliminary approval of a plat subdivision, or Planned Unit Development.

Section 3 A petitioner who seeks to amend the Zoning Ordinance or other plan element shall file a petition with the Planning Commission through the office of the Planning and Zoning Administrator.

Section 4 At a public hearing before the Commission, the petitioner shall first present the facts and arguments in support of the case and those who oppose the petitioner shall follow. The petitioner shall be given time for a rebuttal. There shall be no rebuttal of the rebuttal. To maintain orderly procedure, each side shall precede without interruption by the other. No record or statement shall be recorded or sworn to as evidence for any court of law without notice to the parties.

Section 5 In the presentation of a case the burden shall be upon the petitioner to supply all information, including charts diagrams, and other exhibits, necessary for a clear understanding of the problem. The

Commission may discontinue the hearing when in its judgment the petitioner has not provided sufficient evidence on which to make a determination.

Section 6 Every person appearing before the Commission shall abide by the order and directions of the Chair. Discourtesy, disorderly, or contemptuous conduct shall be regarded as a breach of the privileges of the Commission and shall be dealt with as the Commission directs. Every person shall state their name, address, and interest in the case at the start of the presentation.

Section 7 The Commission may continue or postpone the hearing of any case

ARTICLE 12 PLANNED UNIT DEVELOPMENTS

Section 1 The approval of applications for a planned unit development shall comply with Article 24 and Article 27 of the Zoning Ordinance, as amended.

Section 2 An application for preliminary development plan approval shall be obtained at the City Clerk's office and shall be submitted by the applicant to the City Clerk along with twelve copies of the application, plus the initial filing fee as set in the Schedule of Fees.

Section 3 The information requested on the application shall constitute the preliminary development plan and site application shall be returned to the applicant and shall not be accepted until complete.

Section 4 Upon receipt of the completed application and copies, the City Clerk shall transmit one (1) copy to the City Engineer, and one (1) copy to the City Attorney and shall further make available to each of the Planning Commission members a copy of the application.

Section 5 Upon receipt of the applications, the City Attorney and City Engineer shall review each application within thirty (30) days from date of receipt. If, after consultation with each other, they agree that the application is in compliance with the City Ordinance, they shall notify the City Clerk to schedule a public hearing on the application in accordance with Section 27.05 of the Zoning Ordinance.

Section 6 The public hearing shall be held before the Planning Commission. At the public hearing, the applicant shall present his proposed preliminary development plan to the public and shall answer such questions as may be presented to the applicant by the public. The Planning Commission shall further hear the comments of the public concerning the proposed plan. The Planning Commission shall not

be obligated to vote on the proposed plan the night of the hearing. The Planning Commission shall receive and consider written recommendations from the City Engineer and City Attorney concerning the proposed preliminary development plan. The Planning Commission may then approve, approve with conditions, or deny the proposed preliminary development plan. Approval must be by majority vote or a quorum of Planning Commission members. At the time the vote is taken, the Planning Commission members should state their reasons or basis for their vote. If a preliminary development plan is approved with conditions, those conditions shall be clearly stated and reduced to writing by the Commission Secretary. If the proposed preliminary development plan is denied, another plan will be considered only after a re-application is filed with the City Clerk.

- Section 7 The City Council does not have to approve the development plans in a planned unit development project. If the Planning Commission approves the preliminary plan, the applicant shall then submit a final development plan together with twelve (12) copies thereof to the City Clerk. The Clerk shall transmit a copy of the final development plan to the City Engineer for his recommendations and shall also make the said plan available to the City Attorney, as well as to the members of the Planning Commission.
- Section 8 Within thirty (30) days, the City Engineer shall submit his written recommendations and comments as to the proposed final development plan to the City Clerk's office for transmission to the Planning Commission. The Planning Commission shall then review the final development plan at its next available meeting, and shall consider the recommendations of the City Engineer, approve with conditions, or deny the final development plan. Any approval with conditions shall be reduced to writing and shall become a part of the final development plan. No alterations or changes shall be allowed thereafter without re-applying in accordance with the procedure for the original approval. No approval shall become effective until all fees and charges due the City have been paid.
- Section 9 In order to approve the final development plan, the Planning Commission must find that the purpose, objectives, and requirements of Article 27, as amended, of the Zoning Ordinance have been met. The purpose and objectives of the Ordinance are found in Section 27.01 and Section 27.02, as amended. If the plan generally does not meet these objectives, the final development plan should not be approved.
- Section 10 After approval of the final development plan by the Planning

Commission, a Building Permit will be issued; however, prior to issuance the Planning commission may, at its discretion, require a performance bond, irrevocable letter of credit or certified check be filed with the City Clerk by the applicant to ensure that the development will be executed in accordance with the approval of the final development plan.

Section 11 Preliminary or final approval by the Planning commission of a planned unit development does not constitute site plan approval. Final site plans for the project or any portion thereof must be presented to the Planning Commission and acted upon as required by Article 24 of the Zoning Ordinance.

ARTICLE 13 SPECIAL USE PERMITS

Section 1 Special uses are those uses that are allowed in various zone districts only with special approval of the Planning Commission. Only special uses, which are provided in Article 25 of the Zoning Ordinance, as amended, or elsewhere in the Ordinance, may be considered for approval by the Douglas Planning Commission.

Section 2 A person requesting a special use may obtain an application for the same at the City Clerk's office, and shall submit the application to the City Clerk, together with the application fee.

Section 3 After receiving the application, the City Clerk shall transmit copies of the application to the Planning Commission members. The City Clerk shall then have published in the local newspaper a notice that the special use request has been received. The notice shall contain the information specified in Section 25.02 of the Ordinance, as amended, and shall also be sent by Certified Mail or personally served on all owners of real property within three hundred (300) feet of the subject property, and to all occupants of all structures within three hundred (300) feet of the subject property as described in Section 25.02 of the Ordinance, as amended. The notice shall be sent or served and published not less than fifteen (15) days prior to the date at which time the application will be considered by the Douglas Planning Commission.

Section 4 It should be noted that a public hearing is not required under the Ordinance unless it is specifically requested by either the Planning commission, the applicant, or a property owner or occupant within three hundred (300) feet of the subject property. Usually, a request for a public hearing will not be made; however, if such a request is made, notice of the public hearing shall be published in the local newspaper and mailed or personally served on all property owners or occupants within three hundred (300) feet of the boundary of the

property in question. If the applicant or the Planning Commission requests a public hearing, only notification of the public hearing is required. A decision by the Planning Commission on a special land use request shall not be made, however, unless notification of the request for special land use approval, or notification of a public hearing on a special land use request has been given.

Section 5 After the notices have been sent and published as required, and after a public hearing has been held, if one has been requested, then the Planning commission may approve, or approve with conditions, or deny the special land use request. Approval of the request shall be reduced to writing by the commission Secretary, and shall clearly state any conditions of approval, which have been made by the Planning commission. A copy of the approval, or approval with conditions, shall be sent to the applicant.

Section 6 When a vote is taken on a special land use request, the Planning Commission members shall state their conclusions and vie the basis for their decision. To grant approval, the Planning Commission must find the following:

- a. That the proposed use is intended to serve the area or neighborhood where located; and,
- b. That it can be conducted at the proposed location without interfering with the enjoyment of substantial property rights of the other owners in the surrounding vicinity.
- c. It should be noted that all home occupations which are approved as special used are subject to the limitations and conditions set forth in Section 16.04 of the Zoning Ordinance, as amended.

ARTICLE 14 VARIANCES

Section 1 The Zoning Board of Appeals has jurisdiction over requests for a variance under the Zoning Ordinance.

Section 2 An application for a request for a variance may be obtained at the City Clerk's office, and shall be submitted to the City Clerk, together with the required filing fee.

Section 3 Upon receipt of the application for a variance, the City Clerk shall send a copy of the application to the City Attorney and shall transmit one (1) copy to the Chair of the Zoning Board of Appeals.

Section 4 Upon receipt of the application, the Chair of the Zoning Board of Appeals, in consultation with the City Clerk, shall schedule a date and time for the Zoning Board of Appeals to meet and consider the variance request. Notice of the meeting shall be sent to the applicant and to all property owners and occupants within three hundred (300) feet of the subject property. The notice likewise shall be published in the local newspaper. All notices shall be served and published not less than fifteen (15) days prior to the meeting date of the Zoning Board of Appeals to consider the request.

Section 5 The Zoning Board of Appeals may grant a variance only in accordance with the standards and requirements as set forth in Section 29.05 of the Zoning Ordinance. Unless all of the requirements and standards can be met, the application for a variance must be denied. Also, if the Zoning Board of Appeals finds that the zoning requirements as written in the Ordinance can be met by the applicant, the application must be denied.

Section 6 A majority vote of all the members of the Zoning Board of Appeals is required to approve a variance request except that a concurring two-thirds vote of all of the members of the Zoning Board of Appeals shall be required to grant a variance from uses of land permitted in the Zoning Ordinance.

Section 7 The Board of Appeals may grant a variance subject to conditions, which shall be reduced to writing by the City Clerk and set forth on the variance approval. A copy of the approval with conditions shall be transmitted to the applicant by the City Clerk.

Section 8 At the time of taking the vote on the application for a variance, the Board of Appeals members should state their conclusions and basis for their decision. If it appears that a practical hardship is not unique, but is a common hardship on other individuals, it shall transmit such findings to the Planning Commission, who may consider the appropriateness of amending the Zoning Ordinance if they so desire.

ARTICLE 15 REZONING

Section 1 A rezoning request is a request to amend the Zoning Ordinance by changing the present zoning of a given area of land within the City, to a new zone.

Section 2 An application for rezoning shall be obtained from the City Clerk's office and shall be submitted to the City Clerk, together with the

required fee. Twelve (12) copies of the application shall be submitted, in addition to the original application.

Section 3 Upon receipt of the application, a copy of the rezoning application shall be transmitted to each member of the Planning Commission, and to the Planning and Zoning Administrator.

Section 4 The City Clerk, when notified by the Planning Commission shall then schedule a public hearing to be held before the Planning Commission. Notice of the public hearing shall be published not less than fifteen (15) days prior to the hearing. A copy of the notice shall also be sent to the applicant, as well as to the owners of any other property, which lies within the area proposed to be rezoned. The notice shall contain the following information:

- a. The name of the applicant.
- b. The legal description of the property proposed to be rezoned.
- c. A description of the requested zoning change and a description of the present zoning.
- d. The date, time, and place of the public hearing.

(NOTE: That the notice does not have to be sent to property owners or occupants within three hundred (300) feet of the subject property, unless the property lies within the area requested for rezoning.)

Section 5 Notice shall also be sent to any public utility, or railroad within the district or zones affected by the request not less than fifteen (15) days prior to the public hearing. Such notification is required, however, only if such utility or railroad has registered with the City Clerk its name and address for the purpose of receiving such notice.

Section 6 After the public hearing has been held before the Planning Commission, it shall transmit its recommendations and findings to the City Council, which must subsequently vote on the rezoning request.

Section 7 At the meeting of the City Council, the rezoning request may be approved by a majority of the Council members unless a protest petition has been filed with the City Clerk and/or the City Council. If a proper protest petition has been filed, the request then can only be approved by a 2/3rds vote of the City Council.

Section 8 A protest petition is valid if it is signed by either the owners of at least twenty (20) per cent of the area of land included in the proposed zoning change; or the owners of at least twenty (20) per

cent of the land included within an area extending outward one hundred (100) feet from any point on the boundary of the land included within the proposed zoning change. (Public land is excluded in calculating the twenty (20) per cent land area requirement.)

When voting on the proposed rezoning, the Council members should state their conclusions and the basis for their decision. This especially important in these cases, if their decision is challenged in court, and will avoid a claim that the decision was made arbitrarily or capriciously and will avoid the court sending the request back to the Council for another vote so the basis for the decision can be established in the record. The City Clerk will record the vote and reasons given.

Section 9 Generally speaking, rezoning requests should be granted sparingly and only when the rezoning will not violate the general purposes and intent of the City land use plan on which the existing Zoning Ordinance is based. If the rezoning request will not violate the general intent and purposes of the land use plan and will be of some benefit to the public as well as the applicant, and where there are compelling reasons for changing the zoning plan, the City may grant the rezoning request

Section 10 If the Council approves the rezoning request, the Zoning Ordinance shall then be amended by an amended ordinance prepared by the City Attorney and signed by the Mayor and the City Clerk. This amending ordinance shall then be published at least one (1) time in the local newspaper within fifteen (15) days from the date of its adoption. It shall contain the effective date of the ordinance and shall state the time and place where a copy of the amending ordinance may be purchased or inspected.

ARTICLE 16 SITE PLAN REVIEW

Section 1 Applications for site plan approval must comply with Article 24of the Zoning Ordinance as amended and shall be made on an application available at the City Clerk's office.

Section 2 A site plan application and subsequent approval by the Planning Commission is required for all land uses, except permitted detached single-family dwellings and two-family dwellings.

Section 3 The applicant shall file the application together with twelve (12) copies with the City Clerk's office and be advised at that time that

the applicant will be billed for the City's actual costs in reviewing the application. Upon receipt of the application, the Clerk shall make available copies to the individual commission members, and, if necessary, the City Engineer and/or City Attorney. The application shall also be sent to the Planning and Zoning Administrator for written opinion. Within forty-five (45) days of the filing of the application, the Planning Commission shall review the application and either denies the application or grant approval of the application. If the Planning Commission denies the application, it shall state its reasons for denial. If the Planning Commission requires that the site plan be revised, it shall notify the applicant of revisions which are requested, and the applicant shall then resubmit the site plan with the revisions required.

Section 4 After the site plan has been approved, one (1) copy of the application shall be returned to the applicant by the City Clerk indicating that approval has been granted, and that a Building Permit may be issued. A copy of the zoning application for the building permit, signed by the Planning and Zoning Administrator will also need to be presented before a permit can be issued.

Section 5 The Planning Commission, in considering a site plan, shall follow the standards provided in Section 24.03 of the Zoning Ordinance.

Section 6 In approving a site plan, the Planning Commission may require that a bond or other financial guaranty be furnished by the applicant to ensure compliance with the approved plan.

Section 7 The City Clerk shall determine the cost to the City in approving the site plan and shall bill the applicant in accordance with such costs as soon as possible after the review procedure has been completed. No approval shall be effective until all such charges have been paid in full to the City.

Section 8 It should be noted that Public Hearings or notices to surrounding property owners are not required under Article 24 for site plan review, when not associated with a Planned Unit Development.

Section 9 A site plan shall be approved if it contains the information required by the Zoning Ordinance and is in compliance with the Zoning Ordinance and the conditions imposed there under, other applicable ordinances, and State and Federal statutes.

ARTICLE 17 FINAL DISPOSTION OF CASES

Section 1 The final disposition of any case shall be in the form of an order

setting forth the findings and determinations of the Commission together with any modifications, specifications, or limitations which it makes, with reasons, therefore.

Section 2 The Commission may dismiss a case for lack of prosecution or lack of jurisdiction. When a petitioner has failed to appear at two consecutive meetings, the case shall be dismissed.

Section 3 A petitioner may not withdraw a case after a roll call vote has been ordered by the Chair.

Section 4 A case which has been withdrawn by the petitioner shall not again be placed on the docket for consideration within a period of twelve (12) months after the date of withdrawal.

Section 5 A case which has been decided adversely to the petitioner shall not again be placed on the docket for consideration until twelve (12) months after the date of decision.

Section 6 A record shall be kept of those speaking before the Commission at such hearings.

ARTICLE 18 AMENDMENTS

Section 1 Amendments to these rules of procedure may be made by the Commission at any regular or special meeting upon the affirmative vote of a majority of the entire membership of the Commission.

Section 2 The suspension of any rule may be ordered at any meeting by a unanimous vote of Commission members present.

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YEAS: J NAYS: 0 ABST: Q ; Bylaws Declared: fl.dq121t.ol , May 5, 2022.

Certified By: Paul Buszka
Paul Buszka, Chair
Douglas Planning Commission

July 6, 2022
Date:

Pam Aalderink
Pam Aalderink, City Clerk
City of the Village of Douglas

July 6 2022
Date:

**CITY OF THE VILLAGE OF DOUGLAS
COUNTY OF ALLEGAN
STATE OF MICHIGAN**

RESOLUTION NO. 11-2023

**A RESOLUTION TO ADOPT
AN AMENDMENT TO THE PLANNING COMMISSION BYLAWS**

At a regular meeting of the Planning Commission for the City of the Village of Douglas, Michigan, held at the City of the Village of Douglas City Hall, Douglas, Michigan, on the 11th day of May 2023, at 7:00 p.m. with

PRESENT: _____

ABSENT: _____

The following Resolution was offered by member _____ and supported by member _____.

RESOLUTION

WHEREAS, The Planning Commission has expressed a desire to include additional language in their bylaws which would preclude members of the Planning Commission from having ex-parte contact with an applicant of an in-process development application or a future development application.

WHEREAS, The Planning Commission has also expressed a desire to ensure impartiality in its consideration of development proposals.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

The City of the Village of Douglas Planning Commission Bylaws, as amended, shall reflect the addition of Section 6, in Article 9, Meetings, to read as follows:

Members of the Planning Commission, as individuals, a quorum, or as a group of less than a quorum, shall only discuss submitted or potential development applications in the public meeting setting. An exception is the Chair of the Planning Commission, along with staff or consultants present, may meet with an applicant to discuss a scheduled agenda item or a potential agenda item

YEAS: Planning Commission Members:

NAYS: Planning Commission Members:

ABSTAIN: Planning Commission Members:

ABSENT: Planning Commission Members:

ADOPTED this 11th day of May, 2023

CITY OF THE VILLAGE OF DOUGLAS

BY: _____
Paul Buszka, Planning Commission Chair

BY: _____
Pamela Aalderink, City Clerk

CERTIFICATION

I, Pamela Aalderink, the duly appointed Clerk of the City of the Village of Douglas, do hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the Douglas Planning Commission at a regular meeting held on Thursday, May 11th, 2023 in compliance with the Open Meetings Act, Act No. 267 of the Public Acts of Michigan, 1976, as amended, the minutes of the meeting were kept and will be or have been made available as required by said Act.

CITY OF THE VILLAGE OF DOUGLAS

BY: _____
Pamela Aalderink, City Clerk