PLANNING COMMISSION
CITY OF THE VILLAGE OF DOUGLAS
CITY HALL - 86 W. CENTER STREET, DOUGLAS, MI

REGULAR MEETING, WEDNESDAY, JUNE 8, 2022 – 7:00 PM

AGENDA

A. Call to Order – Remote Special Meeting Procedures

B. Roll Call -

1. Approval of Agenda (additions/changes/deletions)

   -*Motion to Approve;* June 8, 2022. (Roll Call Vote)

2. Approval of Minutes (additions/changes/deletions)

   - *Motion to Approve;* May 18, 2022. (Roll Call Vote)

C. Public Comment (limit 5 minutes please)

D. Communications - Review of public written communications.

E. New Business

1. Public Hearing; Site Plan Review – Moving Buildings (Principal); R-3 Neighborhood Conservation District. 39 N. Washington Street (Douglas Damstra)

   - *Motion to Open Public Hearing* (Roll Call Vote)

   a. Applicant Presentation

   b. Public Comments (limit 3 minutes each, please)

   c. Staff Remarks

   d. Commissioner Questions

   - *Motion to Close Public Hearing, Approve with Conditions* (Roll Call Vote)

2. Public Hearing – Proposal for Amendment(s) to Article 16: General Provisions and Article 26: Special Use Standards, to repeal and replace Article 27: Planned Unit Development Districts, City of the Village of Douglas Zoning Ordinance. (City of the Village of Douglas)

   Consideration of an application (petition) to amend the Zoning Ordinance pursuant to Article 28, for Recommendation to City Council.

   - *Motion to Open Public Hearing* (Roll Call Vote)

   a. Applicant Presentation

   b. Public Comments (limit 3 minutes each, please)

   c. Staff Remarks

   d. Commissioner Questions

   - *Motion to Close Public Hearing, Approve with Conditions* (Roll Call Vote)

CITY OF THE VILLAGE OF DOUGLAS
ALLEGAN COUNTY, MI - POSTED THIS 3RD DAY OF JUNE, 2022

NOTICE

REMOTE MEETING

This meeting is being held in-person with option for remote attendance and electronic participation.

ACCESS INSTRUCTIONS

To attend and participate in this meeting of the City of the Village of Douglas Planning Commission remotely, please consider joining on-line or by phone.

Join on-line by visiting:

https://us02web.zoom.us/j/82470736324

Join by phone by dialing:

+1 (312) 626-6799

Then enter "Meeting ID":

824 7073 6324

Those who are hearing impaired and require additional accommodations are encouraged to contact **(269) 857-1438** or **clerk@douglasmi.gov**

F. Old Business

Public Hearing (Continued); Site Plan Review & Waterfront Construction Application (Major) – Accessory Structures – Bulkhead, Deck(s)/Stairs and site changes to Sensitive Lands; R-2 Residential District. 130 Lakeshore Drive (Kevin/Cami Freeman, Mike DeYoung)

- *Motion to Open Public Hearing* (Roll Call Vote)

a. Petitioner Presentation
b. Public Comments (limit 3 minutes each, please)
c. Staff Remarks
d. Commissioner Questions

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

G. Reports of Officers, Members, Committees

1. Planning & Zoning Administrator Report (N. Wikar)
2. Planning Commissioner Remarks (limit 3 minutes each, please)

H. Public Comment (limit 5 minutes please)

I. Adjournment

CITY OF THE VILLAGE OF DOUGLAS
REMOTE MEETING SPECIAL PROCEDURES

The following guidelines shall be in-place to assist and manage public attendance and participation in remote (online and telephone), electronic meetings of the City of the Village of Douglas, Michigan.

1. City Staff shall be available to assist the public to make reasonable accommodations for those with disabilities and/or the hearing impairment to attend and participate without impediment.
2. For the purpose of carrying-out remote meetings, a staff member will act as "administrator" to manage all content, access, video, audio, chat, "gesturing," recording, visual, and screensharing controls.
3. For the purposes of preserving the agenda and integrity of the meeting, the meeting "administrator" shall assist the chairperson in moderating audio/microphone controls of participants, building a speaker list of those wishing to comment while limiting public microphone access to "public comment"/"public participation" periods of the meeting, as published.
4. Online attendees/participants shall indicate their desire to speak on an agenda item or topic by using "gesturing" controls (i.e. Raise Hand, Thumbs Up, etc.), using the chat window, or by voice. All microphones will be temporarily unmuted for a brief period of time at the beginning of all "public comment"/"public participation" periods of the meeting so those joining by telephone or those participants who are audio-restricted may indicate they would like to be added to the speaker list. The chairperson and meeting "administrator" will share the responsibility of building and managing the speaker list, recognizing each speaker individually, and toggling microphone controls so all speakers on the list may be heard.
5. Lewd, profane, hostile, aggressive, racist/discriminatory, disruptive, or otherwise obstructive behavior by attendees/participants will not be tolerated. The City and meeting "administrator" reserves the right to warn, limit, restrict, and remove any content or participants in violation of this directive.
6. All "public comment"/"public participation" periods of the meeting will be concluded after the chairperson/meeting "administrator" has:
    a. exhausted the speaker list
    b. responded to any outstanding "gesturing"
    c. answered any outstanding requests to speak as indicated in the chat window, and
    d. after a final call for any additional or remaining public comments as indicated by voice. All microphones will again be temporarily unmuted at that time.
7. The City shall record and make available to the public, in a reasonable time frame, all content of all remote meetings of Council and public boards/commissions for the public record, online, and at individual request in electronic format.

PLANNING COMMISSION
CITY OF THE VILLAGE OF DOUGLAS
CITY HALL – 86 W. CENTER STREET, DOUGLAS, MI
REGULAR (ORGANIZATIONAL) MEETING
WEDNESDAY, MAY 18, 2022 – 7:00 PM

A. Call to Order: Chair Buszka called the meeting to order at 7:00 P.M.

B. Roll Call: Present – Florian, Heneghan, O'Malley, Pattison, Seabert, Whiteley, Buszka
Also Present – City Planner Nick Wikar

1. Approval of Agenda
Motion by Pattison, with support from Whiteley, to approve the May 18, 2022.
Motion carried by unanimous roll call vote.

2. Approval of the minutes
   a. Regular Meeting: April 13, 2022
   Motion by Pattison, with support from Florian, to approve the April 13, 2022, minutes.
   Motion carried by unanimous roll call vote.
   b. Special Meeting: April 27, 2022
   Motion by Pattison, with support from Whiteley, to approve the April 27, 2022, minutes.
   Motion carried by unanimous roll call vote.

C. Public Comments:
1. Verbal – No verbal comments received
2. Written – Letter from Marta Petter in opposition to the proposed Kayak building at Wade Bayou.

D. New Business
1. Amendment of Douglas Planning Commission Bylaws
The draft bylaws are necessary to reflect changes to Officers, to separate the positions and assign duties for Vice-Chair and Secretary, to ensure compliance with the Michigan Planning and Enabling Act (MPEA), PA 33 of 2008, and the Michigan Zoning Enabling Act (MZEA), PA 110 of 2006.

Motion by Pattison, with support from Seabert, to approve amendment of the Douglas Planning Commission Bylaws, and Call for Nominations to initiate Election of Officers.
Motion carried unanimously by roll call vote.

2. Consideration of amendment(s) to Article 6 Officers:
   a. *Motion by Pattison, with support from Seabert, to nominate Buszka as Planning Chair*.
   Hearing no further nominations, the Clerk called for a roll call vote.
   Motion carried by unanimous roll call vote.
   b. *Motion by Buszka, with support from Seabert, to nominate Pattison as Vice-Chair*.
   Hearing no further nominations, the Clerk called for a roll call vote.
   Motion carried by unanimous roll call vote.
   c. *Motion by Pattison, with support from Buszka, to nominate Heneghan as Secretary*.

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Hearing no further nominations, the Clerk called for a roll call vote.
Motion carried by unanimous roll call vote.

3. Public Hearing: Site Plan Review – Addition, Principal Building
   Withdrawn.
   Motion by Seabert, with support from Florian, to cancel and withdraw the application for 100 Blue Star Hwy (Christine Ferris). Motion carried by unanimous roll call vote.

4. Public Hearing: Site Plan Review – Screening and Site Changes, 294 W. Center Street (Christopher LaBelle)
   Applicant seeks to obtain Site Plan Review approval for site changes. The application requires review by Planning Commission in Public Hearing, for compliance with the Site Plan Review standards of Section 24.03

   Motion by Seabert, with support from Florian, to open the public hearing. Motion carried by unanimous roll call vote.

   a. Applicants request for dumpster retaining wall, some landscape, three French drains, also has plans for driveway.
   b. No Public Comments
   c. Staff has Administratively approved the fencing and signage. No parking details have been submitted. If application is approved staff requests it be approved for only one year, the applicant would then be required to return to staff. There has been nothing completed without a permit.

   Motion by Seabert, with support from Florian, to close the public hearing. Motion carried by unanimous roll call vote.

   Motion by Pattison, with support from Florian, to approve for Site Plan Review for site changes to the property, zoned C-1 Village Center District, located at 294 W Center Street, Douglas, Michigan. Motion carried by unanimous roll call vote.

5. Public Hearing: Site Plan Change in Use (Dwelling, Two Family) Accessory Structure and site changes; R-3 Neighborhood Conservation District, 36 N Union Street (Jennifer Klungle). This application requires review by Planning Commission in Public Hearing, for compliance with the Site Plan Review standards of Section 24.03

   Motion by Pattison, with support from Heneghan, to open the public hearing. Motion carried by unanimous roll call vote.

   a. Applicants request to obtain Site Plan Review approval, for construction of a new accessory structure. The home was purchased in 2018 and advertised as a potential rental property. Property owner would like to make good on the property. A fence has been installed and vines are now being removed.
   b. Public Comment: No comments received
   c. Staff remarks: Currently one illegal structure on the property. The fence piece closest to Union St. must be lowered. The driveway going off Wall St is encroaching

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into the right of way and should be narrowed. The illegal signage and playground equipment has been removed.

d. Commission Comments: Why does the City make the residents pay for sidewalks.

Motion by Seabert, with support from Whiteley, to close the public hearing. Motion carried by unanimous roll call vote.

Motion by Florian, with support from Whiteley, to approve with conditions the application for Site Plan Review for Two-Family Dwelling, Accessory Structure(s) and site changes to the property, zoned R-3 Neighborhood Conservation District, located at 36 N. Union Street, Douglas, Michigan.

Conditions of compliance as pertains to the hot tub, trees, driveway encroachment, accessory structure setbacks, fence, and playground.

a. Section 6.02 District Summary – District Permitted Uses/Site and Building Placement Standards, R-3 Neighborhood Conservation District
b. Section 16.13 Accessory Uses, Buildings, and Structures
c. Section 19.05 Site Development Requirements – Marking/Designation/Screening, Off Street Parking and Loading
d. Section 21.01 Landscaping, Fencing, Walls, and Screening

Motion carried by unanimous roll call vote.

6. Public Hearing: Planning Commission Recommendations – Amendment, Zoning Ordinance
Recommendation of amendments to Repeal and Replace Chapter 98: Trees of the City of the Village of Douglas Code of Ordinances.

Motion by Pattison, with support from Florian, to open the public hearing. Motion carried by unanimous roll call vote.

a. Applicant – City of Douglas
b. Public Comments: Tracey Shafroth inquired as to the areas in the City that required tree planting, which trees are to be planted, and advised the City to think about what it would like to look like in terms of the trees.
c. Staff: Tree protection is what the City hears a lot, Chapter 98 includes shrubs, this section was not removed. There are currently plans for the City to apply for Tree City USA.
d. Planning members appreciate where the City is heading. This move is admirable however the City has two types of soil, and this should be considered when choosing trees. Other suggestions from members surrounded contacting the State Forestry for assistance on developing a plan.

Motion by Seabert, with support from Pattison, to close the public hearing. Motion carried by unanimous roll call vote.

Motion by Pattison, with support from Florian, to recommend that City Council amend the following Zoning Ordinance - Chapter 98: Trees, City of the Village of Douglas Code of Ordinances. Motion carried by unanimous roll call vote.

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E. Old Business
Public Hearing (Tabled); Site Plan Review & Waterfront Construction Application (Major) – Accessory Structure Bulkhead/Revetment, Deck Stirs and Site changes to Sensitive Lands; R-2 Residential District. 156 Lakeshore Dr.

Motion by Pattison, with support from Seabert, to table the application for 156 Lakeshore Dr. until the August meeting at which point applicant will have submitted all pertinent permits, late fees/fines, and documentation relating to the unpermitted construction on the site. Motion carried by unanimous roll call vote.

F. Report of Officers, Members, Committees – Planning & Zoning Administrator
Wikar report his staff report will be available sometime in June. He informed Commission there will be an uptick in Ordinance work.
Planning Commissioners expressed frustration with all the building going on without permits, this is on the City Council for not addressing the need for a higher fine. Also brought to discussion was the need to plant the trees at the new library and how to undo a PUD that is not in compliance.

G. Public Comments: Tracey Shafroth offered her services if there was a need for assistance on the trees.

H. Adjournment

Motion by Seabert, with support from Pattison, to adjourn. Motion carried by gavel of the Chair. (9:05)

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To: **Douglas Planning Commission**

From: **Nicholas Wikar**
Planning and Zoning Administrator

Date: **June 8, 2022**

Subject: **Site Plan Review – Addition, Moving Buildings**
39 N. Washington Street (Douglas Damstra)

The City of Douglas has received a Site Plan Review application ("Application") for 39 N. Washington Street, located in the R-3 Neighborhood Conservation District in Douglas, Michigan. Douglas Damstra ("Applicant") seeks Site Plan Review to obtain approval for the moving of the existing legal, non-conforming principal building on a non-conforming lot, for an addition to the residential Single-Family Dwelling Use, as required by the Douglas Zoning Ordinance.

Having reviewed the Application for completeness, the Planning and Zoning Administrator has provided the enclosed submittals to the Planning Commission for consideration and review by the Douglas Planning Commission in a Public Hearing, for compliance with the Site Plan Review standards of Section 24.03.

Upon review, the Planning Commission shall provide: 1.) approval, 2.) approval with conditions, or 3.) denial; providing a statement of any conditions imposed to meet the standards of the R-3 zone and the Standards of Approval. Performance Guarantee may be required by the Planning Commission to ensure compliance to any Conditions of Approval (Section 25.06).

Pursuant to the City of Douglas Schedule of Fees and Ordinances of the City, the Applicant shall:

1. *Remit payment of any outstanding and required fees associated with this Application and all required applications including ROW/ Driveway Permit, Water/Sewer Utility Connection Permit;*
2. *Provide for public sidewalks Pursuant to Chapter 93: Streets and Sidewalks, Code of Ordinances; and*
3. *Performance guarantee in the form of bond to the City, equal to the estimated cost of site improvements required and necessary for compliance with Conditions of Approval, as assigned through Site Plan Review by the Planning Commission.*

It is recommended the Douglas Planning Commission approve with conditions the Site Plan Review for an Addition and Moving Buildings (Principal), zoned R-3 Neighborhood Conservation District, located at 39 N. Washington Street; for analysis and findings of facts related to the conformance or non-conformance with Section 24.03 of the Zoning Ordinance.

Site Plan Review Application

Application Fee $300
Additional Fees May Apply

The Village of Friendliness – Since 1870

Property Information:

Address or Location: 39 Washington Street

Parcel Number: 59-100-007-00 Property Size: .15 acre

Zoning District – Current: R3 Proposed Zoning District (if applicable): _____

Existing Use of Building/Property: Residential Special Use (if applicable): _____

Type of Project (Residential or Commercial): Residential

Describe Proposed Project: Home remodel - lift home and pour new foundation in new location closer to S lot line, remodel existing home, add 2nd story, add garage with deck on west side of home, add front porch.

Estimated Project Cost: 600,000

Site Plan Review Application Requirements

☑ **Yes, I have read the City of Douglas Zoning Ordinance Article 24 Site Plan Review**

Y	N	N/A	
☑	☐	☐	Completed Site Plan Review application
☑	☐	☐	Plot Plan
☑	☐	☐	Legal Description
☑	☐	☐	Narrative Description

I Douglas Damstra hereby state that all the above statements and all the accompanying information are true and correct.

42 NORTH

Signature of Owner/General Contractor

5/9/2022

Date

Email Address: doug@42nhomes.com

Phone: (616)377-7542

FOR INTERNAL USE ONLY

CITY OF DOUGLAS ZONING REVIEW

Approved ☐ Conditional Approval ☒ Denied ☐ Permit Number N/A

Rationale Subject to conditions of approval as assigned by Planning Commission.

Fee Paid ☒ Plot Plan Submitted ☐ Application Complete ☒ Legal Description Included ☐ Narrative Description Included ☒
MDEQ Permit Required ☐ Allegan Health Dept. Permit Required ☒

Plans sent to Saugatuck Township Fire Department on: _____ Approved on: _____

Plans reviewed by Planning Commission on: 06-08-2022 Approved on: _____ (Attach Minutes)

Submitted By: _____ To: _____ Date: _____
City Staff (Initials) & Delivery Method KLSWA Representative

Submitted By: _____ To: _____ Date: _____
City Staff (Initials) & Delivery Method MTS Representative

NLS/WJ 05-23-2022
Signature of Planning & Zoning Administrator *Date*

KALAMAZOO LAKE SEWER AND WATER AUTHORITY REVIEW
Connection to Water / Wastewater System (Subject to appropriate connection and inspection fees)

Approved ☐ Conditional Approval ☐ Denied ☐ Permit Number _____

Rationale _____

Street and Number _____

_____ _____
Signature of KLSWA Administrator *Date*

42 North Custom Homes

PO Box 8531

Holland, MI 49422

42 North is working with the new owners of 39 Washington Street, David and Julie Stanton, to remodel the existing home. Due to zoning restrictions on a lot with three road frontages, the client has chosen to utilize the existing structure and add a second story for better views of the water. Also, they would add a small garage on the west side of the home for winter parking.

Project is still in design phase but existing footprint of 1258 square feet will remain the same. New foundation/lower level will also be 1258 square feet but unfinished. Upper level currently is 1031 square feet. Design has 3BR/3BA. Attached garage is roughly 13' x 22' with a rooftop deck. Lower deck at back of home is roughly 18' x 19' and includes stairs to the rooftop deck.

The current foundation is unsuitable for the project and will be replaced. We would lift the structure to replace the foundation.

During discussions with Nick Wikar, he suggested that since we would be replacing the foundation, it might be possible to move the foundation closer to the south lot line, reducing the setback from that lot line to 7' from its current 11'. The home does not meet current zoning code but he thought that moving it would make it more conforming. To be clear, the structural footprint would remain the same but would be moved approximately 4' to the south (but no closer than 7' from the lot line).

On the Washington Street frontage (front of the house), code mandates an 80 square foot (minimum) porch. We are already encroaching on the setback but would like to utilize the notch in the front of the house to minimize the depth of the deck while still creating an inviting entrance to the home. The proposed porch totals 118 square feet and measures 22' x 5'11". The porch is 5'11" at its deepest but only extends from the westernmost front of the house 3'6" which is less than the existing stoop.

The proposed attached garage is within the by-right area and has a 30' setback from Water Street (garage door side) and 20' from Wall Street.

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05-23-2022

Section 24.02 Data Required The following data is required to be depicted on each of fifteen (15) required copies of the site plan or accompanying application. An electronic copy of the site plan in a pdf format shall also be provided. Each site plan shall be provided on a professional quality drawing at a minimum scale of 1"= 20' or as deemed appropriate by the Zoning Administrator.

1) The applicant's name, address, email and phone number in full.1 Douglas Zoning Ordinance 171 Site Plan Review

42 NORTH CUSTOM HOMES, PO BOX 8531, HOLLAND, MI 49422

(616)377-7542

DOUG@42NHOMES.COM

2) Proof of property ownership, and whether there are any options on the property, or any liens against it. – **SEE ATTACHMENT**

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 24.02.21 of this Section. **– REMODEL OF EXISTING HOME – NO ADDITIONAL IMPACT ON INFRASTRUCTURE**

4) Property dimensions and legal description, including angles, lot area, and an arrow pointing north. If the parcel in question is less than one (1) acre in area and is a land division from an existing parcel, then a certificate of survey is required. – **SEE ATTACHMENT**

5) Project description, including the total number of structures, units, bedrooms, offices, square feet, total and usable floor area, carports or garages, employees by shift, amount of recreational and open space, type of recreation facilities to be provided, and pertinent information or information otherwise required by this Ordinance. – **SEE ATTACHMENT**

6) Natural features such as woodlots, streams, drains, lakes or ponds, topography (at two-foot intervals) and man-made features such as existing roads and structures, with indication as to which are to be retained and which removed or altered. – **NO MODIFICATIONS**

7) Existing or proposed public right-of-way and private easements. – **STANDARD ROAD EASEMENT**

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. – **SHOWN ON SITE PLAN**

9) A vicinity sketch showing the location of the site in relation to the surrounding street system and other land uses within three hundred (300) feet in every direction of the proposed use including land uses on the opposite side of any public street. **– SEE GIS IMAGE**

NPW

05-23-2022

10) Location of utilities including natural gas, cable, electric, telephone, fire hydrants; and the location and design of water supply, storm water management facilities, and wastewater systems. – **EXISTING SYSTEMS**

11) Proposed location of accessory structures, buildings and uses, including but not limited to all flagpoles, light poles, bulkheads, docks, storage sheds, carports, Douglas Zoning Ordinance 172 Site Plan Review transformers, air conditioners, trash receptacles, and signs, and the method of screening where applicable. – **ON SITE PLAN**

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. – **EXISTING LANDSCAPING**

13) Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous substances as well as any containment structures or clear zones required by government authorities. – **NOT APPLICABLE**

14) 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. – **NOT APPLICABLE**

15) The location, type, style, and intensity of all proposed site lighting, including building, sign, or any other proposed site lighting. – **NOT APPLICABLE**

16) A statement from the applicant identifying all other federal, state, and local permits required, if any. – **WILL REQUIRE CITY BUILDING AND ZONING PERMITS**

17) Project completion schedule. – **PROPOSED START FALL 2022, COMPLETION SUBJECT TO SUPPLY DELAYS BUT PROPOSED COMPLETION BY FALL 2023.**

18) Compliance with the recommendations of the Tri-Community Plan.

19) Such other information as is necessary to enable the Planning Commission to determine whether the proposed site plan will conform to the provisions of this Ordinance.

20) Seal of the State of Michigan registered engineer, architect, landscape architect, surveyor or planner who prepared the plan. – **NOT APPLICABLE**

21) Special Studies or Research. – **NOT APPLICABLE**

NPW
05-23-2022

0359-100-007-00 ok

Allegan County MI Register of Deeds
Bob Genetski, Register of Deeds
Document # 2022003778
OPR LIBER 4732 PAGE 687
Recorded: 02/23/2022 11:19 AM

WARRANTY DEED

03-22820319-HOL

KNOW ALL PERSONS BY THESE PRESENTS: That: William Van Meter and Gabriela Van Meter, husband and wife, ("Grantor")

(4)

the address of which is: 740 Mt Pleasant Rd, Harrodsburg, KY 40330

convey(s) and warrant(s) to: David C. Stanton and Julie Diane Skiver Stanton, ("Grantee")

the address of which is: 748 NE 17th Way, Fort Lauderdale, FL 33304

the following described premises situated in the City of Douglas, County of Allegan, State of Michigan, to wit:

SEE EXHIBIT A

also known as Property Address: 39 Washington St, Douglas, MI 49406
Parcel ID No.: 59-100-007-00

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, REAL ESTATE TRANSFER VALUATION AFFIDAVIT FILED.

Subject to existing building and use restrictions, easements of record, and zoning ordinances, if any.

THE CURRENT YEAR TAX WAS NOT AVAILABLE FOR EXAMINATION

PENDING RECEIPT OF DENIAL TION OF HOT

When Recorded return to:
David C. Stanton
Julie Diane Skiver Stanton
39 Washington St
Douglas, MI 49406

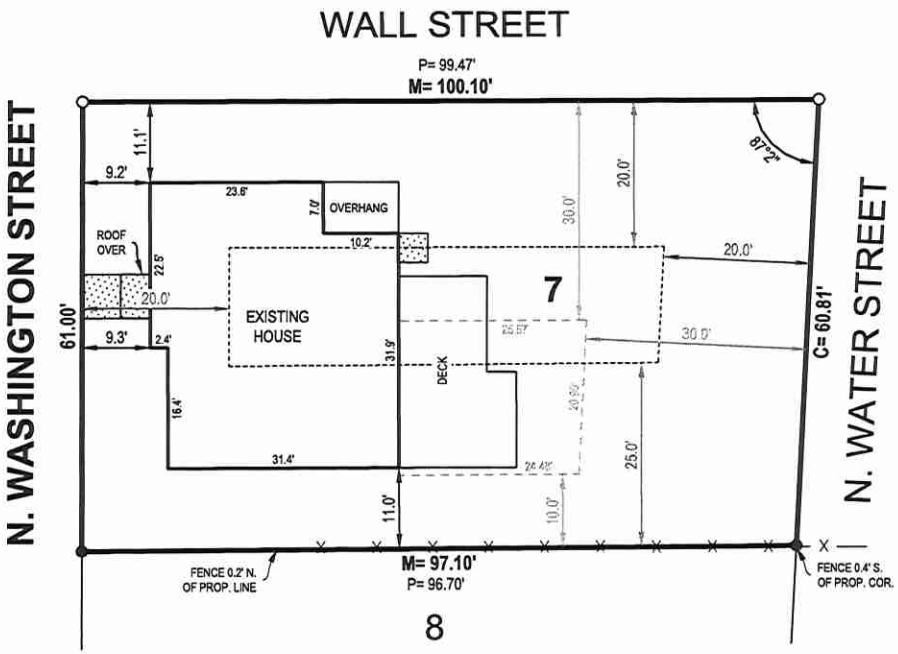
Send Subsequent Tax Bills To:
Grantee

Drafted By:
William Van Meter
740 Mt Pleasant Rd
Harrodsburg, KY 40330
Assisted by: ATA National Title Group, LLC

RECEIVED
'22 FEB 22 AM 11 : 30

Tax Certification # 316491
Obtained from Allegan County Treasurer Prior to Recording

05-23-2022



DESCRIPTION

The land referred to in this commitment is described as follows: City of Douglas, County of Allegan, State of Michigan

Lot 7, Douglas Plat, according to the recorded plat thereof, as recorded in Liber 24 of Plats, Page 51.

(ATA National Title, Commitment No. 03-22820319-HOL, dated January 25, 2022)

LEGEND

●	Iron - Set
○	Iron - Found
— X — X —	Fence
----------	Zoning Setback
	Concrete
	Existing Building
C=	Calculated
M=	Measured
P=	Platted

STATE OF MICHIGAN
Scott A Hendges
License No. 4001047953
LICENSED PROFESSIONAL SURVEYOR

By: Scott A. Hendges

Scott A. Hendges Licensed Professional Surveyor No. 4001047953

SCALE: 1" = 20' 0' 10' 20' NORTH

NOTE: Care has been taken to meet proper setback requirements. However, municipal approval of the proposed location should be obtained prior to commencement of construction.

We hereby certify that we have examined the premises herein described, that the improvements are located entirely thereon as shown and that they do not encroach except as shown hereon.

This survey was made from the legal description shown above. The description should be compared with the Abstract of Title or Title Policy for accuracy, easements and exceptions.

David Stanton
748 NE 17th Way
Fot Lauderdale, FL 33304

39 N. Washington Street

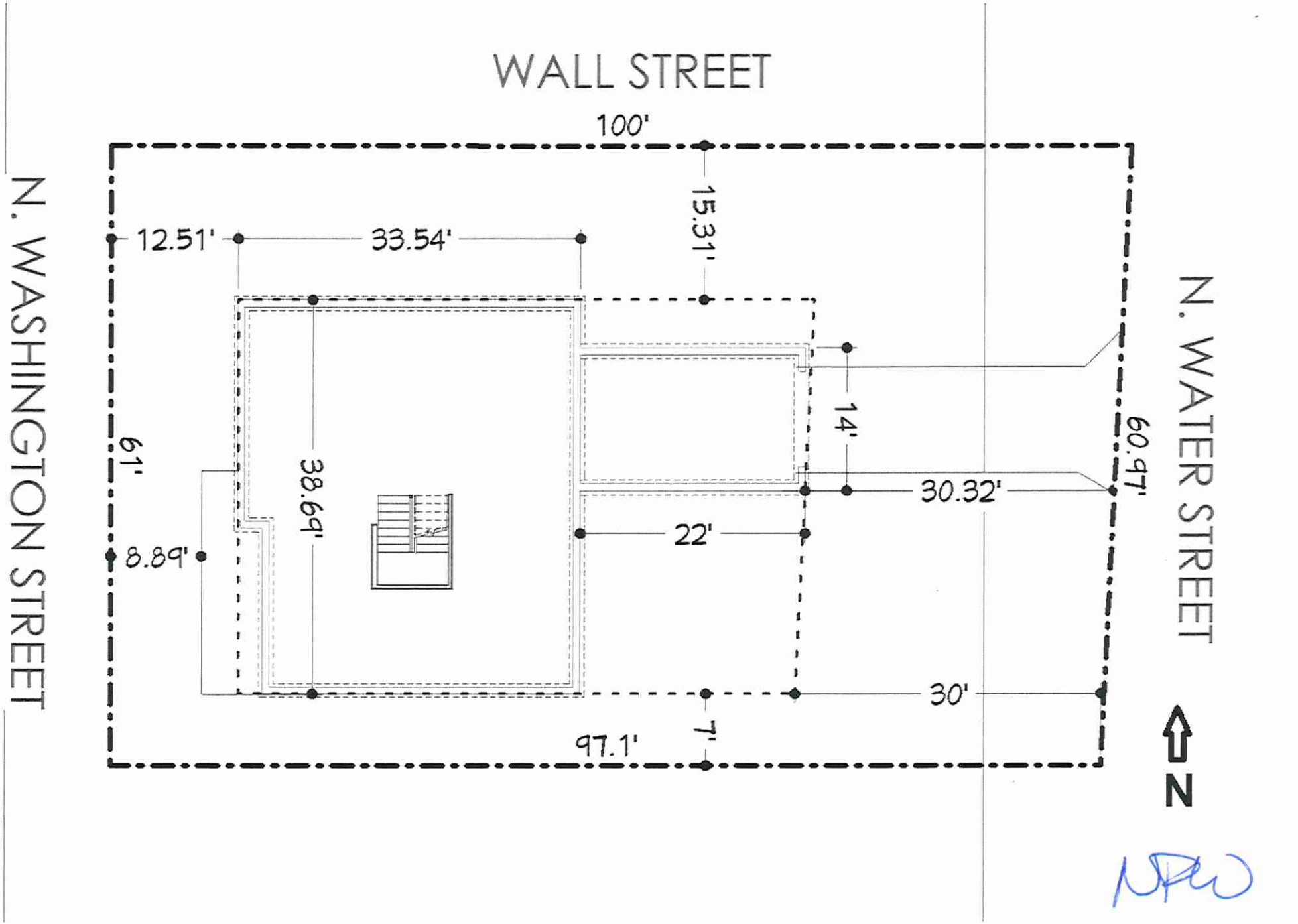
DRAWN BY: KV DATE: 2/8/22
REV. BY: KV REV. DATE: 2/8/22
REV.: UPDATED SETBACKS

PRJ #: 22200166.1

1 OF 1

NEDERVELD
www.nederveld.com • 800.222.1868
Holland
347 Hoover Blvd.
Holland, MI 49423
Ann Arbor, Chicago, Columbus, Grand Rapids, Indianapolis, St. Louis

05-23-2022



NPW

05-23-2022

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05-23-2022

To: **Douglas Planning Commission**

From: **Nicholas Wikar**
Planning and Zoning Administrator

Date: **June 8, 2022**

Subject: **Public Hearing - Recommendation of Amendment(s): Article 16: General Provisions and Article 26: Special Use Standards; to Repeal and Replace Article 27: Planned Unit Development Districts, City of the Village of Douglas Zoning Ordinance**

The Douglas Planning Commission shall consider petition and accept public comments in a Public Hearing, for Planning Commission Recommendation to amend Article 16: General Provisions and Article 26: Special Use Standards, to repeal and replace Article 27: Planned Unit Development Districts of the Zoning Ordinance, pursuant to Section 28.06. Commissioners shall consider draft amendments provided by the Planning and Zoning Administrator, for Consideration by City Council.

Upon close of this Public Hearing, and Planning Commission Recommendation, the Planning and Zoning Administrator shall make any additional revisions and order legal review of final draft amendments prior scheduling. The Planning and Zoning Administrator shall then facilitate the necessary Notice of Public Hearing(s), to ensure public participation and Consideration by the City Council, pursuant to Section 28.07.

The financial burden associated with this recommended action of the Planning Commission may include cost for additional publication and delivery of legal notice and shall include cost of legal review of the proposed Ordinance Amendments by the City Attorney, prior to Consideration by City Council.

It is recommended the Douglas Planning Commission arrive at findings of fact in a Public Hearing, for Planning Commission Recommendations and proposed amendments to Article 16: General Provisions and Article 26: Special Use Standards for Consideration by City Council, to repeal and replace Article 27: Planned Unit Development Districts, City of the Village of Douglas Zoning Ordinance.

DOUGLAS
THE CITY OF THE VILLAGE OF

RECEIVED
MAY 23 2022
BY: Pamela Aalderink

The Village of Friendliness ~ Since 1870

Nicholas Wikar, Planning & Zoning Administrator
86 W. Center Street, P.O. Box 757
Douglas, MI 49406

May 23, 2022

Pamela Aalderink, City Clerk
86 W. Center Street, P.O. Box 757
Douglas, MI 49406

Cc: Douglas Planning Commission

Dear Madam Clerk:

Please accept petition and proposal for amendments to repeal and replace Article 27: Planned Unit Development Districts, City of the Village of Douglas Zoning Ordinance, requesting public hearing for Planning Commission Recommendations, for Consideration by City Council. The Douglas Planning Commission shall consider this detailed description of the petition on behalf of the City, to the attention of the Planning and Zoning Administrator. The petition would result in no specific change to the Zoning Map, however the petition would have effect over all properties and all future Planned Unit Development projects proposed within the City of the Village of Douglas, Michigan, following the date of certification of amendments.

Sincerely,

Nicholas P. Wikar
Planning & Zoning Administrator

ARTICLE 27:
PLANNED UNIT DEVELOPMENT DISTRICT

Section 27.01 Intent and Purpose

The provisions of this Article provide requirements and standards for the submission, review and approval of applications for planned unit developments (PUD). The PUD regulations are designed to accomplish the objectives of this Ordinance through a land development project review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area. The permanent preservation of open space, natural areas and the existing small town rural character of Douglas are major objectives of these PUD regulations. To those ends, these PUD regulations are intended to permit flexibility in the regulation of land development; encourage innovation in land use and variety in design, layout and type of structures constructed; achieve economy and efficiency in the use of land, natural resources, energy and the provision of public services and utilities; encourage provision of useful open space; and to provide adequate housing, employment and shopping opportunities particularly suited to the needs of the residents of the City. Further, it is the purpose of the Planned Unit Development Regulations to promote the intent and purpose of this Ordinance, and to ensure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use. The provisions of this Article are not intended as a device for ignoring or circumventing this Ordinance or the planning upon which it has been based.

Section 27.02 PUD is a Separate District

The purposes, procedures, and standards of this Article are intended to guide the applicant in the preparation of preliminary and final site plans for a PUD, consistent with the purposes stated in Section 27.01. These standards shall be used as the basis for the evaluation of the site plans by the Planning Commission and City Council and shall be considered in reviewing any application for a PUD. Approval of a PUD on property already zoned PUD may proceed only when an application and site plan therefor are determined to be in compliance with the regulations of this Article and those of Article 24; Site Plan Review. Approval of a PUD on property not already zoned PUD results in rezoning to a PUD District only when an application and site plan therefore are determined to be in compliance with the regulations of this Article and those of Article 24; Site Plan Review. A district zoned PUD is an overlay zone. The underlying zone shall establish permitted uses, density and the minimum lot size for consideration as a PUD. A parcel zoned PUD shall have the underlying zone as a prefix on the Zoning Map, such as R-1 PUD. If not otherwise specified on the Zoning Map, or as a result of previously being approved as a PUD, the underlying zone for a PUD shall be R-1 Residential District.

Section 27.03 Eligibility Criteria

To be eligible for Planned Unit Development approval, the applicant must demonstrate that the following criteria will be met:

1) Recognizable and Substantial Benefit. The Planned Unit Development shall result in a recognizable and substantial benefit to the ultimate users of the project and to the community. Such benefit must otherwise be unfeasible or unlikely to be achieved, taking into consideration the reasonable and foreseeable detriments of the proposed development and use(s); including, without limitation:

a) The long-term protection and/or preservation of natural resources and natural features and/or historical and/or architectural features of a significant quantity and/or quality in need of protection or preservation on a local, state and/or national basis;

b) Reducing to a significant extent the non-conformity of a non-conforming use or structure, i.e., modification of a non-conforming use or structure so that, to a significant extent, it is rendered more conforming, or less offensive, to the zoning district in which it is situated.

2) Minimum Area and Density. The minimum land area necessary to be considered for a PUD shall not be less two (2) acres. The overall density of dwelling units shall not exceed that permitted within the underlying district. See Section 27.04(4). Density may be shifted throughout the site and dwellings may be clustered on lots smaller than those permitted in the underlying zone if doing so better achieves the open space preservation objectives of this Article. Any time less than four (4) newly created lots or dwelling units are proposed to be developed on property already zoned PUD, the standards and procedures in Section 27.10 shall apply.

3) Availability and Capacity of Public Services. The proposed Planned Unit Development shall comply with the provisions of Section 16.20 and shall not exceed the capacity of existing and available public services, including but not necessarily limited to, police and fire protection services, and educational services, unless the project proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the Planned Unit Development is completed. Large PUDs shall conform with the additional impact requirements of Section 27.07(2)(a-c).

4) Compatibility with the Tri-Community Comprehensive Plan. The proposed development shall be consistent with the Tri-Community Comprehensive Plan.

5) Compatibility with the Planned Unit Development Intent. The proposed development shall be consistent with the intent and spirit of these regulations, as stated in Section 27.01.

6) Economic Impact. The proposed development shall not impede the continued use or development of surrounding properties for uses that are permitted in the district in which they are located.

7) Unified Control of Property. The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with the Planned Unit Development regulations. This provision shall not prohibit a transfer of ownership or control, provided that notice of such transfer is given immediately to the Zoning Administrator.

8) Dedication of Utilities and Roads. Roads within the PUD development shall meet the standards of Article 18 and Section 16.21. Likewise, utility easements shall be conveyed to the City. Utility easements and roads in PUD developments approved prior to the enactment of this Ordinance may remain in private ownership.

Section 27.04 Project Design Standards

In considering any application for approval of a Planned Unit Development proposal filed according to the procedures of Section 27.05 and application and data requirements of Section 27.06, the Planning Commission and City Council shall make their determinations on the basis of standards set forth for site plan review in Section 24.03, the eligibility criteria of Section 27.03, as well as the following standards and requirements:

1) Location. A Planned Unit Development may be approved in any district, subject to review and approval as provided herein.

2) Compatibility with Adjacent Uses. The proposed Planned Unit Development shall set forth specifications with respect to height, setbacks, density, parking, circulation, landscaping, views, and other design and layout features which exhibit due regard for the relationship of the development to surrounding properties and the uses thereon. In determining whether this requirement has been met, consideration shall be given to the following:

a) The bulk, placement, and materials of construction of proposed structures.

b) The location and screening of vehicular circulation and parking areas in relation to surrounding development.

c) The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.

d) The hours of operation of the proposed uses.

e) The provision of landscaping and other site amenities.

3) Permitted Uses. Any land use authorized in the underlying district may be included in a Planned Unit Development as a principal or accessory use, provided that public health, safety, and welfare are not impaired.

4) Applicable Base Regulations. Unless waived or modified in accordance with subsection (5) below, the yard and lot coverage, parking, loading, landscaping, lighting, and other standards for the underlying district(s) shall be applicable for uses proposed as a part of a Planned Unit Development. Mixed uses shall comply with

the regulations applicable for each individual use, as outlined above, except that if regulations are inconsistent with each other, the regulations applicable to the most dominant use shall apply. The site standards for all individual land uses and facilities as provided in this Ordinance (such as special uses) must be observed unless waived by the Planning Commission or City Council for any, or all, of the specific uses and facilities. However, a special use that is part of a PUD shall not be separately processed as a special use, instead it shall be processed as part of the PUD application.

5) Regulatory Flexibility. To encourage flexibility and creativity consistent with the Planned Unit Development concept, departures from the regulations in subsection (4), above, may be permitted, subject to recommendation by the Planning Commission and approval of City Council. For example, such departures may include but are not limited to modifications to: lot dimensional standards; floor area standards; setback requirements; parking, loading, and landscaping requirements; and similar requirements. Such modifications may be permitted only if they will result in a higher quality of development or a better design or layout than would be possible without the modifications. Density standards and the provisions of Section 16.21 Shorelines, right-of-way width requirement of Section 18.02 or the City right-of-way requirement for a public street may not be modified. A modification of up to 50% of the front yard setback requirement of the zoning district may be modified under this regulation.

6) Residential Density. The maximum density permitted in the underlying district may be permitted only upon determination that the desired density will not unreasonably affect water and sewer services, storm water drainage, road capacity, traffic, parks and recreation, fire and police services, schools, character of the area, and any planned public and private improvements in the area.

The maximum number of dwelling units permitted as part of a PUD proposal shall be determined by submittal of a test plan. Such test plan shall illustrate the maximum number of units which can be accommodated by the given site within the parameters of the underlying zoning district and all other applicable portions of this ordinance or any other state and local laws. The lots or uses depicted on the test plan shall be permitted by right, but not guaranteed if site conditions in the proposed plan require significant deviation consideration, and any use or lot division subject to special approval shall not be included as part of a test plan. Such a plan shall be complete with roads and other required easements. This number, as determined by the Planning Commission, shall be the maximum number of dwelling units allowable within the PUD. The actual lot size of most lots approved in a PUD proposal will likely be substantially less than the minimum requirements of the underlying district in order to meet the open space requirements of 27.04(8). The test plan shall be considered a necessary step to submitting a complete application for a PUD and no further site plans for the subject parcel shall be reviewed by the City.

7) Permitted Mix of Uses. Where the existing underlying zoning district is residential, nonresidential uses shall be permitted as part of a Planned Unit Development which also contains a residential component, provided that the applicant demonstrates that the residential uses will be predominant and the nonresidential use will not create a

nuisance for abutting property. The Planning Commission shall determine predominance of use after taking into account the following criteria as they apply to each of the proposed uses: extent to which it serves residents in the PUD compared to others who travel to the site, amount of traffic generated; hours of operation or use; noise, odors, and overall impact on adjoining uses; land area allocated to each use; and, building area allocated to each use.

8) Open Space Requirements. Open space shall at least equal that which would be provided under the maximum lot coverage requirements of the underlying district. For example, if maximum lot coverage is 35%, then minimum open space shall be 65%. A subdivision with most of the open space in individual yards will not meet the standards of this Ordinance. At least half of the minimum open space shall be held in common, not as a part of individual lots. Open space shall be in large contiguous units that are easily accessible, usable, and the residents of the development shall have unrestricted access and use of the open space area unless the City Council as recommended by the Planning Commission finds that unrestricted access and use of the open space is unpractical and unreasonable due to unusual circumstances of the property. Small discontinuous areas of open space are contrary to the intent of this section, although it may be necessary to permit up to twenty (20%) of the total open space area in small discontinuous areas on a given parcel in order to achieve quality design and/or function of the balance of the PUD.

Any land without a structure within the boundaries of the site may be included as required open space, except for submerged lands and land contained in public or private street rights-of-way. The required open space shall be set aside by the developer through an irrevocable conveyance, such as a deed restriction or covenant that runs with the land, assuring that the open space will be developed according to the site plan and never changed to another use. Such conveyance shall:

a) Ensure the open space is under single ownership or control, such that there is a single person or entity having proprietary responsibility for the open space. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, master deeds, and/or deed restrictions that indicate that open space will be held as proposed.

b) Guarantee to the satisfaction of the City Council that all open space portions of the development will be maintained in the manner approved. Documents shall be presented to the satisfaction of the City Attorney that bind all successors and future owners in fee title to maintenance commitments made as a part of the approval of the open space.

c) Provide for maintenance to be undertaken by the City in the event that the dedicated open space is inadequately maintained, or is determined by the City to be a public nuisance, with the assessment of costs upon the property owners within the PUD.

9) Frontage and Access. Planned Unit Developments shall front onto a street with adequate capacity to safely accommodate the traffic of the development without unreasonably congesting the street. Road improvements contiguous to the site of the PUD that would improve traffic safety and reduce congestion may be required as a condition of development approval. Access and egress opening from the development onto a public or private street shall be limited to one (1) per two hundred (200) feet. The nearest edge of any entrance or exit drive shall be located no closer than one hundred (100) feet from any street or road intersection (measured from the nearest intersection right-of-way line). All requirements of Article 18 shall also apply to Planned Unit Developments.

10) Utilities. All utilities serving a Planned Unit Development, including electric, telephone, and cable television lines, shall be placed underground, wherever feasible.

11) Privacy for Dwelling Units. The design of a Planned Unit Development shall provide visual and sound privacy for all dwelling units within and surrounding the development. The relationship of adjacent exterior doors and windows shall be off-set wherever possible. Fences, walks, and landscaping shall be used in the site design to protect the privacy of dwelling units.

12) Emergency Access. The configuration of buildings, driveways, and other improvements shall permit convenient and direct emergency vehicle access and shall be subject to the International Fire Code and Fire Department review.

13) Pedestrian and Vehicular Circulation. A pedestrian circulation system shall be provided that is isolated as completely as possible from the vehicular circulation system. The layout of vehicular and pedestrian circulation routes shall respect the pattern of existing or planned streets, sidewalks, and bicycle pathways in the vicinity of the site and complement and implement the recommendations of the Tri-Community Plan.

14) Maximum Height. Except as otherwise provided herein, maximum building height shall be consistent with underlying district.

15) Minimum Spacing. Minimum spacing between detached buildings shall not be less than 15 feet, unless the Planning Commission or City Council authorizes a lesser amount. In no case shall spacing be less than required under the Building Code.

16) Building Length. The front and rear of a multiple family building shall be considered to be the elevations along the longest dimension of said building. The front of the multiple family building shall be considered to be the direction indicated on the drawings by the designer provided is not inconsistent with floor plan of the individual unit; and the side of a multiple family building shall be considered to be the elevation along the narrowest side of said building. No multiple family building shall exceed one hundred twenty (120) feet in length along any one elevation of the building measured in an unbroken plane between its two furthest points.

17) Sensitive Natural Features. All sensitive natural features such as drainage ways and streams, critical dune areas, wetlands, lands within the 100 year floodplains,

and stream or river banks (which by virtue of soil and slope may create highly erodible hazards to the public health and safety) shall remain unencumbered by any principal or accessory buildings and structures.

18) Buffer Zone Along Streams. Drainage ways and streams shall be protected by a twenty-five (25) foot natural vegetation strip or public easement measured from the centerline of such drainage ways or streams and measured from the ordinary high water mark for the Kalamazoo River. The standards of Section 16.21 are also applicable and shall not be altered by the regulatory flexibility provision of Section 27.04(5).

19) Buffer Zone Along Property Lines. Natural vegetation, planted or landscaped buffer areas of twenty-five (25) feet width are required along all exterior boundaries of the property to be developed as a PUD.

20) Parking Areas. The parking area shall be designed so as to maximize and encourage the use of landscape breaks and/or buffers to minimize the unbroken expanse of surfaced area. However, landscaped areas in parking lots shall be large enough to support thriving vegetation and are greatly preferred over many small landscape islands.

21) Common Property. Common property in the PUD is an area, parcel or parcels of land, a privately owned road, or roads, together with the improvements thereon, the use and enjoyment of which are shared by the owners and occupants of the individual building sites or condominiums within the PUD. When common property exists, the ownership of such common property shall be private. When privately owned, arrangements must be made for the improvement, operation, and maintenance of such common property and facilities, including private streets, drives, service parking and recreational facilities (such as a club house or tennis courts). The applicant shall guarantee to the satisfaction of the City Attorney that all common property portions of the development will be maintained in perpetuity and in the manner approved. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the approval of the common property. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the City and the land use continues as approved.

22) Easements Across Common Property. When common property exists in private ownership, the owners shall grant easements, over, under and through such property to the City as are required for public purposes.

Section 27.05 Procedures and Requirements

A. Pre-Application Conference. An applicant for a PUD rezoning shall participate in a pre-application conference prior to submitting an application for PUD approval and rezoning. The purpose of the pre-application conference is to inform the City of the preliminary concept and basic details of the proposed development and to provide the applicant with information regarding the requirements and procedures of the PUD District. The pre-application conference shall include the applicant, the City Manager, Planning

Commission chairman, Mayor and other persons as deemed appropriate. At the pre-application conference the applicant shall submit, at a minimum the following:

1. A written statement describing the types of land use proposed for the PUD.

2. A sketch plan of the proposed PUD, in at least four copies, which includes at least the following information:

   a. The address and legal description of the land.

   b. The gross land area, in acres, of the proposed development and also the gross land area, in acres, comprising each of the required categories of land use.

   c. If the PUD is proposed to include residential use, a statement of the number and nature of the residential units.

   d. A statement as to the type and nature of the commercial and/or office uses, as the case may be, and including such other information with respect to such uses as will enable the Zoning Administrator to determine preliminarily whether such uses are permitted under the terms of this Article.

   e. The percentage of required open space, and the projected locations of open space, within the proposed development.

   f. A statement or other description or depiction of the natural features on the site, including those proposed to be preserved and those to be removed or modified for development purposes.

   g. Such other information as may reasonably be requested by the Zoning Administrator for purposes of evaluating preliminarily whether the proposed PUD would comply with the minimum requirements as stated in this Article.

   h. A written statement of any requested departures from the provisions of this Ordinance, in cases where departures are authorized under the terms of this Article, together with the rationale for such requested departures.

B. Application and Preliminary PUD Plan. An applicant for a PUD rezoning shall submit the following to the City:

1. A completed application for PUD rezoning, on a form provided by the City.

2. A preliminary PUD plan with the number of copies stated on the City PUD application form. The preliminary PUD plan shall also be submitted in an electronic version, in pdf format, and also in a reduced-size, 11"x17" paper version.

3. Written proof, satisfactory to the City, that the applicant, and/or other persons acting with the applicant, shall have unified ownership or control of the land proposed for the PUD, such that there is one person, group of persons or legal entity that would have complete responsibility for the design, construction and completion of the PUD in accordance with the approved PUD plan and ordinance.

4. The required application fee and zoning escrow deposit.

C. Optional Advisory Public Hearing. The Planning Commission may, in its discretion, convene an advisory public hearing in order to receive public comments concerning a proposed PUD development.

1. If the Planning Commission determines to convene an advisory public hearing, it shall so notify the applicant, and the applicant shall then prepare a preliminary PUD plan complying with subsection (D) of this section. At the advisory public hearing, the Planning Commission shall review the preliminary PUD plan.

2. Notice of an advisory public hearing shall be given by publication in a newspaper of general circulation in the City. Such notice shall be published at least 15 days prior to the advisory public hearing. Notice of the advisory public hearing shall also be mailed or delivered personally to all persons to whom any real property is assessed within 300 feet of the lands included in the proposed PUD. The notice shall be mailed or delivered personally to the respective addresses given in the last property tax assessment roll not less than 15 days prior to the date of the advisory public hearing.

3. At the advisory public hearing, the Planning Commission shall invite comments from the applicant and other interested persons. Following the public hearing, the Planning Commission may provide the applicant with such comments or proposals with respect to the proposed development as the commission members deem appropriate.

4. If the Planning Commission finds it in the public interest to conduct another advisory public hearing due to the number of changes to the initial plan, they may do so following the process outlined above.

D. Preliminary PUD Plan. The preliminary PUD plan shall include the following:

1. A drawing at a scale of one inch equaling 100 feet or less, showing the lands to be included in the PUD. The preliminary PUD plan shall state, describe or depict the following:

a. The legal description of the land.

b. The area (in acres) of the land shall be stated (1) as the total acreage of the entire PUD; (2) the areas (in acres) within the PUD that are proposed to be developed for commercial, office and residential uses, respectively; and (3) the area (in acres) of

the land that is proposed to remain undeveloped.

c. The location and dimensions of existing and proposed property lines and building setback lines.

d. The location and dimensions of existing and proposed buildings and other structures.

e. Proposed uses of buildings and other structures.

f. Existing and proposed topographic contours at five-foot intervals.

g. Significant existing vegetation and other significant existing natural features, including floodplains, woodlands and wetlands.

h. Existing and proposed watercourses and water bodies.

i. Existing public and private streets, and street rights-of-way; existing access easements.

j. Proposed streets and drives; curb cuts and access easements; acceleration, deceleration and passing lanes and sidewalks.

k. Existing uses, buildings, structures, driveways and off-street parking areas within 300 feet of the subject property.

l. Proposed off-street parking areas and off-street loading and unloading areas.

m. Existing and proposed public water supply and public sanitary sewage disposal facilities as to the description and location thereof.

n. Proposed storm water management systems, including storm sewers, retention and/or detention ponds, storm water discharge areas and other storm water management measures as to the description and location thereof.

o. Public utilities in and for the PUD, including natural gas, electric, telephone and other community services, if any, such as cable television and Internet access as to the types of utility services proposed to be provided.

p. Buildings and other facilities for public or community use.

q. Proposed areas of landscaping and general types of plantings.

r. Proposed signs as to anticipated locations and the size, height and type thereof.

s. Outdoor lighting, as to expected locations and the proposed type and height of outdoor lighting fixtures.

t. Fences, walls and other screening features.

u. Refuse and service areas, including screening measures for

trash receptacles.

v. Open space areas and proposed uses thereof, if any.

w. Location of state-regulated wetlands and other wetlands, if any.

x. Tentative elevation views of the front, side and rear of each building.

y. Additional information which the Planning Commission may request in order to fully evaluate the preliminary PUD plan. This may include an Environmental Assessment and/or Traffic Study as outlined in Section 24.02.21.

2. It is not necessary that the preliminary plan include construction details or such other data as may require engineering expertise or such other professional analysis more appropriate to a final plan, rather than a preliminary plan. As provided elsewhere in this section, the Planning Commission may in its discretion, require additional background or information if necessary for a sufficient evaluation of the preliminary plan.

3. In the approval of the PUD, the Planning Commission and City Council may waive any element, component or depiction otherwise required to be included in the preliminary PUD plan if such matters are not deemed necessary for City review and consideration of the PUD.

4. A written description or summary of the PUD, including the following matters:

   a. The overall objectives of the proposed PUD.

   b. The number, size and basic description of proposed buildings and structures.

   c. A statement describing how the proposed PUD will promote the intents and purposes of the PUD District.

   d. A statement from a licensed professional engineer, or alternatively, the City Engineer, indicating the relative capacities of the public water supply and the public sanitary sewer systems proposed to serve the development.

5. The application for the PUD approval shall also include the following information:

   a. The applicant's name, business address, telephone number and email address.

   b. The name and address of the owner(s) of record if the applicant is not the owner of record and the signature(s) of the owner(s).

   c. The property tax identification number(s) of the land.

   d. The name, address, telephone number and email address of the applicant's engineer, land-use planner, architect, land

surveyor and other professional consultants.

e. A time-schedule of proposed construction, including the anticipated completion date and proposed phases of development of the PUD.

f. A written statement describing the impacts of the PUD on existing infrastructure (including traffic impact and effects on the capacity of streets, schools and utilities) and on the natural environment and adjoining and other lands.

g. The property owner's signed consent for City representatives to enter and inspect the land for the purpose of reviewing the PUD plan and the current condition of the land.

E. Final PUD Plan. Following the advisory public hearing, if such a hearing is convened, or otherwise following the pre-application conference, the applicant shall prepare a final PUD plan and submit the plan to the City.

1. The final PUD plan shall contain all of the data, information and submittals required for a preliminary PUD plan as stated in subsection (D) of this section. In addition, the final PUD plan shall include such other matters and information as may have been required by the Planning Commission following the advisory public hearing, if such a hearing was convened.

2. In addition, the final PUD plan shall include the following:

a. Existing and proposed topography of the lands comprising the PUD shall be shown at two-foot contour intervals.

b. A boundary survey of the lands comprising the PUD, prepared by a registered land surveyor, shall be submitted.

c. All of the development requirements stated in Section 27.04 shall be addressed or otherwise included in the final PUD plan.

F. Planning Commission Consideration of Final PUD Plan. A final PUD plan shall be considered by the City as follows:

1. The final PUD plan shall be reviewed by the Zoning Administrator to determine whether the plan sufficiently complies with subsections (D) and (E) of this section, and thus whether the plan is eligible for consideration by the Planning Commission. If the plan is complete, the Zoning Administrator shall forward the plan to the Planning Commission.

2. The Planning Commission shall convene a public hearing to consider the final PUD plan and the proposed PUD ordinance. The public hearing shall be held in accordance with City and state requirements for the rezoning of lands. The Commission may continue its consideration of the final plan during subsequent meetings.

3. In considering the final PUD plan and/or the proposed rezoning, the

Planning Commission shall consider whether the proposed PUD satisfies the minimum requirements of this Article and the standards for approval set forth in Section 27.06.

4. After the public hearing, the Planning Commission shall recommend that the City Council (1) approve the proposed PUD rezoning in accordance with the final PUD plan, (2) approve the rezoning subject to conditions, or (3) deny the rezoning.

   a. The recommendation by the Planning Commission shall be included in a motion or in a resolution. The terms and conditions of approval or the grounds for denial, as the case may be, shall be included.

   b. The Planning Commission's recommendation shall include a recommendation on departures or modifications, if any, from the requirements of this Article proposed by the applicant, including the grounds upon which the Planning Commission recommends, or does not recommend, such departures or modifications.

   c. In considering its recommendation on the final PUD plan, the Planning Commission shall consider the standards stated in Section 27.06.

5. To aid the City in its consideration of the effects and results of the development of the land as proposed in the final PUD plan, the Planning Commission may require an Environmental Assessment or Traffic Study as outlined in Section 24.02.21

G. City Council Consideration of Final PUD Plan. The City Council shall review the final PUD Plan and proposed rezoning and the recommendation and other materials submitted by the Planning Commission. The City Council shall determine whether the final PUD plan complies with the requirements of this Article and the standards in Section 27.06. Following completion of its review, the City Council shall adopt an ordinance approving, approving with conditions, or denying the PUD rezoning application.

Section 27.06 Standards of Approval.

In approving a rezoning of land to the PUD District, the Planning Commission and City Council shall find that the proposed PUD complies with the following standards:

A. The PUD will result in a recognizable and substantial benefit to the residents of the PUD and the City, and such benefit would otherwise be unlikely to be achieved.

B. The PUD will not result in an undue burden on available public services, facilities or utilities.

C. The PUD will comply with the land use designations for such lands in the future land use map of the Master Plan; the PUD will otherwise be consistent with the intent and purposes of this Chapter, and the Master Plan.

D. The PUD satisfies the development requirements of Section 27.04.

E. The PUD will not result in significant adverse effects upon adjacent or nearby lands.

F. The PUD will not alter wetlands, steep slopes or other natural features except as approved for essential services or as otherwise permitted in the PUD.

G. Buildings and structures will be suitably located and arranged, with adequate setbacks and convenient access points.

H. The number, location and size of access points for the PUD, and internal traffic and pedestrian circulation routes are designed to promote safe and efficient access to and from the PUD and circulation within the PUD.

I. Storm water detention and drainage systems will be designed so that the removal of surface waters will not adversely affect lands in the PUD or adjacent or nearby lands. The final PUD plan shall demonstrate compliance with the City Storm Water Ordinance.

J. Landscaping in the PUD will be in accordance with City landscape requirements or as they may be modified in the approval of the PUD.

K. Outdoor lighting will be designed to minimize glare on adjacent lands and streets and will otherwise be designed, installed and operated in compliance with City requirements, or as otherwise approved in the terms of the PUD ordinance.

L. Sanitary sewer and water supply facilities will comply with City and other applicable requirements.

M. Signs in and for the PUD will comply with applicable sign requirements, including such modifications as may be permitted in the approval of the PUD.

N. Off-street parking areas and facilities will comply with applicable City requirements, including such modifications as may be permitted in the approval of the PUD.

Section 27.07 Conditions on Approval

The Planning Commission may recommend and the City Council may impose reasonable conditions upon approval of a rezoning of land to the PUD District. Such conditions may include conditions necessary (1) to ensure that public services and facilities affected by the PUD will be capable of accommodating increased service use and demand caused by the PUD; (2) to protect the natural environment and conserve natural resources and energy; (3) to ensure compatibility with adjacent uses of land; and (4) to promote the use of land in a socially and economically desirable manner. Conditions imposed shall comply with all of the following requirements:

A. They shall be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of the users of land within the PUD, the owners of land adjacent to the PUD and the City in general.

B. They shall be consistent with the valid exercise of City regulatory authority.

C. They shall be necessary to ensure compliance with the intent and purposes of this Article.

The conditions imposed with respect to the approval of the PUD application shall be included in the ordinance that rezones the land to the PUD district. Such conditions shall remain unchanged except upon amendment of the PUD ordinance.

Section 27.08 Phasing of Construction of PUD

A. The commercial, office and residential elements of the PUD shall be constructed generally concurrently, upon such schedule or within such phases as may be approved by the Planning Commission and City Council.

B. If a PUD is authorized for construction in phases, the PUD shall be designed so that each phase, when completed, shall include all services, facilities and open space necessary for the full occupancy and use of that phase. Further, each phase shall include all necessary elements to ensure protection of natural features and the health, safety and welfare of the residents and users of the PUD.

C. The PUD ordinance may limit or prohibit the issuance of building permits and certificates of occupancy until all public services and facilities within a phase of the PUD are fully complete, or alternatively, the PUD ordinance may require that a letter of credit or other security be provided as a condition of the issuance of such permits or certificates prior to the completion of all public services and facilities within a phase.

D. Each phase of an PUD shall be commenced and/or completed within the time period specified in the PUD ordinance. If construction of a phase is not commenced within the required time period, the provisions on expiration of PUD approval set forth in Section 27.10 shall apply.

Section 27.09 Effect of Approval

Approval of a PUD upon the adoption and effectiveness of the PUD ordinance shall constitute an amendment in the City zoning map. All improvements and land uses within the PUD shall comply with the PUD ordinance and all terms and conditions thereof. Violation of the PUD ordinance shall be a violation of this Ordinance, and accordingly, the City shall have all remedies and means of enforcement permitted by law.

Section 27.10 Expiration of PUD Approval

A. A PUD shall be under construction, and be proceeding reasonably toward completion, within one year after adoption of the PUD ordinance by the City Council. If a PUD is not under construction or reasonably proceeding within this period of time, the City Council may grant an extension of up to one year if the applicant submits evidence demonstrating that unforeseen difficulties or unusual circumstances have caused delay in commencement or continuance of construction.

B. If construction of the PUD has not been commenced, or if construction has not reasonably continued, within the initial required period of time or within any approved extension granted under subsection (1) of this section, any building permits issued for construction within the PUD shall be of no further effect, and the Planning Commission and City Council may, in their discretion, initiate and complete proceedings for the rezoning of the land to some other zoning district.

Section 27.11 Performance Guarantee

A. In the approval of a PUD, the City shall require a reasonable performance guarantee to assure the construction and completion of public services and facilities or other components of the PUD. Such performance guarantee may be in the form of a cash deposit, letter of credit, or other form of guarantee acceptable to the City. The amount and nature of the performance guarantee shall be specified in the PUD ordinance, or alternatively, the amount and nature of the performance guarantee may be subsequently determined by the Planning Commission.

B. The performance guarantee, in whatever form, shall be conditioned upon timely and faithful compliance with all applicable provisions of the PUD ordinance and construction and completion of all services, facilities and other improvements specified for completion under the terms of the PUD ordinance and the approved plan of the development.

C. The Planning Commission may recommend to the Zoning Administrator a refund of a proportionate share of the amount of a letter of credit or other performance guarantee, based upon the percentage or other portion of the required improvements that have been completed.

Section 27.12 Amendment of a PUD

A. Procedure for Amendment. An approved PUD, including all terms and conditions of the PUD ordinance, may be amended or revised only in accordance with the procedures stated in this Chapter for approval of a new PUD, except with respect to minor changes in an PUD under subsection (2) of this section.

B. Minor Changes. A minor change in a PUD may be approved by the Zoning Administrator. In approving a minor change, the Zoning Administrator shall determine that the proposed change does not materially alter the basic design of the PUD or the conditions of its approval. Upon approving a minor change, the Zoning Administrator shall notify the Planning Commission and City Council of the nature and extent of the minor change. Only the following changes in an PUD are minor changes that are eligible for approval by the Zoning Administrator:

1. Reduction of the size of a building, building envelope or sign.
2. Movement of a building or sign by no more than ten feet.
3. Replacement of plantings by other similar plantings.

4. Changes requested by the City for safety reasons.

5. Changes which will preserve natural features of the land without changing the basic layout or design of the PUD.

6. Changes in the boundary lines of lots which do not change the overall density of the development, do not reduce the width of any lot by more than ten percent and which do not materially change the average lot or unit width throughout the PUD.

7. Additions to or alterations in the landscape plan or landscape materials which do not reduce the extent or quality of the landscaping in the PUD.

8. Alterations in the internal layout of an off-street parking area, if the total number of parking spaces and means of ingress and egress do not change.

9. Relocation of trash receptacles or other measures for the collection and disposal of refuse.

10. Other similar changes of a minor nature proposed to be made in the configuration, design, layout or topography of the PUD which are deemed by the Zoning Administrator to be not material or significant in relation to the entire PUD and which the Zoning Administrator determines would not have a significant adverse effect on the development of adjacent or nearby lands or the public health, safety and welfare.

The Zoning Administrator may refer any decision regarding a proposed minor change in an approved PUD to the Planning Commission for review and for a determination as to whether the proposed change is a minor change and if so, whether it should be approved. In such a case, the decision with respect to the proposed minor change shall be made by the Planning Commission, by majority vote of those members present and voting, rather than by the Zoning Administrator.

If the Zoning Administrator determines that a requested change in an approved PUD is not a minor change within the provisions of this section, the change shall then be considered by the Planning Commission and City Council as an amendment in the PUD, and accordingly, all of the procedures required for the consideration and approval of an original PUD application shall apply.

To: **Douglas Planning Commission**

From: **Nicholas Wikar**
Planning and Zoning Administrator

Date: **June 6, 2022**

Subject: **Public Hearing (Continued) - Site Plan Review and Waterfront Construction Application (Major) – Accessory Structure(s) – Bulkhead, Deck(s)/Stairs and Site Changes to Sensitive Lands; R-2 Residential District. 130 Lakeshore Drive (Kevin/Cami Freeman, Mike DeYoung)**

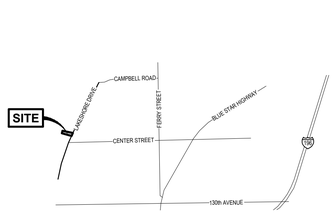
The City of Douglas shall continue consideration of an Application and additional materials received for Site Plan Review and Waterfront Construction Application ("Applications") for 130 Lakeshore Drive, located in the R-2 Residential District, Douglas, Michigan. Kevin and Cami Freeman, property owners, and Mike DeYoung ("Applicant") seek to obtain Site Plan Review approval for new Accessory Structure(s) including bulkhead, deck(s), and stairs constructed without permits.

Waterfront Construction Application for Accessory Structures considered "Major" shall be reviewed in a public hearing by the Douglas Planning Commission, pursuant to Chapter 151 of the City of the Village of Douglas Code of Ordinances. Commissioners shall arrive at Findings of Fact pursuant to Section 151.027 Duties of Planning Commission and Section 24.03 Site Plan Review Standards, of the Douglas Zoning Ordinance.

Having reviewed the Applications for completeness, the Planning and Zoning Administrator has provided the enclosed submittals to the Planning Commission for consideration and review against those Waterfront Construction and Site Plan Review standards. Upon review, the Planning Commission shall provide: 1.) approval, 2.) approval with conditions, or 3.) denial; providing a statement of any conditions imposed to meet the standards of the R-2 zone, applicable Land Use requirements, and/or the standards of Approval. Escrow and Performance Guarantee may be recommended by the Planning Commission to ensure compliance to any Conditions of Approval (Section 23.03(3)(d); and (h)).

Pursuant to the City of Douglas Schedule of Fees and Ordinances of the City, the Applicant shall remit payment of any required Land Use applications fees and penalties for work performed without permits. The Planning Commission shall require payment of dues and may recommend escrow and performance guarantee to the City, equal to the estimated cost of site improvements required and necessary for compliance with any Conditions of Approval, as assigned by the Planning Commission.

It is recommended the Douglas Planning Commission arrive at Findings of Fact and consider Conditional Approval of the Site Plan Review and the Application for Waterfront Construction - "Major" in public hearing, for Accessory Structures located at 130 Lakeshore Drive, zoned R-2 Residential District, in Douglas, Michigan.



LOCATION MAP
NOT TO SCALE

SCHEDULE B - SECTION II NOTES

No survey matters to depict.

BENCHMARKS

BENCHMARK #550 ELEV. = 641.27 (IGLD85)
Top flange nut in hydrant under "E" in EJIW, northeasterly 16'± from southeasterly property corner, and 15'± northwesterly of edge of bit

BENCHMARK #548 ELEV. = 642.36 (IGLD85)
Set spindle in northwest face of power pole, southeasterly 14'± of the centerline of lakeshore drive and southeasterly of the northeasterly property corner

LEGEND

- AC — Air Conditioner
- Benchmark / Control Point
- Deciduous Tree
- Iron - Found
- P — Post
- Set Wood Stake
- GM — Gas Meter
- OH — Overhead Utility
- Asphalt
- Concrete
- Existing Building

0' 5' 10' 20'
SCALE: 1" = 10'

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

UTILITY LOCATIONS ARE DERIVED FROM ACTUAL MEASUREMENTS OR AVAILABLE RECORDS. THEY SHOULD NOT BE INTERPRETED TO BE EXACT LOCATIONS NOR SHOULD IT BE ASSUMED THAT THEY ARE THE ONLY UTILITIES IN THIS AREA.

NOTE:
EXISTING UTILITIES AND SERVICE LINES IDENTIFIED AS "PLAN" WERE OBTAINED FROM AVAILABLE CITY AS-BUILT RECORD DRAWINGS. THE CONTRACTOR SHALL VERIFY THE LOCATION, DEPTH AND STATUS OF ALL UTILITIES AND SERVICE LINES PRIOR TO NEW CONNECTIONS.

TITLE INFORMATION

The Title Description and Schedule B items hereon are from ATA National Title Group, File No. 03-19665927-NRS, dated July 21, 2020

TITLE DESCRIPTION

The land referred to in this commitment is situated in the City of the Village of Douglas, County of Allegan, State of Michigan, as follows:

Lot 8, Trumbull's Second Addition, according to the recorded plat thereof, as recorded in Liber 4 of Plats, Page 2

SURVEYOR'S NOTES

1) Flood Zone Classification: **An examination of the National Flood Insurance Program's Flood Insurance Rate Map for Community Number 260549, Panel Number 0001A, with an Effective Date of February 1, 1980, shows this parcel to be located in Zone C and A2 (subject to map scale uncertainty). No field surveying was performed to determine this zone.**
2) Source information from plans and markings has been combined with observed evidence of utilities to develop a view of the underground utilities. However, lacking excavation, the exact location of underground features cannot be accurately, completely, and reliably depicted. In addition, in some jurisdictions, 811 or other similar utility locate requests from surveyors may be ignored or result in an incomplete response. Where additional or more detailed information is required, the client is advised that excavation may be necessary.
3) NOTE TO CONTRACTORS: 3 (THREE) WORKING DAYS BEFORE YOU DIG, CALL MISS DIG AT TOLL FREE 1-800-482-7171 FOR UTILITY LOCATIONS ON THE GROUND.
4) Waters edge as plotted and shown hereon was field located on 5/11/2022. The boundary along the waters edge is subject to change due to natural causes and it may or may not represent the actual location of the limit of title.
5) RIPARIAN DISCLAIMER: The boundary lines shown hereon do not represent the ownership of any riparian rights, littoral rights, bottom lands or submerged land on, beneath or appertaining to the subject property.

NEDERVELD
www.nederveld.com
800.222.1868
HOLLAND
347 Hoover Blvd.
Holland, MI 49423
Phone: 616.393.0449
ANN ARBOR
CHICAGO
COLUMBUS
GRAND RAPIDS
INDIANAPOLIS
ST. LOUIS

PREPARED FOR:
Kevin Freeman

5712 S. Harper Avenue
Chicago, IL 60637

CREATED:
Drawn: DS Date: 5/10/2022

REVISIONS:
Rev: REMOVE POINTS FROM SURFACE
Drawn: DS Date: 5/24/2022

130 Lakeshore Drive

Topographic Survey

130 Lakeshore Drive
PART OF THE NORTHEAST 1/4 OF SECTION 17, T3N, R16W,
CITY OF DOUGLAS, ALLEGAN COUNTY, MICHIGAN

STAMP:
Scott A Hendges License No. 4001047953 — STATE OF MICHIGAN — LICENSED PROFESSIONAL SURVEYOR

PROJECT NO:
22200774

SHEET NO:
TO.1

SHEET: 1 OF 1

22200774TO.dwg DS 5/24/2022 13:32

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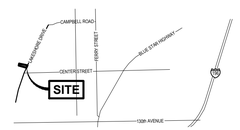
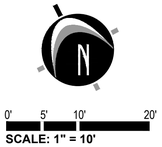
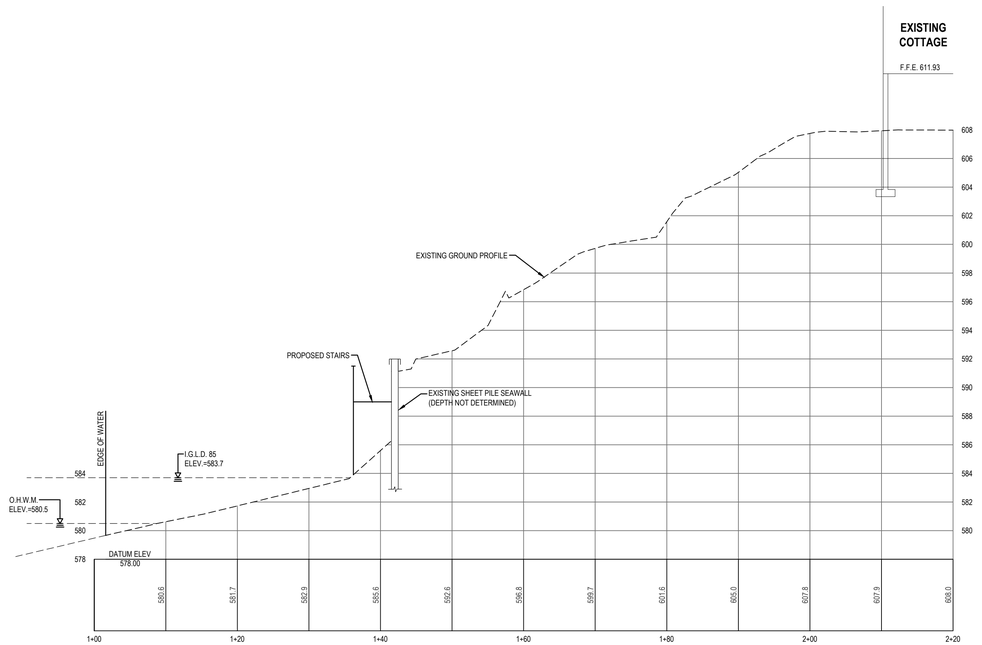


LOCATION MAP
NOT TO SCALE



SCALE: 1" = 10'



PROFILE A-A

SCALE: HORZ. 1" = 10'
VERT. 1" = 5'

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

UTILITY LOCATIONS ARE DERIVED FROM ACTUAL MEASUREMENTS OR AVAILABLE RECORDS. THEY SHOULD NOT BE INTERPRETED TO BE EXACT LOCATIONS NOR SHOULD IT BE ASSUMED THAT THEY ARE THE ONLY UTILITIES IN THIS AREA.

NOTE:
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347 Hoover Blvd.
Holland, MI 49423
Phone: 616.393.0449
ANN ARBOR
CHICAGO
COLUMBUS
GRAND RAPIDS
INDIANAPOLIS

PREPARED FOR:

Attn: Kevin Freeman

5712 S. S. Harper Avenue
Chicago, Illinois 60637

REVISIONS:

Title: For City Review
Drawn: WDS Checked: MJB Date: 2022.05.24

130 LAKESHORE DRIVE

Site Plan and Profile

130 LAKESHORE DRIVE
PART OF THE NORTHEAST 1/4 OF SECTION 17, T3N, R16W,
CITY OF DOUGLAS, ALLEGAN COUNTY, MICHIGAN

STAMP:

STATE OF MICHIGAN
MICHAEL JAMES BAKER
ENGINEER
No. 45117
LICENSED PROFESSIONAL ENGINEER

PROJECT NO:
22200774

SHEET NO:
C-300

22200774-CP1.dwg WS 5/24/2022 15:19

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ZONING REVIEW APPLICATION

86 W. CENTER STREET, PO BOX 757, DOUGLAS MI 49406
Phone: 269.857.1438 Fax: 269.857.4751
www.ci.douglas.mi.us

A Zoning Permit is required for all changes to Uses, structures, and other Site Improvements. This includes all residential, commercial and industrial structures, and accessory buildings that require a Building Permit, as well as fences, temporary storage, and agricultural activities which are exempt from the Building Permit process. A survey and site plan is necessary to complete this application.

Submit complete applications to the City of Douglas prior to any site work or requesting permits with Michigan Township Services.

APPLICANT INFORMATION *(If different than owner)*

Name Mike DeYoung Email Mike@mdghomes.com
Address 1243 Riverview Drive Holland, MI 49423
Phone # 616-291-3363 Fax #

OWNER INFORMATION

Name Kevin & Cami Freeman Email KLF860@gmail.com
Address 130 Lakeshore Drive
Phone # 312-451-8833 Fax #

PROPERTY INFORMATION

Address or Location 130 Lakeshore Drive
Permanent Parcel #
Zone District - Current Proposed (if Applicable)
Property Size Special Use (if Applicable)

TYPE OF PROJECT (check all that apply) Residential X or Commercial

New Construction Remodel Accessory Structure Addition
Boardwalk/Dock Deck/Porch ✓ Temporary Use/Structure Other

Describe Proposed Project (attach additional pages as necessary)
Remove Existing Deck that was sliding down the hill and replace with retaining walls and Below Grade Deck & Stairs

I hereby attest that the information on this application form is, to the best of my knowledge, true and accurate.

Signature of Applicant and/Owner (If different than applicant) 7/30/21 *Date*

I hereby grant permission for members of the Douglas Planning Commission, Board of Appeals and/or City Council to enter the above described property (or as described in the attached) for the purpose of gathering information related to this application/request/proposal.

Kim L Freeman
Owner's Signature 8/2/21 *Date*

Scanned with CamScanner

130 Lakeshore Drive

Douglas, Michigan 49098

The attached document is a survey reflecting the existing conditions and behind that is a survey marked to reflect proposed modifications to restore the site:

1. Existing

A. **Replacement of Prior Deck.** The "upper" deck is roughly where the prior deck was situated.

B. **Landscaping.** I have reflected the dune grass planted in the Fall, as was also reflected in my sea wall permit application. I have also included the fountain grass planted along the north and south borders of the property because my contractor suggested you would want that reflected as well, even though I had thought a single column of grass (approx. 10 plants on each border) was immaterial and did not reflect it in the seawall application.

2. Proposed

A. **Retain Prior Deck**. I would like to keep the replacement "upper" deck, which replaces the deck that existed on the property per the photos and old survey I sent to you in December. Subject to site conditions I believe this is substantially similar to the prior deck. Moreover, the site has been stabilized, erosion has ceased, and I would be very concerned about making any modifications to the as-built replacement. So I respectfully request that EGLE allow me to retain the replacement deck.

B. **Delete North Stairs**. I would delete the north stairs added to provide access to the new, "lower" deck.

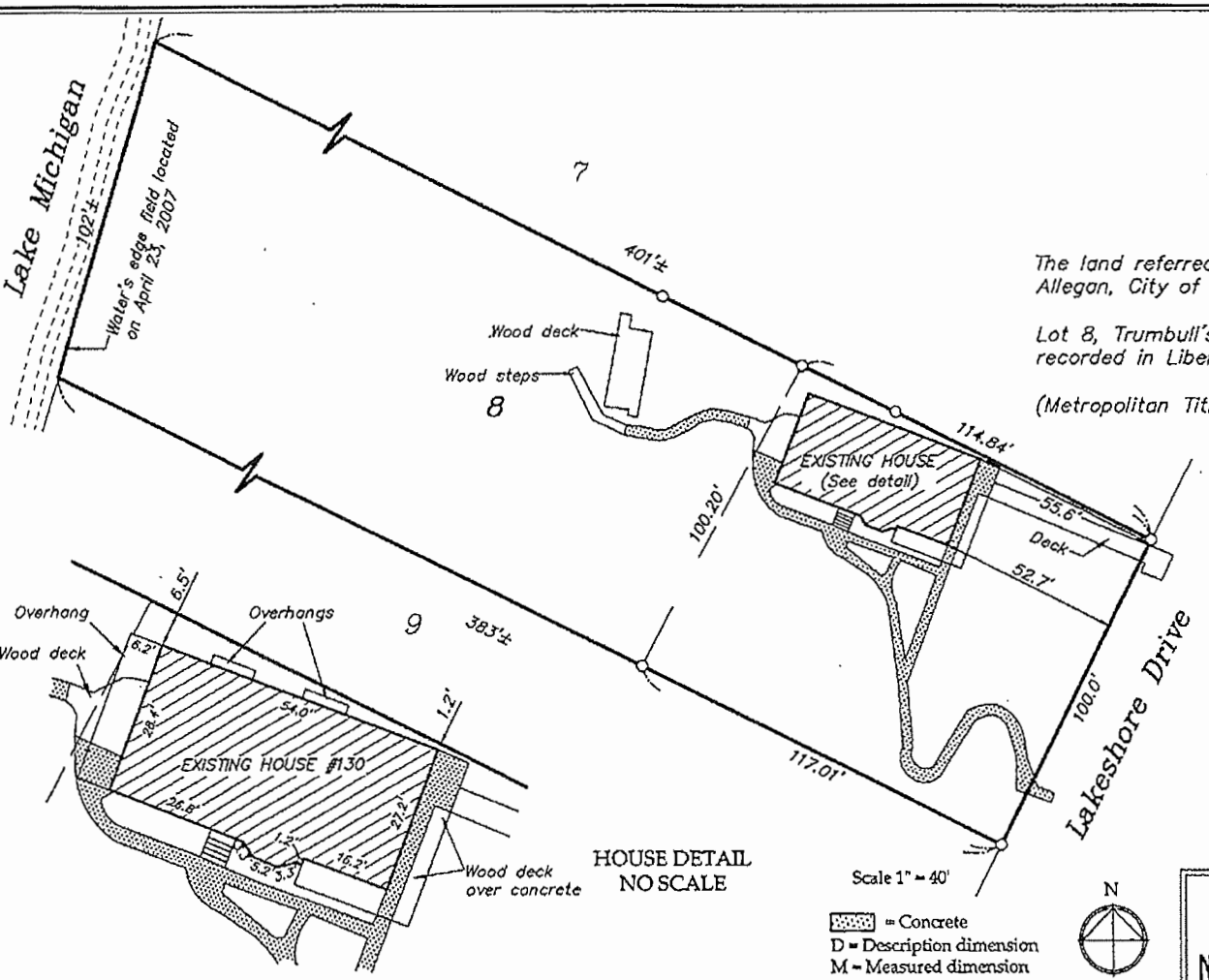
C. **Delete New/Lower Deck**. I would remove the entire lower deck.

D. **Stairs To Beach**. I would restore the prior platform and stairs down to the beach to allow safe beach access.

E. **Fountain Grass**. If EGLE deems the fountain grass non-conforming and would like it removed I would of course do so.

F. **More Dune Grass**. If EGLE requires or recommends, I would plant dune grass in the area between the replacement deck and the seawall (where the "new/lower" deck would be removed).

G. **Retaining Wall**. If EGLE requires or recommends, I would remove the retaining wall (north side of deck).



HOUSE DETAIL
NO SCALE

Scale 1" = 40'

N

▨ = Concrete
D = Description dimension
M = Measured dimension
P = Platted Dimension
■ = Set Iron Stake
○ = Found Iron Stake
——x—— = Fence Line

We hereby certify that we have examined the premises herein described, that the improvements are located entirely thereon as shown and that they do not encroach except as shown hereon.

This survey was made from the legal description shown above. The description should be compared with the Abstract of Title or Title Policy for accuracy, easements and exceptions.

130 Lakeshore Drive

The land referred to in this commitment, situated in the County of Allegan, City of Douglas, State of Michigan, is described as follows:

Lot 8, Trumbull's Second Addition according to the plat thereof recorded in Liber 4 of Plats, Page 2 of Allegan County Records.

(Metropolitan Title Commitment No. 228232)

STATE OF MICHIGAN
SCOTT A. HENDGES
PROFESSIONAL SURVEYOR
NO. 47953
LICENSED PROFESSIONAL SURVEYOR

By: Scott A. Hendges

Scott A. Hendges Licensed Professional Surveyor No. 47953

07200314 CH 04/24/07 12:17

NEDERVELD

GRAND RAPIDS
4079 Park East Court
Grand Rapids, MI 49546
PHONE: (616) 575-5190

HUDSONVILLE
5570 32nd Avenue
Hudsonville, MI 49426
PHONE: (616) 669-5190

HOLLAND
347 Hoover Boulevard
Holland, MI 49423
PHONE: (616) 393-0449

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

www. nederveld.com

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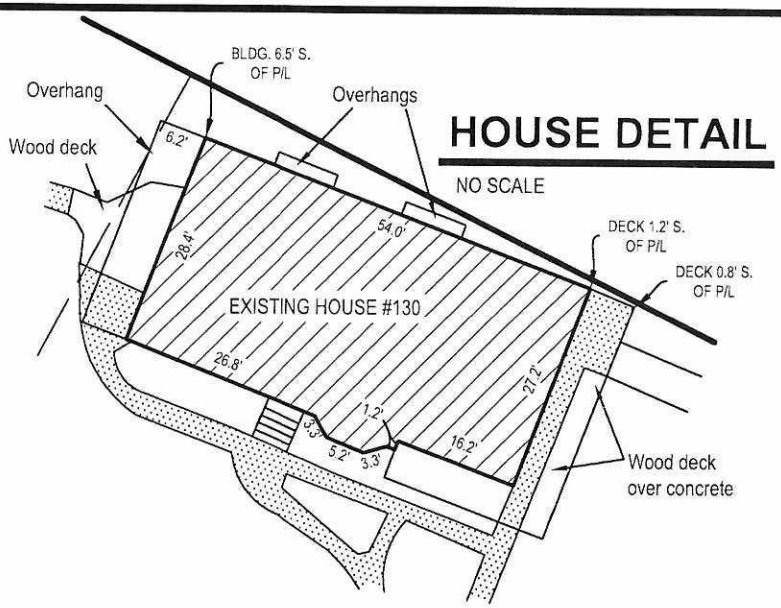
rev.:	date:
project no.: 07200314	date: 4-23-07 CH

We hereby certify that we have examined the premises herein described, that the improvements are located entirely thereon as shown and that they do not encroach except as shown hereon.

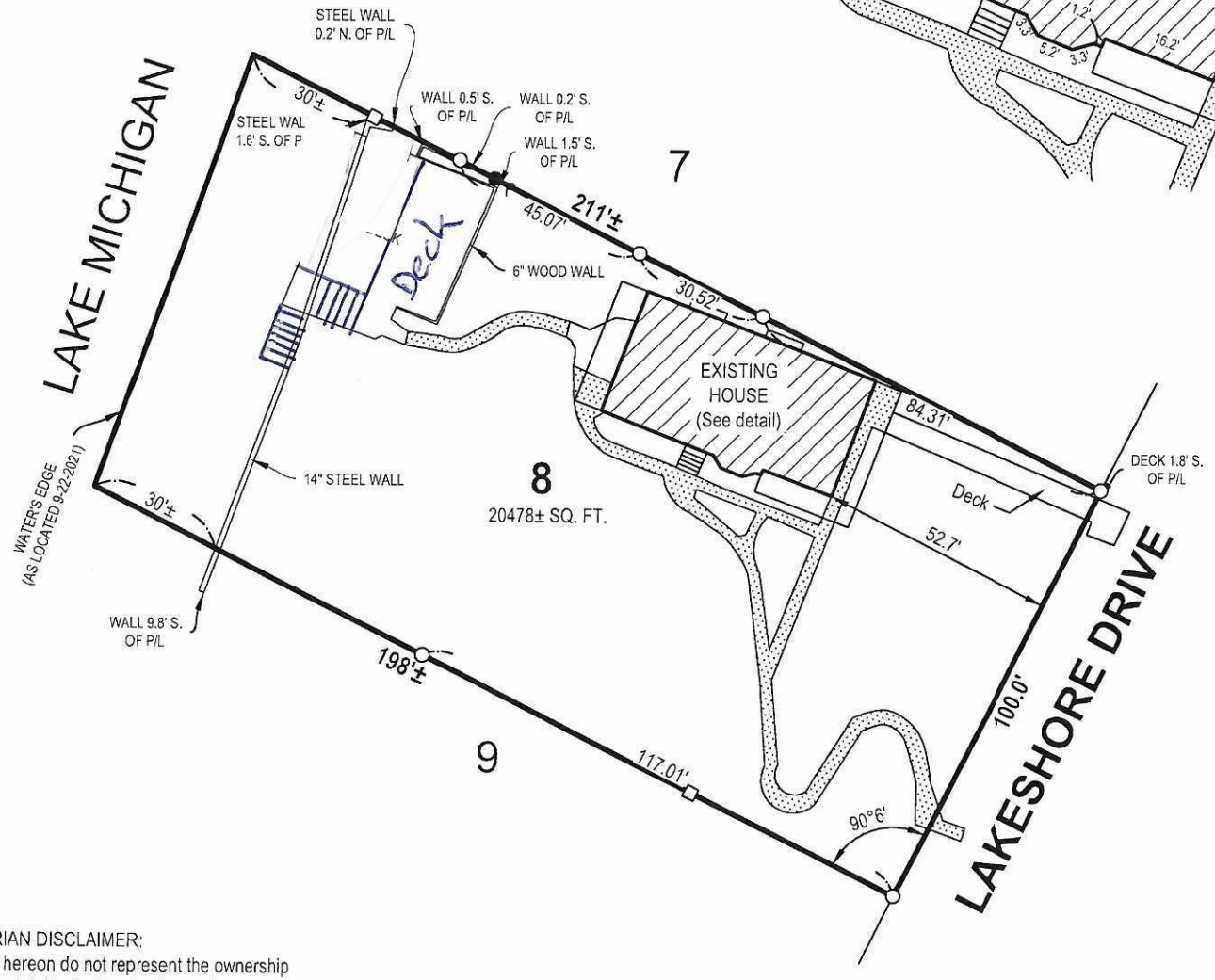
This survey was made from the legal description shown above. The description should be compared with the Abstract of Title or Title Policy for accuracy, easements and exceptions.

Proposed



HOUSE DETAIL

NO SCALE



By: Scott A

Scott A. Hendges Licensed Professic

SCALE: 1" = 40' 0'

Kevin F
5712 S. Ha
Chicago,

130 Lakes

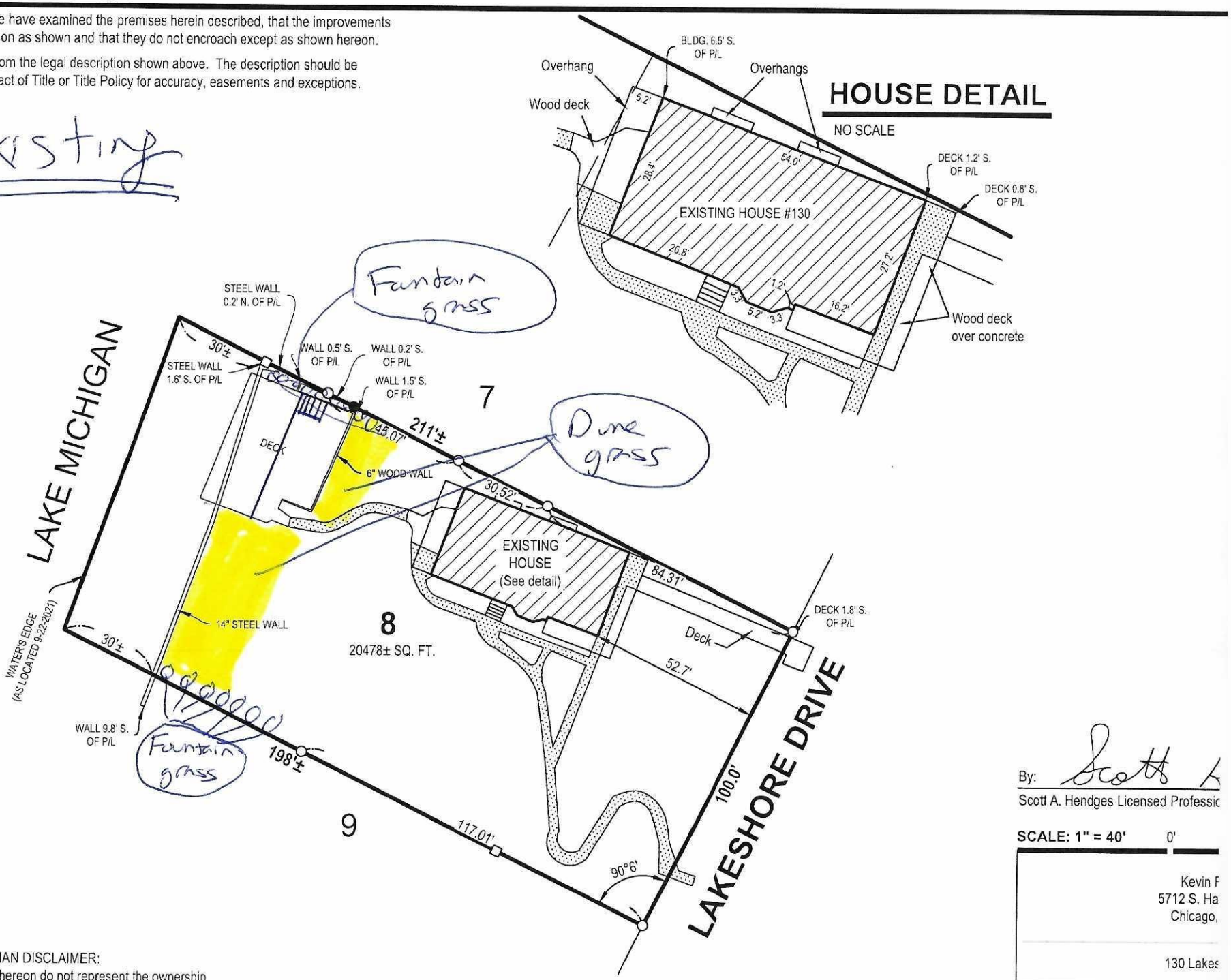
DRAWN BY: DS DATE: 9/22/2021
REV. BY: REV. DATE:
REV.:

RIPARIAN DISCLAIMER:
The boundary lines shown hereon do not represent the ownership of any riparian rights, littoral rights, bottom lands or submerged land on, beneath or appertaining to the subject property.

We hereby certify that we have examined the premises herein described, that the improvements are located entirely thereon as shown and that they do not encroach except as shown hereon.

This survey was made from the legal description shown above. The description should be compared with the Abstract of Title or Title Policy for accuracy, easements and exceptions.

Existing



By: Scott A

Scott A. Hendges Licensed Professic

SCALE: 1" = 40' 0'

Kevin F
5712 S. Ha
Chicago,

130 Lakes

DRAWN BY: DS DATE: 9/22/2021
REV. BY: REV. DATE:
REV.:

RIPARIAN DISCLAIMER:
The boundary lines shown hereon do not represent the ownership of any riparian rights, littoral rights, bottom lands or submerged land on, beneath or appertaining to the subject property.

Michigan Township Services-Allegan. Inc
111 Grand Street, Allegan MI 49010
1-800-626-5964 * 269-673-3239
Fax 269-673-9583
Email mtsallegan@frontier.com

Agent Authorization

Date: 7/30/21

Job Address: 181 union

City or Township: Douglas

This is to inform you that I, (owner name) Kevin Freeman, as owner of the above referenced property authorize (agent name) Mike DeYoung, to act as my agent in seeking / obtaining various permits and approvals on my behalf.

These include:

Various Township/City Zoning and Building approvals
Other County or State permit approvals
Others as needed

Property Owner Signature and Phone Number

This completed form must be submitted with a zoning/building permit application. Permits will not be issued without it.

Scanned with CamScanner

ALLEGAN COUNTY HEALTH DEPARTMENT

3255 - 122nd Avenue, Suite 200, Allegan, MI 49010

Environmental Health 269-673-5415

PERMIT FOR SOIL EROSION AND SEDIMENTATION CONTROL PERMIT

PERMIT NUMBER SESC21-486

EXPIRATION DATE **7/1/2022**

OWNER INFORMATION (PERMITTEE)

NAME BATTS ROBERT H & JUDITH F

ADDRESS 130 LAKESHORE DR CITY DOUGLAS ZIP 49406

PHONE 312-451-8833 EMAIL KLF860@GMAIL.COM

APPLICANT INFORMATION

NAME MIKE DEYOUNG COMPANY

ADDRESS 1423 RIVERVIEW DR CITY HOLLAND ZIP 49423

PHONE 616-291-3363 EMAIL MIKED@MDYHOMES.COM

PROPERTY INFORMATION (of project location) **TAX ID 03-** 59-710-009-00

ADDRESS 130 LAKESHORE DR CITY DOUGLAS ZIP 49406

TOWNSHIP DOUGLAS CITY SUBDIVISION LOT # SECTION # 17 TOWN 17 RANGE 17

STORMWATER OPERATOR - For projects over 1 acres of disturbance. Or On-Site Responsible Person: PHONE:

NAME COMPANY

PERMIT SPECIFIC INFORMATION: ☑ **Residential** ☐ **Commercial** ☐ **Gravel Pit**

7/1/2021 Start Date **7/1/2022** Proposed End Date

☐ Earth change greater than an acre in size **3000** Size of earth change (sq. ft.)

☐ Earth change greater than 5 acres ☑ Earth change within 500 feet of lake, stream or other body of water

☐ Earth change within 500 feet of a storm water catch basin which discharges into a body of water ☐ OTHER

PROJECT DESCRIPTION: Retaining walls and new deck.

ADDITIONAL PERMIT REQUIREMENTS: Permit cannot be closed until the site has full established vegetation. Permit holder shall plan to seed / landscape as soon as possible after earth change. Install a silt sack in down gradient catch basin (as applicable). INSTALL MILLINGS, CRUSHED CONCRETE, OR OTHER FORM OF CONSTRUCTION DRIVEWAY prior to excavation. Maintain vegetation buffers that are being used as a control measure. Properly install and maintain silt fencing. Do not allow sediment off the permitted parcel or onto the roadway. Use erosion control blanket on slopes 1 on 4 or greater.

SANITARIAN Jacob Wheatley, REHS 9/9/2021 DATE ISSUED

THIS PERMIT MUS BE POSTED AT THE PROJECT SITE.

PERMIT CONDITIONS:

1. The permitted activity shall be completed in accordance with the approved plans and specification, and the attached general and specific conditions.
2. This permit does not waive the necessity for obtaining all other required federal, state, or local permits.
3. Applicant shall notify the permitting agency within one week after completing the permitted activity or one week prior to the permit expiration date, whichever comes first.

GENERAL CONDITIONS:

In accordance with Rule 1709 promulgated under the authority of Part 91, Soil Erosion and Sedimentation Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and in addition to the information on the attached plan(s) and special conditionas, the following general conditions aply to the earth change authorized by this permit:

Environmental Protection Act, 1994 PA 451, as amended, and in addition to the information on the attached plan(s) and special conditions, the following general conditions apply to the earth change authorized by this permit:

- Design, construct, and complete the earth change in a manner that limits the exposed area of disturbed land for the shortest period of time.
- Remove sediment caused by accelerated soil erosion from runoff water before it leaves the site of the earth change.

Temporary or permanent control measures shall be designed and installed to convey water around, through, or from the earth change at non-erosive velocity.

- Install temporary soil erosion and sedimentation control measures before or upon commencement of the earth change activity and maintain the measures on a daily basis. Remove temporary soil erosion and sedimentation control measures after permanent soil erosion measures are in place and the area is stabilized. ("Stabilized" means the establishment of vegetation or the proper placement, grading, or covering of soil to ensure its resistance to soil erosion, sliding, or other earth movement.)
- Complete permanent soil erosion control measures for the earth change within five calendar days after final grading or upon completion of the final earth change.

If it is not possible to permanently stabilize the earth change, then maintain temporary soil erosion and sedimentation control measures until permanent soil erosion control measures are in place and the area is stabilized.

GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
KALAMAZOO DISTRICT OFFICE

LIESL EICHLER CLARK
DIRECTOR

March 10, 2022

VN No: VN-012750

VIA EMAIL

Mr. Kevin Freeman
130 Lakeshore Drive
Douglas, Michigan 49406
klf860@gmail.com

Dear Mr. Freeman:

SUBJECT: Violation Notice
Order to Restore
Site Name: 03-130 Lakeshore Drive-Douglas
Property Location: 130 Lakeshore Drive, City of Douglas, Allegan County, T 03N, R 16W, Section 17

The Department of Environment, Great Lakes, and Energy (EGLE) Water Resources Division (WRD) conducted an inspection on November 17, 2021, at the above referenced parcel of property. The purpose of the inspection was to evaluate the property for compliance with Part 353, Sand Dune Protection and Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. At the time of the inspection, WRD staff observed that a tiered deck system, sunken wooden stairs, wooden retaining walls, grading and landscaping with non-native species activities had been conducted lakeward of the crest of the dune and in areas strictly regulated under the authority of Part 353. This letter is being sent because you have been identified as the property owner and/or contractor responsible for the property and/or the unauthorized activities.

Section 324.35304(1) of Part 353 prohibits “a use within a critical dune area” without first obtaining a permit from the EGLE. A review of WRD files indicates that no permits have been issued for this activity at the property. Therefore, it appears that this activity was conducted in violation of Part 353.

In consideration of the requirements of Part 353, the WRD has determined that a permit would not have been approved for this project. Therefore, within 30 days of the date of this letter, or a mutually agreed upon schedule, you must bring the property into compliance with the requirements of Part 353. To comply with Part 353, you must complete the following actions:

1. Remove all unauthorized portion of the decks, retaining walls, sunken wooden steps and other structures located landward of the crest of the dune. The existing unauthorized seawall and accompanying riprap will still be processed under submittal number: HP3-GDF2-B02GC.

2. Remove recently planted non-native vegetation and replace it with native dune species of vegetation appropriate for the area or provide a detailed vegetation restoration plan that will be implemented this spring.
3. Do not place additional structures, fill, or remove vegetation within regulated areas (the entire parcel is within the critical dune area).
4. Restore the lakeward slope of the dune and the areas lakeward of the crest to the original grades and provide a re-vegetation plan that relies solely on native dune species.

Please contact this office immediately upon completion of the above restoration requirements in order that a WRD inspection can be conducted.

We anticipate your cooperation in resolving this matter. If you have any questions, you may contact me at: 269-568-2680; BayhaJ@michigan.gov; or EGLE, WRD, Kalamazoo District Office, 7953 Adobe Road, Kalamazoo, Michigan 49009-5025.

Sincerely,

John Bayha, P.E.
District Engineer
Kalamazoo District Office
Water Resources Division

cc: Allegan County SESC Agent
Mr. Nick Wikar, City of Douglas
Mr. James Zellinger, EGLE
Mr. Kyle Alexander, EGLE

Re: 130 Lakeshore Drive - Compliance Issues

Kevin Freeman <klf860@gmail.com>
Tue 3/22/2022 2:55 PM
To: Bayha, John (EGLE) <bayhaj@michigan.gov>
Cc: Nick Wikar <nwikar@douglasmi.gov>;Mike DeYoung Homes Inc. <miked@mdyhomes.com>

Thank you, John. And I have discussed with Nick Wikar at Douglas and he and I are aligned. Take care. Best, Kevin

On Tue, Mar 22, 2022 at 10:55 AM Bayha, John (EGLE) <BayhaJ@michigan.gov> wrote:

> Thanks Kevin, I have tasked my secretary to get this out on Public Notice.
>
> Thanks,
>
> John Bayha, P.E. | Kalamazoo District Engineer | Water Resources Division
>
> Michigan Department of Environment, Great Lakes, and Energy (EGLE)
>
> 7953 Adobe Road, Kalamazoo, MI 49009 | Cell 269-568-2680 | Fax 269-567-3555
>
> EGLE MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY
>
> ---
>
> **From:** Kevin Freeman <klf860@gmail.com>
> **Sent:** Friday, March 11, 2022 11:52 AM
> **To:** Bayha, John (EGLE) <BayhaJ@michigan.gov>
> **Cc:** Nick Wikar <nwikar@ci.douglas.mi.us>; Mike DeYoung Homes Inc. <miked@mdyhomes.com>
> **Subject:** Fwd: 130 Lakeshore Drive - Compliance Issues
>
> **CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov**
>
> John:

Thank you for your time today to discuss my property. I confirm that I am in receipt of the Violation Notice - Order to Restore from EGLE dated March 10, 2022.

As discussed, my contractor, Mike de Young, has confirmed that he can complete the work set forth in the "Proposed" drawings and as described below on or before April 30, 2022. I took from our conversation that I should have him complete everything set forth in "Proposed" so that when this goes to public notice there is no confusion about the end product. Please let me know if I misunderstood your directive and we should only remove items per below, rather than complete the restoration of the previously existing stairs down to the beach.

I will attempt to log in to EGLE site and upload these documents today. Again, thank you for your patience and guidance on this matter. I will continue to endeavor to make this right.

Best regards,

Kevin Freeman

312-451-8833

---------- Forwarded message ---------
From: **Kevin Freeman** <klf860@gmail.com>
Date: Fri, Feb 25, 2022 at 11:11 AM
Subject: Re: 130 Lakeshore Drive - Compliance Issues
To: Bayha, John (EGLE) <bayhaj@michigan.gov>

John:

Thank you for getting back to me yesterday. I took a little time to reach out to my contractor so that my response to you would be as informative as possible. Turns out that was a good move because he is a proactive person and provided me with two helpful documents which I have attached: (1) Soil & Erosion Permit issued by Allegan County for the deck (which he obtained at the same time as the permit he obtained for me for the seawall); and (2) Survey reflecting the deck as it stands today.

We then used the survey to prepare the third attached document reflecting your requested detail of the existing deck as well as my proposed modifications for EGLE review and approval. Specifically:

1. Existing

A. **Replacement of Prior Deck.** The "upper" deck is roughly where the prior deck was situated but I note the following:

(i) *Rotation.* Due to erosion on site caused by my prior owner's failure to plant dune grass after constructing the seawall (which erosion also compromised the structural integrity of the pre-existing deck), the replacement deck is rotated 10-15 degrees as necessitated by site conditions.

(ii) *Retaing Wall.* The survey reflects the retaining wall on the east side of the deck replacing the pre-existing deck. Per above, the retaining wall was necessary to stop the continued erosion of the land between the deck and the face of the house until the dune grass can take hold.

(iii) *North Stairs.* As you request below, the plan reflects the stairs added on the north side of the deck to allow access to the new, "lower" deck.

B. **Landscaping.** I have reflected the dune grass planted in the Fall, as was also reflected in my sea wall permit application. I have also included the fountain grass planted along the north and south borders of the property because my contractor suggested you would want that reflected as well, even though I had thought a single column of grass (approx. 10 plants on each border) was immaterial and did not reflect it in the seawall application.

2. Proposed

A. **Retain Prior Deck**. I would like to keep the replacement "upper" deck, which replaces the deck that existed on the property per the photos and old survey I sent to you in December. Subject to site conditions I believe this is substantially similar to the prior deck. Moreover, the site has been stabilized, erosion has ceased, and I would be very concerned about making any modifications to the as-built replacement. So I respectfully request that EGLE allow me to retain the replacement deck.

B. **Delete North Stairs**. I would delete the north stairs added to provide access to the new, "lower" deck.

C. **Delete New/Lower Deck**. I would remove the entire lower deck.

D. **Stairs To Beach**. I would restore the prior platform and stairs down to the beach to allow safe beach access.

E. **Fountain Grass**. If EGLE deems the fountain grass non-conforming and would like it removed I would of course do so.

F. **More Dune Grass**. If EGLE requires or recommends, I would plant dune grass in the area between the replacement deck and the seawall (where the "new/lower" deck would be removed).

You mention installation of riprap in your email below, and I note that was reflected in my completed seawall application.

Hopefully this all makes sense and provides you with what you requested but I would be grateful if we could find time next week to discuss. Please let me know when you have availability or I will reach out on Monday to schedule a time. Thank you, and have a good weekend.

Best regards,

Kevin Freeman

312-451-8833

On Thu, Feb 24, 2022 at 6:30 AM Bayha, John (EGLE) <BayhaJ@michigan.gov> wrote:

> Kevin,
>
> I can understand that you would like to get this wrapped up and we would as well. For starters though, you will need to update the digital Joint Permit Application in MiWaters to include all of the regulated work that was already done on the site, including the deck, landscaping, sunken stairs, retaining walls, seawall, riprap, etc. I still need some type of drawing for the items that were constructed minus the seawall (I think what you provided on that is sufficient). We will not allow you to leave the new deck as is, you might be able to make an argument for a portion of it to match the original deck, but that is probably all the Special Exception (SE) Panel will agree to.
>
> Once I have something close to a "complete application" with drawings of the work that was already done, and any additional that you will need to do, (removal of a portion of the deck at a minimum) I can get this project on Public Notice. Following that, and assuming no much pushback from the neighbors, we can proceed with the SE Panel doing their final review.
>
> The main idea here is much of the deck and retaining walls system that you already built is not something we can legally permit since it is lakeward of the crest of the dune and there is likely no "practical difficulty" that you could argue. The other important thing is that an application and drawings must adequately describe the work that was already done (since this is an after-the-fact app) and the work that may need to still be completed. It all has to be well documented for us to proceed to just the Public Notice for the permit application.
>
> I and in meetings most of today, but if you want to schedule a time to discuss any of this let me know.

Thanks,

John Bayha, P.E. | Kalamazoo District Engineer | Water Resources Division

Michigan Department of Environment, Great Lakes, and Energy (EGLE)

7953 Adobe Road, Kalamazoo, MI 49009 | Cell 269-568-2680 | Fax 269-567-3555

MICHIGAN DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY

From: Kevin Freeman <klf860@gmail.com>
Sent: Tuesday, January 4, 2022 12:03 PM
To: Bayha, John (EGLE) <BayhaJ@michigan.gov>
Subject: Fwd: 130 Lakeshore Drive - Compliance Issues

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

John:

Hey good morning and happy new year! Just checking in to see whether you've had a chance to review my file and determine what additional information you may need? Please let me know. Happy to chat live too, of course. Thanks in advance.

Best regards,

Kevin Freeman

312-451-8833

---------- Forwarded message ---------
From: **Kevin Freeman** <klf860@gmail.com>

Date: Wed, Dec 15, 2021 at 12:49 PM
Subject: Re: 130 Lakeshore Drive - Compliance Issues
To: Bayha, John (EGLE) <BayhaJ@michigan.gov>
Cc: Alexander, Kyle (EGLE) <AlexanderK7@michigan.gov>, Nick Wikar <nwikar@ci.douglas.mi.us>

John:

Thank you for taking time to speak with me this morning. As discussed attached please find the old survey that was provided to me back in August 2020 when we purchased the home. As you will see, Lake Michigan was about 300' further away from the house than it is now, and of course there was no Seawall back then.

Also attached please find pictures showing the deck as it was when we purchased the house, even though, again, the lake was clearly far away from where it is now. There has been a lot of erosion since then, both of the beach and on the dune. But thinks look to be very stable now, especially behind the Seawall.

Please let me know when you are ready to discuss next steps. Thank you.

Best regards,

Kevin

312-451-88833

Sent from my iPhone

> On Dec 13, 2021, at 6:12 PM, Kevin Freeman <klf860@gmail.com> wrote:
>
> John:

Thank you for getting back to me. As you may recall from my letter (attached for your convenience), months before my wife and I first visited 130 Lakeshore Drive last year as potential buyers, the seawall had been constructed and the contract we ultimately signed with the previous owners of the property represented that the property was in compliance with law and permitting. After a few months of ownership, we observed that the substantial disturbance to the dune caused by installation of the seawall was causing significant erosion.

As you know, our neighbor to the north sued our predecessor, the Batts family a few months after we purchased the property, and only withdrew his lawsuit when the Batts family agreed to place rip-rap in front of the seawall. I only agreed to allow Dave Barker (Argent Management), the contractor who installed the seawall and returned to install the rip-rap, to proceed when he contractually agreed to obtain any relevant permitting. As you know, Mr Barker duped me and only submitted a skeleton application but did not provide the necessary information or the application fee. I have now, after working with you, provided all required information and paid the fee and will look to Mr Barker for satisfaction at some point in the future.

This year we retained someone who I understand to be the foremost expert and purveyor of Michigan dune grass and he has planted grass (as set forth in my permit) in order to build a root foundation, stop the erosion and restabilize the dune. Further, the erosion and damage to the dune caused by the seawall installation was causing the existing deck to collapse. We retained a well-respected local contractor to construct retaining walls around where the deck was collapsing and, once those walls were constructed, we installed a deck in between. Further, our predecessors had installed flimsy stairs down to the beach which we asked our contractor to replace. At the time, it seemed logical to extend the north-south line of the platform for the stairs down to the beach to extend north and thus create a rectangle to give the stairs greater stability by tieing into the retaining wall and affording us an opportunity for a second deck beneath (and in front of) the previously existing deck.

As I said, we undertook this work without knowing that permitting was required because I was told that retaining walls do not require permits and I was not aware of any special requirements. And further, my understanding was that Mr Barker had obtained all necessary permits.

I seek to rectify this situation. I would welcome a meeting with you at the site to discuss how I can resolve this situation without destabilizing the re-stabilized dune and making the bad situation I unknowingly walked into even worse.

I'll give you a call tomorrow to discuss and see if we can find a time convenient for you to meet. Thank you, and have a good evening.

Best regards,

Kevin Freeman

312-451-8833

On Mon, Dec 13, 2021 at 4:34 PM Bayha, John (EGLE) <BayhaJ@michigan.gov> wrote:

> Kevin,
>
> I got your voicemails, and after some discussions with the City and quick review of your property on the lakeshore side back in November, we (EGLE) have some significant concerns now about bringing your property back into compliance with Part 353. It appears you have built a large deck, retaining wall system and installed landscaping, some of which is lakeward of the crest of the dune and likely not permittable even as an "after-the-fact" permit. Can you provide an explanation of the apparent additional work on your property that is not in compliance with Part 353?
>
> Thanks,
>
> John Bayha, P.E. | Kalamazoo District Engineer | Water Resources Division
>
> Michigan Department of Environment, Great Lakes, and Energy (EGLE)
>
> 7953 Adobe Road, Kalamazoo, MI 49009 | Cell 269-568-2680 | Fax 269-567-3555

Kevin L. Freeman
5712 S Harper Ave.
Chicago, Illinois 60637

October 13, 2021

Mr. John Bayha, P.E.
District Engineer
State of Michigan – Department of Environment, Great Lakes and Energy
Kalamazoo District Office - Water Resource Division

Re: Correction Request
Submission No.: HP3-GDF2-B02GC
County: Allegan
Site Name: 03-130 Lakeshore Drive – Douglas
Project Name: New Seawall

Dear Mr. Bayha:

Reference is made to your letter to Mr. David Barker, Argent Management Group, Inc., dated November 2, 2020 (the "Correction Request Letter") in reference to our home at 130 Lakeshore Drive, Douglas, Michigan (the "Subject Property").

As you may know, my wife and I purchased the Subject Property on August 25, 2020 (see **Exhibit A – Warranty Deed**). Unbeknownst to us, as it was not disclosed to us by the sellers, the sellers had previously completed construction of a seawall at the Subject Property (see **Exhibit B – Construction Contract for Steel Wall dated March 19, 2020**).

We first learned of the seawall, and the fact that Argent Management and/or David Barker had not completed the permitting process in October of 2020. Since that time I have had several conversations with David Barker, who promised me that he would complete the permitting process so that we would not have a violation attached to the Subject Property. Unfortunately Mr. Barker did not do so and, over the last few months has not returned my many phone calls, emails or text messages.

Therefore, I would like to try to work with you to provide you with whatever information I can to hopefully resolve this issue and provide EGLE with what it needs to close out this matter. Accordingly, and in response to the Correction Request Letter, please find:

1. Contact Information for owners of the adjacent property:

   Neighbor to the South:
   Carl & Tara Hogan
   14 South Tealbrook
   St. Louis, MO 63141
   chogan@hogan1.com
   (314) 791-2724

Neighbor to the North:
Frederick Royce
144 Lakeshore Drive
Douglas, MI 49406
eagle@feroyce.com
(269) 344-8000

2. Authorization. I hereby grant Argent Management Group, Inc. and David Barker full and complete authorization to act as my agent and authorized representative with respect to any and all matters pertaining to obtaining a permit from EGLE with respect to the seawall constructed on the Subject Property.

3. Legal Description. The legal description of the Subject Property is set forth in the Warranty Deed (see Exhibit A) and is as follows:

   Premises situated in the City of the Village of Douglas, County of Allegan, State of Michigan to wit:

   Lot 8, Trumbull's Second Addition, according to the recorded plat thereof, as recorded in Liber 4 of Plats, Page 2, also known as Property Address: 130 Lakeshore Drive, Douglas, MMI 49406

   Parcel ID No.: 59-710-009-00

4. Site Plan. Attached as **Exhibit C** is a site plan showing the location of the seawall.

5. Vegetation Plan. As illustrated on Exhibit C, Deane Wassink of Olde Paths, Inc., will install dune grass on the Subject Property in accordance with the plan set forth on the receipt attached hereto as **Exhibit D**.

6. SESC Permit. Allegan County Health Department Permit for Soil Erosion and Sedimentation Control attached hereto as **Exhibit E**.

I understand that you are very busy, so I'll give you some time to review and then contact you next week to see whether this submission satisfies your requirements. Or feel free to contact me beforehand: (312) 451-8833; klf860@gmail.com. I am eager to put this whole episode behind me.

Thank you in advance for your patience, time and consideration of this matter.

Best regards,

Kevin L Freeman

Attachments

Exhibit A

WARRANTY DEED

03-19665927-NRS

KNOW ALL PERSONS BY THESE PRESENTS: That: Robert H Batts and Judith F Batts, husband and wife, ("Grantor")

the address of which is: 4350 S Oak Pointe Ct, Grand Rapids, MI 49525

convey(s) and warrant(s) to: Kevin Freeman and Cami Freeman, husband and wife, ("Grantee")

the address of which is: 5712 S Harper Ave, Chicago, IL 60637

the following described premises situated in the City of the Village of Douglas, County of Allegan, State of Michigan, to wit:

Lot 8, Trumbull's Second Addition, according to the recorded plat thereof, as recorded in Liber 4 of Plats, Page 2

also known as Property Address: 130 Lakeshore Drive, Douglas, MI 49406
Parcel ID No.: 59-710-009-00

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, for the sum of One Million Eight Hundred Fifty Five Thousand and 00/100 Dollars (***$1,855,000.00***).

Subject to zoning ordinances, building and use restrictions, if any, and easements of record.

When Recorded return to:
Kevin Freeman
Cami Freeman
~~130 Lakeshore Drive~~ 5712 S. Harper Ave.
~~Douglas, MI 49406~~ Chicago, IL 60637

Send Subsequent Tax Bills To:
Grantee

Drafted By:
Robert H Batts
4350 S Oak Pointe Ct
Grand Rapids, MI 49525
Assisted by: ATA National Title Group, LLC

Dated this August 25, 2020 EFFECTIVE DATE August 26, 2020

Signed by:

Robert H Batts

Judith F Batts

State of Michigan)
)SS.
County of Allegan)

The foregoing instrument was acknowledged before me on this 25th day of August, 2020 by Robert H Batts and Judith F Batts, husband and wife

Notary Public: _____
Notary County: _____, State: _____
Commission Expires: _____
Acting In: _____

LISA GONZALEZ
Notary Public, State of Michigan
County of Ottawa
My Commission Expires May 10, 2025
Acting in the County of Allegan

Exhibit B

Construction Contract for Steel Wall

This Construction Contract ("This Agreement") is made this 19th day of March, 2020, between Robert Batts of 130 Lakeshore Drive, Douglas, MI 49406 ("Owner") and Argent Management Group, Inc, a Nevada Corporation doing business in the State of Michigan, of 40 Blue Star HI way, (PO Box 571) Douglas, MI 49406 ("Contractor") Owner and Contractor may each be referred to in this agreement as a "Party" and collectively as the "Parties".

The Parties agree as follows:

Description of Work:
Contractor shall perform the following described work 130 Lakeshore Drive, Douglas, MI ("The Property")

Install 112 lineal feet of sheet piling (100 feet and 12 feet of return wall) to an approximate depth of 15 feet, specifically heavy-duty type SZ-222, new domestic sheet piling ASTM grade 50.

Install whaler on back of steel sheets for the entire length of the wall. This is to be welded on every piece of sheet piling for the entire length of the wall. Whaler to be heavy-duty 6-inch steel channel, in 20 foot lengths.

Additional tiebacks or returns will be installed. These shall be placed approximately every 12.5 feet.

Move and transport all steel and related supplies to the site will be from the beach area and disturbance to be kept as minimal as possible. Workers will walk to the site from Lake Shore Drive and park at the address.

Contract price and Payment:
Owner agrees to pay Contractor the total amount of $96,000.00 ("The Contract Price"). Payment of this amount is subject to additions or deductions in accordance with any mutually agreed upon changes and/or modifications in the work. Payment shall be made by wire transfer, according to the following schedule:

$48,000.00 Deposit due upon signing this Agreement.

$48,000.00 balance due upon completion of the work.

Wiring instructions are as follows:

Argent Management Group, Inc. Acct # 7161127753
Wire Routing # 121000248
Address: Wells Fargo bank NA 420 Montgomery St.
San Francisco, CA 94104
Swift Code WFBIUS6S

Certificate of Completion:
Work under this agreement shall begin no later than 4/1/20 and shall be completed by 5/1/20. Upon completion of the work, Contractor shall notify Owner that the work is ready for final inspection and acceptance. Owner shall make the final payment upon completion and final inspection.

Materials and labor:
Contractor shall provide and pay for all labor and equipment, machinery, transportation and all other facilities and services, and all materials necessary for completion of the work. All materials shall be good quality and new.

Supervision and control:
Contractor shall be solely responsible for and shall supervise and direct all construction under this Agreement. Contractor shall provide suitable personnel to perform the work and shall at all times maintain good discipline and order at the Property. Contractor will at all times take all responsible precautions for the safety of its employees and the public at the Property. Contractor agrees to assume full responsibility for the acts, negligence, and/or omissions of its employees and any subcontractors and their employees.

Record Drawings:
Contractor shall maintain in a safe place at the property one record copy of all drawings, specifications, agenda, written amendments and the like in good order and annotated to show all changes made during construction, which will be delivered to Owner upon completion of the work.

Condition of the Property:
Contractor agrees to keep the property and adjoining driveways free and clear of waste, material and rubbish. Contractor shall confine the storage of materials and equipment and operations of its employees to the property and shall not unreasonably encumber the Property. Contractor shall fully be responsible for any damage to the property or areas

contiguous thereto resulting from performance of the work. At the completion of the work Contractor shall remove all waste, materials, rubbish and debris from and about the Property as well as all tools, construction equipment and machinery, and surplus materials, and shall leave the Property clean.

Inspection:
Owner shall have the right to inspect the work at any time and request that contractor promptly correct any work that is defective or does not conform to the contract. If required the work shall be inspected and certified by the appropriate state of local agency.

Work Changes:
Owner reserves the right to order changes to the work in the nature of additions, deletions or modifications without invalidating this Agreement, and agrees to make corresponding adjustments in the Contract Price and time to termination if applicable. All changes will be authorized in a written "Change Order" signed by Owner and Contractor, which shall be incorporated by reference herein.

Contractor's Insurance:
Contractor agrees to carry general liability insurance that will protect it from claims for property damage and bodily injury with limits of liability not less than $1,000,000.00 for each occurrence. Contractor shall name Owner as additional insured.

Robert Batts.

Robert Batts, Trustee

Argent Management Group Inc.

David J Barker, President

Exhibit C

Dunegrass to be planted by Deare Wassink, Olde Paths, Inc. per Exhibit D.

Exhibit D

Gmail

Kevin Freeman <klf860@gmail.com>

Receipt for dunegrass installation.

1 message

Deane Wassink <deanewassink@hotmail.com>
To: "klf860@gmail.com" <klf860@gmail.com>, Deane Wassink <deanewassink@hotmail.com>
Wed, Sep 1, 2021 at 4:57 PM

Thanks for the work, Kevin.

Here is a receipt for a deposit for work scheduled for Fall of 2021. The work is planned for October, weather permitting.

Deposit is for $2,500.00 to plant dunegrass sprigs, fertilizing and weed control.

Estimate 9,000 sprigs @ $0.60 each installed.

Final bill will be based on actual number of plants installed at 8 inch centers.

As you mentioned we met on June 23.

Deane Wassink, pres.

Olde Paths, Inc.

14828 Barry St.

Holland, MI 49424

616-218-2474

Sent from Mail for Windows

Exhibit E

ALLEGAN COUNTY HEALTH DEPARTMENT

3255 - 122nd Avenue, Suite 200, Allegan, MI 49010
Environmental Health 269-673-5415

PERMIT FOR SOIL EROSION AND SEDIMENTATION CONTROL PERMIT

PERMIT NUMBER SESC21-488
EXPIRATION DATE 9/9/2022

OWNER INFORMATION (PERMITTEE)
NAME BATTS ROBERT H & JUDITH F
ADDRESS 130 LAKESHORE DR CITY DOUGLAS ZIP 49406
PHONE 312-451-8833 EMAIL KLF860@GMAIL.COM

APPLICANT INFORMATION
NAME MIKE DEYOUNG COMPANY
ADDRESS 1423 RIVERVIEW DR CITY HOLLAND ZIP 49423
PHONE 616-291-3363 EMAIL MIKED@MDYHOMES.COM

PROPERTY INFORMATION (of project location) **TAX ID 03-** 59-710-009-00
ADDRESS 130 LAKESHORE DR CITY DOUGLAS ZIP 49406
TOWNSHIP DOUGLAS CITY SUBDIVISION LOT # SECTION # 17 TOWN 17 RANGE 17

STORMWATER OPERATOR - For projects over 1 acres of disturbance. Or On-Site Responsible Person: PHONE:
NAME COMPANY

PERMIT SPECIFIC INFORMATION: ☑ **Residential** ☐ **Commercial** ☐ **Gravel Pit**

9/9/2021 Start Date **9/9/2022** Proposed End Date

☐ Earth change greater than an acre in size **3000** Size of earth change (sq. ft.)
☐ Earth change greater than 5 acres ☑ Earth change within 500 feet of lake, stream or other body of water
☐ Earth change within 500 feet of a storm water catch basin which discharges into a body of water ☐ OTHER

PROJECT DESCRIPTION: Installation of seawall (completed prior to property owner acquiring property.)

ADDITIONAL PERMIT REQUIREMENTS: Permit cannot be closed until the site has full established vegetation. Permit holder shall plan to seed / landscape as soon as possible after earth change. Install a silt sack in down gradient catch basin (as applicable). INSTALL MILLINGS, CRUSHED CONCRETE, OR OTHER FORM OF CONSTRUCTION DRIVEWAY prior to excavation. Maintain vegetation buffers that are being used as a control measure. Properly install and maintain silt fencing. Do not allow sediment off the permitted parcel or onto the roadway. Use erosion control blanket on slopes 1 on 4 or greater.

Jacob Wheatley

SANITARIAN Jacob Wheatley, REHS 9/9/2021 DATE ISSUED

THIS PERMIT MUS BE POSTED AT THE PROJECT SITE.

PERMIT CONDITIONS:
1. The permitted activity shall be completed in accordance with the approved plans and specification, and the attached general and specific conditions.
2. This permit does not waive the necessity for obtaining all other required federal, state, or local permits.
3. Applicant shall notify the permitting agency within one week after completing the permitted activity or one week prior to the permit expiration date, whichever comes first.

GENERAL CONDITIONS:
In accordance with Rule 1709 promulgated under the authority of Part 91, Soil Erosion and Sedimentation Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and in addition to the information on the attached plan(s) and special conditionas, the following general conditions aply to the earth change authorized by this permit:

Environmental Protection Act, 1994 PA 451, as amended, and in addition to the information on the attached plan(s) and special conditions, the following general conditions apply to the earth change authorized by this permit:

- Design, construct, and complete the earth change in a manner that limits the exposed area of disturbed land for the shortest period of time.
- Remove sediment caused by accelerated soil erosion from runoff water before it leaves the site of the earth change. Temporary or permanent control measures shall be designed and installed to convey water around, through, or from the earth change at non-erosive velocity.
- Install temporary soil erosion and sedimentation control measures before or upon commencement of the earth change activity and maintain the measures on a daily basis. Remove temporary soil erosion and sedimentation control measures after permanent soil erosion measures are in place and the area is stabilized. ("Stabilized" means the establishment of vegetation or the proper placement, grading, or covering of soil to ensure its resistance to soil erosion, sliding, or other earth movement.)
- Complete permanent soil erosion control measures for the earth change within five calendar days after final grading or upon completion of the final earth change.

If it is not possible to permanently stabilize the earth change, then maintain temporary soil erosion and sedimentation control measures until permanent soil erosion control measures are in place and the area is stabilized.