

williams&works

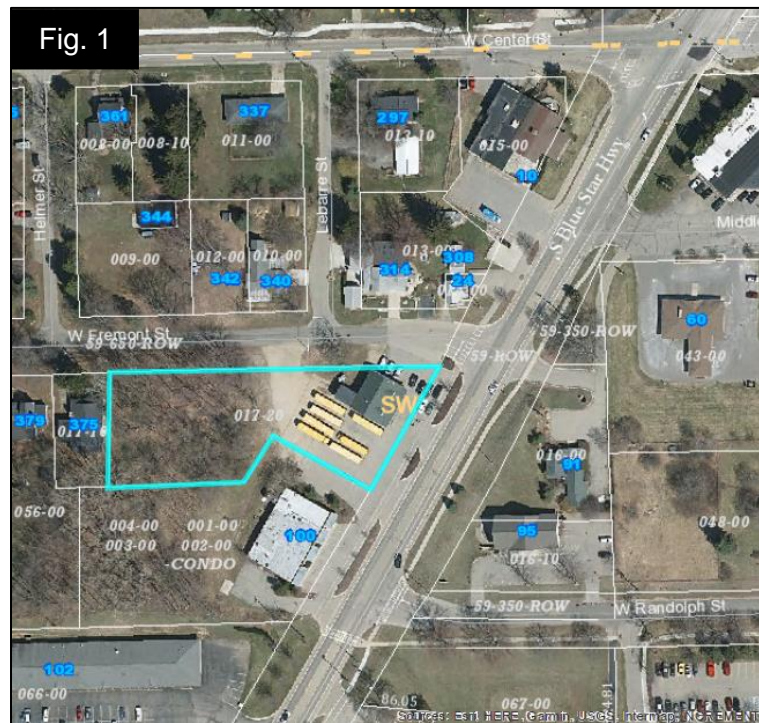
engineers | surveyors | planners

MEMORANDUM

To: City of The Village of Douglas Planning Commission
Date: April 14, 2023
From: Tricia Anderson, AICP
Andy Moore, AICP
RE: **Rezone Request from C-2, General Commercial to C-1, Village Center and R-5, Multiple Family Residential**

Mr. Tim Travis, Superintendent of Saugatuck Public Schools, has applied for the rezoning from C-2, General Commercial to C-1, Village Center and R-5, Multiple Family Residential and future land division of the parcel located at the southwest corner of Blue Star Highway and Fremont Street (PPN: 59-350-017-20). The purpose of this memorandum is to review the rezoning request pursuant to Article 28, Amendments, of the City of the Village of Douglas Zoning Ordinance.

Background. The subject parcel is owned by the Saugatuck Public School District and is currently zoned C-2, General Commercial. The property is currently used for school bus parking and storage on the eastern end of the parcel and the western end of the parcel is vacant and wooded. The applicant has expressed an interest in moving the bus lot to a more appropriate location sometime in the future and has also had discussions with a residential builder who is interested in purchasing the western end of the subject parcel and developing it with two single-family homes on two separate parcels. The survey demonstrating the proposed splits has been included in your packet.



Procedure. The Planning Commission is tasked with reviewing the request to rezone the subject parcel and making a recommendation to the City Council to approve, deny or table the request. The splits must be approved by City Council, and we anticipate the splits being reviewed concurrently with the second reading of the rezone request. The splits cannot be approved until the new zoning districts have been approved.

Review. Section 28.05 provides the required information that must be submitted by the petitioner. Our review of the information submitted would render the application complete, thus, we have reviewed the submittal and considered the factors listed in Section 28.06, Planning Commission Recommendations. These factors are listed below, along with our remarks.

1. *In reviewing any application for an amendment to this Ordinance, the Planning Commission shall identify and evaluate all factors relevant to the application and shall report its findings in full along with its recommendations for disposition of the application, to the City Council within a reasonable period of time. The matters to be considered by the Planning Commission shall include, but shall not be limited to, the following:*
 - a. *What, if any, identifiable conditions related to the application have changed since the existing zoning district was established which justify the proposed amendment?*

Remarks: Blue Star Highway is a county road for the majority of its length. Areas near the interstate exits and entrances have historically been occupied by auto-centered uses, such as gas stations, automotive repair, fast-food establishments, hotels, etc. The zoning of the areas between the two interstate exits and entrances consists mostly of C-2, General Commercial. C-2 is a district that would allow more intense land uses (both by right and by special exception use), such as gas stations, car washes, office buildings, car and boat sales, etc.

Conditions over time in the area near Blue Star Highway and Center Street (including areas north to St. Peters St. and south to Randolph St., shown in Figure 2 as “A”) have proved to not be conducive to those auto-centered and more intense land uses. **These areas are near Downtown Douglas, so the character has a downtown feel due largely to the close proximity to residential uses and the walkability of the area.**

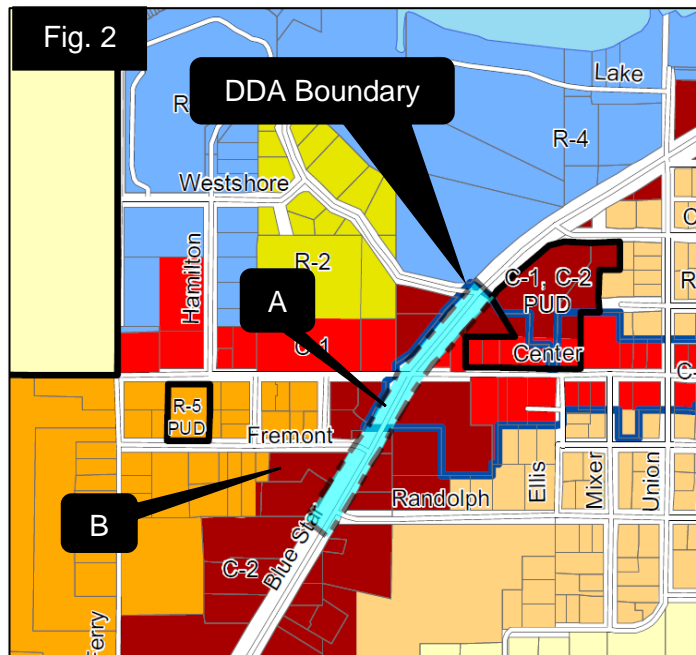


Figure 2 provides the existing zoning of this area, with the subject parcel called out as "B".

Additionally, when the zoning map was adopted and the Master Plan was updated in 2016, the community was not experiencing the same housing situation that it faces today. Because conditions have changed in terms of the need for housing in the City, a rezoning from C-2 to R-5 would be justifiable to create more opportunities for housing.

- b. What are the precedents and the possible effects of such precedents which might result from the approval or denial of the petition?*

Remarks: The precedent that may be set by approving the requested zoning district is a demonstration that smaller-scale uses are more desirable along this stretch of Blue Star Highway compared to uses permitted in the C-2 zoning district. This area serves as an important transition area to residential neighborhoods, so smaller-scale commercial is much more compatible.

In terms of the R-5 zoning request on the west end of the subject parcel, it would not appear that any precedents would be set, other than the City's desire to create more opportunities for housing.

- c. What is the impact of the amendment on the ability of the City and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the proposed amendment is adopted?*

Remarks: The amendment is not anticipated to negatively impact the City's ability to provide adequate public services to this parcel.

- d. Does the petitioned district change adversely affect environmental conditions, or the rights of a neighboring property owner?*

Remarks: Single-family residential are proposed for the R-5 parcels. This area is wooded and trees would need to be cleared in order to accommodate the homes. The use for the proposed C-1 parcel has not yet been identified. When/if an interested party purchases that lot, a proposed development will be evaluated by Planning Commission for site plan review and related processes to ensure ordinance requirements are being met.

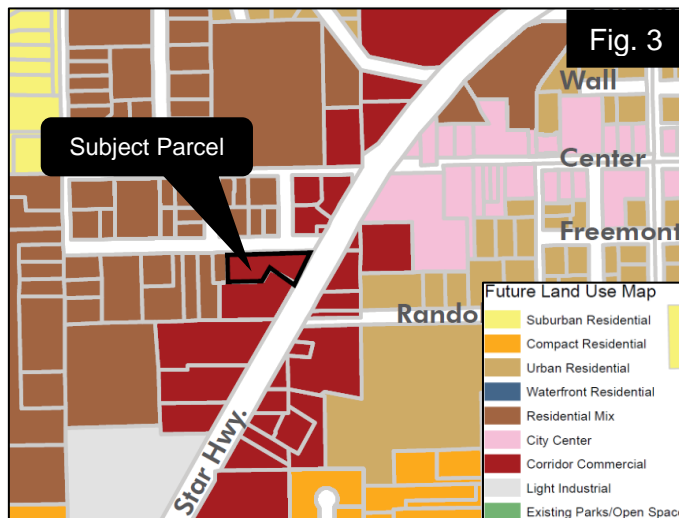
- e. Is the class of uses permitted in the district appropriate for the location proposed to be rezoned?*

Remarks: Yes. The list of uses permitted by right and by special use permit are included in your packet for the R-5 and C-1 zoning districts. The C-1 zoning district allows for uses that are more compatible in scale and intensity to residential uses. Again, the area between St. Peters and Randolph are of a character that more closely resembles the downtown district than an auto-centric stretch of Blue Star Highway.

- f. *Does the petitioned district change generally comply with the Tri-Community Comprehensive Plan, or a subsequent document that guides land use and development decisions in the City of the Village of Douglas?*

Remarks:

- Proposed R-5 District: Yes. The Master Plan serves as a guide for decision-making surrounding land use. Goal #1 for housing and neighborhoods



relates to facilitating the development of a range of housing types to meet the needs of current and projected future populations. Adding additional opportunities for housing is one objective in meeting this goal. Goal #2 indicates that the City will diversify its housing stock to encourage more people to seek long-term, permanent residency within the city. One of the objectives in meeting this

goal would be to “facilitate infill housing through density standards and unit size allowances” The rezone of the west end of the subject parcel to R-5 opens up many housing options, each of which are compatible with the surrounding uses, which contain a mix of residential housing types.

- Proposed C-1 District: Yes. Again, with the Master Plan serving as a guide for land use decisions, a review of the zoning plan provides insight into compatible zoning districts for each future land use designation. The subject parcel has a future land use designation of Corridor Commercial, which is described as follows in Figure 4:

The zoning plan further indicates that the Corridor Commercial future land use designation would align with C-2 as a primary compatible zoning district OR C-1 as a potentially compatible zoning district. Potentially compatible zoning districts are likely to be a good fit in those areas that could be better

served with land uses that are less intense. Although the Village Center district is primarily situated along Center Street, this shouldn't preclude the Planning Commission from approving a zoning district that more closely matches the desire of the Blue Star corridor in the stretch between St. Peters and Randolph.



- g. *What is the ability of the property in question to be put to a reasonable economic use in the zoning district in which it is presently located?*

Remarks: The subject parcel could be developed and put to reasonable economic use in the current zoning district, however, the City has an opportunity to influence the size and scale of future development by approving the rezoning. The west end of the C-2 zoned subject parcel could be developed, as zoned, with a use that may not be as desirable in terms of compatibility with the surrounding residential to the north and west.

Final Thoughts. As indicated earlier in this memorandum, the idea that C-1 should be limited to only Center Street should be carefully taken into consideration. Although the zoning map and future land use map appear to suggest that the City desires large scale commercial along the entire stretch of Blue Star Highway, we view the uniqueness of the short corridor between St. Peters and Randolph to be an area that should be developed similar to the downtown area.

Many of the themes weaved into the Master Plan would be indicative of the unique, small-town character of Douglas, and that the desire is for that character to be preserved. The Master Plan also supports smaller scale development with walkability and connectivity to other corridors within the City. The Planning Commission may wish to consider some changes to the corridor shown in Figure 2 to better reflect the desire to keep commercial business on a smaller scale as it serves as somewhat of a transition to the outlying stretches of Blue Star Highway. These areas are more appropriate for larger scale commercial as it approaches entrances and exits to the interstate.

Recommendation. At the April 20th meeting, the Planning Commission should carefully consider the comments expressed by the public, the applicant and fellow commissioners in making their decision for a recommendation to the City Council. We are supportive of this request based on the findings noted in this memorandum, and of a favorable recommendation

City of Douglas Planning Commission
April 14, 2023
Page 6 of 6

to City Council for the rezone of parcel 59-350-017-20 located on the southwest corner of Fremont and Blue Star Highway.

As always, please feel free to contact us with any questions or comments.

**CITY OF THE VILLAGE OF DOUGLAS
ALLEGAN COUNTY, MICHIGAN
ORDINANCE NO. _____**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE AND MAP
TO REZONE THE SOUTHWEST CORNER OF FREMONT STREET AND BLUE
STAR HIGHWAY (PPN 03-59-350-017-20), SECTION 350, CITY OF THE VILLAGE OF
DOUGLAS, ALLEGAN COUNTY, MICHIGAN**

PREAMBLE

WHEREAS, the City of the Village of Douglas received on behalf of Tim Travis, Superintendent of Saugatuck Public Schools, (“Applicant”) an Application to Rezone PPN **03-59-350-017-20**, located at the southwest corner of Fremont Street and Blue Star Highway, from its current zoning in the C-2, General Commercial District to the R-5, Multiple Family District and C-1, Village Center District, located, in Douglas, Michigan;

WHEREAS, pursuant to Article 28 of the Douglas Zoning Ordinance, an Application to Rezone shall constitute a petition for an ordinance to amend the Official Zoning Map of the City of the Village of Douglas, requiring public hearing by the Planning Commission and Approval by City Council;

WHEREAS, pursuant to and in compliance with Act 110 of 2006 of the Public Acts of Michigan, being the Zoning Enabling Act as amended, the Planning Commission conducted a public hearing concerning the application and petition on, after proper publication of a notice first published on _____ in the Commercial Record, a newspaper of general circulation in the City;

WHEREAS, proposed land divisions in accordance with Exhibit A have been provided for concurrent review by City Council alongside the rezone requests.

THE CITY OF THE VILLAGE OF DOUGLAS ORDAINS:

The City of the Village of Douglas Zoning Ordinance, adopted in 2009, is hereby amended as follows:

Section 1. Rezoning of the western 20,327 square feet of parcel **03-59-350-017-20**, proposed for two lots (“Parcel 1” and “Parcel 2”), legally described below from C-2, General Commercial District to R-5, Multiple Family Residential District, and the “Remainder” as legally described below, consisting of 21,729 square feet to C-1, Village Center District, in accordance with the survey depicted in Exhibit A.

“Parcel 1”

Part of Lots 1 and 2 of Block 5 of Helmer's Addition to the Village of Douglas, being part of Southwest 1/4 of Section 16, Town 3 North, Range 16 West, Village of Douglas, Allegan County, Michigan, described as: Commencing at the intersection of the South right-of-way line of Fremont Street and the West right-of-way line of Blue Star Highway; thence N87°57'41"W 306.09 feet along said South line of Fremont Street to the Point of Beginning; thence S03°28'38"W 131.36 feet parallel with the West line of the East 1/2 of said Lot 1; thence N87°56'50"W 77.36 feet along the South line of said Lots 1 and 2; thence N03°28'38"E 131.34 feet along said West line; thence S87°57'41"E 77.36 feet along said South line of Fremont Street to the Point of Beginning. Contains 10158 square feet. Subject to easements, restrictions and rights-of-way of record.

“Parcel 2”

Part of Lots 2 and 3 of Block 5 of Helmer's Addition to the Village of Douglas, being part of the Southwest 1/4 of Section 16, Town 3 North, Range 16 West, Village of Douglas, Allegan County, Michigan, described as: Commencing at the intersection of the South right-of-way line of Fremont Street and the West right-of-way line of Blue Star Highway; thence N87°57'41"W 228.73 feet along said South line of Fremont Street to the Point of Beginning; thence S03°28'38"W 131.38 feet parallel with the West line of the East 1/2 of Lot 1 of said Block 5; thence N87°56'50"W 77.36 feet along the South line of said Lots 2 and 3; thence N03°28'38"E 131.36 feet; thence S87°57'41"E 77.36 feet along said South line of Fremont Street to the Point of Beginning. Contains 10159 square feet. Subject to easements, restrictions and rights-of-way of record.

“Remainder”

Part of Vacated LeBarre Street and parts of Lots 1 and 2 of Block 4 of Helmer's Addition to the Village of Douglas and parts of Lots 3 and 4 of Block 5 of said Helmer's Addition, being part of the Southwest 1/4 of Section 16, Town 3 North, Range 16 West, Village of Douglas, Allegan County, Michigan, described as: Beginning at the intersection of the South right-of-way line of Fremont Street and the West right-of-way line of Blue Star Highway; thence S33°21'33"W 168.01 feet along said West line of Blue Star Highway; thence N56°39'33"W 129.96 feet; thence S33°20'40"W 64.75 feet; thence N03°28'38"E 131.38 feet parallel with the West line of the East half of lot 1 of said Block 5; thence S87°57'41"E 228.73 feet along said South line of Fremont Street to the Point of Beginning. Contains 21729 square feet. Subject to easements, restrictions and rights-of-way of record.

Section 2. Severability and Captions. This Ordinance and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared severable. If any part, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. The captions included at the beginning of each Section are for convenience only and shall not be considered a part of this Ordinance.

Section 3. Repeal. Any existing ordinance or resolution that is inconsistent or conflicts with this Ordinance is hereby repealed to the extent of any such conflict or inconsistency.

Section 4. Effective Date. This Ordinance is ordered to take effect upon the expiration of seven (7) days following publication of adoption in the Commercial Record, a newspaper having general circulation in the Township, under the provisions of 2006 Public Act 110, except as may be extended under the provisions of such Act.

Ordinance Offered by: _____

Ordinance Supported by: _____

Ayes:

Nays:

Abstain:

Absent:

ORDINANCE DECLARED ADOPTED THIS _____ DAY OF _____ 2023

Jerome Donovan, Mayor

Pamela Aalderink, CMC, City Clerk

Ordinance Adoption Date: _____ (to be published within 15 days of adoption)

Ordinance Effective Date: _____ (7 days after publication)

CERTIFICATION

I, Pamela Aalderink, the duly appointed Clerk of the City of the Village of Douglas, do hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Douglas City Council at a regular meeting held on Monday, _____ in compliance with the Open Meetings Act, Act No. 267 of the Public Acts of Michigan, 1976, as amended, the minutes of the meeting were kept and will be or have been made available as requires by this Act.

CITY OF THE VILLAGE OF DOUGLAS

By: _____
Pamela Aalderink, City Clerk

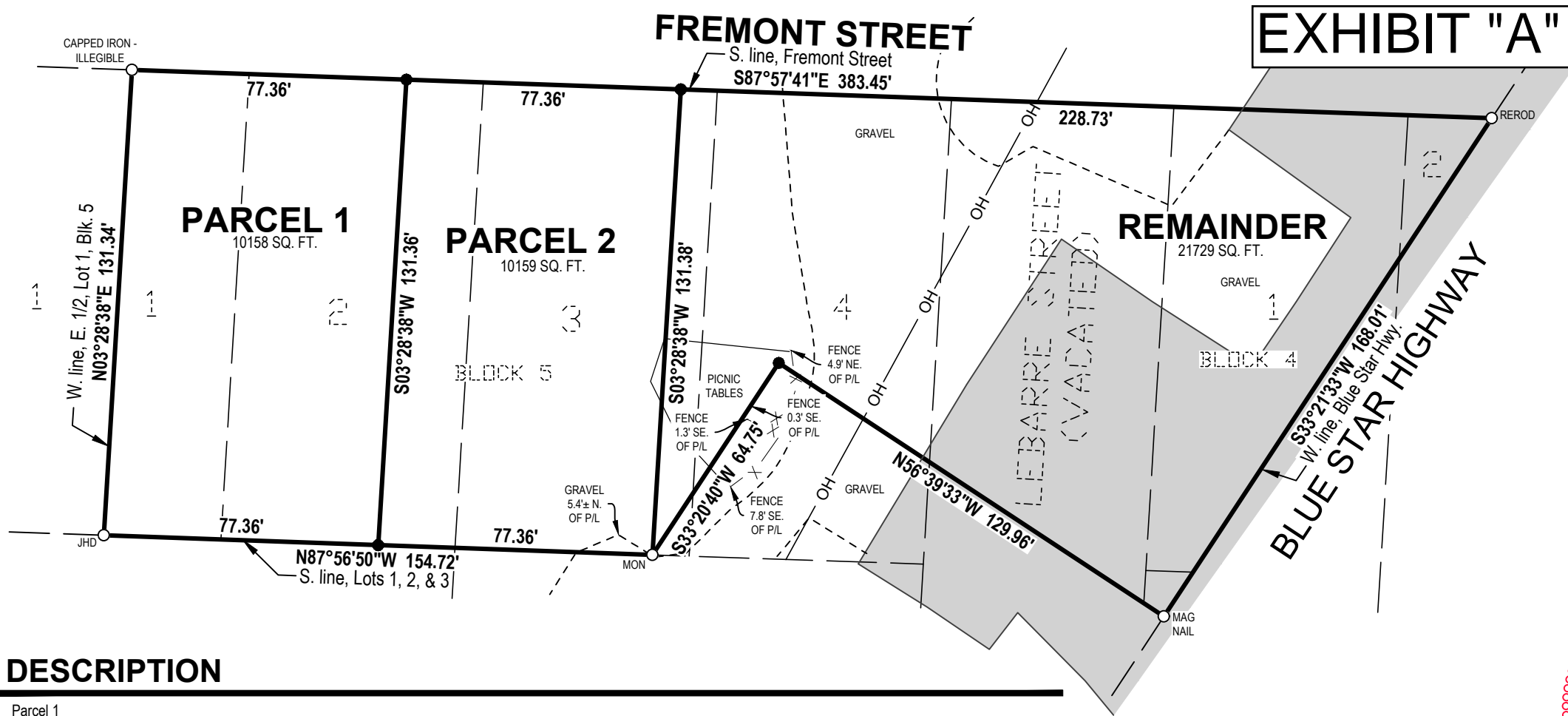


EXHIBIT "A"

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

SURVEYOR'S CERTIFICATE:
I certify that the requirements for 1970 PA 132, MCL 54.213 have been met. The relative positional precision of the corners identified for this survey and shown on the map are within the limits accepted by the practice of professional surveying.

LEGEND

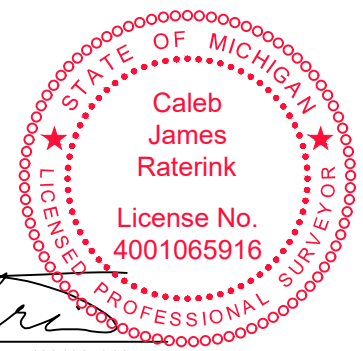
- Iron - Set 1/2" X 18" iron rebar with NED Cap
- Iron - Found as noted
- Asphalt
- OH — Overhead Utility
- X — X — Fence

DESCRIPTION

Parcel 1
Part of Lots 1 and 2 of Block 5 of Helmer's Addition to the Village of Douglas, being part of Southwest 1/4 of Section 16, Town 3 North, Range 16 West, Village of Douglas, Allegan County, Michigan, described as: Commencing at the intersection of the South right-of-way line of Fremont Street and the West right-of-way line of Blue Star Highway; thence N87°57'41"W 306.09 feet along said South line of Fremont Street to the Point of Beginning; thence S03°28'38"W 131.36 feet parallel with the West line of the East 1/2 of said Lot 1; thence N87°56'50"W 77.36 feet along the South line of said Lots 1 and 2; thence N03°28'38"E 131.34 feet along said West line; thence S87°57'41"E 77.36 feet along said South line of Fremont Street to the Point of Beginning. Contains 10158 square feet. Subject to easements, restrictions and rights-of-way of record.

Parcel 2
Part of Lots 2 and 3 of Block 5 of Helmer's Addition to the Village of Douglas, being part of the Southwest 1/4 of Section 16, Town 3 North, Range 16 West, Village of Douglas, Allegan County, Michigan, described as: Commencing at the intersection of the South right-of-way line of Fremont Street and the West right-of-way line of Blue Star Highway; thence N87°57'41"W 228.73 feet along said South line of Fremont Street to the Point of Beginning; thence S03°28'38"W 131.38 feet parallel with the West line of the East 1/2 of Lot 1 of said Block 5; thence N87°56'50"W 77.36 feet along the South line of said Lots 2 and 3; thence N03°28'38"E 131.36 feet; thence S87°57'41"E 77.36 feet along said South line of Fremont Street to the Point of Beginning. Contains 10159 square feet. Subject to easements, restrictions and rights-of-way of record.

Remainder
Part of Vacated LeBarre Street and parts of Lots 1 and 2 of Block 4 of Helmer's Addition to the Village of Douglas and parts of Lots 3 and 4 of Block 5 of said Helmer's Addition, being part of the Southwest 1/4 of Section 16, Town 3 North, Range 16 West, Village of Douglas, Allegan County, Michigan, described as: Beginning at the intersection of the South right-of-way line of Fremont Street and the West right-of-way line of Blue Star Highway; thence S33°21'33"W 168.01 feet along said West line of Blue Star Highway; thence N56°39'33"W 129.96 feet; thence S33°20'40"W 64.75 feet; thence N03°28'38"E 131.38 feet parallel with the West line of the East half of lot 1 of said Block 5; thence S87°57'41"E 228.73 feet along said South line of Fremont Street to the Point of Beginning. Contains 21729 square feet. Subject to easements, restrictions and rights-of-way of record.



By: *Caleb Raterink*
Caleb J. Raterink Licensed Professional Surveyor No. 4001065916

SCALE: 1" = 40' 0' 20' 40' **NORTH**

Saugatuck Public Schools Jeff Malloch 201 Randolph Street P.O. Box 818 Douglas, MI 49406		 www.nederveld.com • 800.222.1868 Holland 347 Hoover Blvd. Holland, MI 49423 Ann Arbor, Chicago, Columbus, Grand Rapids, Indianapolis
DRAWN BY: DS REV. BY: DS REV.: PA 132	DATE: 1/4/2022 REV. DATE: 1/12/2023	
S. Bus Garage		PRJ #: 22202052DSC.1 1 OF 1

Saugatuck Public Schools, Allegan County, Michigan (the "District").

A (*choose one*: regular meeting/special meeting/workshop) of the Board of Education (the "Board") was held on the 20th day of February, 2023, at 6:00 p.m.

The meeting was called to order by Laura Zangara, President.

Present: Members Bernie Merkle, Eric Birkholz, Nathan Lowery,
Laura Zangara, Nicole Lewis, Frank Marro III

Absent: Members Marcy Weston

The following preamble and resolution were offered by Member Nathan Lowery
and supported by Member Eric Birkholz

WHEREAS, the District wishes to sell a portion of its former bus garage property (Part of Tax Parcel No. 59-350-017-20) within the City of Douglas, Allegan County, Michigan (the "Property") to Boyd "Skip" Redner III and Michael Cook (collectively, the "Purchaser"); and

WHEREAS, the Board has determined that it would be in the best interests of the District sell the Property to the Purchaser under the terms and conditions contained in the Purchase Agreement, including rezoning and land division contingencies, attached hereto and made a part hereof as Attachment "1"; and

WHEREAS, the Board desires to authorize and direct Tim Travis, the Superintendent of Schools, to execute the Purchase Agreement substantially in the form in Attachment "1" and to make any revisions to the Purchase Agreement not inconsistent with this resolution, and to take any other action to sell the Property, subject to review and approval by the District's legal counsel.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board hereby authorizes the sale of the Property to the Purchaser.
2. The Board authorizes and directs Tim Travis, the Superintendent of Schools, to execute the Purchase Agreement substantially in the form in Attachment "1" and to make any revisions to the Purchase Agreement not inconsistent with this resolution, and to take any other action to sell the Property, subject to review and approval by the District's legal counsel.
3. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.

Ayes: Members Bernie Merkle, Eric Birkholz, Nathan Lowery,
Laura Zangara, Nicole Lewis, Frank Marro III

Nays: Members NONE

Resolution declared adopted.

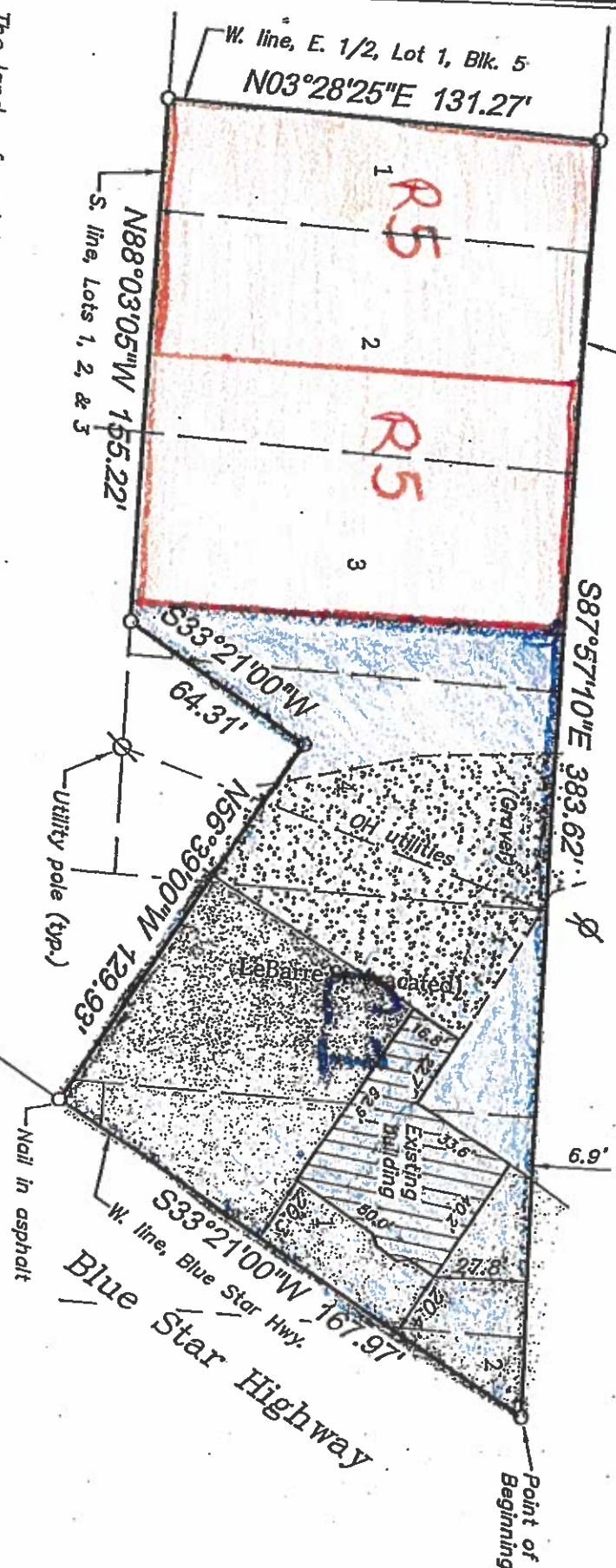

Secretary, Board of Education

The undersigned duly qualified and acting Secretary of the Board of Education of Saugatuck Public Schools, Allegan County, Michigan, certifies that the foregoing constitutes a true and complete copy of a resolution adopted by the Board at a meeting held on February 20, 2023, the original of which is part of the Board's minutes. The undersigned further certifies that notice of the meeting was given to the public pursuant to the provisions of the "Open Meetings Act" (Act 267, Public Acts of Michigan, 1976, as amended).


Secretary, Board of Education

Fremont Street

PREPARED



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

That part of vacated LeBarre Street and that part of Lot 1, Block 4, and Lots 1 through 4, Block 5, of Helmer's Addition, described as: Commencing at the intersection of the South line of Fremont Street and West line of Blue Star Highway; thence South 33°21'00" West on the West line of Blue Star Highway 167.97 feet; thence North 56°39'00" West 129.93 feet; thence South 33°21'00" West 64.31 feet; thence North 88°03'05" West on the South line of Lots 1, 2, and 3, 155.22 feet; thence North 3°28'25" East on the West line of the East 1/2 of Lot 1, Block 5, 131.27 feet to the South line of Fremont Street; thence South 87°57'10" East on the said South line 383.62 feet to the Point of Beginning.

(Lighthouse Title Commitment No. 10-0280674, dated January 19, 2010)

Currently entire property is CD.

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 herein.

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.

- Scale 1" = 50'
- = Asphalt
 - = Concrete
 - D = Description dimension
 - M = Measured dimension
 - P = Platred Dimension
 - = Set Iron Stake
 - = Found Iron Stake
 - X- = Fence Line

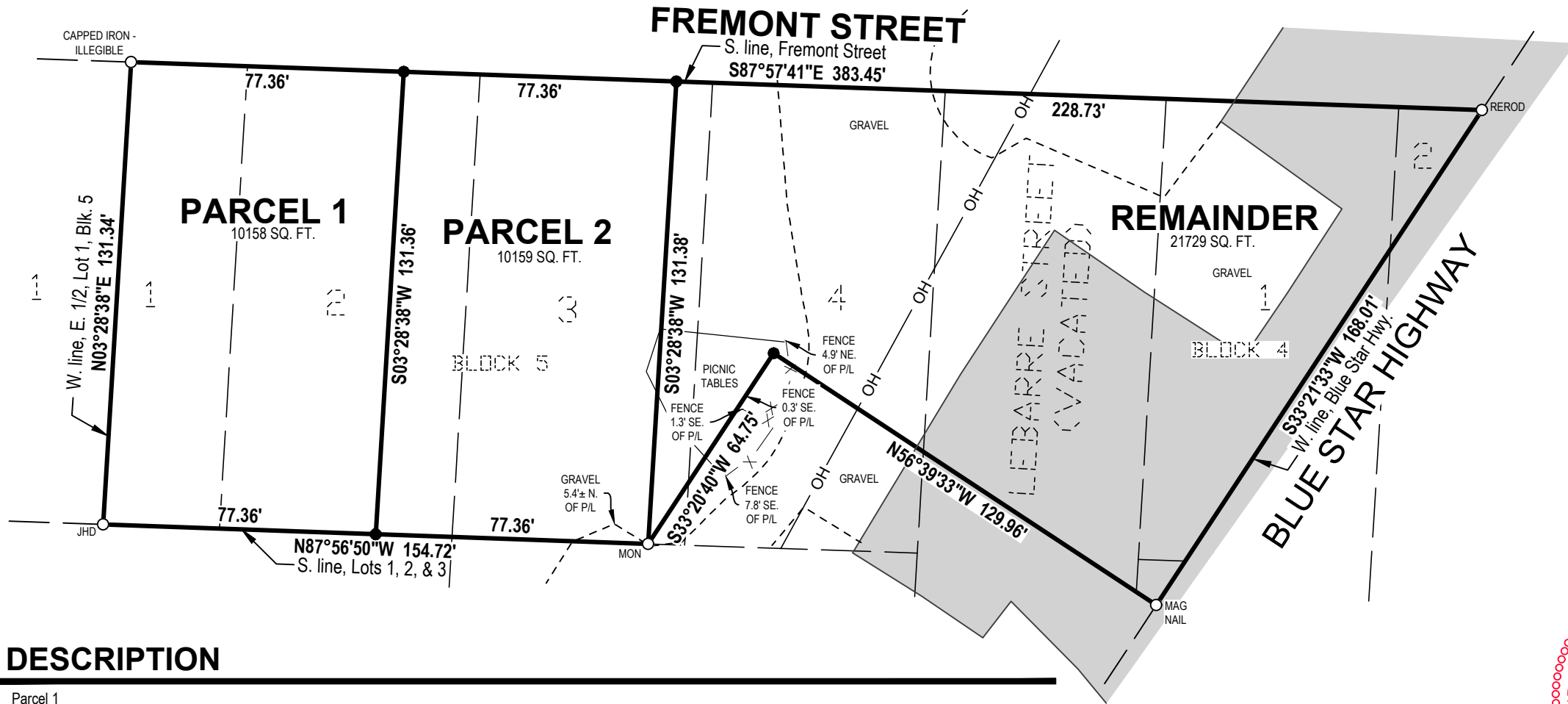


By: *Scott*

Scott A. Hendges L1

NEDERVELD

www.nederveld.com



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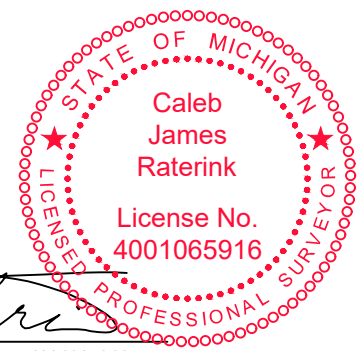
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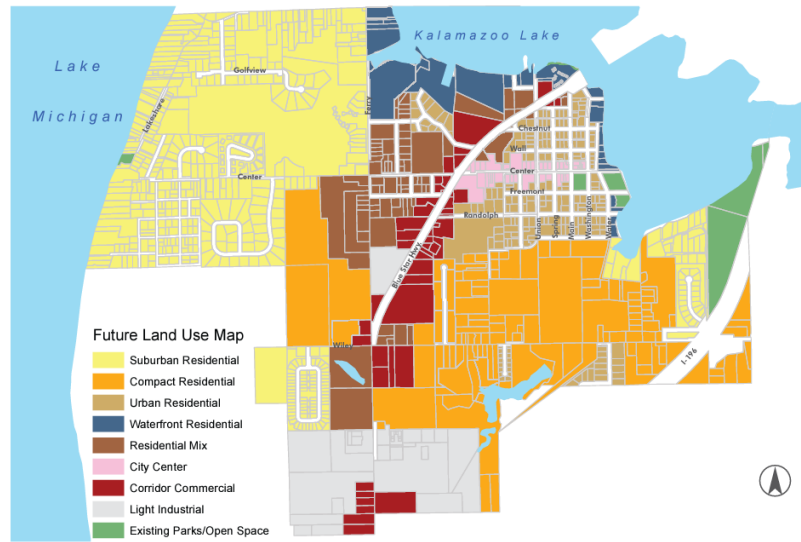
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DRAWN BY: DS REV. BY: DS REV.: PA 132	DATE: 1/4/2022 REV. DATE: 1/12/2023	PRJ #: 22202052DSC.1 1 OF 1

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Future Land Use Map



Future Land Use Designation	Primary Compatible Zoning District(s)	Potentially Compatible Zoning District
Suburban Residential	R1	R1, R2
Compact Residential	R3	R1, R2
Urban Residential	R2	C1
City Center	C1	None*
Residential Mix	R5	C1
Waterfront Residential	R4	R5
Corridor Commercial	C2	C1
Light Industrial	L1	C2
Existing Parks and Open Space	Any	Any

*A zoning district which completely supports the vision of these land use categories does not currently exist; and should be included in a future form based code.