

- THE CITY OF THE VILLAGE OF DOUGLAS  
PLANNING COMMISSION  
THURSDAY, DECEMBER 14, 2023 AT 7:00 PM  
86 W CENTER ST., DOUGLAS MI**

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

Motion by Seabert, seconded by Heneghan, to open public hearing. – Motion carried by unanimous roll call vote

**b) Applicant Presentation**

Jeff Kerr from Kerr Real Estate extended his appreciation to the Planning Commission for their service. He then provided a brief overview of their application, emphasizing their request for approval of the site condominium. Kerr highlighted the inclusion of a boardwalk along Westshore Court as a proactive measure to be a good neighbor and enhance the community.

**c) Public Comments (limit 3 minutes each, please):** None

**d) Staff Remarks:**

Tricia Anderson from Williams & Works underscored key points in her report and provided a condensed background on the project, noting that it has been somewhat in limbo between the last Planning Commission recommendation in May, 2023 and being able to go before the City Council for a final approval. She explained that the applicant's reappearance before the Planning Commission was to replace the earlier recommendation due to two significant alterations in the plan. She informed the PC that per Article 16, Section 16.24, the final plan reviewed by the City Council must essentially mirror the preliminary plan that the PC's recommendation was based on. She then summarized the two primary changes: the proposal of a pedestrian pathway along Westshore Court and the addition of 0.11 acres of land, previously excluded from the condo area. This extra land, situated on the east side of St. Peters Drive, is part of the condo development land but was not included in the land areas and ALTA survey submitted by the applicant in September 2022. She also mentioned that there had been conflicting information about the ownership of this land, and no ALTA survey was included in the latest submission. She highlighted that an ALTA survey is crucial for proving ownership, a necessary element of the site plan.

She proceeded to clarify the procedure regarding plat vacation, noting that earlier submissions failed to disclose deed restrictions on the plan. This necessitates the consent of the plat owners for the lifting of such restrictions. She stated that the City Council cannot approve a final condo plan while deed restrictions are in effect, underlining the importance of resolving this before the Council's review of the final condo plan. She outlined additional recommended conditions, including the need for the applicant to vacate the Pleasant Street Right-of-Way (ROW) and remove deed restrictions, either before or in tandem with the City Council's consideration of the final condo plan. Other conditions she detailed involved a structural engineer's review and approval of the boardwalk design, an easement agreement for maintaining the boardwalk, and a financial guarantee or

performance bond from the applicant to ensure the completion of the pedestrian pathways as shown in the plan.

She suggested that Steve Rypma from Honigman Law Firm might want to address some of these points and offer the applicant's viewpoint on the raised issues.

e. Commissioner Questions:

Chair Buszka then invited Rypma to respond to Anderson's remarks. Rypma discussed the history of the triangular land piece, mentioning his agreement to take it with the church's understanding that they could reclaim it if it became redundant. He elaborated on discoveries related to the Land Division Act that led to the decision to retain the land. He assured that they would allow continued use of the land and intended to establish an easement for this purpose. He confirmed that they had secured 100% of the required consents, demonstrating full support for their plans. Rypma clarified that the deed restrictions only needed two-thirds of the plat owners' consent, which they had exceeded. He expressed the desire to have approvals conditional on completing subsequent steps, emphasizing the importance of these approvals in securing financing commitments. He agreed with most conditions but requested an exception for the ALTA requirement, proposing that it be completed after council approval in line with construction financing needs. He concluded by expressing the applicant's wish for the plat vacation.

Buszka inquired if Anderson was comfortable with the applicant submitting the ALTA survey at a later stage. Pattison and Seabert sought clarification on the distinction between an ALTA survey and the provided topo and boundary survey. Anderson clarified that the topo and boundary survey were already submitted. Pattison questioned the delay in completing a full ALTA now. Rypma explained that the delay was due to Pleasant Street not being vacated yet, and a comprehensive ALTA would be needed once the full construction site, including the ROW area, is finalized. Rypma assured that he possessed all other documents verifying ownership. Seabert inquired about the delay in presenting the ROW to the council. Rypma agreed to submit the ALTA when necessary for construction financing and before any zoning permits were issued.

Andy Brooks pointed out that the trees in the landscape plan were not removed but relocated with the addition of the boardwalk, and he mentioned having EGLE water approvals in place. Seabert questioned the maintenance of the boardwalk, and Kerr suggested it be a city responsibility, while Seabert referred to the master deed indicating condo owners maintaining sidewalks in front of their units.

Hennegan inquired about previously met conditions and whether they needed reassessment. Anderson proposed adding a condition for the fire department to review the revised plan regarding the boardwalk. Buszka raised concerns about

the pond's surface water elevation in relation to the minimum floor opening elevation, seeking clarification. Brooks assured that the drain commission approved the design and explained the difference between basement floor elevation and minimum basement openings, adding that sump pumps would be installed in each unit. Buszka requested Anderson to ensure the City Engineer was aware of the issue mentioned in the master deed.

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

Motion by Pattison, seconded by Heneghan, to close public hearing and to forward a favorable recommendation to City Council for the approval of the Centre Collection per the plan set last revision dated 11/7/23, subject to the following conditions:

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

11. Upon the City Council's approval of the final condominium plan, the developer shall work with the City Engineer to meet the minimum standards for road design, inspection, approval, and maintenance for all proposed public streets. No construction of road infrastructure is permitted until construction plans are approved by City Engineer.
12. The applicant shall take the necessary steps to petition for the vacation of the Pleasant Street Right of Way in accordance with the procedures outlined in the Land Division Act. This step is required to be completed concurrently or prior to the City Council's consideration of the final condominium plan approval, or in a manner found satisfactory by the City Attorney
13. The applicant shall provide an updated ALTA survey which provides assurance that Section 24.02(2) is met, prior to the issuance of a zoning permit.
14. The applicant shall revise the landscaping plan to include the location of the proposed pedestrian pathway along Westshore Court, prior to the Council review of the final condominium plan.
15. The resolution to approve the final condominium plan shall include the requirement for the applicant to post a financial guarantee in an amount determined by the City Engineer to ensure the quality completion of the proposed pedestrian pathways along Westshore Court and St. Peters Drive.
16. The applicant shall engage a licensed structural engineer to review and approve the design details of the boardwalk and provide a copy of the report to the City, before any construction of the pathways.
17. The applicant shall bring his escrow account into good standing per the Escrow Policy adopted by the City Council in Resolution 01-2023, prior to any further review of the proposed condo development, and prior to the City Council's consideration of the final site condominium plan and proposed plat vacation of the Pleasant Street Right of Way.
18. The applicant shall draft an easement agreement for the pedestrian pathways for review by the City Attorney, prior to the City Council's consideration of the final condominium plan.

Motion carried by unanimous roll call vote

## **8. UNFINISHED BUSINESS**

### **A. Master Plan Discussion –**

Regarding the survey update, Anderson informed the Planning Commission that 200 Blue Star received over 500 responses, while the Master Plan survey gathered fewer than 200 responses. They deliberated on possible reasons for this discrepancy.

## **9. REPORTS**

### **A. Planning and Zoning Administrator Report –**

Anderson informed the Planning Commission about a possible special land use application that could be presented to them concerning the residential use of an accessory building on Wall Street. Additionally,

she mentioned the potential proposal for a multi-family development near Isabel's on Ferry at Bluestar. Anderson conveyed that the Master Plan survey window is set to close at the end of December. In the upcoming January meeting, she plans to provide the Commission with a public engagement report. This report aims to assist the Commission in formulating new goals, objectives, and potential revisions to the land use map based on public input.

Seabert mentioned that there are plans to apply hotel tax to Short-Term Rentals (STRs) in the future. A proposed house bill suggests implementing a 6% tax that would be directed to the state and subsequently allocated to the local unit. Pattison expressed the need for immediate action regarding the short-term rental matter. She requested Anderson to explore regulatory measures adopted by other communities and potentially formulate regulations that would impose a limit on the number of simultaneous short-term rentals allowed within the City.

B. Planning Commissioner Remarks (limit 3 minutes each, please) - None

**10. PUBLIC COMMUNICATION – VERBAL (LIMIT OF 3 MINUTES) - None**

**11. ADJOURNMENT - Motion by Seabert , seconded by O'Malley to adjourn the meeting**