



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

MINUTES

1. CALL TO ORDER

2. ROLL CALL

PRESENT

Secretary Kelli Heneghan

Commissioner John O'Malley

Commissioner Neal Seabert

Chair Paul Buszka

Vice-Chair Louise Pattison

Commissioner Gregory Freeman

Commissioner Matt Balmer

Deputy Clerk, Laura Kasper

Interim Planning & Zoning Administrator, Tricia Anderson, of Williams & Works

City Planning and Zoning Administrator, Joe Blair

A. Approval of May 11, 2023 Agenda

B. Approval of March 9, 2023 and April 20, 2023 Minutes -

***Motion by Seabert, seconded by O'Malley, to approve the March 9, 2023 and April 20, 2023 Minutes.
Motion carried by unanimous roll call vote.***

C. Approval of the Remaining 2023 Planning Commission Schedule -

***Motion by Balmer, Seconded by Seabert, to approve the remaining 2023 amended Planning
Commission Schedule with the June, July, August, and November dates moved to the second
Thursday of the month. Motion carried by unanimous roll call vote.***

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

- Olaf Huebner, Douglas resident who lives across from Centre Collective stated concerns with the plan regarding short-term rentals, sidewalks and safety, and privacy landscaping.

- Debbie Larson, 3071 May Street, stated Center Street concerns with traffic and pedestrian safety.

4. PUBLIC COMMUNICATION – WRITTEN - None

5. NEW BUSINESS -

A. **Lakeshore Woods Private Road Review -**

Chair Buszka asked Ms. Anderson to brief the Planning Commission on the application.

Ms. Anderson indicated that the applicant was not present for the meeting, Ms. Anderson explained that the proposed private road is intended to create an access point to the Lakeshore Resort from Blue Star Highway as a benefit to the owners and/or users of the resort. She added that it could also serve as a potential connection between Blue Star and the lakeshore, as the beach erosion slowly creates the potential to impact the reliability of Lakeshore Drive. Review of the proposed private road was a joint effort between both Saugatuck Township and the City of Douglas; however, the Planning Commission is tasked with providing a recommendation to the City Council for the approval of only the portion of the private road that runs through the Douglas parcel, called the "Tranquil Parcel". Saugatuck Township has jurisdiction over reviews and approval of the majority of the length of the proposed private road. Ms. Anderson indicated that the City Attorney reviews the private road easement/maintenance documents, and the City Engineer reviews the physical specifications of the proposed road. The applicant is still working to meet ordinance standards and language deemed satisfactory in the easement/maintenance agreement, however, the applicant insisted on being kept on the Planning Commission agenda. She noted that it is recommended that the Planning Commission postpone any action on this item until such time that the applicant can address all the concerns stated by the City Attorney and City Engineer, that were indicated in the provided reports.

Chair Buszka asked Commissioners for their comments on the item.

Pattison stated Allegan County Road Commission permit appears to be issued in 2020 and should check to see if the permit is still active.

O'Malley questioned how busy the road will be, and what is the timeline for development on the vacant parcels that may be developed that would have access from the road. He also questioned if the public use it.

Freeman questioned why they don't use the parcel to the south to access the private road. Heneghan stated it was very forward-thinking and glad they have access away from the Lakeshore.

Seabert stated he was ok with the private drive width.

Chair Buszka stated security concerns, and that the applicant should consider a gate or other security feature to prevent unwanted users of the road. He also believes that the tranquil parcel has enough width to accommodate the full 66' easement.

Chair Buszka asked for a motion.

Motion by Seabert, seconded by Pattison, to table the item until such time that the applicant can address all the concerns stated by the City Attorney and City Engineer, as indicated in their respective reports.

Motion carried by unanimous roll call vote.

B. **Centre Collective Preliminary Condominium Site Plan Review –**

Chair Buszka invited the applicant to speak regarding the proposed changes to the project.

Applicant, Jeff Kerr presented his project, along with Andy Brooks from Callen Engineering. Mr. Kerr thanked the Planning Commission and Tricia Anderson for their patience and tenaciousness. He asked the members to formally move to take Ms. Andersons conditions presented in the agenda packet

memorandum. Andy Brooks addressed the public comments regarding sidewalks and vegetation against the boat storage buildings on Hamilton Street.

Chair Buszka asked for Ms. Anderson's comments.

Ms. Anderson gave a brief history of the prior reviews with the Planning Commission and stated the Commission should take into consideration the proposed changes, along with the comments from the City Engineer's memorandums, as well as any additional information from the applicant. She noted that the site condo proposes 22 condos as opposed to 23 in the previous plan. She also spoke to the potential solution to avoid tree root conflict in the public utility easement and asked that the trees instead be placed on the private property since the ordinance requires plantings "along" the right-of-way, and not "in" the right-of-way. Other changes included more gathering spaces within the development and a gazebo. The cul-de-sac had some truck turning templates tested to ensure that the geometry could support a fire apparatus. She also added that she supports not requiring a sidewalk along Westshore Drive, even though this is usually the best opportunity for the City to require sidewalks. She assured the Planning Commission that the conditions included in her memorandum specify next steps for the applicant and though there may seem like a lot, they are thorough in the sense that they serve as guidance for the next steps from Council review to zoning permits.

Ms. Anderson recommended that the Planning Commission forward a favorable recommendation to the City Council for the review of the final site condominium plan, subject to the 12 conditions presented in the Williams & Works memorandum provided in the agenda packet.

Chair Buszka asked the Planning Commission for their comments.

Freeman is opposed to the units being used as short-term rentals and would ask that language be added to the master deed to reflect this.

Heneghan would like to require the sidewalk on Westshore. She is also concerned with no screening proposed between the industrial buildings and the west property line and would like to add a condition to address this.

Seabert would also like to see sidewalks along Westshore Drive.

Pattison stated concerns with the St. Peters/Blue Star intersection. She would also like to see a restriction on short-term rentals. She was unsure about requiring sidewalks along Westshore Drive but would like to see a path leading from the development to Westshore Drive.

Balmer Spoke to the comments made by the public and that City Council has the authority to require or not require sidewalks.

Chair Buszka mentioned the last condo development included a section in their master deed that restricts short-term rentals, and he encouraged the applicant to do the same, recognizing that the Planning Commission does not have the authority to *require* it. He also wanted to ensure that the smaller lots could be built on. He added that the master deed should be revised to change the timeframe for the developer to have full control over the architecture of the homes, including an exit plan for when the developer moves out of the picture and HOA takes control.

Chair Buszka asked for a motion.

Balmer moved, seconded by Freeman, to forward a favorable recommendation to the City Council

for the approval of the Centre Collective Preliminary Condominium and Site Plan Review, subject to the following conditions as outlined and amended to add the new condition number one in the William's & Works Memorandum to the City of Douglas Planning Commission dated May 3rd, 2023:

- 1. The applicant shall pursue the vacation of the existing unimproved right of way of Pleasant Street from the St. Peter's subdivision plat to the satisfaction of the City Attorney and the applicant's title company, in order to lawfully occupy the area.***
- 2. The applicant shall address all conditions required by the City Engineer in the memorandum dated 4/28/2023.***
- 3. 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.***
- 4. 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.***
- 5. The applicant shall adhere to and address any and all recommendations made by the Saugatuck-Douglas Fire Department.***
- 6. 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.***
- 7. 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.***
- 8. 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***
- 9. 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.***
- 10. 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.***
- 11. Upon approval of the final condominium plan by the City Council, the developer shall pay all fees and escrows associated with required permits related to utilities, construction plan review, and inspections.***
- 12. 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.***

13. The applicant is encouraged to seek cooperation from the neighboring property owners on Hamilton Street that about the site condo to install a vegetative buffer between the boat storage buildings and the site condominium.

Motion carried by unanimous roll call vote.

C. Public Hearing, Sign Ordinance Draft –

Chair Buszka asked for Ms. Anderson’s comments on the proposed sign ordinance.

Ms. Anderson reported that at the April 20th, 2023 meeting, the Planning Commission was largely accepting of the revised draft and with the Commission’s further additions incorporated as advised. She informed the Commission that the draft was sent to the City Attorney for review and will not be placed on the City Council’s agenda until after it has been reviewed.

Motion by Pattison, seconded by Seabert, to open the public hearing.

Motion carried by unanimous roll call vote.

a. Public Comments - None

b. Staff Remarks – Tricia Anderson acknowledged the additions provided by Commissioners at the prior meeting and provided the markups in the agenda packet.

c. Commissioner Questions – Commissioners discussed Temporary Signs and setting an allowance for only two per property. Chair Buszka reminded the Commission that they cannot foresee every use, but they may be amended later if necessary.

Balmer stated that two of these signs would be acceptable, and City Council can always kick the item back to the Commission if they do not like it.

Pattison stated the need for enforcement and follow through was important.

Heneghan thanked Ms. Anderson for her work and noted that it has been several years that the sign ordinance has been reviewed for amendments

Motion by Balmer, seconded by Heneghan, to Close Public Hearing.

Motion carried by unanimous roll call vote.

Motion by Balmer, seconded by O’Malley, to Recommend the draft sign ordinance as amended to the City Council for their consideration, with the condition of City Attorney review prior.

Motion carried by unanimous roll call vote.

**D. Planning Commission Bylaws Amendment with Resolution – RESOLUTION NO. 11-2023 A
RESOLUTION TO ADOPT AN AMENDMENT TO THE PLANNING COMMISSION BYLAWS -**

Chair Buszka read Resolution No. 11-2023 into the record for formal approval, and asked Ms. Anderson for her comments.

Ms. Anderson indicated that the Planning Commission has expressed a desire to include additional language in their bylaws which would preclude members of the Planning Commission from having ex-parte contact with an applicant of an in-process development application or a future development application. The Planning Commission has also expressed a desire to ensure impartiality in its consideration of development proposals. She added that she wanted to keep the amendment short and to the point, so she added Section 6 to Article 9, Meetings, which reads:

“Members of the Planning Commission, as individuals, a quorum, or as a group of less than a quorum, shall only discuss submitted or potential development applications in the public meeting setting. An exception is the Chair of the Planning Commission, along with staff or consultants present, may meet with an applicant to discuss a scheduled agenda item or a potential agenda item”

Members of the Planning Commission were comfortable with this language and Chair Buszka asked for a motion.

Balmer moved, seconded by Pattison, to approve Resolution No. 11-2023, an amendment to the Planning Commission bylaws.

Motion carried by unanimous roll call vote.

6. UNFINISHED BUSINESS – Chair Buszka introduced the new Zoning Administrator. City Planning and Zoning Administrator Joe Blair gave a brief introduction of his prior background and experience and Chair Buszka encouraged Commissioners to meet with him to aid in his transition.

7. REPORTS

- A. **Planning and Zoning Administrator Report** – Ms. Anderson gave an update on the items for next month’s agenda, which will include Westshore PUD, and the Lakeshore Woods private road. She also mentioned that Forest Gate is in limbo between the Planning Commission and City Council, as they work to meet the set conditions. She added that she will continue to offer transitional support to the new Planning and Zoning Administrator.
- B. **Planning Commissioner Remarks** – Commissioners welcomed Joe Blair to the City, and thanked Ms. Anderson for her continued work. Balmer mentioned the joint meeting with Council and Brownfield held the prior week addressing affordable housing, and that a follow-up meeting will be held in the future. Chair Buszka mentioned that the joint meeting video is available to view on the website, and the Planning Commission may be tasked with some of the strategies discussed then.

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

9. ADJOURNMENT -

Motion by Seabert, seconded by Pattison, to adjourn.

Submitted by Laura Kasper, Deputy Clerk