



**THE CITY OF THE VILLAGE OF DOUGLAS
PLANNING COMMISSION
THURSDAY, MARCH 14, 2024 AT 7:00 PM
86 W CENTER ST., DOUGLAS MI**

MINUTES

1. CALL TO ORDER: By Chair Buszka

2. ROLL CALL: By Clerk Kasper

PRESENT

Secretary Kelli Heneghan

Commissioner John O'Malley

Commissioner Neal Seabert

Chair Paul Buszka

Vice-Chair Louise Pattison

Commissioner Matt Balmer

Commissioner Patty Hanson

Also Present City Clerk Laura Kasper

Planning & Zoning Administrator Sean Homyen

Willams & Works Consultant Tricia Anderson

A. Approval of March 14, 2024 Agenda (additions/changes/deletions) -

Motion by Balmer, second by O'Malley, to approve the March 14, 2024 agenda with amendment to item 5, the addition of a motion of action after closing the public hearing. Motion carried by unanimous roll call vote.

B. Approval of February 8, 2024 Minutes (additions/changes/deletions) -

Motion by Balmer, second by Seabert, to approve the February 8, 2024 Minutes. Motion carried by unanimous roll Call Vote.

3. PUBLIC COMMUNICATION - VERBAL (LIMIT OF 3 MINUTES): Joyce Petter (zoom) – Opposing rezone request at 11 N. Water, and specifically opposed to the vacation of Water St. She indicated that the waterfront is very important to the residents of the City and does not believe it meets the master plan. Michael Schmidt – indicated that he is opposed to the rezoning on Chestnut/Washington/Wall and noted that he agrees with Joyce Petter.

Rosanne Ingersol – Opposed rezone and possible closing of Water Street.

4. PUBLIC COMMUNICATION - WRITTEN

A. Thomas Vohs & Donald Berger - 121 Washington Street

- B. Bud Baty & Max Matteson - 175 Washington Street
Additional letters received by the Commission after agenda publication were acknowledged for addition to the record. Maria Droz - 21 N. Main, Chuck Gustafson – 37 N. Main, and Joyce Petter – 11 N. Water, each opposing the rezone request being reviewed during this public hearing tonight.

5. NEW BUSINESS

- A. **Public Hearing** - 57 Chestnut Street, 69 Washington Street, and 67 Washington Street - Rezone request from R-3, Neighborhood Conservation District, to R-4, Harbor Residential District

Motion by Seabert, second by Heneghan, to Open Public Hearing. Motion carried by unanimous roll Call Vote.

a. Applicant Presentation - Max Nykerk of Lakewood Construction was present on behalf of AMK properties, and gave an overview of AMK properties, and discussed a vested interest to create a positive experience for people in Douglas. He noted that the rezoning is meant to align with the master plan. Additionally, he noted that they've really worked through the master plan and the zoning ordinance to determine the possibilities for how the properties could be developed for a high-quality development. He noted that the commonly owned parcels do have frontage on the waterfront, some of the goals he feels would align within the rezoning, and ultimately the development approved.

b. Planning and Zoning Administrators Report – Tricia Anderson, Williams & Works - discussed background to the request and findings presented in her report. She mentioned how Master Plan is a guide that sets policies for future uses and while is not a law, the Planning Commission has some discretionary authority as it relates to making decisions on rezoning requests. While, general support for the conceptual development ideas that the applicant has conveyed, unfortunately, in a rezoning request for three of the parcels that are not assuredly connected to the other parcels under common ownership in a unified development plan, it would rely on the Planning Commission's determination of whether the rezoning standards are met, however the totality of the information presented, it was not proven that they are.

c. Public Comments - Joe Di Ambrose – noted that he encouraged Commissioners to think about denying the request because there is no assurance of what the plan is exactly, and he would urge to have the applicant go back and develop a plan before the Commission makes a decision.

Mike Schmidt – he agreed something needs to be done here and is bothered most by the fact that there is no requirement for a plan. He agreed that Douglas needs quality development, and that this area is not the place for affordable housing but does support the need for more affordable housing.

d. Staff Remarks - Sean Homyen, Planning & Zoning Administrator - reiterated the fact that the zoning stays with the land and does not stay with the owner. So, with no plan, there's no guarantee that the concept that is planned will come to fruition and the property could sell and do any of the uses permitted in the R-4 district.

e. Commissioner Questions - O'Malley felt that the parcels zoning should not be changed until they know what they're going to do. Hanson asked the applicant why there's no single-family homes and are pursuing multifamily. Max Nykerk answered that the parcels are somewhat small and that the master plan calls for affordable housing, so they thought this was a better plan. Heneghan stated concerns with Water St. being a substandard public street that is not marked for improvement, and that she appreciates all the public comments. Pattison did not believe in spot zoning and does not feel comfortable rezoning without knowing exactly what would be happening. Chair Buszka asked commissioners what characteristics they are looking to preserve when it comes to these properties.

Balmer said the ordinance. Heneghan said single family homes and the waterfront views. Pattison noted protecting the waterfront views. O'Malley said that the market is going to drive the price in this location and there's no way there would be affordable housing here without some kind of grant. Hanson agreed. Chair Buszka noted that if the rezone is approved, then the owner will have the right to develop a plan that is consistent with what's permitted in that zoning district, so it's important for the City to know what is going to be planned. He also asked about the vacated alley shown on the topo plan. He asked how we'd know whether the alley had been officially vacated. Chuck Hoyt noted that the legal description includes the language of it being vacated. He asked Commissioners to look at the differences between the R-3 and R-4 uses that are permitted by right and noted that the only difference is home occupation. He brought up the definition of spot zoning and that it's generally accepted as a zoning district that would allow vastly different uses such as a commercial district in the middle of a residential district and added that several structures directly across the street are all multi-family structures. Chuck reiterated that range of uses is nearly identical to R-3, this is not spot zoning, and there are multifamily structures across the street.

Motion by Balmer, second by Pattison, to Close Public Hearing. Motion carried by unanimous roll call vote.

Motion by Balmer, second by Pattison to approve forwarding a favorable recommendation to City Council for 57 Chestnut Street, 69 Washington Street, and 67 Washington Street - Rezone request from R-3, Neighborhood Conservation District, to R-4, Harbor Residential District. Motion failed by unanimous roll call vote.

Motion by Balmer, second by Seabert, to deny forwarding a favorable recommendation to City Council for 57 Chestnut Street, 69 Washington Street, and 67 Washington Street - Rezone request from R-3, Neighborhood Conservation District, to R-4, Harbor Residential District. Motion carried by unanimous roll call vote.

6. UNFINISHED BUSINESS

- A. Master Plan Goals and Objectives – Commissioners directed Tricia Anderson to draft the changes as appropriate and present this at the next meeting for their review.

7. REPORTS

- A. Planning and Zoning Administrator Report – Planning & Zoning Administrator Sean Homyen informed Commissioners that there is potentially a site plan review for 319 Ferry St. He also mentioned that he is working with Police Chief Steve Kent regarding short-term rentals, as the upcoming season gets busier, it's difficult for the Police Department to identify and contact the property owners for complaints. Homyen says that he is working on creating a list of short-term rentals utilizing the BS&A program to help the department get in contact with the owners to address the complaints.
- B. Planning Commissioner Remarks (limit 3 minutes each, please) – There were concerns from the Commissioners regarding the dumpster behind Farmhouse Deli and the swing bridge boardwalk boardwalk that's not ADA compliant.

8. PUBLIC COMMUNICATION – VERBAL (LIMIT OF 3 MINUTES): Michael Schmidt thanked Commissioners.

9. ADJOURNMENT

Motion by Balmer, second by Pattison, to adjourn the meeting.